

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM HORRY COUNTY

Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No. 2021-CP-26-07489
Appellate Case No. 2024-000144

City of North Myrtle Beach,

Appellant,

v.

Sun TRS Ocean Club, LLC, Sun TRS
Carolina Pines, LLC, and Sun Carolina
Pines RV, LLC,

Respondents.

**MOTION AND INCORPORATED MEMORANDUM IN SUPPORT
FOR EXTENSION OF TIME**

Pursuant to Rules 240 and 263(b) of the South Carolina Appellate Court Rules, the City of North Myrtle Beach (“Appellant”), hereby moves this Court for an extension of time by which to correct the deficiencies identified in the Court of Appeals’ deficiency letter of November 27, 2024 (Exhibit A) and the time for which to file Final Briefs. Good cause exists for this Motion due to the response Appellant filed on December 4, 2024 seeking clarification as to the deficiencies identified in the deficiency letter of November 27, 2024 (Exhibit B). The undersigned respectfully requests a response to the inquiries set forth in the letter of December 4, 2024 prior to the deadlines

to correct the deficiencies identified and to file Final Briefs. This is also the first request for an extension of the deadline set forth in the deficiency letter of November 27, 2024.

Respectfully submitted,

/s/ Rhett D. Ricard
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Attorneys for Appellant

December 9, 2024
Charleston, South Carolina

EXHIBIT A



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
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November 27, 2024

Mr. Rhett Douglas Ricard, Esquire
205 King Street
Suite 400
Charleston SC 29401

Re: City of North Myrtle Beach v. Sun TRS
Appellate Case No. 2024-000144

Dear Counsel:

Upon reviewing your amended the record on appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The document exceeds 250 pages and therefore must be double-sided as required by Rule 267(c), SCACR.
- The documents of the amended record on appeal must be provided in the record according to your index. Specifically, we cannot accept the attachments labeled as "native format." If necessary, you may print the unbound original to provide to this office which includes the attached material.

Very truly yours,

Catherine Hannibal, deputy

CLERK

cc: Cheryl D. Shoun, Esquire
Newman Jackson Smith, Jr., Esquire
John Gwilym Tamasitis, Esquire
Richard Hood Willis, Esquire

EXHIBIT B

Rhett D. Ricard, Esq.
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RECEIVED

Dec 04 2024

SC Court of Appeals

December 4, 2024

VIA E-MAIL DELIVERY

Court of Appeals
Catherine Harrison, Deputy Clerk
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: *City of North Myrtle Beach, Appellant v. Sun TRS Ocean Club, LLC, Sun TRS Carolina Pines LLC, and Sun Carolina Pines RV, LLC, Respondents*
Appellate Case No. 2024-000144
Case No. 2021-CP-26-07489

Ms. Harrison:

We are in receipt of your correspondence dated November 27, 2024 regarding deficiencies in the First Amended Record on Appeal submitted in the above-referenced matter.

On November 20, 2024, our office received a call from someone named Shelby at the Court of Appeals informing us of the possibility that the Excel spreadsheets submitted in their native format would not be accepted by the Court. Our office explained that this was how the native files were submitted when the original Record on Appeal was submitted on September 30, 2024. We were informed that additional information would be gathered and we would be notified of any further instructions.

On November 27, 2024, we received a deficiency letter stating that the Court could not accept the attachments labeled as “native format.”

On December 3, 2024, our office spoke with Khee’ Asia Evans-Pryor, Appeals Specialist I, seeking clarification on the November 27 deficiency letter. Ms. Evans-Pryor instructed counsel to submit a letter with more information on the “native files” and requesting clarification on the submission of “native files.”

The “native files” in question are voluminous and lengthy spreadsheets that are unable to be printed in a readable or legible format. For example, Appellant’s Exhibit 83, listed at Page 1908 in Volume IV of the Index, is a spreadsheet containing Respondents’ nationwide data. This spreadsheet alone contains 39 separate tabs within the spreadsheet, each containing different data. Additionally, Respondents’ Exhibit 5, listed at Page 2616 in Volume VI of the Index, is a spreadsheet that when printed would be a total of 1,086 pages in a very small font, which would be difficult to read.

December 4, 2024

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Please accept this correspondence as a request for clarification on whether the Court would like for the native files originally submitted to be printed in a possibly illegible format as requested by the Court, or, in the alternative, instructions on how to otherwise submit these native files.

Unless otherwise instructed, we will standby on correcting the other identified deficiency in the November 27 letter related to submitting all volumes in a double-sided format until we receive further clarification regarding the submissions of the “native files.”

Respectfully,

/s/ Rhett D. Ricard

Rhett D. Ricard

cc: Cheryl D. Shoun, Esq. – cshoun@maynardnexsen.com
Richard Willis, Esq. – rwillis@williamsmullen.com
John Tamasitis, Esq. – jtamasitis@williamsmullen.com



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PROOF OF SERVICE

The undersigned certifies serving the Consent Motion and Incorporated Memorandum in Support for Extension of Time by Appellant the City of North Myrtle Beach on the following counsel of record for Respondents via e-mail on December 9, 2024:

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Respectfully submitted,

/s/ Rhett D. Ricard

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Attorneys for Appellant

December 9, 2024
Charleston, South Carolina