

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-002297

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APR 04 2016

SC Court of Appeals

John Doe, Appellant,

v.

Board of Zoning Appeals (BZA) and Town of Sullivan's Island (S.I.),
S.I. Zoning Administrator, and S.I. Building Dept., Individually and in
Official Capacity, Respondents

**RETURN TO APPELLANT'S MOTION PURSUANT
TO RULE 240(j), SCACR**

G. Trenholm Walker (SC Bar # 5777)
John P. Linton, Jr. (SC Bar # 79130)
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247
(843) 727-2200
Attorneys for Respondents

April 1, 2016
Charleston, South Carolina

Respondents respectfully submit this Return in Opposition to “Appellant’s Motion Pursuant to Rule 240(j), SCACR”, dated March 22, 2016.

Appellant’s most recent motion requests panel review of the Court’s order dated March 8, 2016 denying Appellant’s “Rule 240(j), SCACR, Petition for Rehearing.” In its March 8, 2016 order, the Court properly denied Appellant’s first petition for rehearing because the order Appellant sought to challenge did “not have the effect of dismissing or finally deciding this appeal.” Order filed March 8, 2016 (citing Rule 240(i), SCACR (“The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party’s appeal.”))).

The Court’s March 8, 2016 decision was correct and Appellant’s most recent motion should be denied for the same reasons. The order Appellant sought to challenge in the first petition for rehearing was the Court’s February 3, 2016 order granting Respondents an extension to file and serve Respondents’ Initial Brief and Designation of Matter, clearly an order which did not have the effect of dismissing or finally deciding the appeal.¹ Now Appellant seeks rehearing by a panel of the Court’s order denying the first petition for rehearing.

The Court should deny Appellant’s most recent motion for the same reason it previously declined to grant rehearing. *See* S.C.A.C.R. Rule 240(i) (“The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party’s appeal.”);

¹ Respondents’ Initial Brief and Designation of Matter has been timely served and filed and no additional extension was requested.

see also Rule 221(c). Additionally, it is worth noting that even if the Court were to consider the motion, nothing in the motion raises any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing.

Respectfully Submitted,

PRATT-THOMAS WALKER, PA



G. Trenholm Walker (S.C. Bar #5777)

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John Doe, Appellant,

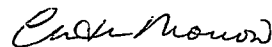
v.

Board of Zoning Appeals (BZA) and Town of Sullivan's Island (S.I.), S.I.
Zoning Administrator, and S.I. Building Dept., Individually and in
Official Capacity, Respondents

PROOF OF SERVICE

I certify that I served Respondents' Return to Appellant's Motion Pursuant to Rule 240(j)
via United States Mail, First Class, prepaid, to the Appellant at the address below on April
1, 2016:

John Doe
C. Holmes
P.O. Box 187
Sullivan's Island, SC 29482-0187



Christine Morrow
Paralegal

PRATT-THOMAS | WALKER

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SC Court of Appeals

April 1, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: John Doe, Appellant, v. Board of Zoning Appeals (BZA) and Town of Sullivan's Island (S.I.), S.I. Zoning Administrator, and S.I. Building Dept., Individually and in Official Capacity, Respondents
Appellate Case No. 2015-002297

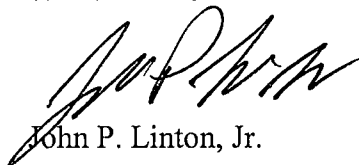
Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Return to Appellant's Motion Pursuant to Rule 240(j), SCACR in the above referenced matter.

Also enclosed is a Proof of Service.

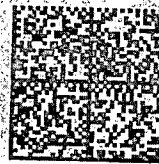
Thank you for your assistance.

Sincerely,
PRATT-THOMAS WALKER, P.A.



John P. Linton, Jr.

JPL/cam
Enclosures
C: John Doe (w/encl.)
Cynthia Holmes
P.O. Box 187
Sullivan's Island, SC 29482



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