

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

69939

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen Mullen, Circuit Court Judge

Case No. 2010-CP-07-05946

Robert C. Brandriff and Kristen E. Brandriff,
individually and derivatively on behalf of the Dataw
Island Owners' Association, Inc.,.....

Appellants,

v.

Dataw Island Club, Inc.; Bruce "Skip" Adams; Colin
Collins; John Mahoney; Herb Jarvis; Colin McArthur;
Peter Payne; Bob Sanderson; Lee Scher; Bob Albon;
Larry Lance; Jim McCornock; Bob Pogachnick; Gerald
Smith, as successor and Trustee of Deirdre Smith's
Estate; Susan Beekman; Dan Frakes; Gwyn Jordan;
Timothy McGrath; Jack Hamilton; and Dataw Island
Owners Association, as a nominal
Defendant,.....

Respondents.

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SEP 30 2013

SC Court of Appeals

CONSENT MOTION FOR STAY OF APPEAL AND REMAND ORDER

Appellants Robert C. Brandriff and Kristen E. Brandriff, individually and derivatively on behalf of the Dataw Island Owners' Association, Inc. ("Appellants"), with the consent of Respondents, request an Order staying this appeal pending the outcome of the parties' efforts to resolve this dispute and remanding the case for the limited purpose of obtaining judicial approval of the proposed settlement. The parties have reached an agreement in principle to settle the dispute, but need additional time to obtain judicial approval of the proposed settlement as required by SCRPC 23(b)(1) and to finalize the terms in a written settlement agreement. The initial brief and designations are currently due October 3, 2013. Appellants therefore request a limited remand order for the purpose of obtaining judicial approval of the proposed settlement

and a stay of all deadlines, including the deadline for filing the initial brief, until the settlement agreement is executed and this appeal may be dismissed.

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September 30, 2013
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Carmen Mullen
Circuit Court Judge
Case No. 2010-CP-07-05946

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SC Court of Appeals

Appellate Case No. 2013-001480

Robert C. Brandriff and Kristen E. Brandriff, individually and
derivatively on behalf of the Dataw Island Owners'
Association, Inc., Appellants,

v.

Dataw Island Club, Inc.; Bruce "Skip" Adams; Colin Collins;
John Mahoney; Herb Jarvis; Colin McArthur; Peter Payne;
Bob Sanderson; Lee Scher; Bob Albon; Larry Lance; Jim
McCornock; Bob Pogachnick; Gerald Smith, as successor and
Trustee of Deirdre Smith's Estate; Susan Beekman; Dan
Frakes; Gwyn Jordan; Timothy McGrath; Jack Hamilton; and
Dataw Island Owners Association, as a nominal Defendant.... Respondents.

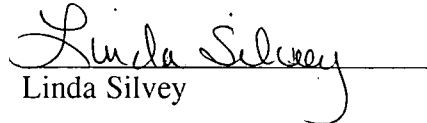
CERTIFICATE OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough, LLP, attorneys for Appellants, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Consent Motion For Stay of Appeal And Remand Order

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September 30, 2013

Via Hand Delivery

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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Columbia, SC 29201

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SC Court of Appeals

RE: Robert C. Brandriff, et al. v. Dataw Island Club, Inc., et al.
Appellate Case No.: 2013-001480
Our File No. 30046/01500

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies of Appellants' Consent Motion for Stay of Appeal and Remand Order in the above-referenced matter, along with a certificate of service relating to the same. We have also enclosed a check in the amount of \$25.00 for the filing fee. If there are any questions, please do not hesitate to contact our office.

Very truly yours,



Stephen G. Morrison

SGM:kw5:ljs

cc: James H. Elliott, Jr., Esquire
Todd M. Musheff, Esquire
M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire (all via regular mail)