

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Trial Court Case No. 2016-CP-07-01825

The Honorable Marvin H. Dukes, III

Appellate Case No. 2018-001569

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NOV 19 2018

SC Court of Appeals

Steven Craig Molloy and Island Group, Inc. d/b/a Carolina
Cleaning Appellants

v.

Beaufort County; Gary Kubic, Individually, and as Beaufort
County Administrator; Josh Gruber, Individually and as former
Beaufort County In-House Attorney; Bryan Hill, Individually and
as former Beaufort County Deputy Administrator; and Shannon
Loper, Individually, and as employee of the Beaufort County Parks
and Leisure; Stu Rodman, as finance Chair of Beaufort County
Council Respondents

RESPONDENTS' RETURN TO REQUEST FOR EXTENSION OF TIME

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Attorneys for Respondents

Other Counsel of Record:

Lauren L. Martel, Esq.
PO Box 23101
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Counsel for Appellants

Steven Craig Molloy
43 Big Woods Drive
Hilton Head, SC 29926
Pro Se Appellant

AND NOW COME Respondents Beaufort County; Gary Kubic, Individually, and as Beaufort County Administrator; Josh Gruber, Individually and as former Beaufort County In-House Attorney; Bryan Hill, Individually and as former Beaufort County Deputy Administrator; and Shannon Loper, Individually, and as employee of the Beaufort County Parks and Leisure; Stu Rodman, as finance Chair of Beaufort County Council (collectively "Respondents"),¹ by and through their undersigned counsel, and file the following Return to Request for Extension of Time:

1. On or about August 27, 2018, Appellants purported to file a notice of appeal (signed only by Appellant Steven Craig Molloy ("Mr. Molloy") *pro se*) from the trial court's denial of their Motion to Recuse and Change Venue, which argued that the trial judge should disqualify himself because his first cousin was a potential witness.

2. Appellants have also filed *another* Notice of Appeal (signed only Mr. Molloy *pro se*), purporting to appeal from trial judge's rulings on summary judgment, *even though the trial judge has not yet formally entered an order granting Respondents summary judgment* (though he has stated his intention to do so).

3. Obviously, because they were not signed by counsel of record, the notices of appeal were only effective as to Mr. Molloy and not as to any other putative Appellants. As a result, the only Appellant properly before this Court is Mr. Molloy, notwithstanding the caption.

4. At or around the time of the filing of the notices of appeal, Attorney Lauren Martel moved to be relieved as counsel. That motion remains pending.

¹ These are the Defendants/Respondents identified in the official caption received from the Court of Appeals. However, the most recent caption in the trial court listed the following Defendants: BEAUFORT COUNTY; GARY KUBIC, Individually and as Beaufort County Administrator; JOSH GRUBER, Individually and as former Beaufort County In-House Attorney; BRYAN HILL, Individually and as former Beaufort County Deputy Administrator; SHANNON LOPER, Individually and as Employee of the Beaufort County Parks and Leisure; STU RODMAN, as Finance Chair of the Beaufort County Council; and DAVE THOMAS, Procurement Director for Beaufort County, South Carolina; DISABILITIES AND SPECIAL NEEDS (NON-PROFIT); and BEAUFORT COUNTY DSN BOARD. The instant Return to Request for Extension of Time is filed on behalf of any and all Respondents that the Court determines are properly before it.

5. On or about September 28, 2018, Respondents filed a Motion to Dismiss this appeal because "Appellants" do not appeal from appealable final orders.
6. To date, "Appellants" have not responded to the Motion to Dismiss this appeal, although their response was due by October 6, 2018, more than a month ago.
7. "Appellants" have never submitted a formal transcript order pursuant to Rule 207. As a result, the initial Appellants' brief was due to be filed by September 26, 2018, *nearly two months ago*. See S.C.R. App. P. 208(a)(1).
8. On November 12, 2018, Appellant Mr. Molloy *pro se* — not on behalf of any other Appellant — filed a Request for Extension of Time, seeking "additional time (request 60 days) to prepare documents." This Motion does not specifically identify what documents Mr. Molloy is seeking additional time to file.
9. However, both the return to the Motion to Dismiss and Initial Appellant's Brief are already long overdue.
10. For the reasons set forth in Respondents' Motion to Dismiss (which is incorporated herein by reference) and above, this Court should deny the Request for Extension of Time and dismiss this appeal in its entirety, as there is no proper issue before the Court for review at this time.

BARNWELL WHALEY PATTERSON &
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By: 

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Attorneys for Respondents

November 16, 2018

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The Honorable Marvin H. Dukes, III

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and Leisure; Stu Rodman, as finance Chair of Beaufort County
Council Respondents


PROOF OF SERVICE

I certify that I have served the Respondents' Return to Request for Extension of Time on
the above-referenced Appellants by depositing a copy of it in the United States Mail, postage
prepaid, on November 16, 2018, addressed to them or to their attorneys of record, as follows:

Lauren L. Martel, Esq.
PO Box 23101
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(843) 298-3831
Counsel for Appellants

Steven Craig Molloy
43 Big Woods Drive
Hilton Head, SC 29926
Pro Se Appellant

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Attorneys for Respondents



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SC Court of Appeals

November 16, 2018

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

RE: Steven Craig Molloy and Island Group, Inc. d/b/a Carolina Cleaning v. Beaufort County;
Gary Kubic individually, and as Beaufort County Administrator; et al
Appellate No. 2018-001569
BWPH File No.: 1.626

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Return to Request for Extension of Time and the original and one (1) copy of a Proof of Service of the same. Please file the Motion and Proof of Service and return a clocked copy of each to me in the envelope provided. Thank you for your assistance. By copy of this letter and enclosures to opposing counsel, I am informing him of this communication with the Court.

Sincerely,

A handwritten signature in black ink, appearing to be "John W. Fletcher", is written over a horizontal line.

John W. Fletcher

JWF/jgc
Enclosures

cc (w/enclosures): Lauren L. Martel, Esq.
Steven Craig Molloy

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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

**BARNWELL
WHALEY**

PATTERSON & HELMS LLC

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The Honorable Jenny Abbott Kitchings
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