

STATE OF SOUTH CAROLINA )  
COUNTY OF GEORGETOWN )

IN THE COURT OF COMMON PLEAS )  
FOR THE FIFTEENTH JUDICIAL )  
CIRCUIT )  
C/A NUMBER: 2024-CP-22-00577 )

Emanuel Stikas, Trustee of the Stikas )  
Revocable Living Trust, dated February 1, )  
2023, d/b/a The Village Shops; Donald W. )  
Reid and Katheryn W. Reid, husband and )  
wife; Elizabeth Gattshall Hawkins Martin; )  
Tall House Farm, L.P., )

Plaintiffs, )

vs. )

Georgetown County; David E. Tanner; )  
RCB Land Holdings, LLC; Magic Oaks, )  
LLC, )

Defendants. )

**ORDER GRANTING DEFENDANTS )  
RCB LAND HOLDINGS, LLC AND )  
MAGIC OAKS, LLC'S MOTION TO )  
STRIKE )**

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Magic Oaks, LLC, )

Third Party Plaintiff, )

vs. )

Keep It Green, Inc., )

Third Party Defendant )

**RECEIVED**  
**Jan 10 2025**  
**SC Court of Appeals**

THIS MATTER came before the Court on September 19, 2024 pursuant to Defendants RCB Land Holdings, LLC and Magic Oaks, LLC's Motion to Strike certain allegations in Plaintiffs' Complaint regarding an amendment to the development plan for the property in question to include a public kayak launch and the alleged failure to resubmit the amended plan to Planning Commission. Present at the hearing were Zachary J. Crowl, Esq. and David B. Miller, Esq. attorneys for RCB Land Holdings, LLC and Magic Oaks, LLC; H. Thomas Morgan, Jr., Esq. and Sydney Douglas, Esq. attorneys for Defendant Georgetown County; and Cynthia Ranck

Person, Esq. attorney for the Plaintiffs. For the reasons stated below, Defendants' Motion to Strike the Plaintiffs' allegations regarding the public kayak launch is GRANTED.

Plaintiffs filed this action on June 18, 2024 challenging the rezoning of property owned by Magic Oaks in Pawleys Island, South Carolina. Several paragraphs of Plaintiffs' Complaint make allegations regarding an amendment to the development plan for the property in question during the rezoning process to include a public kayak launch on the northern boundary of the property. The inclusion of the public kayak launch was contingent upon receiving approval from the adjoining Hammock Shops landowner for access to the south boundary of its property for parking and access to the kayak launch. It was clearly identified in the development plan that the public kayak launch was subject to this contingency.

On August 14, 2023, i3, LLC, on behalf of the Hammock Shops informed Defendants that the Hammock Shops landowner is "unable to provide access to the South boundary of Hammock Shops Real Estate for the intended purpose of a public boardwalk and kayak launch."<sup>1</sup> Thus, the contingency upon which the public kayak launch was dependent will not occur.

On August 23, 2024, Defendants filed their Motion to Strike Plaintiffs' allegations regarding the public kayak launch pursuant to Rule 12(f), SCRCPP and based on the grounds set forth above. On September 16, 2024 Plaintiffs filed a Memorandum in Opposition to Defendants' Motion to Strike. Also, on September 16, 2024, Defendants filed an Affidavit of Tripp Nealy, Individually and on Behalf of RCB Land Holdings, LLC and Magic Oaks, LLC in support of

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<sup>1</sup> A true and accurate copy of the letter from i3, LLC to Defendants is attached to the Affidavit of Tripp Nealy, Individually and on Behalf of RCB Land Holdings, LLC and Magic Oaks, LLC filed in support of Defendants' Motion.

their Motion. On September 18, 2024, Defendant Georgetown County filed a Notice to Join Defendants RCB Land Holdings, LLC and Magic Oaks, LLC's Motion to Strike.

The Honorable David P. Caraker, Jr. presided over the hearing on Defendants' Motion to Strike on September 19, 2024. During the hearing, the Court heard arguments from counsel for each of the parties present.

After considering Defendants' Motion to Strike, Plaintiffs' Memorandum in Opposition, Defendants' Affidavit in Support, Defendant Georgetown County's Notice to Join, and oral arguments from the parties' counsel, this Court finds that Plaintiffs' allegations regarding the public kayak launch and the alleged failure to resubmit the amended plan to Planning Commission are moot and immaterial and hereby GRANTS Defendants RCB Land Holdings, LLC and Magic Oaks, LLC's Motion to Strike. Therefore, it is,

HEREBY ORDERED as follows:

1. Pursuant to Rule 12(f), SCRCP, Plaintiffs' allegations in their Complaint regarding the public kayak launch are stricken, specifically:
  - a. As to paragraph 7(c), any allegations related to, arising from, or affected by the public kayak launch are stricken;
  - b. Paragraph 7(d) is stricken in its entirety;
  - c. As to paragraph 52, any allegations related to, arising from, or affected by the public kayak launch are stricken;
  - d. As to paragraph 56, any allegations related to, arising from, or affected by the public kayak launch are stricken; and
2. Plaintiffs shall file an Amended Complaint in compliance with this Order within fifteen (15) days of the issuance of this Order.

**IT IS SO ORDERED!**

*[Prepared for electronic signature]*



Georgetown Common Pleas

**Case Caption:** Emanuel Stikas , plaintiff, et al VS Georgetown County , defendant,  
et al

**Case Number:** 2024CP2200577

**Type:** Order/Other

IT IS SO ORDERED

s/ David P. Caraker, Jr.