

The South Carolina Court of Appeals

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, and Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime Inc., Bill Cameron, Walter Jordan, Ralph Jump, Stanley Jordan, Ray Coghill and John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Walter Jordan, Wayne Urban, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, and Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

K.A. Diehl and Associates, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Walter Jordan, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association Inc., and K.A. Diehl and Associates, Inc., Defendants,

Of whom Mark Dos Santos is the Appellant

And

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley

Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association Inc., and K.A. Diehl and Associates, Inc. are the Respondents.

Appellate Case No. 2018-000041

ORDER

On January 8, 2018, Appellant served a notice of appeal from the circuit court's order granting a motion to enforce a settlement agreement and an order denying a motion to reconsider. The orders pertained to four civil actions (C.A. Nos. 2016-CP-26-00673, 2016-CP-26-00674, 2016-CP-00743, and 2016-CP-26-00744). Appellant received written notice of entry of the order in case number 2016-CP-00673 when it was electronically filed on December 5, 2017. Appellant received written notice of entry of the order in the remaining actions when the order was electronically filed in those cases on December 7, 2017. Respondents have now filed a motion to dismiss as to all four cases. After careful consideration, the motion to dismiss is granted only as to the appeal in case number 2016-CP-00673. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."). The appeal shall proceed as to the remaining three actions. Any issues regarding the law of the case or appealability may be raised in the parties' briefs and will be considered by the court after final briefing is complete.


FOR THE COURT

Columbia, South Carolina

cc:
Kirby Darr Shealy, III, Esquire
Lucas James Asper, Esquire
Phillip Arthur Kilgore, Esquire
Henrietta U. Golding, Esquire

FILED

March 15, 2018