

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Aug 17 2026

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas J. Rode, Circuit Court Judge

Appellate Case No. 2026-000910
Case No. 2024-CP-10-02642

Christopher Sawyer and Terese Sawyer, Appellants,
v.

Vacation Inspirations, Destination Travel, LLC, Joseph Shirley, Randy Gardner, and Jeffrey
Pumilia Respondents,

**APPELLANTS' REPLY TO RESPONDENTS' RETURN TO MOTION TO
CONSOLIDATE APPEAL NO. 2026-000910 INTO CONSOLIDATED
APPELLATE CASE NOS. 2026-000058 & 2026-000043**

Respondents' Return confirms why consolidation is warranted under Rule 214, SCACR. Respondents do not—and cannot—dispute that these appeals arise from the same course of conduct, involve the same Respondents and counsel, challenge materially identical arbitration provisions, and present substantially identical jurisdictional and merits issues. Those are precisely the circumstances for which Rule 214 was designed.

Rather than addressing those commonalities, Respondents rely on two procedural distractions: (1) that different circuit judges entered the orders compelling arbitration and (2) that Respondents have filed a motion to dismiss this appeal. Neither argument undermines the overwhelming commonality of these appeals or provides any legitimate basis to deny consolidation. To the contrary, Respondents' own filings demonstrate that consolidation will

minimize duplication, avoid inconsistent rulings, and promote the efficient administration of justice. The concerns surrounding their pending motion to dismiss are unnecessary because, as Respondents stated in the motion to dismiss, they address the same “issues of appealability in Respondents’ Initial Brief.” (MTD at 1 n.1.)

I. THE APPEALS INVOLVE THE SAME QUESTIONS WITHIN THE MEANING OF RULE 214.

Rule 214 authorizes consolidation “[w]here there is more than one appeal from the same order, judgment, decision or decree, *or where the same question is involved in two or more appeals in different cases.*” Rule 214, SCACR (emphasis added). Respondents concede that “[t]he only basis to consider consolidation here is whether the appeals involve the same questions.” (Return at 3.) That is sufficient and the analysis can end there. However, Respondents opted not to conduct the relevant analysis.

Instead, Respondents devote much of their Return to emphasizing that the orders were entered by different circuit judges with different wording. That argument conflates Rule 214’s two independent clauses. The second clause exists precisely because consolidation is appropriate where different cases—and therefore different orders—present the same legal questions. *See, e.g., Marsh Waterproofing v. Steeple West* (App. Case No. 2019-001761); *Marsh Waterproofing, Inc., v. Steeple Two Notch (2)* (App. Case No. 2019-001966); *Marsh Waterproofing, Inc. v. Steeple Main (2)* (App. Case No. 2019-001967) (consolidating appeals from separate circuit court orders entered by different judges).

Indeed, Respondents’ insistence that differences in the wording of the circuit court orders defeat consolidation proves too much. If accepted, Rule 214’s second clause would rarely have any application because separate cases almost invariably produce separately worded orders. Respondents’ interpretation would effectively read the second clause out of the Rule, limiting

consolidation to appeals from the same order despite the Rule's express authorization to consolidate appeals in *different cases* presenting the same questions.

Those common questions plainly exist here. Each appeal challenges an order compelling arbitration under materially identical Purchase Agreements containing the same arbitration provision providing that the arbitrator "shall be selected by" Vacation Inspirations. Each appeal presents the same central issues, including whether that arbitration provision clearly and unmistakably delegates questions of arbitrability, whether the unilateral arbitrator-selection mechanism is enforceable, whether the provision is unconscionable, and whether the arbitration agreement is enforceable under the FAA and South Carolina law.

The appeals also present the same threshold jurisdictional issues. In each appeal, the Court must determine whether an order compelling an arbitral process that allegedly lacks minimum due process protections affects a substantial right under section 14-3-330 and whether these recurring issues otherwise warrant immediate appellate review. As Respondents themselves acknowledge, in the *Perrelli/Skoler* appeals, the Court directed the parties to brief appealability in the merits briefing, while in *Sawyer* they filed a separate Motion to Dismiss raising the same jurisdictional question.

Consolidation therefore serves the very purpose of Rule 214 by allowing the Court to resolve these recurring legal questions in a single proceeding, promoting consistency, conserving judicial resources, and avoiding duplicative briefing.

