

ELECTRONICALLY FILED 02/25/2025 09:21:30 AM CHARLESTON - COMMON PLEAS - CASE#2024CP1001327

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1001327

Vanderham Family Living Trust The et al  
PLAINTIFF(S)

Isle Of Palms City Of et al  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

Plaintiff's Motion for Summary Judgment is respectfully DENIED as to each of the three grounds sought in Plaintiff's memorandum, filed May 21, 2024.  
Defendant City of Isle of Palms' Motion for Judgment on the Pleadings or for Summary Judgment and Defendant Department of Environmental Services' Motion for Judgment on the Pleadings are also respectfully DENIED.  
The Court will allow time for discovery of factual issues, including location of the current setback and baselines, as well as the dune system of the beach's critical area. The Court requests the parties submit a proposed scheduling order for review of the Court for the timely disposition of this matter.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/27/2025 .

Gerald M. Finkel for Vanderham Family Living Trust The, Villa Las Palmas Llc, Black Ice Venture li, Mmh Property Holding Llc, Amy Oakes, Scout Beach House Llc

**RECEIVED**  
APR 04 2025  
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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Charleston Common Pleas

**Case Caption:** Vanderham Family Living Trust The , plaintiff, et al VS Isle Of Palms  
City Of , defendant, et al  
**Case Number:** 2024CP1001327  
**Type:** Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062