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**JUL 14 2017**

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIFIED QUESTIONS FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
Beaufort Division

Patrick Michael Duffy, United States District Judge

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Appellate Case No. 2016-001766

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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 Budnik, and Robert Lauderman d/b/a Coral Resorts, 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.

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**PLAINTIFFS' RETURN IN OPPOSITION TO  
DEFENDANTS' MOTION FOR ORAL ARGUMENT**

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Plaintiffs hereby submit their Return in Opposition to Defendants Hilton Head Island Development Company, LLC, Coral Resorts, LLC, Sunrise Vacation Properties, Ltd., Sherri J. Smith, David Watson, and Sheldon Stanhope's Motion for Oral Argument of Defendants' Petition for Rehearing filed on July 7, 2017.

*Background*

On May 17, 2017, the Court issued Opinion No. 27720 answering three certified questions posed by the South Carolina District Court, Honorable Patrick Michael Duffy presiding, concerning the interpretation of the South Carolina Vacation Time Sharing Plans Act, S.C. Code Section 27-32-10, et seq. ("Timeshare Act") relating to Plaintiff timeshare purchasers' claims for Defendants' violations of the Timeshare Act.

On June 1, 2017 Defendants filed a Petition for Rehearing asserting that the Court misapprehended six (6) points of law. The Court has not yet ruled on this Petition.

On July 7, 2017 Defendants filed a Motion for Oral Argument asserting that they have new oral arguments to make that were only brought to light by the Court's ruling.

*Standard for Form and Contents of Motions*

Pursuant to Rule 240, SCACR, motions filed in an appellate court shall be in writing and shall state the grounds thereof, shall comply with the requirements of Rule 267, SCACR, shall include a certificate of service, and shall include a memorandum with citation of authorities in support of the motion.

*Defendants' Motion for Oral Argument*

Defendants' Motion for Oral Argument, filed with the Court on July 7, 2017, seeks oral argument of Defendants' Petition for Rearing filed on June 1, 2017.

In support of their Motion Defendants assert that oral argument is in the interests of justice insofar as Defendants have new oral arguments to make that were only brought to light by the Court's ruling.

In response Plaintiffs assert that oral argument is not necessary or appropriate to decide Defendants' Petition for Rehearing. Although Defendants assert that they have new arguments to make that were only brought to light by the Court's ruling, insofar as the Court's Opinion was issued on May 17, 2017 any new arguments should have been asserted by Defendants in Defendants' Petition for Rehearing, which was filed on June 1, 2017, or in Defendants' Reply to Plaintiffs' Return in Opposition to Rehearing, which was filed on June 19, 2017. To allow Defendants yet another opportunity to make their arguments contradicts the procedure of Rule 221, SCACR relating to petitions for rehearing.


Plaintiffs further assert that Defendants have made an insufficient showing of need

for oral argument to overcome the plain language of Rule 240(h), SCACR, which provides that motions or petitions shall be decided without oral argument unless otherwise ordered by the court. Although Defendants assert that they have new oral arguments to make to the Court, Defendants fail to inform the Court or the Plaintiffs of the nature or descriptions of such arguments, preventing Plaintiffs from making any substantive response to same.

*Conclusion*

Plaintiffs assert that Defendants' motion for oral argument is simply another attempt to re-litigate the issues in these cases once more following an unfavorable result. As Plaintiffs have asserted previously in their Return in Opposition to Defendants' Petition for Rehearing, Defendants' assertions that the Court misapprehends South Carolina timeshare law as to the six (6) points presented by Defendants is simply an attempt to re-litigate these issues following an unfavorable result. Plaintiffs respectfully request that Defendants' motion for oral argument be denied.

Respectfully submitted,

  
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Plaintiffs,

v.

Hilton Head Island  
Development Company, LLC  
d/b/a Coral Resorts, et al,

Defendants.

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on the date indicated he served counsel for the Defendants with a copy of the Plaintiffs' Return in Opposition to Defendants' Motion for Oral Argument by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

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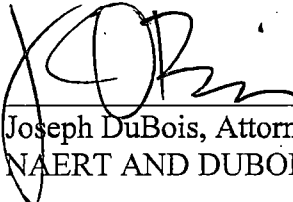
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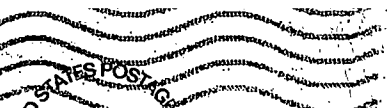


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