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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2026-001282

Linda Kennedy and Marsha Fink,.....Petitioners,

v.

Lake Hartwell Resort and Cabins, LLC, et. al.,.....Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF QUESTION PRESENTED

- I. Did the Court of Appeals Err in Dismissing Petitioners' Appeal?

Pursuant to Rule 242(f), SCACR, Respondents, Lake Hartwell Resort and Cabin LLC, Christopher Vellanti, Yvonne Goldman, Frank Pellegrini, Fritzie Maroto, Jennifer Burdette, John Doe #1 a/k/a Ray Grenier, a/k/a Ray Dukes, John Doe #2, a/k/a Tow Truck Owner and Operator, and John Doe #3, a/k/a LHRVRC Maintenance Employee (collectively “Respondents”) respond in opposition to the Petition for Writ of Certiorari (the “Petition”) filed by Petitioners, Linda Kennedy and Marsha Fink (collectively “Petitioners”). Petitioners challenge the dismissal of their appeal. However, Petitioners dismissal of their appeal was due to their repeated and persistent refusal to comply with Court rules, which began in the Circuit Court and has continued unabated through the Court of Appeals and to this Court.

Petitioners fail to demonstrate any “special and important reasons” this Court should exercise its discretion and review the decision of the Court of Appeals. In fact, Petitioners stated argument for why the decision should be granted states “the case raises constitutional and federal questions, presents procedural-integrity issues affecting appellate review (including date/finality manipulation), and involves alleged structural conflicts and entrenchment that threaten public confidence and the safety of citizens’ rights, awards, property and declare voidness while protecting the innocent so they do not have to seek outside pressure points to force SC change its Oligarchy into a Constitution Republic by all legal and nonviolent ways, and demanding the Feds come back into SC to restore justice and presently rid itself of these same defiant Aristocrat/Groomed Elite that have haunted SC sta[r]ting at least with the 1699, Grand Model design for classes/cast to rule under the Devine Right of Kings.” Given that Petitioners appeal was dismissed due to their failure to file an initial brief and designation of matter, undersigned is not clear what, if anything, Petitioners are actually arguing.

STATEMENT OF THE CASE

The procedural history of this case through the Circuit Court and Court of Appeals is far too tortured and lengthy to repeat in full. The Circuit Court Judge was correct in his order dismissing Petitioners' complaint when he noted that Petitioners "through their antics, have caused this case to take no less than a 'left turn into the twilight zone.'" Accordingly, Respondents will attempt to only highlight the key aspects of the procedural history of this case at the Court of Appeals.

On May 1, 2025, after dismissal of their complaint by the Circuit Court, Petitioners filed a notice of appeal.

That same day they filed a one-hundred-and-ten page motion for extension of time and page limits, in which they requested two hundred extra pages and double the time for their appellate filings.

On May 20, 2025, after receiving deficiency letters from the Court of Appeals concerning their notice of appeal and transcript request, Petitioners filed a thirty-three page motion in opposition to the two letters of deficiency.

On June 3, 2025, the Court of Appeals denied Petitioners' motion to exceed the page limit by an additional two hundred pages and to extend all timelines for their compliance. The Court of Appeal invited Petitioner to submit a "specific request for an extension of time."

On June 9, 2025, Petitioners filed an objection, stating (in all capital letters) their "Objections to this very unconscionable and unconstitutional order denying extension of time and pages for very good cause shown as written, to give defense/appellees even more opportunity to receive a predetermined outcome than in the underlying case usurpation and arbitrary law used by racketeering judges/lawyers/Allianz already."

On August 14, 2025, the Court of Appeals noted that Appellants received the transcripts from the Circuit Court on May 28, 2025, and thus, their initial brief and designation of matter would have been due June 27, 2025. However, the Court of Appeals entered an order allowing Petitioners until September 1, 2025 in which to file their initial brief and designation of matter. Additionally, it refused, pursuant to Rule 240(i) SCACR, to rehear its order for an open-ended extension of time or and extension of the page limitations.

On August 26, 2025, the Court of Appeals further extended the time for Petitioners to file their initial brief and designation of matter until October 1, 2025.

On September 29, 2025, Petitioners filed a fifty page “motion for expansion of time and pages in new situation after medical emergency,”

On September 30, 2025, the Court of Appeals allowed Petitioners until October 31, 2025 to file their initial brief and designation of matter. The court noted “[n]o further extensions will be granted absent extraordinary circumstances.”

