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Jul 07 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal From Charleston County Court of Common Pleas
Honorable Jennifer B. McCoy
Trial Court Case No. 2021-CP-10-02888

Appellate Case No. 2023-000296

J. DoeAppellant,

v.

Design Review Board (DRB) of the Town of Sullivan’s Island (S.I.),
and Town of Sullivan’s Island..... Respondents.

**RESPONDENTS DESIGN REVIEW BOARD OF THE TOWN OF SULLIVAN’S ISLAND
AND TOWN OF SULLIVAN’S ISLAND’S RETURN TO APPELLANT’S MOTION TO
REINSTATE**

Appellant's Motion to Reinstate, filed on June 25, 2025, should be denied. Appellant's motion includes arguments that are difficult to discern and are repetitive of previous filings. Nothing in her motion changes that the appeal was properly dismissed for failure to serve the record on appeal and file proof of service thereof, which she has still failed to do months after it should have been done.

Background Related to Appellant's Motion

By letter dated February 14, 2025, the Court notified Appellant that she could file an initial reply brief within ten (10) days of that letter. See Ex. 1. Appellant did not file or serve an initial reply brief by February 24, 2025, or request an extension of that deadline. Therefore, Appellant's deadline to serve the record on appeal was March 26, 2025. See Rule 210(a), SCACR. After Appellant failed to serve and file the record on appeal, Respondents filed a notice that the record on appeal had not been received, and no proof of service filed. See Ex. 2. On May 21, 2025, the Court issued a letter giving Appellant 10 days to serve the record on appeal and file a proof of service. See Ex. 3. That letter specifically warned Appellant that failure to comply would result in her appeal being dismissed. See Ex. 3. After Appellant failed to comply, the Court dismissed the appeal on June 11, 2025. See Ex. 4.

Discussion

Despite the rules requiring Appellant to serve the record on appeal and proof of service thereof, Appellant has failed to do so. She has been given plenty of time, reminders, and additional time to comply. She has disregarded the rules and the Court at every turn. Respondents have still not been served with a copy of the record on appeal. Appellant has also not filed proof of service of the record on appeal as required by Rule 210(a), SCACR. For these reasons, Appellant's latest motion should be denied, and the remitter should be issued.

Respectfully submitted,

s/ John P. Linton, Jr.

John P. Linton, Jr. (SC Bar# 79130)

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**ATTORNEYS FOR DESIGN REVIEW
BOARD OF THE TOWN OF SULLIVAN'S
ISLAND AND TOWN OF SULLIVAN'S
ISLAND**

July 7, 2025

Charleston, South Carolina



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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1220 SENATE STREET
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TELEPHONE: (803) 734-1890
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February 14, 2025

Cynthia Holmes
PO Box 187
Sullivan's Island SC 29482

Re: J. Doe v. Design Review Board (2)
Appellate Case No. 2023-000296

Dear Ms. Holmes:

Pursuant to the Court's order dated February 13, 2024, the appellant may file a initial reply brief within ten (10) days from the date of this letter.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

cc: John Phillips Linton, Jr., Esquire
George Trenholm Walker, Esquire



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IN THE COURT OF APPEALS**

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J. DoeAppellant,

v.

Design Review Board (DRB) of the Town of Sullivan’s Island (S.I.),
and Town of Sullivan’s Island..... Respondents.

**NOTICE THAT RESPONDENT HAS NOT BEEN SERVED
A COPY OF THE RECORD ON APPEAL**

By letter dated February 14, 2025, the Court notified Appellant that the Appellant could file an initial reply brief within ten (10) days of that letter. See Ex. 1. Appellant did not file or serve an initial reply brief by February 24, 2025, or request an extension of that deadline. Therefore, Appellant’s deadline to serve the record on appeal was March 26, 2025. See Rule 210(a), SCACR. That deadline has not been extended. Respondent has not been served with a copy of the record on appeal. Further, Appellant has not filed proof of service of the record on appeal as required by Rule 210(a), SCACR.

Ex. 2

Respectfully submitted,

s/ John P. Linton, Jr.

