

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge  
Case No.: 2021-CP-23-04140

Appellate Case No. 2022-000576

Gregory Muxlow and Charlotte Muxlow,

Appellants,

v.

Scottsdale Insurance Company; South Wind Ranch Holdings, LLC; Ronald  
Hakala; and Ashley Black;

Respondents.

**RESPONDENT'S RESPONSE TO PETITION FOR REHEARING**

**RECEIVED**

**Aug 16 2024**

**SC Court of Appeals**

**TABLE OF AUTHORITIES**

**Cases**

*Byrd v. Irmo High School.*

321 S.C. 426, 468 S.E.2d 861 (1995). .....1

*Mathis v. South Carolina State Highway Dept*

260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). .....1

**Rules**

221 South Carolina Appellate Court Rules.....1

Respondents South Wind Ranch Holdings, LLC; Ronald Hakala; and Ashley Black (hereinafter “Respondents”) submit this Return to Appellants’ Petition for Rehearing. Rule 221, SCACR, permits a party to file a petition for rehearing if the party feels that points have been overlooked or misapprehended by the Court. See Rule 221(a), SCACR. The Rule further requires that such points are to be set forth “with particularity . . . .” See id.

In the Petition for Rehearing, Appellants cite no issues overlooked or misapprehended and instead simply argue that the Court made the wrong decision. This does not suffice under the Rule. Further, as it is undisputed that the underlying action of Wienands v. S. Wind Ranch, Op. No. 2024-UP-130 (S.C. Ct. App. Filed April 24, 2024) affirmed the lower court’s grant of Respondents’ motion for summary judgment, it is similarly beyond dispute that any decision by the Court in this matter would be academic.

It is well-established that South Carolina’s appellate courts will not pass on moot and academic questions or make an adjudication where there remains no actual controversy. See Byrd v. Irmo High School, 321 S.C. 426, 468 S.E.2d 861 (1995). “A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy.” Id., citing Mathis v. South Carolina State Highway Dep’t, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). “This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.” Id.

Given this, the Court properly dismissed the present appeal. Respondents’ respectfully ask the Court to deny the Petition for Rehearing.

Respectfully Submitted,

**ANTHONY LAW, LLC**

---

*s/K. Jay Anthony*

K. Jay Anthony, S.C. Bar No.: 77433  
650 E. Washington Street  
Greenville, S.C. 29601  
(864) 301-8141 Phone  
(864) 203-8877 Facsimile  
janthony@anthonylawsc.com

**ATTORNEY FOR RESPONDENTS SOUTH  
WIND RANCH HOLDINGS, LLC; RONALD  
HAKALA; AND ASHLEY BLACK**

August 16, 2024  
Greenville, South Carolina