

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Appellate Case No. 2016-001766

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DEC -6 2016

S.C. SUPREME COURT

Paul Chenard and Rebecca Chenard, Plaintiffs,

v.

Hilton Head Island Development Company, LLC d/b/a
Coral Resorts and Sunrise Vacation Properties, Ltd., d/b/a
Coral Resorts, Defendants.

James Nichols and Irene Nichols, Plaintiffs,

v.

Hilton Head Island Development Company, LLC,
Sunrise Vacation Properties, Ltd., Sherri J. Smith,
Patrick Budnick, and Robert Lauderman, Defendants.

Linda Renchkovsky, Plaintiff,

v.

Coral Resorts, LLC, and Sunrise Vacation Properties
Ltd. d/b/a Coral Resorts, Defendants.

Robert Curry, Jr. and Monica R. Curry, Plaintiffs,

v.

Hilton Head Island Development Company, LLC d/b/a
Coral Resorts and Sunrise Vacation Properties, Ltd. d/b/a
Coral Resorts, Defendants.

Charles Olenick and Karen Maniscalco, Plaintiffs,

v.

Coral Resorts, LLC and Sunrise Vacation Properties, Ltd.
d/b/a Coral Resorts, Defendants.

Phillip Ross and Kimberly Ross, Plaintiffs,

v.

Hilton Head Island Development Company, LLC,
Sunrise Vacation Properties, Ltd., Sherri J. Smith, David
Watson, and Sheldon Stanhope, Defendants.

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Pursuant to Rule 213 of the South Carolina Rules of Appellate Procedure, the American Resort Development Association (“ARDA”), moves for leave of this Court to file a brief as *amicus curiae*.

Statement of Interest of *Amicus Curiae*

ARDA is a trade association representing the vacation ownership and resort development industries. ARDA has nearly 750 corporate members, ranging from privately held firms to publicly traded corporations with extensive experience in shared ownership interests in leisure real estate.

ARDA’s membership includes timeshare owner associations, resort management companies, industry vendors, suppliers, and consultants, as well as owners through the ARDA Resort Owners Coalition.

ARDA promotes the growth and development of the timeshare industry by providing educational and networking opportunities for its members and other industry professionals. ARDA is also actively involved in state and local governmental affairs and it builds bridges by creating the opportunity for business-to-business partnerships. ARDA also serves the industry by providing a vast supply of information regarding industry trends and current events.

ARDA's membership includes timeshare resort developers, management companies, and owner associations in South Carolina. Therefore, ARDA has an interest in the instant matter.

Reasons Why an *Amicus Curiae* Brief is Desirable

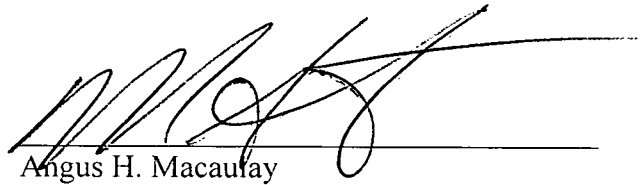
An *amicus curiae* brief from ARDA is desirable because the issues presented to the Court directly affect the legal environment in which ARDA's South Carolina members operate, and will likely impact the legal environment in which ARDA's national membership operates. This Court has never addressed the issues raised in this matter. The holdings in this matter will apply to all future cases involving the Timeshare Act, many of which will involve ARDA's members.

More specifically, ARDA has an interest in determining to what extent, if any, South Carolina's Timeshare Act permits individual timeshare owners to invoke the Timeshare Act as a means of enforcing an alleged injury unrelated to the sale or registration of timeshare interests. Plaintiffs in this matter invoke the Timeshare Act; however, they allege injury specific only to them and injury unrelated to the sale or registration of a timeshare interest.

Prior to filing the instant Motion, ARDA consulted with counsel for all Plaintiffs and all Defendants and is authorized to state the following:

- All Defendants consent to the filing of the brief of *amicus curiae*; and
- Plaintiffs object to the filing of the brief of *amicus curiae*. However, Plaintiffs' counsel indicated that they may consent at a later time, after they have had additional time to review the motion.

For the reasons set forth above, ARDA respectfully asks that it be granted leave to file its brief of *amicus curiae*.



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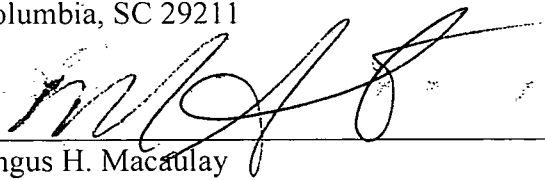
PROOF OF SERVICE

I certified that I have served the MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF on the following by causing a copy to be mailed via U.S. Mail, postage prepaid, to Counsel for the Plaintiffs on December 6, 2016, at the addresses shown below:

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