

**THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

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**OCT 24 2016**

**APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS  
THE HONORABLE DEANDREA GIST BENJAMIN  
CIRCUIT COURT JUDGE**

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**S.C. SUPREME COURT**

**Appellate Case No. 2016-001871**

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**Opinion No. 2016-UP-261 (S.C. Ct. App., filed June 8, 2016)**

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Samuel T. Brick

**PETITIONER,**

versus

Richland County Planning Commission and  
Fairways Development, LLC, Intervenor

**RESPONDENTS**

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**RETURN TO MOTION FOR FILING OUT OF TIME  
AND  
MOTION FOR CLARIFICATION**

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On Friday afternoon, October 21, 2016, Petitioner, Samuel T. Brick received Respondent Richland County Planning Commission's Motion to Accept Filing Out of Time along with the Return to the Petition for Writ of certiorari as if the Motion had already been granted. Petitioner had already filed his Reply to Intervenor's Return to his petition when he saw the motion. He looked on line on October 18, 2016, while preparing his reply to see if Respondent has filed, even if it were late. No such filing was evident. Petitioner, a resident of South Carolina, but not a member of the Bar of South Carolina, will not presume to suggest to this Honorable Court how

to manage its docket. Petitioner however, believes it his duty to point out a few matters in Respondent's Motion that he alleges are mistaken.

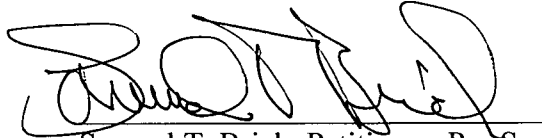
Petitioner, following Rule 242, SCACR, and within the thirty (30) day period to do so, filed his petition for certiorari with this Court on September 13, 2016. The Court of Appeals decision was published on August 18, 2016. Intervenor Fairways Development, LLC filed its Return to the petition on, October 18, 2016. Petitioner had received Fairways return on October 14, it being mailed to him the previous day. Fairways initially and erroneously mailed its return to the Court of Appeals which stamped it in on October 17, 2016. It then filed the return with this Court the next day, October 18, 2016, five days after the regulatory filing date. For purposes of his reply to the return, and not apprised of Intervenor's problems in filing its return, petitioner treated the filing for purposes of his reply as being October 13, 2016, the return due date.

The last two sentences of Rule 263 (a), SCACR, specifically state that additional periods for mailing do not apply to filings to the appellate courts. While filing its motion to file out of time on October 21, 2016, Respondent Richland County Planning Commission stated it was but one day late. It actually was nine (9) days after the period within which it was required to do so. It also presumptuously filed its return with the motion as if the Court would grant it. By the time Petitioner had seen the motion and return, he already had filed his reply to Intervenor's return.

Faced with the circuit court's and Court of Appeal's dismissals based on procedural issues, your petitioner is conflicted as to the time he has to reply to Respondent's filing outside the regulatory period to do so should this Court grant it motion. Petitioner requests clarification as to when such time ten (10) day period begins. If the Court grants the Motion, Petitioner pleads that it has ten days from that date to reply.

Petitioner points out that the basis of the instant matter is an alleged failure to join Fairways Development, LLC, on the basis of judicial economy and to serve Fairways within the thirty day period of Rule 74, SCRCP, even though it was not a party of record or otherwise distinguished as such, both procedural issues.

WHEREFORE, Petitioner Samuel T. Brick requests should this Court grant Respondent's request to file out of time that it clarifies the period within which he has to reply.



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Oct 24, 2016  
Date

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below he served counsel for the Respondents with a copy of the Return to the Motion for Filing Out of Time and for Clarification by mailing a copy of the same by United States Mail with first class postage prepaid to the following addresses:

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Samuel T. Brick, Pro Se, Petitioner

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