

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Benjamin H. Culbertson, Circuit Court Judge

Opinion No. 2018-UP-275 (S.C. Ct. App. Filed June 27, 2018)
(Rehearing Denied August 16, 2018)
(Appeal No. 2016-001063)

Ronald Jarmuth,*Petitioner,*

v.

The International Club Homeowners
Association, Inc., Rosemary Toth, and
K.A. Diehl & Associates, Inc., *Respondents.*

**RESPONDENT'S RETURN TO PETITIONER'S MOTION TO STRIKE
RETURN TO PETITION FOR WRIT OF CERTIORARI AND MOTION FOR
ENLARGEMENT OF TIME**

Henrietta U. Golding, SC Bar #2173
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Attorneys for Respondents International
Club Homeowners Association, Inc.,
Rosemary Toth, and K.A. Diehl &
Associates, Inc.

The Respondent, in response to Petitioner's Motion to Strike, objects to the relief sought therein, and out of an abundance of caution, seeks an enlargement of time of twenty (20) days pursuant to South Carolina Appellate Court Rules ("SCACR"), Rule 240, within which to file its Return to the Petition for Writ of Certiorari ("Petition"). Petitioner argues in the Motion to Strike that, because the Return to the Petition was mailed to the South Carolina Court of Appeals, rather than the South Carolina Supreme Court, the Respondent did not comply with SCACR, Rule 242(f), and the Return should be stricken.

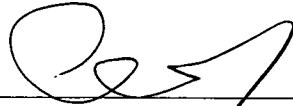
Petitioner filed and served the Petition on September 7, 2018. The Return was timely served on the Petitioner on October 8, 2018. On the same day, the Return was inadvertently mailed to the Court of Appeals, rather than the Supreme Court, for filing. In response to the Return, Petitioner timely filed a Reply to the Return to the Petition within ten (10) days of the date of service of the Return. The Return was also filed with the Supreme Court on October 16, 2018.

Because the Petitioner timely filed his Reply to the Return, and due to the fact that no delay has been caused by the mailing of the Return to the Court of Appeals, Petitioner is not prejudiced by an extension of time for Respondent to file the Return. Sufficient grounds have been set forth herein for granting the Respondent's request for an enlargement of time and for denying the Petitioner's Motion to Strike.

CONCLUSION

For the foregoing reasons, this Court should deny the Petitioner's Motion to Strike the Respondent's Return to the Petition and grant the Respondent's Motion for Enlargement of Time of twenty (20) days to file its Return to the Petition.

Respectfully submitted,



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Myrtle Beach, South Carolina
Date: November 5, 2018

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PROOF OF SERVICE

I, Lesley Costa, an employee of McNair Law Firm, P.A., attorneys for Respondents, The International Club Homeowners Association, Inc., Rosemary Toth, and K.A. Diehl & Associates, Inc., in the above-entitled action, certify that I have served Respondents' Return to Petitioner's Motion to Strike Return to Petition for Writ of Certiorari and Motion for Enlargement of Time on all parties to this matter by depositing a copy in the United States Mail, first class postage prepaid on the 5th day of November, 2018.

Addressee(s):

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576



Lesley Costa