

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Lee S. Alford, Circuit Court Judge

Case No. 2014-000328

Atlantica Property Owners' Association, Inc.,.....Respondent,

Bellamy, Rutenberg, Copeland, Epps, Gravely & Powers P.A.,.....Appellant,

RESPONDENT'S REPLY TO RETURN OF APPELLANT TO RESPONDENT'S MOTION TO
DISMISS APPEAL

Respondent Atlantica Property Owners' Association, Inc. (hereinafter, "Respondent"), by and through its counsel and pursuant to Rule 240 (f), **Reply**, of the South Carolina Appellate Court Rules hereby replies to the Return of Appellant to Respondent's Motion to Dismiss Appeal. The sole issue before the Court now is whether the denial in the lower court of the Appellant's Motion to Dismiss pursuant to Rule 12 (b) (6), **Defenses and Objections, etc.**, of the South Carolina Rules of Civil Procedure, by Circuit Judge Lee S. Alford is immediately appealable. The denial for Appellant's Rule 12 (b) (6) Motion by Judge Alford in his Order Denying Appellant's Motion to Dismiss filed November 20, 2013, and Order Denying Appellant's Motion to Reconsider its Order filed January 2, 2014, does not affect a substantial right of the Appellant by determining the action, granting or refusing a new trial or striking all or part of an Answer or any other pleading. Section 14-3-330 (2), **Appellate Jurisdiction in law cases**, Code of Laws of South Carolina (1976 as amended). Judge Alford simply concluded that Appellant did not meet the burden of dismissal under Rule 12 (b) (6) and that this case should proceed to discovery with the issue regarding the attorney-client relationship here being considered on summary judgment or at trial.

For the reasons stated in its Motion and here, Respondent's Motion to Dismiss Appeal should be granted.

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SC Court of Appeals



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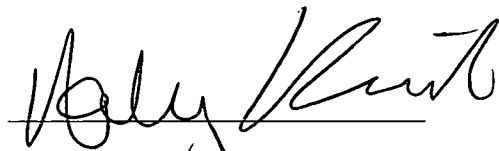
ATTORNEY FOR RESPONDENT

Charleston, South Carolina
March 7, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of
Respondent's Reply to Return Of Appellant to Respondent's Motion to Dismiss Appeal
has been served upon the following by mailing a copy properly addressed and with sufficient
postage properly affixed thereto this 7th day of March, 2014, as follows:

J. Calhoun Watson and Tina M. Cundari
Sowell Gray Stepp and Laffitte
1310 Gadsden Street
PO Box 11449
Columbia, SC 29211



Ashley Kaminski, Legal Assistant to
David Popowski

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March 7, 2014

Via Overnight Mail

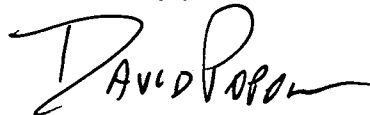
Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Appellate Case No.: 2014-000328,
Atlantica Property Owners Association, Inc., *Respondent* vs.
Bellamy, Rutenberg, Copeland, Epps, Gravely & Powers P.A., *Appellant*

Dear Ms. Kitchings:

Enclosed for filing please find an original and seven (7) copies of Respondent's Reply to Return of Appellant to Respondent's Motion to Dismiss Appeal. Please return one filed copy to me in the self-addressed stamped envelope provided for your convenience. By copy of this letter I am serving the attorneys for the Appellant. Thank you for your assistance.

Sincerely yours,



David Popowski

Enclosures

Cc w/enc. : J. Calhoun Watson and Tina M. Cundari (Via U.S. Mail)

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