

RECEIVED

Jun 16 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2012-CP-10-00580

Thomas H. Morgan Respondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

EMERGENCY PETITION TO WITHDRAW REMITTITUR

Pursuant to Rules 221 and 240, SCACR, Appellants herewith file and serve this Emergency Petition to Withdraw Remittitur.

FACTS

On June 6, 2025, this Court issued its Order Denying [Appellants'] Petition for Rehearing and Lifting Stay. [Exhibit 1 hereto]

On June 10, 2025, the Appellants filed their Petition for Writ of Certiorari with the South Carolina Supreme Court and served counsel for Respondent [Exhibit 2 hereto], well within the thirty (30) day period granted by SCACR 242(c) for the filing of such a petition.

On June 10, 2025, the Court of Appeals filed its Remittitur with the Court of Common Pleas in Charleston County, S.C. [Exhibit 3 hereto]

On June 10, 2025, Appellants served and filed in the South Carolina Supreme Court their Petition for Emergency Hearing to Reverse Order of Court of Appeals Lifting Stay [Exhibit 4 hereto].

LAW

Rule 221(b), SCACR, states in part:

Where a petition for rehearing has been denied, the Court of Appeals **shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired.** If a petition for a writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied.

(Emphasis added).

Rule 242(c) specifically granted Appellants thirty (30) days after the Court of Appeals issued its Order of June 6, 2025 to petition the Supreme Court for a writ of certiorari which Appellants did within four (4) days.

The Court of Appeals therefore improvidently issued its remittitur on June 10, 2025.

Appellants now petition this Court:

- 1) immediately issue its order withdrawing its remittitur dated June 10, 2025, and file such order withdrawing the remittitur in the Court of Common Pleas in Charleston County;
- 2) withdraw its Order Lifting Stay until such time as the South Carolina Supreme Court rules on Appellants' Petition for Emergency Hearing to Reverse the Court of Appeals Lifting Stay;
- 3) issue such other order or relief as it deems just and proper.

Appellants hereby certify that they have not communicated with Respondent's counsel regarding this Petition since consultation would serve no useful purpose.

s/ Henry E. Grimball

Henry E. Grimball, S.C. Bar No. 2313

Morris A. Ellison, S.C. Bar No. 1881

WOMBLE BOND DICKINSON (US) LLP

5 Exchange Street

Charleston, SC 29401

(843) 722-3400

Henry.Grimball@wbd-us.com

Morris.Ellison@wbd-us.com

Attorneys for Appellants

[Except 150 Bee Street, LLC]

Charleston, South Carolina

June 16, 2025

The South Carolina Court of Appeals

Thomas H. Morgan, Respondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership,
A Texas General Partnership, Bomasada Group, Inc., A
Texas Corporation, Bomasada Investment Group II,
LLC, A Texas Limited Liability Company, Lauralis
Management, Inc., A Texas Corporation, and 150 Bee
Street, LLC, A South Carolina Limited Liability
Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista
Partnership, A Texas General Partnership, Bomasada
Group, Inc., A Texas Corporation, Bomasada Investment
Group II, LLC, A Texas Limited Liability Company, and
Lauralis Management, Inc., A Texas Corporation are the
Appellants.

Appellate Case No. 2024-000322

ORDER DENYING PETITION FOR REHEARING AND LIFTING STAY

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

By order dated May 8, 2024, the trial court issued a stay of enforcement of the judgment in this matter. The terms of the order provide that it will remain in effect until further order of the court or until the issuance of the remittitur from any appellate court. Having fully adjudicated the merits of the appeal and having

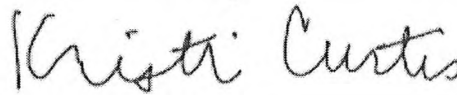
affirmed the decision of the lower court, the Respondent's motion to lift the stay is hereby granted.



J.



J.



J.

Columbia, South Carolina

cc:

Morris Arthur Ellison, Esquire
Henry E. Grimball, Esquire
Michael Rhett DeHart, Esquire
Matthew Tillman, Esquire
W. Andrew Gowder, Jr., Esquire
Michael T. Rose, Esquire
Christopher Blohme Staubes, III, Esquire
Julie J. Armstrong
The Honorable Bentley Price

FILED
Jun 06 2025

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2012-CP-10-00580

Thomas H. MorganRespondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

CERTIFICATE OF SERVICE

I do hereby certify that on the 10th day of June, 2025, I served a copy of the within Petition for Writ of Certiorari and Certificate That Court of Appeals Has Finally Ruled on Petitioners' Motion for Rehearing to counsel of record, addressed as follows:

W. Andrew Gowder, Jr.
AUSTEN & GOWDER, LLC
1629 Meeting Street Rd., Suite A
Charleston, SC 29405

Michael T. Rose, Esquire
MIKE ROSE LAW FIRM, PC
406 Central Avenue
Summerville, SC 29483

Attorneys for Respondent

EXHIBIT 2

s/Henry E. Grimball

Henry E. Grimball, S.C. Bar No. 2313

Morris A. Ellison, S.C. Bar No. 1881

WOMBLE BOND DICKINSON (US) LLP

5 Exchange Street

Charleston, SC 29401

(843) 722-3400

Henry.Grimball@wbd-us.com

Morris.Ellison@wbd-us.com

Attorneys for Appellants

[Except 150 Bee Street, LLC]

Charleston, South Carolina

June 10, 2025

Certificate of Electronic Notification

Recipients

Henry Grimball - Notification transmitted on 06-10-2025 11:29:24 AM.

