

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Case No. 2014-CP-07-02670
Carmen T. Mullen, Circuit Court Judge

RECEIVED

FEB 03 2017

SC Court of Appeals

Appellate Case No.: 2016-001113

Benjamin C. Gecy, River City Developers, LLC and
River City Real Estate, LLC..... Plaintiff/Appellant,

v.

Somerset Point at Lady's Island Homeowners Association, Inc.,
f/k/a Coosaw River Estates Homeowners Association, LLC, Hilton
C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc.
of South Carolina..... Defendants/Respondents.

**RESPONDENTS' REPLY TO APPELLANT'S MOTION FOR
EXTENSION OF TIME**

Respondents object to Appellant's seventh (7th) motion for an extension. South Carolina courts have the inherent power "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." Collins v. Sigmon, 299 S.C. 464, 468, 385 S.E.2d 835, 837 (1989)(citing Link v. Wabash R. Co., 370 U.S. 626, 632, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962)).

Appellants have filed their seventh (7th) motion for extension of time to file their initial brief. This motion was filed over eight full months from the filing of the Notice of Appeal. The continued delay of the appeal results in a continued delay of the trial of this matter. This continued delay is indifferent to the rights of the

Respondents in that Respondents have not be afforded the protection of Rule 1, South Carolina Rules of Civil Procedure, which provides for “the just, speedy, and inexpensive determination” of this matter. See McComas v. Ross, 368 S.C. 59, 63, 626 S.E.2d 902, 904 (Ct. App. 2006).

According, the Respondents respectfully request that Appellant’s motion be denied.

February 2, 2017



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Case No. 2014-CP-07-02670
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SC Court of Appeals

Appellate Case No.: 2015-001238

Benjamin C. Gecy, River City Developers, LLC and
River City Real Estate, LLC..... Plaintiff/Appellant,

v.

Somerset Point at Lady's Island Homeowners Association, Inc.,
f/k/a Coosaw River Estates Homeowners Association, LLC, Hilton
C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc.
of South Carolina..... Defendants/Respondents.

PROOF OF SERVICE


The undersigned hereby certifies that on this 2nd day of February 2017 she mailed a copy of **Respondent's Reply to Appellant's Motion for Extension of Time** by placing a copy in a postpaid envelope for collection and processing for mailing. On the same day correspondence is placed for collection and mailing, it is deposited with the United States Postal Service in the ordinary course of business and addressed to the following, which is the last known address, in Charleston, South Carolina:

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February 2, 2017

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

RECEIVED
FEB 03 2017
SC Court of Appeals

Re: *Benjamin Gecy, Rover City Developers, LLC and River City Real Estate vs. Somerset Point at Lady's Island HOA, et al*
Appellate Case No. 2016-001113

Dear Ms. Kitchings:

Please find enclosed Respondents' Reply to Appellants' Motion for Extension of Time in the above referenced matter. Please file the original and return a filed-stamped copy to me in the envelope provided for your convenience.

By copy of this letter to all counsel, I am serving them with the enclosed Reply.

Thank you for your time and attention to this matter.

Sincerely,

WALL TEMPLETON & HALDRUP, P.A.

Peden Brown McLeod, Jr.

PBMjr:are
Enclosures

cc: Robert V. Mathison, Jr., Esquire (w/ *encl.*)
Duke R. Highfield, Esq. (w/ *encl.*)
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