

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

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Appeal from Charleston County  
Court of Common Pleas

T. J. Rode, Circuit Court Judge

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Appellate Case Nos. 2026-001917 / 2026-001918  
Circuit Court Case Nos. 2024-CP-10-06378 / 2024-CP-10-04208

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Thomas Jermyn,

Respondent,

v.

The City of Folly Beach,

Appellant,

AND

Park Lane Partners LLC and Elizabeth Spratt Cooper,

Respondents,

v.

The City of Folly Beach,

Appellant.

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**THIRD AMENDED NOTICE OF APPEAL**

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Stephen L. Brown (SC Bar No. 66468)  
Russell G. Hines (SC Bar No. 72100)  
Graydon V. Olive, IV (SC Bar No. 105319)  
Clement Rivers, LLP  
Post Office Box 993  
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(843) 720-5488

*and*

Joseph C. Wilson, IV (SC Bar No. 63009)  
City Attorney, City of Folly Beach  
P.O. Box 178  
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(843) 834-2390

*Attorneys for Appellant*

**RECEIVED**  
**Oct 09 2026**  
**SC Court of Appeals**

The City of Folly Beach appeals the following orders of the Honorable Thomas J. Rode.

Park Lane

- 1) Order on Cross-Motions for Summary Judgment, filed August 14, 2026
- 2) Form 4 Order, filed August 27, 2026
- 3) Form 4 Order, filed September 11, 2026
- 4) *Form 4 Order, filed September 28, 2026<sup>1</sup>*
- 5) *Form 4 Order, filed October 9, 2026*

Jermyn

- 6) Order on Cross-Motions for Summary Judgment, filed August 14, 2026

Appellant received written notice of entry of the most recent orders (Nos. 4 and 5 above) on September 28, 2026, and October 9, 2026, respectively, copies of which are attached.<sup>2</sup>

**<SIGNED ON THE FOLLOWING PAGE>**

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<sup>1</sup> The most recent order subject to this appeal is identified in italics.

<sup>2</sup> The appeals in the above-referenced cases have already been consolidated in this Court. Additionally, a motion to transfer or certify the consolidated appeal to the Supreme Court is pending, and the City of Folly Beach has already filed a return to the motion agreeing that the appeal should be transferred, or, alternatively, certified, to the Supreme Court. Because the motion to transfer or certify has not yet been ruled upon, and in hopes that doing so will avoid confusion while the motion remains pending, the City is filing this notice of appeal in this Court. To be clear, however, the City maintains its request that this appeal be transferred, or, alternatively, certified, to the Supreme Court.

Respectfully submitted,

CLEMENT RIVERS, LLP

By: s/Stephen L. Brown

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*Attorneys for Appellant*

Charleston, South Carolina

Dated: October 9, 2026

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Oct 09 2026

SC Court of Appeals

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IN THE COURT OF APPEALS

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---

**PROOF OF SERVICE**

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Stephen L. Brown (SC Bar No. 66468)  
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Graydon V. Olive, IV (SC Bar No. 105319)  
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*Attorneys for Appellant*

I, Stephen L. Brown, of Clement Rivers, LLP, attorney for Appellant, hereby certify that Appellant's **THIRD AMENDED NOTICE OF APPEAL** was served on all other parties to this appeal on October 9, 2026, via email (see attached) to their following counsel of record:

Ainsley F. Tillman (SC Bar No. 70551)

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McCullough Khan, LLC

*Attorney for The Charleston Trident Association of Realtors, Inc.*

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LAW OFC. OF ROBERT M. TURKEWITZ, LLC

*Attorney for Save Follys Future*

Respectfully submitted,

CLEMENT RIVERS, LLP

By: s/Stephen L. Brown

Stephen L. Brown (SC Bar No. 66468)

*Attorneys for Appellant*

Charleston, South Carolina

October 9, 2026

## Justman, Aimee

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**From:** Justman, Aimee  
**Sent:** Friday, October 9, 2026 12:18 PM  
**To:** 'robert.byrd@fordwallace.com'; 'Ainsley.Tillman@FordWallace.com';  
'rob@rmtlegal.com'; 'Ross@mklawsc.com'; 'liz@mklawsc.com';  
'cvarnado@seibelsfirm.com'; 'jwilson@follybeach.gov'; 'joe@follybeachlaw.com';  
'ross@mklawsc.com'; David Whittington  
**Cc:** Brown, Stephen L.; Olive, IV, Graydon; Hines, Russell; Thomas, Hampden  
**Subject:** Appeal 2026-001917 (Jermyn) and Appeal 2026-001918 (Park Lane) –  
CR240808/250031 – Amended NOA  
**Attachments:** NOA.pdf; Order Aug. 14 2026.pdf; Order Aug. 27 2026.pdf; Order Oct. 9 2026 .pdf;  
Order Sept. 11 2026.pdf; Order Sept. 28 2026.pdf

Attached for service on you in the above-referenced matter, please find a Third Amended Notice of Appeal.

Thank you,

*Aimee Justman*  
*Paralegal and Group Coordinator*  
*Commercial Litigation & Appellate Group*  
*Clement Rivers, LLP*  
*Phone: (843) 720-5460*  
*Fax: (843) 579-1385*



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**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**NOTICE OF ELECTRONIC FILING [NEF]**

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**A filing has been submitted to the court RE:** 2024CP1006378

**Official File Stamp:** 10-09-2026 12:22:59 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Title:** Thomas P Jermyn VS Folly Beach City Of  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Stephen Lynwood Brown

This notice was automatically generated by the court's auto-notification system.

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**The following people were served electronically:**

Ainsley Fisher Tillman for Park Lane Partners Llc  
Joseph C. Wilson, IV for Folly Beach City Of  
Stephen Lynwood Brown for Folly Beach City Of  
Graydon V. Olive, IV for Folly Beach City Of  
Christine Companion Varnado for Hearing Officer Folly Beach  
David Wesley Whittington for Thomas P Jermyn  
Robert Edward Byrd for Park Lane Partners Llc

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**



**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**NOTICE OF ELECTRONIC FILING [NEF]**

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**A filing has been submitted to the court RE:** 2024CP1004208

**Official File Stamp:** 10-09-2026 12:25:34 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Title:** Park Lane Partners Llc , plaintiff, et al VS Folly Beach City Of  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Stephen Lynwood Brown

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Stephen Lynwood Brown for Folly Beach City Of  
Graydon V. Olive, IV for Folly Beach City Of  
Christine Companion Varnado for Folly Beach Hearing Officer  
Robert Marc Turkewitz for Save Follys Future  
Robert Edward Byrd for Park Lane Partners Llc, Elizabeth S Cooper  
Russell Grainger Hines for Folly Beach City Of  
Ainsley Fisher Tillman for Park Lane Partners Llc, Elizabeth S Cooper  
Ross A. Appel for Charleston Trident Association Of Realtors Inc The  
Joseph C. Wilson, IV for Folly Beach City Of

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