

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Dec 18 2025

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
R. Ferrell Cothran, Jr., Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2024-002098

315 Corley CW LLC; 368 Mount Pelia LLC; Bridge Charleston Investments B LLC; Bridge Charleston Investments C LLC; Bridge Charleston Investments E LLC; Bridge Charleston Investments H LLC; Anne Bosler and Dylan Hart as Trustees of the Bosler-Hart Trust; Geoffrey J. Block; R. Jeffrey Kimball and Deborah S. Kimball; Sebrina Leigh-Jones and Chris Leigh-Jones; Jennifer Albero; Live Oak Assets LLC; Matthew N. Lynch and Barbara A. Lynch; MKM 22 West LLC; One Rumford Lane LLC; Salt Works LLC; and TTJR LLC; individually, derivatively, and as class representatives, as set forth herein, Respondents,

v.

Palmetto Bluff Development, LLC; Palmetto Bluff Club, LLC; Palmetto Bluff Real Estate Company, LLC; PBLH, LLC; Montage Palmetto Bluff, LLC; Palmetto Bluff Preservation Trust, Inc.; Palmetto Bluff Preservation Trust Board of Stewards: Jordan Phillips; Mark Polites; Gray Ferguson; Henry Armistead; South Street Partners LLC; John Does 1-25, Petitioners.

RETURN TO MOTION FOR LEAVE TO FILE AMICUS BRIEF

Petitioners, pursuant to Rules 213 and 240, SCACR, respectfully submit this Return to the Motion for Leave to File an Amicus Curiae Brief for the Public Investors Advocate Bar Association (the "Motion").

Petitioners oppose the Motion as untimely. Briefing in this matter was completed on October 15, 2025, with the filing of Petitioners’ reply brief. Respondents – the party supported by the proposed amicus, the Public Investors Advocate Bar Association (“PIABA”) – filed their brief on September 23, 2025. The PIABA filed its Motion and proposed amicus brief on December 11, 2025. Although Rule 213, SCACR, does not set a formal time limit for the filing of a proposed amicus brief, by any measure a delay of nearly three months is excessive. Accordingly, Petitioners respectfully request that the Court deny the Motion.

If the Court is inclined to grant the Motion notwithstanding the delay, Petitioners request a reasonable period of time to file a response to the amicus brief. *See* Rule 213, SCACR (“If leave to file an amicus curiae brief is granted, the appellate court will specify the period in which a response to the brief may be filed.”). In view of the rapidly approaching Christmas and New Years holidays, Petitioners respectfully request that any response brief be due 45 days after entry of this Court’s order granting the Motion.

CONCLUSION

For the reasons set forth above, Petitioners respectfully request entry of an order denying the Motion for Leave to File an Amicus Curiae Brief or, alternatively, a period of 45 days to file a response brief, measured from the date of the Court’s order granting the Motion.

December 18, 2025
Columbia, South Carolina

Respectfully submitted,

s/Val H. Stieglitz
Val H. Stieglitz, SC Bar No. 5356
MAYNARD NEXSEN, PC
1230 Main Street, Suite 700
Columbia, SC 29201
Telephone: 803.771.8900
Email: VStieglitz@nexsenpruet.com

Bruce Wallace, SC Bar No. 11653
MAYNARD NEXSEN, PC
205 King Street, Suite 400
Charleston, SC 29401
Telephone: 843-720-1760
Email: BWallace@nexsenpruet.com

Kirsten Small, SC Bar No. 75681
MAYNARD NEXSEN, PC
104 S. Main Street, 9th Floor
Greenville, SC 29601
Telephone: 864.370.2211
Email: KSmall@nexsenpruet.com

Donald Falk, *admitted pro hac vice*
SCHAERR JAFFE, LLP
Four Embarcadero Center, Suite 140
San Francisco, CA 94111
Telephone: 415.562.4942
Email: DFalk@schaerr-jaffe.com

Attorneys for Petitioners

Douglas W. MacKelcan, III, SC Bar No.
76332
COPELAND, STAIR, VALZ & LOVELL, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
Telephone: (843) 727-0307
Email: dmackelcan@csvg.law

*Attorney for Petitioners Palmetto Bluff
Preservation Trust, Inc.; Palmetto Bluff
Preservation Trust Board of Stewards*