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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Perry H. Gravely, Circuit Court Judge

Case No. 2024-CP-40-03730
Appellate Case No. 2026-001670

Shirley Castillo and Charles Cooper, Appellants/Respondents,

v.

Canterbury Park at Lake Carolina Association, Inc., a/k/a, Lake
Carolina Masters Association, Inc., and Richland County, Defendants,

of which Canterbury Park at Lake Carolina Association, Inc.,
a/k/a, Lake Carolina Masters Association, Inc., is the Respondent,

and Richland County is the Appellant.

**APPELLANTS' CONSENT MOTION TO REOPEN THE APPEAL AS TO
RESPONDENT CANTERBURY PARK AT LAKE CAROLINA ASSOCIATION, INC.**

Appellants Shirley Castillo and Charles Cooper move under Rule 240, SCACR, for an order reopening their appeal from the circuit court's order granting summary judgment to Respondent Canterbury Park at Lake Carolina Association, Inc. ("Canterbury Park"), which this Court dismissed by order of October 14, 2026. The dismissal rested on a statement that the order Ms. Castillo and Mr. Cooper appealed had been rescinded. That order has not been rescinded and remains in effect. Counsel for Canterbury Park, John M. Grantland and Andrew D. Balcerzak of Murphy & Grantland, P.A., consent to this motion.

STATEMENT OF THE CASE

Ms. Castillo and Mr. Cooper sued Canterbury Park and Richland County in the Richland County Court of Common Pleas, Civil Action No. 2024-CP-40-03730, for injuries Ms. Castillo suffered when she fell on a sidewalk on March 20, 2024.

By separate orders filed May 6, 2026, the circuit court granted summary judgment to Canterbury Park and to Richland County. On May 27, 2026, Ms. Castillo and Mr. Cooper filed two motions under Rule 59(e), SCRCP: one asking the circuit court to reconsider its order granting summary judgment to Canterbury Park (Ex. B), and one asking it to reconsider its order granting summary judgment to Richland County (Ex. C). Richland County filed no post-judgment motion.

By Form 4 order filed June 30, 2026, the circuit court denied the motion to reconsider the order granting summary judgment to Canterbury Park. (Ex. E.) Ms. Castillo and Mr. Cooper filed their notice of appeal from that order on July 29, 2026, and this appeal was docketed as Appellate Case No. 2026-001670.

By Form 4 order filed August 5, 2026, the circuit court ruled on the second motion. (Ex. D.) That order begins, “Plaintiffs filed a Motion to Reconsider the Court’s Order issued on May 6, 2026 granting Summary Judgment for Richland County.” It found “genuine issues of material fact as to this Defendant,” rescinded the May 6, 2026 order granting Richland County summary judgment, and denied Richland County’s motion for summary judgment. (*Id.*) It did not address Canterbury Park’s motion. The claims against Richland County remain pending in the circuit court.

Ms. Castillo and Mr. Cooper filed their Initial Brief and Designation of Matter on October 8, 2026. On October 9, 2026, Richland County filed a notice of appeal from the August 5, 2026 order (Ex. F), and on October 12, 2026, Ms. Castillo and Mr. Cooper moved to dismiss that appeal because an order denying summary judgment is not immediately appealable (Ex. G).

On October 14, 2026, this Court consolidated the two appeals and dismissed them. (Ex. A.) The Order states that “Richland County also filed a motion to alter or amend,” that “[t]he circuit court granted Richland County’s motion on August 5, 2026; rescinded its order granting summary judgment; and denied Canterbury’s motion for summary judgment,” and that “the order appealed by Ms. Castillo and Mr. Cooper has been rescinded.” (*Id.*) Ms. Castillo and Mr. Cooper wrote to the Court the same day to explain the procedural history. (Ex. H.) By letter dated October 16, 2026, the Clerk advised that a motion under Rule 240, SCACR, is required for the Court to take action. (Ex. I.)

ARGUMENT

I. The order Ms. Castillo and Mr. Cooper appealed has not been rescinded.

With respect, the circuit court record differs from the Order’s account in three ways.

First, Richland County did not file a motion to alter or amend. The only post-judgment motions were the two filed by Ms. Castillo and Mr. Cooper on May 27, 2026. (Exs. B, C.)

Second, the August 5, 2026 order concerned Richland County alone. It granted Ms. Castillo and Mr. Cooper’s motion as to Richland County, rescinded the order granting Richland County summary judgment, and denied Richland County’s motion for summary judgment. (Ex. D.) It did not deny Canterbury Park’s motion. Because the circuit court entered both of its summary judgment orders on May 6, 2026, the August 5 order’s reference to “its Order of May 6, 2026” could understandably be read as reaching both. The order’s opening sentence, however, limits it to the order “granting Summary Judgment for Richland County.” (*Id.*)

Third, the order granting summary judgment to Canterbury Park has not been rescinded. The circuit court denied reconsideration of that order on June 30, 2026 (Ex. E), and it remains in

effect. That ruling did not end the case as a whole, but it did end the case as to Canterbury Park, and it is the order under review in this appeal.

II. The appeal should be reopened as to Canterbury Park.

Ms. Castillo and Mr. Cooper agree with the Court that Richland County's appeal should be dismissed, because the denial of summary judgment is not immediately appealable. *Ballenger v. Bowen*, 313 S.C. 476, 477–78, 443 S.E.2d 379, 380 (1994). This motion does not ask the Court to revisit that ruling.

Their own appeal stands differently. It is taken from an order that remains in effect, it was docketed before Richland County's appeal was filed, and their Initial Brief and Designation of Matter are already on file. Canterbury Park, the only respondent to that appeal, consents to it being reopened, so no party is prejudiced by restoring it.

CONCLUSION

For these reasons, and with the consent of Canterbury Park, Ms. Castillo and Mr. Cooper respectfully ask the Court to reopen their appeal in Appellate Case No. 2026-001670 as to Respondent Canterbury Park at Lake Carolina Association, Inc., to amend its October 14, 2026 Order so that the dismissal applies only to Richland County's appeal, and to restore the reopened appeal to its schedule.

Respectfully submitted,

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October 20, 2026
Columbia, South Carolina

We Consent:

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and Richland County is the Appellant.

CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, the undersigned employee of Goings Law Firm, LLC, counsel for Appellants, certifies that Appellants' Consent Motion to Reopen the Appeal as to Respondent Canterbury Park at Lake Carolina Association, Inc. was served on all counsel of record by email on this 20th day of October 2026, as follows:

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Paralegal

October 20, 2026
Columbia, South Carolina