

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY

COURT OF COMMON PLEAS

CARMEN T. MULLEN, JUDGE

CASE NO. 2012-CP-07-3746

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APPELLATE CASE NO. 2014-000-827

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Albert and Eileen  
LaFleur.....Appellants

v.

Coral Resorts, LLC, Hilton Head Hospitality, LLC d/b/a Hilton Head Guest Services,  
Sunrise Vacation Properties, Ltd., Sherri J. Smith, Patrick Budnik, Stephen Deutsch,  
Katherine Swisher, and Reba Management, Inc.....Respondents

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**APPELLANTS' RETURN TO RESPONDENTS' MOTION TO DISMISS**

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Joseph DuBois  
South Carolina Bar No. 71192  
Zachary S. Naert  
South Carolina Bar No. 78163  
Naert and DuBois, LLC  
22 New Orleans Road  
Hilton Head Island, SC 29928  
(843) 686-5500

ATTORNEYS FOR APPELLANTS

**RECEIVED** Albert and Eileen LaFleur

JUN 20 2014

**SC Court of Appeals**

Appellants herewith submit their Return to Respondents' Motion to Dismiss, in which Respondents assert that Appellants appeal is neither appealable nor timely.

As to the underlying orders and rulings not being appealable, S.C. Code 14-3-330 provides appellate jurisdiction in law cases for interlocutory orders or decrees in a court of common pleas granting, continuing, modifying, or refusing an injunction. The Orders Appellants seek to appeal<sup>1</sup> are a series of orders and rulings by the Lower Court, issued pursuant to Respondent's *improperly-motivated and otherwise improper* request, that enjoin Appellants from the full use and application of public documents and information received from the South Carolina Real Estate Commission, despite Respondents' full knowledge of the public status of same. These documents continue to be held by the Beaufort County Clerk of Court under seal, and Respondents continue to assert that Appellants are restrained and enjoined from the full use and application of the subject documents, pursuant to Respondents' *improperly-motivated* interpretation of the referenced orders and rulings.

As to the underlying orders and rulings not being timely appealed, these Orders and Rulings are a series of orders and rulings by the Lower Court, issued pursuant to Respondent's *improperly-motivated and otherwise improper* request, that enjoin Appellants from the full use and application of public documents and information received from the South Carolina Real Estate Commission. The final ruling in this series of orders and rulings was issued by the Lower Court on April 4, 2014, which Appellants

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<sup>1</sup> June 10, 2013 *ex parte* temporary restraining order enjoining Appellants; June 17, 2013 bench rulings enjoining Appellants; June 20, 2013 order extending *ex parte* restraining order enjoining Appellants; June 26, 2013 oral bench rulings enjoining Appellants and indicating a more complete order to be forthcoming; October 31, 2013 order enjoining Appellants; and April 4, 2014 order denying reconsideration of October 31, 2013 order enjoining Appellants.

received written notice of on April 17, 2014, such Order being a denial of Appellants' Motion to Reconsider, dated March 19, 2014, seeking reconsideration of that Order dated October 31, 2013, which Appellants received written notice of on March 12, 2014 (the delay of service of same was due to unknown reasons). Appellant served notice of this appeal on April 18, 2014, within the time prescribed by Rule 203, SCACR:

Rule 203, SCACR, provides that for appeals from the court of common pleas,

A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion... to alter or amend the judgment (Rules 52 and 59, SCRPC)... has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion. When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

Based upon the foregoing, Appellants respectfully request that Respondents' Motion to Dismiss Appeal be DENIED, that Respondents be ordered to submit their Brief, and for expedited hearing of this matter so as to allow the proceedings of the Lower Court, which have been stayed by the Lower Court pending this appeal, to proceed to trial by jury.

NAERT AND DUBOIS, LLC



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Joseph DuBois  
Zach S. Naert  
22 New Orleans Road  
Post Office Box 7228 (29938)  
Hilton Head Island, SC 29928  
Tel: (843) 686-5500  
Fax: (843) 686-5501  
*Attorneys for Appellants*

June \_\_, 2014  
Hilton Head Island, South Carolina

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Katherine Swisher, and Reba Management, Inc.....Respondents

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CERTIFICATE OF SERVICE

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I, the undersigned, hereby certify that on June 10 2014, in Hilton Head Island, South Carolina, I served a copy of the Return to Respondents' Motion to Dismiss Appeal by depositing the same in the United States Mail, postage prepaid, and addressed as follows:

**RECEIVED**

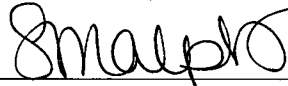
JUN 20 2014

**SC Court of Appeals**

Nekki Shutt, Esquire and Kathleen McDaniel, Esquire  
Callison Tighe & Robinson, LLC  
P.O. Box 1390  
Columbia, SC 29202

Thornwell Sowell, III, Esquire and Bess J. DuRant, Esquire  
Sowell Gray, Stepp & Lafitte, LLC  
Post Office Box 11449  
Columbia, SC 29211

**NAERT AND DUBOIS, LLC**



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Sarah J. Malphrus  
22 New Orleans Road, Suite 3  
Post Office Box 7228 (29938)  
Hilton Head Island, SC 29928  
Tel: (843) 686-5500  
Fax: (843) 686-5501  
*Attorneys for Appellants*

# Naert and DuBois, LLC

22 New Orleans Road, Suite 1  
Post Office Box 7228 (29938)  
Hilton Head Island, SC 29928

Tel: (843) 686-5500  
Fax: (843) 686-5501  
www.LowcountryLegal.com

June 16, 2014

Ms. Jenny Kitchings  
Clerk of the South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

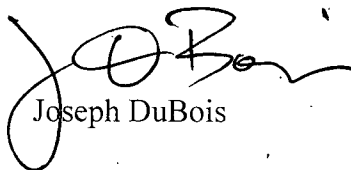
Re: Albert R. LaFleur and Eileen LaFleur v. Coral Resorts, LLC et al  
2014-000-827

Dear Ms. Kitchings:

Please find enclosed for filing the Return to Respondents' Motion to Dismiss Appeal, and Certificate of Service in the above referenced matter.

With kindest regards, I am,

Sincerely yours,



Joseph DuBois

Enclosures

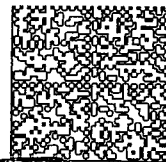
Cc: Nekki Shutt, Esquire and Kathleen McDaniel, Esquire  
Thornwell F. Sowell, III, Esquire


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JUN 20 2014

**SC Court of Appeals**

Marl and DuBois, LLC  
22 New Orleans Road, Suite 1  
Hilton Head Island, SC 29928



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