G. Trenholm Walker (SC Bar# 5777)

Direct: (843) 727-2208

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John P. Linton, Jr. (SC Bar# 79130)

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**ATTORNEYS FOR DESIGN REVIEW
BOARD OF THE TOWN OF
SULLIVAN'S ISLAND AND TOWN OF
SULLIVAN'S ISLAND**

April 28, 2025
Charleston, South Carolina



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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February 14, 2025

Cynthia Holmes
PO Box 187
Sullivan's Island SC 29482

Re: J. Doe v. Design Review Board (2)
Appellate Case No. 2023-000296

Dear Ms. Holmes:

Pursuant to the Court's order dated February 13, 2024, the appellant may file a initial reply brief within ten (10) days from the date of this letter.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings".

CLERK

cc: John Phillips Linton, Jr., Esquire
George Trenholm Walker, Esquire

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Apr 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County Court of Common Pleas
Honorable Jenifer B. McCoy
Trial Court Case No. 2021-CP-10-02888

Appellant Case No. 2023-000296

J. Doe.....Appellant,

v.

Design Review Board of the Town of Sullivan’s Island (S.I.),
and Town of Sullivan’s Island.....Respondents.

PROOF OF SERVICE

I certify that I have served the **NOTICE THAT RESPONDENT HAS NOT BEEN SERVED A COPY OF THE RECORD ON APPEAL** by depositing a copy in the United States Mail, postage prepaid, on April 28, 2025, addressed to:

C. Holmes
P.O. Box 187
Sullivans Island, SC 29482-0187

and by electronic mail addressed to:

Cynthia Holmes
Rule.410_retired@yahoo.com.

Nancy Jane Dennis, Paralegal



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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May 21, 2025

Cynthia Holmes
PO Box 187
Sullivan's Island SC 29482

Re: J. Doe v. Design Review Board (2)
Appellate Case No. 2023-000296

Dear Ms. Holmes:

Our records reflect that the time for serving the record of appeal has expired. Within ten (10) days of the date of this letter you must serve the record of appeal, file a proof of service of the record on appeal, and file a motion requesting permission to serve the record on appeal out of time pursuant to Rule 210 and Rule 240 of the South Carolina Court Rules, or this appeal will be dismissed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: John Phillips Linton, Jr., Esquire
George Trenholm Walker, Esquire

The South Carolina Court of Appeals

J. Doe, Appellant,

v.

Design Review Board (DRB) of the Town of Sullivans
Island (S.I.), and Town of Sullivans Island, Respondents.

Appellate Case No. 2023-000296

The Honorable Jennifer B. McCoy
Charleston County
Trial Court Case No. 2021CP1002888

ORDER

Appellant has failed to serve and file the proof of service of the record on appeal, as required by Rule 210 of the South Carolina Appellate Court Rules (SCACR) and this Court's letter dated May 21, 2025. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT
BY Catherine Hannibal, deputy
CLERK

Columbia, South Carolina

cc:
Cynthia Holmes
John Phillips Linton, Jr., Esquire
George Trenholm Walker, Esquire
The Honorable Jennifer B. McCoy

FILED
Jun 11 2025

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Jul 07 2025

SC Court of Appeals

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Appeal from Charleston County Court of Common Pleas
Honorable Jenifer B. McCoy
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Appellant Case No. 2023-000296

J. Doe.....Appellant,

v.

Design Review Board of the Town of Sullivan’s Island (S.I),
and Town of Sullivan’s Island.....Respondents.

PROOF OF SERVICE

I certify that I have served the **RESPONDENTS’ DESIGN REVIEW BOARD OF THE TOWN OF SULLIVAN’S ISLAND AND TOWN OF SULLIVAN’S ISLAND’S RETURN TO APPELLANT’S MOTION TO REINSTATE** by depositing a copy in the United States Mail, postage prepaid, on July 7, 2025, addressed to:

C. Holmes
P.O. Box 187
Sullivans Island, SC 29482-0187

and by electronic mail addressed to:
Cynthia Holmes
Rule.410_retired@yahoo.com.

Nancy Jane Dennis, Paralegal