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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas
DeAndrea Gist Benjamin, Circuit Court Judge
Case No. 2013-CP-400-1643

RECEIVED
OCT 31 2014
SC Court of Appeals

Appellate Case No. 2014-000583

Samuel T. Brick, Appellant

v.

Richland County Planning Commission and Fairways Development, LLC,
Intervenor, Respondents

APPELLANT'S REPLY TO RESPONDENTS RETURN ON MOTION FOR
RELIEF

Timeliness of Respondent's Return: Appellant filed his Motion and served Respondent on October 17, 2014. In computing the time of Respondent's return, the last day Appellant had to meet the ten (10) day requirement in accordance with the above was October 27, 2014. Respondent failed to meet that requirement by filing and serving his return on October 28, 2014. Under Rule 240(e), SCACR, regarding the failure to timely file, this Honorable Court may deem such failure as consent to the Motion. Appellant requests this Honorable Court to do so. On October 7, 2014, this Honorable Court

Ordered after Respondent Richland County's two extensions, that "No further extensions will be granted absent extraordinary circumstances."

Under Rule 262(b), SCACR, service is complete on an opposing party upon mailing. Under Rule 240(e), any party opposing a motion shall have ten (10) days from the date of service to file and serve a return. Under Rule 263, SCACR, in computing time, the day of the act is not included. The last day of the period is included unless it is a Saturday, Sunday, or federal holiday. It was not in this instance. Except for periods of less than seven (7) days, weekends are not otherwise excluded from computing time. No request for an extension is evident.

Relief from All Respondent's Requests for designated matter: Appellant is not seeking relief from payment for costs of copies of the Record and his Briefs. He rather seeks relief from including unnecessary copies and irrelevant material. With regard the Record, the Appellant is attempting to follow the mandate of Rule 209, SCACR, that a party not include any matter in his designation that is not relevant to the appeal. Appellant is not requesting this Honorable Court to review and adjudge his entire appeal from the planning commission. Unrelated issues such as the comprehensive plan, statutory interpretation of various provisions of the Richland County Green Code, and problems with the fairness of the hearing before the planning commission are not relevant to the appeal. The Record already is in excess of 150 pages, enough for the Court to understand the issues on appeal.

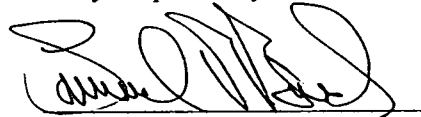
Respondent has made no references to any of the material he wants included in the Record in his return to Appellant's initial brief. In the return to this motion he refers

to including the entire Notice of Appeal as background information and for the Court fully to understand the issues in this matter. With regard the transcript, Respondent states most of the excluded pages relate to Respondent's arguments on standing. Pages 7-9 relate purely to letting the circuit court know what motions were before it. Appellant will include pages 18, 27 and 30 as they may have some remote relevance to a standing issue. Pages 20-26 are Appellant's discussion of the statutory framework for appealing a planning commission determination and not "the arguments made by the Commission's counsel on the standing issue." Appellant's Motion explains the reasoning for not including irrelevant portions of the initial appeal.

ACCORDINGLY, Appellant will include pages 18, 27, and 30 in the Record but continues to oppose as irrelevant the other pages of the transcript. In doing so Appellant hereby amends his Motion to include such pages notwithstanding this Honorable Court possibly considering Respondent Richland County's dilatory response as consent to Appellant's Motion, for which Appellant continues to pray —

AND FOR SUCH OTHER AND FURTHER RELIEF as this Honorable Court deems necessary and appropriate.

Very respectfully submitted,



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Richland County, South Carolina
DATE: October 31, 2014

CERTIFICATE OF SERVICE

Appellant, Samuel T. Brick, hereby certifies that the foregoing Reply to Respondent Richland County's Return to his Motion in the above-captioned appeal was served upon the parties to this action by my depositing a copy of same, enclosed in a First Class postpaid envelope addressed to the attorneys of record in a post office or official postal depository under the exclusive care and custody of the United States Postal Service, on October 31, 2014, addressed in the following manner:

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Samuel T. Brick, Appellant

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