

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Appeal From Beaufort County

Court of Common Pleas

Hon. Jocelyn Newman, Circuit Court Judge

Case No. 2024-000961

104127  
**RECEIVED**  
MAR 05 2025  
SC Court of Appeals

Ryan McAvoy.....Appellant,

v.

Town of Hilton Head Island.....Respondent.

**NOTICE OF MOTION AND MOTION  
TO DISMISS**

The Town of Hilton Head Island, South Carolina, moves to dismiss the appeal of Ryan McAvoy under the authority of Rule 240, SCACR. The basis for this motion is that Ryan McAvoy has failed to comply with the February 7, 2025, Order requiring Ryan McAvoy to file the Record on Appeal on or before February 28, 2025. As of this date, March 4, 2025, the Record on Appeal has not been filed. This non-compliance with the February 7, 2025, Order continues a pattern of non-compliance with the South Carolina Appellate Court Rules.

In this case:

1. Ryan McAvoy sought an extension to file the initial brief and designation of matter, which the undersigned consented to. The initial brief and designation of matter was due on July 13, 2024, and the Court granted the request for the extension until August 12, 2024.
2. On August 12, 2024, Ryan McAvoy requested a second extension of time to file the initial brief and designation of matter until September 12, 2024. The undersigned consented to the request. Ryan McAvoy did file his initial brief and designation of matter on September 12, 2024.
3. The initial brief and designation of matter of the Town of Hilton Head Island, South Carolina, was due on October 14, 2024. The undersigned sought an extension of time to file the initial brief and designation of matter until November 13, 2024. Counsel for Ryan McAvoy consented to the motion and the Court granted the extension until November 13, 2024. The initial brief and designation of matter were filed by the undersigned on November 12, 2024.
4. Ryan McAvoy sought an extension of time to file the initial Reply Brief, and the undersigned consented to the motion. The Court granted an extension of time until December 3, 2024.
5. On December 3, 2024, Ryan McAvoy requested a second extension of time to file the Initial Reply Brief. The Court granted the extension until December 13, 2024.
6. Ryan McAvoy did not file the Initial Reply Brief on or before December 13, 2024. On December 17, 2024, Ryan McAvoy filed his Initial Reply Brief along with a motion for leave to file the same out of time.

7. The Court granted the motion to file the Initial Reply Brief out of time and ordered Ryan McAvoy to file the Record on Appeal on or before January 16, 2025.
8. Ryan McAvoy did not file the Record on Appeal on or before January 16, 2025, and did not seek an extension of time to file the Record on Appeal.
9. On January 23, 2025, the Court notified Ryan McAvoy that he was required to file the Record on Appeal and a Motion for Late Filing within 10 days from date of the Court's notification.
10. Ryan McAvoy did not file the Record on Appeal within 10 days from the date of the Court's Notice.
11. On February 3, 2025, Ryan McAvoy filed a Motion to File the Record on Appeal out of Time, and sought an extension until March 3, 2025, to file the Record on Appeal.
12. On February 7, 2025, the Court issued its Order granting Ryan McAvoy until February 28, 2025, to file the Record on Appeal.
13. Ryan McAvoy did not file the Record on Appeal on or before February 28, 2025, and has not done so as of the date of this motion. Ryan McAvoy has not file any motion seeking a further extension of time to file the Record on Appeal.


The undersigned is aware that extensions for filing deadlines are not unusual in the South Carolian Appellate Courts, and the undersigned sought an extension to file the initial brief and designation of matter in this case. However, Mr. McAvoy's pattern of disregard for the filing deadlines imposed by the South Carolina Rules of Appellate Procedure and the Orders of this Court is not typical, and has reached a point where

the unnecessary delay in the resolution of this case is unfair to the Town of Hilton Head Island, South Carolina.

For this reason, the Town of Hilton Head Island, South Carolina, moves to dismiss the appeal of Ryan McAvoy.

