

## Shealy, Brenda

---

**From:** Gay Reed <gay@jd-pa.com>  
**Sent:** Wednesday, October 19, 2016 4:04 PM  
**To:** Shealy, Brenda  
**Cc:** Barry Johnson; Nekki Shutt; zach@lowcountrylegal.com; 'joe@lowcountrylegal.com'  
**Subject:** Fullbright v. Spinnaker Resorts, Inc.  
**Attachments:** 20161019\_Ltr to B. Shealy\_Supreme Court.pdf

Appellate Case No. 2016-001765

Please see attached correspondence from Mr. Johnson in regard to the above matter.

Gay E. Reed, Legal Assistant  
**JOHNSON & DAVIS, PA**  
The Victoria Building, Suite 200  
10 Pinckney Colony Road  
Bluffton, SC 29909  
(843) 815-7121  
(843) 815-7122 Fax  
[gay@jd-pa.com](mailto:gay@jd-pa.com)

Both Gay E. Reed and JOHNSON & DAVIS, PA, intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify Gay E. Reed immediately at the number above. Thank you.

# JOHNSON & DAVIS, PA

## ATTORNEYS AND COUNSELORS AT LAW

BARRY L. JOHNSON\*  
HUTSON S. DAVIS, JR. \*\*

\* Certified S.C. Mediator and Arbitrator  
\*\* Certified S.C. Mediator

THE VICTORIA BUILDING  
SUITE 200  
10 PINCKNEY COLONY ROAD  
BLUFFTON, SC 29909

TELEPHONE (843) 815-7121  
TELEFAX (843) 815-7122

BARRY L. JOHNSON  
BARRY@JD-PA.COM

October 12, 2016

Via E-Mail Only – [bshealy@sccourts.org](mailto:bshealy@sccourts.org)

Hon. Costa Pleicones, Chief Justice  
South Carolina Supreme Court  
Attn: Brenda Shealy, Chief Deputy Clerk  
PO Box 11330  
Columbia, SC 29211

Re: Paula Fullbright and Mark Fullbright, Plaintiffs v. Spinnaker Resorts,  
Inc. d/b/a Spinnaker Resorts South Carolina, Inc.  
Appellate Case No. 2016-001765

Dear Ms. Shealy:

Thank you for having returned my phone call earlier today, regarding the procedural status of this case in light of my letters of September 16, 2016 and October 12, 2016, to both the SC Supreme Court and Honorable Patrick Michael Duffy, U. S. District Judge.

As a result of our conversation today, I contacted Judge Duffy's civil case manager (Alana) and inquired as to when Judge Duffy might decide the matters, regarding proposed additional materials, raised in my letters of September 16, 2016 and October 12, 2016. She agreed to investigate and get back in touch with me. As soon as I hear, I will share that information with you and opposing counsel.

Meanwhile, I note that there is a briefing schedule in this case with the brief of the Plaintiff due, I think, on October 24, 2016. There are related cases involving Coral Resorts<sup>1</sup>, with the same and/or similar certified questions from Judge Duffy. I understand that the Coral Resorts Cases' briefing schedule with the SC Supreme Court is the same as in our Spinnaker case.

---

<sup>1</sup> Currently pending before the Court are the following cases involving claims arising under the Time Sharing Act: *Chenard v. Coral Resorts LLC et al.*, Civil Action No. 9:14-cv-3347; *Nichols v. Coral Resorts, LLC et al.*, Civil Action No. 9:14-cv-3838; *Renchkovsky v. Coral Resorts, LLC et al.*, Civil Action No. 9:14- cv- 4495; *Curry v. Hilton Head Dev. Co. LLC et al.*, Civil Action No. 9:15-cv-534; *Olenick v. Coral Resorts, LLC et al.*, Civil Action No. 9:15-cv-629; *Ross v. Hilton Head Island Dev. Co., LLC, et al.*, Civil Action No. 9:15-cv-2446; and *Carmichael v. Hilton Head Dev. Co., et al.*, Civil Action No. 9:16- cv- 1641 (collectively referred to as the "Coral Resorts cases").

JOHNSON & DAVIS, PA

---

Hon. Costa Pieicones, Ch. Justice  
Attn: Brenda Shealy, Chief Deputy Clerk  
October 19, 2016  
Page 2

In view of all the foregoing, on behalf of Spinnaker Resorts, Inc., I respectfully ask that the briefing schedule in our case be deferred pending the ruling by Judge Duffy on our request for the consideration of additional material.

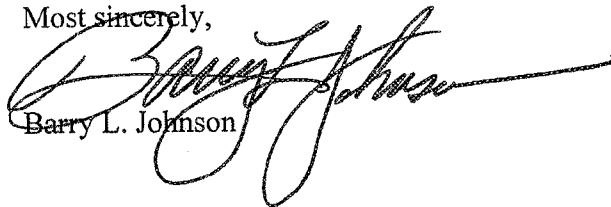
Although I am not authorized to speak on behalf of the parties in the Coral Resorts Cases, I note that Plaintiff's counsel in that group of cases is the same as in our case. I also note that Nekki Shutt, Esquire, *et al.* represent the Defendants in that case. Thus, as to them, I write to bring their situation to the Court's attention and suggest that the briefing schedule of the Coral Resorts Cases be deferred coincident with the briefing schedule of the Spinnaker case.

I am copying herewith Plaintiff's counsel and am also copying Nekki Shutt, Esquire, regarding the Coral Resorts Cases.

Thank you for bringing this to the attention of those to whom that might be appropriate in the SC Supreme Court, so that if the Court concurs, the briefing schedule can be adjusted appropriately.

Thanking you, and with best wishes, I am

Most sincerely,



Barry L. Johnson

BLJ:ger

cc: Honorable Patrick Michael Duffy (via e-file)

Naert & Dubois, LLC (via e-mail only)

Attn: Zach Naert, Esquire

Joseph Dubois, Esquire

Nekki Shutt, Esquire (via e-mail only)

F:\WP\Spinnaker\Fullbright\Fullbright\Certification of Questions to Supreme Court\South Carolina S.Ct. Certified Questions-Fulbright\Correspondence\Drafts\20161019\_Ltr to B. Shealy re decision of Judge Duffy.docx