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Nov 14 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Patrick C. Fant, III, Circuit Court Judge

Case No. 2023-CP-23-04246
Appellate Case No. 2024-000999

Anderson Laurens Road AA, LLC and Anderson
Laurens Road ZZ, LLC,

Appellants,

v.

Annacey Park Homeowners Association, Inc.
and the City of Greenville,

Respondents.

**RETURN TO RESPONDENT’S MOTION TO AMEND INITIAL BRIEF AND EXTEND
TIME TO FILE FINAL BRIEF**

In their Reply Brief, Appellants objected to certain documentary references and substantive fact assertions made by Annacey Park Homeowners Association, Inc. (the “HOA”) because the referenced documents and factual matters were not raised during trial of the case and thus were outside the Record on Appeal. The Respondent HOA has conceded to Appellants’ position and seeks to amend its Initial Brief to cure the error. Appellants, Anderson Laurens Road AA, LLC and Anderson Laurens Road ZZ, LLC, hereby consent to the HOA’s Motion to Amend and Motion

to Extend Time.

If the HOA's motion is granted, Appellants respectfully request the right to file an amended Initial Reply Brief and amended Final Reply Brief so that the Appellants' Reply Brief no longer responds to the objectionable citations and assertions of fact.

Considering that the amendment sought by the Respondent HOA is a simple redaction effort, Appellants respectfully propose the following deadlines for filing: (i) Respondent's Amended Initial Brief shall be due within ten (10) days following an affirmative ruling on the HOA's Motion; (ii) Appellants' Amended Initial Reply Brief shall be due within ten (10) days after service of Respondents' Amended Initial Brief; and (iii) Final Briefs shall be due within twenty (20) days after service of Appellants' Amended Initial Reply Brief.

Respectfully submitted,

/s/ William B. Swent

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Attorneys for Appellants

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PROOF OF SERVICE

This is to certify that I have, this 14th day of November, 2024, served a true and correct copy of **APPELLANTS' RETURN** in the above-captioned action by U.S. mail and e-mail to:

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Via Email (ctappfilings@sccourts.org) & US MAIL

The Honorable Jenny Abbott Kitchings
 Clerk, South Carolina Court of Appeals
 1220 Senate Street
 Columbia, South Carolina 29201

RE: Annacey Park Homeowners Association, Inc. and the City of Greenville v. Anderson
 Laurens Road AA, LLC and Anderson Laurens Road ZZ, LLC
 Appellate Case No. 2024-000999

Dear Ms. Kitchings:

Enclosed for filing is the Appellants’ Return to Respondent’s Motion to Amend Initial Brief and Extend Time to File Final Brief. The same document is being mailed to the Clerk’s office. By copy of this letter, copies of the same are being served upon counsel for Respondents.

Thank you for your assistance in this matter.

Sincerely,

Fox Rothschild LLP

/s/ William B. Swent

William B. Swent

WBS/ela
 Enclosure

cc: Via U.S. Mail & e-mail (lbixler@bbdlawsc.com & pdollar@bbdlawsc.com) to A. Lyon Bixler, Esquire & Patrick O. Dollar, BIXLER AND DOLLAR, LLC, Attorneys for Respondent Annacey Park Homeowners Association, Inc.

Via U.S. Mail & e-mail (mspinelli@greenvillesc.gov & lmwells@greenvillesc.gov) to Office of the City Attorney, Michael J. Spinelli, Attorney for Respondent City of Greenville

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