II. RESPONDENTS IDENTIFY NO ACTUAL PREJUDICE FROM CONSOLIDATION.

Respondents identify no concrete prejudice that would result from consolidation. The appeals involve the same Respondents, the same counsel, materially identical contractual language, and substantially the same jurisdictional and merits issues. Consolidation will conserve

judicial resources and reduce the risk of inconsistent decisions concerning the same arbitration provision. Those efficiencies are precisely the purpose of Rule 214.

Indeed, Respondents' own filings demonstrate that consolidation would not deprive them of any opportunity to be heard on appellate jurisdiction. As stated above, Respondents even acknowledge, in their motion to dismiss, that the arguments therein overlap with the appellate jurisdiction issues raised in their initial brief. (*See* MTD at 1 n.1. ("Motion to Dismiss and also addressing the issues of appealability in Respondents' Initial Brief.")) Having already briefed the same jurisdictional issues through two separate filings, Respondents cannot plausibly contend that consolidation would somehow prevent them from presenting those arguments.

Respondents' assertion that "[c]onsolidating these cases would deprive Respondents of the opportunity to present the merits of their motion to dismiss" is therefore belied by their earlier representations and unfounded. (Return at 4.) The merits of that motion are the same appealability issues Respondents have already fully briefed. Consolidation would not eliminate those arguments; it would simply allow this Court to resolve the recurring jurisdictional and merits questions once, rather than through duplicative proceedings in parallel appeals. That is exactly what Rule 214 is intended to accomplish.

III. CONCLUSION

Respondents' Return leaves the central Rule 214 considerations undisputed: these appeals involve the same Respondents, the same counsel, materially identical arbitration provisions, and substantially the same legal questions. The differences identified by Respondents do not defeat consolidation, nor does the existence of a pending motion to dismiss. Appellants therefore respectfully request that the Court grant the Motion to Consolidate.

Respectfully submitted,

s/David W. Wolf

David W. Wolf (S.C. Bar No. 17041)

DAVID W. WOLF, P.A.

748-D St. Andrews Boulevard

Charleston, South Carolina 29407

Tel. (843) 853-9000

Fax (843) 853-9002

Email: david@wolflaw.com

s/Abby Edwards Saunders

Abby Edwards Saunders (S.C. Bar No. 17234)

Law Office of Abigail Edwards Saunders, LLC

1021 Sea Mountain Highway, Suite B2

North Myrtle Beach, South Carolina 29582

Tel. (843) 491-9770

Fax (843) 491-9760

Email: abigail@abbysaunderslaw.com

RECEIVED
Aug 17 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas J. Rode, Circuit Court Judge

Appellate Case No. 2026-000910
Case No. 2024-CP-10-2642

Christopher Sawyer and Terese Sawyer, Appellants,

v.

Vacation Inspirations, Destination Travel, LLC, Joseph Shirley, Randy Gardner, and Jeffrey
Pumilia, Respondents,

PROOF OF SERVICE

I certify that I have served the Appellants' Reply to Respondents' Return to Motion to Consolidate Appeal No. 2026-000910 into Consolidated Appellate Case Nos. 2026-000058 & 2026-000043 on the above-named Respondents by email on August 17, 2026 addressed to counsel of record as follows:

Firm:	Attorney:	Email Address:
Wills Massalon & Allen LLC	John A. Massalon (SC Bar #10279)	jmassalon@wmalawfirm.net
	Carissa Steichen Land (SC Bar #103264)	cland@wmalawfirm.net
Uricchio Howe Krell Jacobson Toporek Theos & Keith	Jeffrey Wayne Buncher, Jr.	jeff@uricchio.com

Date: August 17, 2026

s/David W. Wolf
David W. Wolf (S.C. Bar No. 17041)
DAVID W. WOLF, P.A.
748-D St. Andrews Boulevard
Charleston, South Carolina 29407

Tel. (843) 853-9000
Fax (843) 853-9002
Email: david@wolflaw.com

s/Abby Edwards Saunders
Abby Edwards Saunders (S.C. Bar No. 17234)
Law Office of Abigail Edwards Saunders, LLC
1021 Sea Mountain Highway, Suite B2
North Myrtle Beach, South Carolina 29582
Tel. (843) 491-9770
Fax (843) 491-9760
Email: abigail@abbysaunderslaw.com