

February 28, 2025

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

RECEIVED
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SC Court of Appeals

Re: Sunset Lodge, LLC v. Town of Pawleys Island
Appellate Case No. 2023-001272

Dear Ms. Kitchings:

I am writing pursuant Rule 208(b)(7), SCACR, to advise of an additional potentially pertinent authority relating to an issue on appeal in the above referenced matter. As required by Rule 208, this letters also serves to provide "a reference either to the page of the brief or to an issue to which the citations pertain . . . [and] without argument, state the reasons for the supplemental citations." Rule 208(b)(7), SCACR.

The recent opinion of the S.C. Court of Appeals in *Brawley v. Richland County* (Opinion No. 6090, Appellate Case No. 2020-001135, refiled January 2, 2025) includes a holding that:

We reject the County's argument that the circuit court did not retain jurisdiction to award fees. The County is completely correct that post-trial motions must typically be filed within ten days of a final judgment. See *Overland, Inc. v. Nance*, 423 S.C. 253, 256, 815 S.E.2d 431, 433 (2018) (reiterating "the ten-day deadline in Rule 59(e)[, SCRPC,] is an absolute deadline"); *Rutland v. Holler, Dennis, Corbett, Ormond & Garner (L. Firm)*, 371 S.C. 91, 96, 637 S.E.2d 316, 318-19 (Ct. App. 2006) (applying the ten-day limitation on post-trial motions to a motion for attorney's fees and costs). But the circuit court's initial order and its amended order specifically invited future proceedings on the issue of fees. Thus, we conclude that the circuit court properly "reserved" jurisdiction over the issue. (additional citations omitted) (Ct. App. Opinion No. 6090, p.14).

This authority is potentially pertinent to Respondent Town of Pawleys Island's Issue on Appeal No. IV ("Whether the circuit court had subject matter jurisdiction over Appellants' untimely fee petition (alternate sustaining ground)") and accompanying text on pages 23 – 25 of the Final Brief of Respondents.

Thank you, and best regards.

Sincerely,


William C. Dillard, Jr.

Cc: M. Baron Stanton (bstanton@stantonlaw.com)