On October 27, 2025, Petitioners filed a seventy-nine page “motion for individualized accommodations per extraordinary circumstances and otherwise, and other applicable laws to comply with plaintiffs’-appellants’ rights to meaningful due process and equal protection, and to protect their rights to a full presentation of the appeal, with stay while reviewing and finding in our favor.”

On December 3, 2025, the Court of Appeals allowed Petitioners an additional thirty days from the date of the order to file their initial brief and designation of matter. However, the Court refused to reconsider its ruling to allow Petitioners to exceed the fifty page limit for their brief.

On December 18, 2025, Petitioners filed a fifty-four page motion requesting ninety days to prepare their initial brief and a limit of at least two hundred pages for their brief.

On January 20, 2026, the Court of Appeals construed the recently filed motion as a request for reconsideration of the Court of Appeals June 3, 2025 order denying the motion to exceed page limits, which it returned without action pursuant to Rule 221(c), SCACR and allowed Petitioners an additional ten days to file their initial brief and designation of matter “or this appeal will be dismissed.”

On January 30, 2026, Petitioners filed a “motion for P-Appellants ADA reasonable accommodation demand to be clearly answered by the Appeals Court in a real order and real opinion signed by the judge(s).”

On February 9, 2026, Petitioners filed a “motion for new constitutional ADA reasonable accomm[od]ation demand – cancer issues, kidney damage due to court ADA refusals, fluid collection, and exacerbation/aggravation,” in which Petitioners again sought an additional ninety days to serve and file their initial brief and designation of matter and a two hundred page limit extension.

On March 6, 2026, the Court of Appeals noted the two recent filings and indicated it would not take action on either filing.

On March 12, 2026, the Court of Appeals allowed Petitioners an additional ten days from the date of the order to file their initial brief and designation of matter “or the appeal will be dismissed.” Again, the Court noted that pursuant to Rule 221(c), SCACR it would not reconsider the request to exceed the page limit.

On March 23, 2026, Petitioners filed a four hundred sixty page motion on “subject matter jurisdiction for fraud on the Court challenge.”

On March 24, 2026, The Court of Appeals entered on order noting Petitioners persistent refusal to comply with page and time limitations set by the Circuit Court and the Court of

Appeals. Further, it noted its liberal treatment of Petitioners' motions and its repeated willingness to provide additional time for Petitioners to serve and file their initial brief and designation of matter. Given that the Petitioners had not served or filed their initial brief and designation of matter, the Court of Appeals dismissed the appeal.

On April 8, 2026, Petitioners filed a motion for reconsideration.

On May 8, 2026, the Court of Appeals denied the motion for reconsideration.

On June 8, 2026, Petitioners filed their eighty-one page Petition.

To be clear, at no point from the time of filing their notice of appeal through present day have Petitioners filed or served an initial appellant brief or designation of matter.

ARGUMENT

As an initial point, and entirely consistent with their behavior throughout, Petitioners' Petition far exceeds the page limits set forth in the South Carolina Rules of Appellate Procedure. *See* Rule 242(d)(3), SCACR. Thus, the Petition should be denied.

Regardless, even if the substance of the Petition is considered, Petitioners fail to meet, or really even offer any substantive arguments that they meet, any of the criteria set forth in Rule 242, SCACR, for review of the decision of the Court of Appeals dismissing Petitioners' appeal. Despite Petitioners lengthy commentary, there is no basis under which this Court should grant the Petition.

It is unclear what substantive arguments are being made by Petitioners that would allow this Court to grant the Petition. *See* Rule 242(b), SCACR. Regardless, the basis for the dismissal was rather simple. After exhibiting disregard for page and time limits before the Circuit Court, Petitioners engaged in the same conduct before the Court of Appeals. Petitioners filed their notice of appeal on May 1, 2025 and received the requisite transcripts on May 28,

2025. Since that time, the Court of Appeals allowed at least six extensions of time for Petitioners to file and serve their initial brief and designation of matter. Thus, from the receipt of the transcripts on May 28, 2025, Petitioners had a total of three hundred days to file and serve their initial brief and designation of matter before their appeal was dismissed on March 24, 2026. Petitioners, despite filing numerous and lengthy screeds concerning conspiracies and other nonsense, failed to comply with the South Carolina Rules of Appellate procedure or the numerous orders of the Court of Appeals regarding the timely filing of their initial brief.

Put simply, dismissal of Petitioners appeal was justified and appropriate. See Rule 208(a)(4), SCACR. Thus, there is no basis to grant the Petition, even if it is considered.

CONCLUSION

For the foregoing reasons, this Court should deny the Petition.

Respectfully submitted,

July 7, 2026

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