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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT
FOURTEENTH JUDICIAL CIRCUIT

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DEC 14 2015

SC Court of Appeals

J. Ernest Kinard, Jr., Judge.

Case No. 2012-CP-07-03209
SC Court of Appeals No. 2015-000002

The Callawassie Island Members Club, Inc.,

Respondent

v.

Michael J. Frey and Grace I. Frey,

Appellant.

MOTION TO CONSOLIDATE APPEALS

Appellants respectfully move the Court to consolidate four appeals pursuant to South Carolina Appellate Court Rule 214. Each action involves the same Respondent, a summary judgment order from the trial court, many of the same issues, and the same attorneys. The actions are:

1. *Callawassie Island Members Club vs. Ronnie D. Dennis & Jeannette Dennis*, 2014-001524
2. *Callawassie Island Members Club vs. Gregory L. Martin & Rebecca L. Martin*, 2015-000001
3. *Callawassie Island Members Club vs. Michael J. Frey & Grace I. Frey*, 2015-000002
4. *Callawassie Island Members Club vs. Mark K. Quinn & Sherry B. Quinn*, 2015-000003

Each of these actions involves the mandatory membership policy of Respondent Callawassie Island Members Club ("Club"). Each of the Appellants is a former member of the Club, who ended their membership in the Club. The Club then filed an action to enforce the Club's claimed mandatory membership policy against each Appellant. In each action, the Club's claim is based on the Club's governing documents. In each action, the trial court granted summary judgment in favor of the Club, concluding (among other things) that the Club's governing documents are clear and unambiguous and no genuine issue of material fact remains.

The appellate briefing is completed in each action, and many sections of the parties' briefs are identical in each appeal. For example, the parties' legal arguments in *Quinn*, *Frey*, and *Martin* largely track each other word-for-word, except for the parties' names and certain individual facts.

As stated above, the same attorneys represent each party in all four actions. No delay in the appeals, or oral arguments, is sought. The undersigned counsel is prepared to argue the actions together in February 2016, when the *Dennis* oral argument is being scheduled by the Clerk of Court. Of course, if the Court requires additional time to process all four appeals, counsel stand ready to follow the Court's scheduling instructions.

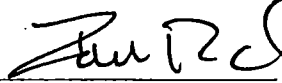
Appellants respectfully submit that it would be in the interest of judicial efficiency, and judicial consistency, to consolidate the four appeals. As stated above, one of the core issues is similar across the appeals—whether or not there is a genuine issue of material fact regarding the Club's claimed mandatory membership policy and

its governing documents. To the extent there are factual or legal differences among the individual Appellants, it will be more efficient to address the core legal issues together, and then to address any individual factual or legal differences in turn. This approach also minimizes the possibility of inconsistent rulings in the event the four actions are assigned to different panels on the Court.

Prior to filing this Motion, counsel for the Appellants sought consent of counsel for the Respondents. Counsel for the Respondent instructed the undersigned to proceed with this Motion, while the Club considers its position.

For these reasons, Appellants respectfully request that the Court issue an order consolidating the four actions listed above.

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By: 

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December 11, 2015

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PROOF OF SERVICE

I certify that I have served the Motion to Consolidate Appeals on all counsel of record by depositing a copy of it in the United States Mail, postage prepaid, on December 11, 2015, addressed to their attorneys of record:

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A handwritten signature in black ink, appearing to read 'Ian S. Ford', written over a horizontal line.

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