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SC Court of Appeals

**From:** [Capers Barr III](#)  
**To:** [Court Of Appeals Filings](#)  
**Cc:** [Hamlin O"Kelley](#); [Kevin Mims](#); [David Cleveland](#); [David Cleveland](#)  
**Subject:** Elizabeth Heatley v. Mariners Cay Condo, LLC (2); App. Case No. 2024-001221; "Appealability"  
**Date:** Friday, August 16, 2024 11:23:33 AM  
**Attachments:** [Order on Motions of Plnt for Temporary Relief - 07-25-2024 - CLOCKED - Court of Appeals.PDF](#)

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Attn: Catherine Harrison, Deputy Clerk; and Denesha:

Dear Madam Clerk:

To follow up my telephone conversation of this morning with Denesha in your office, I write in response to your letter to all counsel dated July 31, 2024, requesting memoranda regarding the appealability of the Trial Court's Order dated 6/14/2024, filed with the Court of Appeals July 25, 2024.

I apologize most sincerely, but my initial and original interpretation of the Court's letter was that it required a response only from the Appellant; to which I was prepared to respond. A colleague observed to me only this morning that she believes the letter to request responses from all counsel. Upon more careful reading, I concur with her interpretation.

As I write this letter, I have no administrative assistance, as our only paralegal is out of the office for vacation, to return to her duties on Wednesday, August 21, 2024; and I possess no significant word processing skills. Therefore, I respectfully request an extension of time to respond to the Court's July 31<sup>st</sup> request until August 21, 2024.

On the merits of the appealability issue, it is obvious from its provisions that the Order at issue grants only temporary relief pending the outcome of the principal case on appeal, (Case No. 2022-001479, for which oral argument has been tentatively set for September or October, 2024). SCACR Rule 201(a) plainly provides that appeals may be taken from final orders; which is not the case, here. See, also, *Culbertson vs. Clemens*, 322 S.C. 20, 471 S.E.2d 163 (S.Ct. 1996).

Please advise me if a filing fee is required for this request.

Respectfully,

Capers Barr

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