

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas,

Robert Bonds, Circuit Court Judge

Case No. 2022-CP-07-2484

Appellate Case No. 2025-00384

Roland Bernardon and Louise Bernardon,

Appellants

v.

Mark Damiano, Ellery K. Damiano, Sea Pines Real Estate at
the Beach Club, Robert Reichel, and John McMahon,

of whom Mark Damiano, Ellery K. Damiano, Sea Pines Real
Estate at the Beach Club, Robert Reichel are

Respondents

MOTION TO REINSTATE APPEAL
(SCACR RULE 260)

Appellants Roland Bernardon and Louise Bernardon, through undersigned counsel, respectfully move the Honorable Court for an Order reinstating their appeal pursuant to Rule 260, for the reasons set forth herein. This case was dismissed pursuant to Rule 260 by Order entered March 23, 2026.

Counsel is solely responsible for Appellants not responding to the Court's Order dated February 23, 2026. It appears to counsel that the email from the Court covering/attaching that Order was opened on counsel's mobile device during travel, without counsel downloading and reviewing the actual Order or calendaring the response

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SC Court of Appeals

due in his calendar system or otherwise noting the matter in the firm's practice management system. Once opened, the email would not show as "new" in counsel's email system and it was not noted. Thus, counsel was regretfully unaware of the Court's ruling and its response deadline. Counsel is presently a sole practitioner. Upon review of the Order of dismissal entered March 23, 2026, Counsel became aware of the instruction in the prior Order. Counsel has stricken the instructed matters from the record compiled digitally and is processing a reprint of the Record for the bound paper filing, which should be available for delivery going out later this week.

Appellants, the Bernardons, were not involved in the review or response to the February 23 Order and will be prejudiced by counsel's omission if the case is dismissed due to this error. Counsel notes that a voluminous record has previously been filed and that the case has been briefed.

WHEREFORE, Appellants request that the Honorable Court re-instate the case as its Order, and for such other relief as the Honorable Court deems just and proper.

April 6, 2026

Respectfully Submitted,

/s/ Michael W. Mogil

Michael W. Mogil
Mogil Law Firm
PO Box 2925
Hilton Head Island, SC 29938
843-785-8110
mmogil@mogillaw.com
Counsel for Appellants

Other Counsel of Record:
Richardson Plowden for Respondents;
Thomas Finn for Appellants;
Davis Dietrich for Defendant John McMahon

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Estate at the Beach Club, and Robert Reichel are

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PROOF OF SERVICE

I certify that on this 6th day of April, 2026, I served Appellants' Motion to
Reinstate on counsel for the parties hereto by Email to:

Carmen V. Ganjehsani, Richardson Plowden for Respondents
Davis Dietrich, Copeland Stair, for Defendant John McMahan
Thomas Finn, for Appellants. And by US Mail to opposing counsel Richardson
Plowden

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Respectfully Submitted,

/s/ Michael W. Mogil

Michael W. Mogil
Mogil Law Firm
PO Box 5925
Hilton Head Island, SC 29938
843-785-8110
mmogil@mogillaw.com
Counsel for Appellants

**MOGIL
LAW FIRM**

MICHAEL W. MOGIL
mmogil@mogillaw.com

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SC Court of Appeals

PO Box 5925
Hilton Head Island, SC 29938
T 843-785-8110 F 843-380-5674
www.mogillaw.com

April 6, 2026

The Honorable Catherine Harrison
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Bernardon et al v. Damiano, Sea Pines Real Estate et al
Appellate Case No. 2025-00384

Dear Mrs. Harrison:

Enclosed please find the \$50.00 filing fee for the Motion to Reinstate which is being filed electronically today.

Very Truly Yours,

/s/ Michael W. Mogil

Michael W. Mogil