

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Case No. 2009-CP-07-6054  
Appellate Case No. 2015-001312

Cynthia Griffis, Plaintiff,  
v.  
Cherry Hill Estates, LLC, Eugene  
O'Neil and Ronald Faulkner, Defendants,  
Cherry Hill Estates, LLC and  
Ronald Faulkner, Third Party Plaintiffs, Petitioners,  
v.  
Anthony E. Griffis, Third Party Defendant, Respondent.

RETURN TO MOTION TO DISMISS

Now come the Petitioners, whom reply to Respondent's letter dated July 13, 2015, which is being treated as a Motion to Dismiss, and whom allege unto the Honorable Court as follows:

1. The Appendix required by Rule 242 was not available from the third party binding and paper company, Staples, on the date that the Petition for Writ of Certiorari was due and filed. Recognizing that circumstance, the undersigned filed a contemporaneous Motion for Extension of Time to file the Appendix, which Motion was granted by the Court. Counsel then timely filed the Appendix with the Clerk of Court within the proscribed time. The corrected Appendix referenced by Respondent in his letter was filed after notice from the

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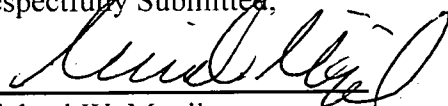
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Clerk's office that certain materials were improperly bound within the filings. The corrected filing did not incorporate new materials, but rather corrected the format of the filing.

2. Respondent appears to be challenging the Court's discretion to grant an extension of time to file the Appendix. Petitioners aver that the Court properly exercised discretion in this instance, and also note that Respondent was not prejudiced by the filing of the Appendix on June 25, two days after the Order granting an extension of time until June 29 was granted and well before the deadline. All documents incorporated within the Appendix were and are within the Respondent's possession resulting from the Court of Appeals matter. Indeed, Rule 242 appears to only require service of the Appendix on [a] Respondent if the Court of Appeals matter was dismissed for procedural reasons as set forth in Rule 242 (e) (2) which is not applicable in the instant case.

Respectfully Submitted,

  
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Attorney for Petitioners

August 5, 2015  
Hilton Head Island, SC