Respectfully Submitted:

COLTRANE & WILKINS, LLC

By: 

Curtis L. Coltrane (S.C. Bar No.: 1344)

LaQuin J. Andrus (S.C. Bar No.: 106520)

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Attorneys for The Town of Hilton Head Island

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Hilton Head Island, South Carolina

This 4<sup>th</sup> day of March, 2025.

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APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

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Case No. 2024-000961

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Ryan McAvoy.....Appellant,

v.

Town of Hilton Head Island.....Respondent.

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CERTIFICATE OF SERVICE

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The undersigned certifies that a copy of the Notice of Motion and Motion to Dismiss of The Town of Hilton Head Island, South Carolina, was this day served on James G. Carpenter by overnight delivery (Federal Express Tracking Number 7724 7415 6820) to 819 East North Street, Greenville, SC, 29601.

Respectfully Submitted:

COLTRANE & WILKINS, LLC

By: 

Curtis L. Coltrane (S.C. Bar No.: 1344)

LaQuin J. Andrus (S.C. Bar No.: 106520)

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Attorneys for The Town of Hilton Head Island

Hilton Head Island, South Carolina

This 4<sup>th</sup> Day of March, 2025.

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ATTORNEYS AT LAW

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SC Court of Appeals

Curtis L. Coltrane  
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Certified Circuit Court Mediator  
Certified Circuit Court Arbitrator  
Certified Federal Court Mediator

Curtis L. Coltrane\*  
John W. Wilkins  
LaQuin J. Andrus  
\*Also Member Virginia Bar

March 4, 2025

Hon. Jenny Abbott Kitchings  
CLERK S.C. COURT OF APPEALS  
1220 Senate Street  
Columbia, SC 29210

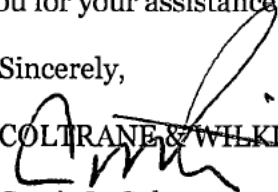
Via Federal Express  
Tracking Number 7724 7406 5524

RE: McAvoy v. Town of Hilton Head Island  
Appellate Case 2024-000961  
My File THH-22-006

Dear Ms. Kitchings:

Attached for filing you will find the Notice of Motion and Motion to Dismiss of the Town of Hilton Head Island, South Carolina, a Certificate of Service and a Filing Fee in the amount of Fifty and no/100 (\$50.00) Dollars. Thank you for your assistance with this request. I am,

Sincerely,

  
COLTRANE & WILKINS, LLC

Curtis L. Coltrane

CLC/tdr

cc: James G. Carpenter, Esq. (via Federal Express Tracking Number 7724 7415 6820)  
Jennifer J. Miller, Esq. (via Federal Express Tracking Number 7724 7415 6820)  
Hon. Alan R. Perry  
Mr. Marc A. Orlando

Enc.: As Stated

ORIGIN ID: SAVA (843) 785-5551  
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HILTON HEAD ISLAND, SC 29928  
UNITED STATES US

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SOUTH CAROLINA COURT OF APPEALS  
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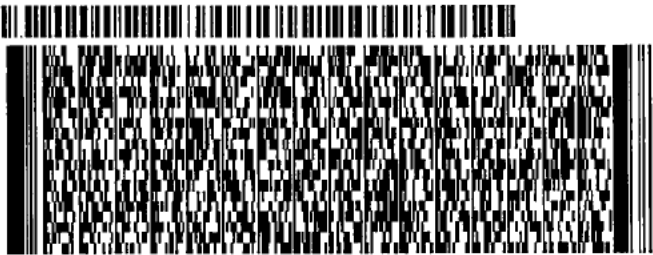
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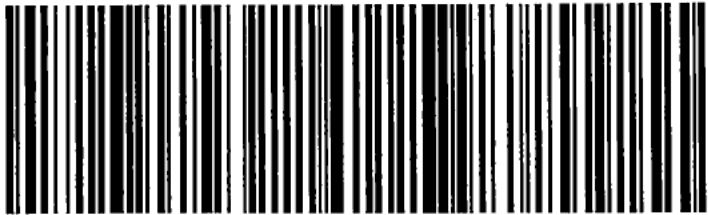


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SC Court of Appeals

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