Michael DeHart - Notification transmitted on 06-10-2025 11:29:24 AM.

Matthew Tillman - Notification transmitted on 06-10-2025 11:29:24 AM.

Christopher Staubes - Notification transmitted on 06-10-2025 11:29:24 AM.

W. Gowder - Notification transmitted on 06-10-2025 11:29:24 AM.

Morris Ellison - Notification transmitted on 06-10-2025 11:29:24 AM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2012CP1000580

Official File Stamp: 06-10-2025 11:28:59 AM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Thomas H Morgan VS John L Gilbert , defendant,
et al

Document(s) Submitted: Remittitur From Court Of Appeals Remittitur From
Court Of Appeals

Filed by or on behalf of: Angela Benton

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Michael Rhett DeHart for John L Gilbert, Stuart L
Fred, Bella Vista Partnership, Bomasada Group
Inc, Bomasada Investment Group II LLC, Lauralis
Management Inc

Henry E. Grimbail for John L Gilbert, Stuart L
Fred, Bella Vista Partnership, Bomasada Group
Inc, Bomasada Investment Group II LLC, Lauralis
Management Inc

Morris Arthur Ellison for John L Gilbert, Stuart L
Fred, Bella Vista Partnership, Bomasada Group
Inc, Bomasada Investment Group II LLC, Lauralis
Management Inc

W. Andrew Gowder, Jr. for Thomas H Morgan

Christopher Blohme Staubes, III for Thomas H
Morgan

ELECTRONICALLY FILED - 2025 Jun 10 11:30 AM - CHARLESTON - COMMON PLEAS - CASE#2012CP1000580

Matthew Tillman for John L Gilbert, Stuart L Fred,
Bella Vista Partnership, Bomasada Group Inc,
Bomasada Investment Group II LLC, Lauralis
Management Inc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

150 Bee Street LLC

Case Party Info Protected

Laura Simons Greaver for Thomas H Morgan

RECEIVED

Jun 13 2025

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2012-CP-10-00580

Thomas H. MorganRespondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

CERTIFICATE OF SERVICE

I do hereby certify that on the 10th day of June, 2025, I served a copy of the within Petition for Petition for Emergency Hearing to Reverse Order of Court of Appeals Lifting Stay to counsel of record, addressed as follows:

W. Andrew Gowder, Jr.
AUSTEN & GOWDER, LLC
1629 Meeting Street Rd., Suite A
Charleston, SC 29405

Michael T. Rose, Esquire
MIKE ROSE LAW FIRM. PC
406 Central Avenue
Summerville, SC 29483

Attorneys for Respondent

EXHIBIT 4

s/Henry E. Grimball

Henry E. Grimball, S.C. Bar No. 2313

Morris A. Ellison, S.C. Bar No. 1881

WOMBLE BOND DICKINSON (US) LLP

5 Exchange Street

Charleston, SC 29401

(843) 722-3400

Henry.Grimball@wbd-us.com

Morris.Ellison@wbd-us.com

Attorneys for Appellants

[Except 150 Bee Street, LLC]

Charleston, South Carolina

June 13, 2025

RECEIVED

Jun 16 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2012-CP-10-00580

Thomas H. Morgan Respondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

CERTIFICATE OF SERVICE

I do hereby certify that on the 16th day of June, 2025, I served a copy of the within Emergency Petition to Withdraw Remittitur to counsel of record, addressed as follows:

W. Andrew Gowder, Jr.
AUSTEN & GOWDER, LLC
1629 Meeting Street Rd., Suite A
Charleston, SC 29405

Michael T. Rose, Esquire
MIKE ROSE LAW FIRM, PC
406 Central Avenue
Summerville, SC 29483

Attorneys for Respondent

s/Henry E. Grimball

Henry E. Grimball, S.C. Bar No. 2313

Morris A. Ellison, S.C. Bar No. 1881

WOMBLE BOND DICKINSON (US) LLP

5 Exchange Street

Charleston, SC 29401

(843) 722-3400

Henry.Grimball@wbd-us.com

Morris.Ellison@wbd-us.com

Attorneys for Appellants

[Except 150 Bee Street, LLC]

Charleston, South Carolina

June 16, 2025