

The South Carolina Court of Appeals

John Steven Goodwin, Louise C. Goodwin, Thomas I. Puckett and Brenda C. Puckett, Robert Nahama and Jeanne E. Nahama, Thomas Holland and Sharon Louise Holland, Joyce C. Sobel, Robert W. Waruszewski, Richard N. Taylor, Robert K. Spillers (a/k/a Robert Spillers), and Deborah T. Spillers (a/k/a Deborah Spillers), Patrick A. DiAngelo and Deborah A. DiAngelo, Gary E. Owens and Joyce M. Owens, Fount L. Shults and Lynda M. Shults, and Dennis Ridgeway and Teresa Lynn Ridgeway, Appellants,

v.

Landquest Development, LLC, Kyle C. Corkum, South Bay Properties, LLC, C. R. Thompson and Sons, LLC, Ronald L. Charlton, Bonnie N. Charlton, James R. Charlton and Bayside Property, Inc., The City of Georgetown, Hartford Casualty Insurance Company, Hartford Fire Insurance Company, and National Land Sales, Inc., f/k/a Source One Communities, LLC, a/k/a Source One Signature Communities, Respondents.

Appellate Case No. 2013-001644

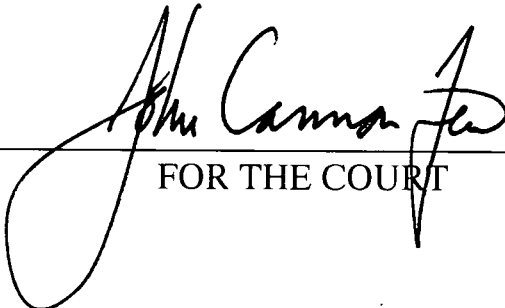
ORDER

Respondent City of Georgetown moves to strike section I of the "Reply Arguments" in Appellants' reply brief. Respondent contends (1) Appellants improperly raised a new issue in their reply brief not previously addressed in their initial brief; and (2) Appellants improperly cited to and relied on an unpublished opinion, *Byrd v. Byrd*, Op. No. 2005-UP-141 (S.C. Ct. App. filed Mar. 1, 2005), in their reply brief. Appellants have filed a return disputing both arguments.

Having carefully considered the motion, the return, and the content of the briefs, we reject Respondent's first contention and find Respondent's discussion of the doctrine of laches and *Stribling v. Fretwell*, 157 S.C. 297, 154 S.E. 415 (1930), is an appropriate mechanism to respond to the arguments in Respondent's initial brief. Contrary to Respondent's contention, it does not appear Appellants are asking this court to find the doctrine of laches to be "a proper basis for the denial of a motion to restore." Instead, Appellants are merely responding—in a hypothetical fashion—to one of Respondent's arguments in its initial brief.

As to Respondent's second contention that Appellants improperly cited to and relied upon *Byrd*, an unpublished opinion, we recognize Rule 268(d)(2), SCACR, states, "Memorandum opinions and unpublished orders have no precedential value and *should not* be cited except in proceedings in which they are directly involved." (emphasis added). However, we decline to order Appellants to strike their citation to and reliance on *Byrd*.

Accordingly, we reject both of Respondent's arguments and deny the motion to strike.


FOR THE COURT

Columbia, South Carolina

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FILED

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