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May 27 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

The Honorable Thomas L. Hughston, Jr.

Case No.: 2024-001547

Joseph R. Davis and Jennifer Davis, individually
and as representative of all those similarly situated.....Appellants-Respondents,

v.

River Oaks Homeowners Association, Inc.....Respondent-Appellant

Halcyon Real Estate Services, LLC, and
Dorchester Real Estate Services, Inc.....Respondents.

**RESPONDENT-APPELLANT RIVER OAKS HOMEOWNERS ASSOCIATION, INC.’S
PARTIAL MOTION TO DISMISS AND MEMORANDUM IN SUPPORT OF SAME**

Respondent-Appellant River Oaks Homeowners Association, Inc. (hereinafter “River Oaks”) by and through undersigned counsel, respectfully moves pursuant to South Carolina Appellate Court Rules 203 and 260 for an order dismissing Appellants-Respondents Joseph R. Davis and Jennifer Davis’ (“Appellants”) appeal of the August 16, 2022, Order granting class certification in part. The basis for this Motion is the Appellants’ recently stated position that appeals of this Order or the issue of class certification are not ripe for judicial review. This Motion does not seek full dismissal of the appeal or Appellant’s challenge of the July 24, 2024, Order granting summary judgment.

On September 13, 2024, Appellants filed a Notice of Appeal with the South Carolina Court of Appeals stating that the Appellants intended to appeal two separate trial court orders:

- (1) the Order filed July 24, 2024, Granting River Homeowners Association, Inc. s Motion for Summary Judgment and Denying Appellants Motion for Partial Summary Judgment; and
- (2) the Order filed August 16, 2022, Granting Class Certification in Part.

On May 12, 2025, Appellants filed an Initial Brief of Respondents arguing that River Oaks’ appeal of the August 16, 2022, Order should be dismissed because it “is not **ripe** for judicial review.” Brief of Appellants-Respondents, filed May 12, 2025, p. 5 (emphasis in original). The Davises’ basis for their argument is that either the issue is moot or the August 16, 2022, Order is interlocutory. Specifically, the Davises argue that the Court’s decision on the issue of summary judgment is the predominate issue and that its resolution fully decides the appeal of class certification. *Id.* The Davises argue that the issue becomes moot if summary judgment is affirmed and interlocutory if summary judgment is reversed.¹ *Id.*, p. 6. The Davises’ argument that the issue of class certification is not ripe must be deemed as an abandonment of any argument that the Davises previously made. Based upon this position, this Court should dismiss the Davises’ own appeal of the August 16, 2022, Order granting class certification on the grounds that the issue is not **ripe** for judicial review.

¹ River Oaks agrees that the appeal of summary judgment is the controlling factor in these appeals. While River Oaks has also appealed the class certification Order, it did so in response to the Davises’ appeal. This Motion is made based upon the Davises’ newly adopted position that the issue is not ripe.

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Dated: May 27, 2025
Charleston, South Carolina