



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 25, 2025

Mr. Zachary James Crowl, Esquire
1000 29Th Avenue North
Myrtle Beach SC 29577

Mr. David B. Miller, Esquire
Bellamy Law Firm
PO Box 357
Myrtle Beach SC 29578

Ms. Sydney Jean Douglas, Esquire
3200 Devine Street
Columbia SC 29205

Mr. H. Thomas Morgan, Jr., Esquire
PO Drawer 39
Smith Robinson Holler Dubose Morgan, LLC
Camden SC 29021-0039

Mr. Daniel W. Stacy, Jr., Esquire
90 Wall St.
Unit B
Pawleys Island SC 29585

Prof. F. Patrick Hubbard, Esquire
1525 Senate Street
Columbia SC 29201

Ms. Cynthia Ranck Person, Esquire

56 Pampus Place
Pawleys Island SC 29585

Re: Emanuel Stikas v. Georgetown County
Appellate Case No. 2025-000066

Dear Counsel:

Enclosed is the order of the Court. The initial briefs of respondents and designations of matter are due to be served and filed by April 23, 2025.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Hannissai, deputy". The signature is written in a cursive style with a large initial 'C'.

CLERK

The South Carolina Court of Appeals

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; and Tall House Farm, L.P., Appellants,

v.

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

AND

Magic Oaks, LLC, Third Party Plaintiff,

v.

Keep It Green, Inc., Third Party Defendant.

Appellate Case No. 2025-000066

ORDER

Appellants filed a notice of appeal from a circuit court order granting Respondents' motion to strike several portions from Appellants' complaint. Respondents moved to dismiss the appeal, arguing the order on appeal is interlocutory and not immediately appealable. Respondents argue the circuit court order did not affect Appellants' substantial rights. *See* S.C. Code Ann. § 14-3-330(2) (2017); *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 705 S.E.2d 475 (Ct. App. 2011).

Appellants filed a return, arguing the order on appeal is immediately appealable because it involves the merits in light of the circuit court making "a finding that served as the final determination of a substantial matter forming the basis of [Appellants'] cause of action involving the ultra vires acts of [the Georgetown]

County Council." *See* S.C. Code Ann. § 14-3-330(1) (2017). Additionally Appellants argued the order is immediately appealable because it affects a substantial right due to the circuit court striking references that "essentially eliminated [a] cause of action." *See* § 14-3-330(2). Respondents filed a reply, arguing the circuit court's order did not eliminate any cause of action as shown by Appellants filing an amended complaint with the same causes of action as in the original complaint. After careful consideration, we deny the motion to dismiss without prejudice to the parties arguing their respective positions in their briefs.¹

Respondents also moved this court to impose sanctions on Appellants for filing an appeal for the sole purpose of delay. Appellants oppose imposition of sanctions. After careful consideration, we deny Respondents' motion for sanctions. *See* Rule 269, SCACR ("Where an appeal . . . is frivolous or taken solely for the purposes of delay, . . . the appellate court may upon its own motion or that of a party, after ten (10) days[] notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.").



FOR THE COURT

Columbia, South Carolina

FILED
Mar 25 2025

cc:

Zachary James Crowl, Esquire
David B. Miller, Esquire
Sydney Jean Douglas, Esquire
H. Thomas Morgan, Jr., Esquire
Daniel W. Stacy, Jr., Esquire
F. Patrick Hubbard, Esquire
Cynthia Ranck Person, Esquire

¹ We are mindful that Appellants have filed their initial brief already. However, we believe this issue may be addressed in Appellant's reply brief.