

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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May 13 2024

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

SC Court of Appeals

Honorable Kristi F. Curtis
Circuit Court Judge

Civil Action No. 2023-CP-22-00210

Appellate Case No. 2023-001776

Kendrick A. Bryant and Keisha Bryant Sherman on behalf of the heirs of Ernest Bryant; Benjamin Dennison and Willie Dereef, Jr. on behalf of the heirs of Limerick Dennison; Lucille Grate; Parkersville Planning & Development Alliance; Keep It Green; and Preserve Murrells Inlets, Inc.,.....Appellants,

v.

Georgetown County and Covington Homes, LLC
.....Respondents.

BRIEF OF RESPONDENT COVINGTON HOMES, LLC

Covington Homes, LLC (“Covington Homes”) and Georgetown County (“County”) are Respondents in the above-captioned appeal. Covington Homes and the County filed motions to dismiss the Appellants’ Complaint on April 13, 2023. Covington Homes and the County filed memoranda of law with the Court in advance of the hearing. On July 13, 2023, the Honorable Kristi F. Curtis heard arguments on the Respondents’ motions to dismiss. At the hearing, Covington Homes and the County presented oral arguments to Judge Curtis in support of their motions. On

September 19, 2023, Judge Curtis entered an Order, granting Respondents' motions to dismiss.

Thereafter, on September 29, 2023, Appellants filed a Rule 59(e) motion. On October 23, 2023, Judge Curtis denied Appellants' Rule 59(e) motion by way of a Form 4 Order. This appeal followed.

Covington Homes and the County asserted the same legal grounds in support of their motions to dismiss. On appeal, Covington Homes and the County would have the same arguments as to why Judge Curtis' Orders should be affirmed. Rather than take up the Court's time with repetitious arguments, Covington Homes has decided not to file its own Brief, and instead, Covington Homes has decided to incorporate those arguments made by the County as if repeated verbatim by Covington Homes. Should this case be set for oral argument, Covington Homes does not anticipate making oral argument.

This appeal is extremely important to Covington Homes. Yet, Covington Homes recognizes the power of brevity and the wisdom of conserving scarce judicial resources. In that spirit, Covington Homes submits its position to the Court and would respectfully request that the Court affirm the dismissal of Appellants' Complaint.

[signature page to follow]

Respectfully submitted,

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s/James K. Gilliam

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Greenville, South Carolina

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