

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY  
In the Court of Common Pleas for the Fourteenth Circuit

Carmen T. Mullen, Circuit Court Judge

Court of Appeals Case No. 2014-001524  
Lower Court Case No. 2011-CP-07-3322

RECEIVED

DEC 14 2018

SC Court of Appeals

The Callawassie Island Members Club, Inc ..... Respondents,

v.

Ronnie D. Dennis and Jeanette Dennis ..... Appellants.

REPLY TO RESPONDENT'S RETURN

In its Return to Appellants' Motion for Leave to File Supplemental Briefs, Respondent the Club attempts to expand the Supreme Court's recent holding far beyond its distinct, finite bounds. The opening paragraph of the Supreme Court's Opinion clearly restricts its decision, as to the Circuit Court's grounds for summary judgment, to the question of whether certain portions of the membership documents were ambiguous.

The Opinion states:

The circuit court granted summary judgment to The Callawassie Island Members Club on the basis that its membership documents clearly and

**unambiguously require members to continue paying their dues until their membership is reissued, even after their resignation. The court of appeals reversed. We reverse the court of appeals and reinstate the summary judgment for all unpaid dues, fees, and other charges. Because Respondents raised other issues to the court of appeals that have not yet been addressed, we remand to the court of appeals for further proceedings consistent with this opinion.**

(Op. No. 27835, at p. 1-2) (emphasis added). Critically, the Circuit Court's grant of summary judgment, which is attached hereto as Exhibit 1, decided numerous questions of law and fact, and not simply the question of the ambiguity of certain portions of the documents. The Dennises previously appealed them all.

The Club would have the Supreme Court's Opinion be an artfully broad brush, covering in its sweep numerous issues that were **never before the Court on certiorari**, and reinstating summary judgment even as to issues that were undecided by this Court on appeal. The Club is wishfully thinking, since it only put forth two questions for certiorari. "[A]ppellate courts, like well-behaved children, do not speak unless spoken to and do not answer questions that they are not asked." *Kennedy v. Retirement System*, 349 S.C. 531, 533, 564 S.E.2d 322 (2001), quoting *State v. Austin*, 306 SC 9, 19, 409 S.E.2d 811, 817 (Ct. App. 1991).

The above opening preamble to the Supreme Court's Opinion clearly acknowledges the constraints of its decision. First, the Supreme Court recognizes that the Court of Appeals reversed the Circuit Court's grant of summary judgment on the basis of ambiguity of certain portions of the membership documents. Second, the Court summarizes the grounds for its reversal of the Court of Appeals, reinstating summary judgment because the Supreme Court finds certain provisions of the documents to be

**unambiguous.** Finally, it acknowledges that the Dennises raised other issues to this Court, which this Court did not rule upon because of its finding that the ambiguity issue was dispositive.

Importantly, many of the undecided issues preserved by the Dennises for appellate review in their initial brief to this Court were independent grounds for reversal of the Circuit Court's summary judgment order. Those issues, as set forth in the Dennises' Motion for Leave to File Supplemental Briefs, have not yet been reviewed by any appellate court.<sup>1</sup> The Supreme Court acknowledged this fact in its preamble, as well as by its remand to this Court for consideration of the Dennises' remaining issues.

Thus, the Dennises respectfully request that they be granted the permission of this Court to clarify their remaining issues on appeal by submitting a supplemental brief thereon. The Dennises do not object to responsive briefing on behalf of the Club, in which the Club could certainly expound on any arguments that it may have as to issue preservation.

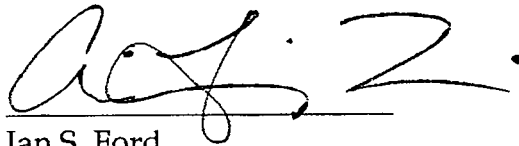
[signature appears on next page]

---

<sup>1</sup> The Dennises respectfully disagree with the Club's characterization of the Motion's articulated issues as "new." Each of the issues identified in the Dennises' Motion was previously argued to the Court of Appeals and encompassed by the statement of the issues on appeal.

Respectfully submitted,

FORD WALLACE THOMSON LLC



Ian S. Ford

Neil D. Thomson

Ainsley F. Tillman

715 King St., Charleston, SC 29403

(843)-277-2011

*Attorneys for Ronnie D. Dennis and Jeanette  
Dennis*

December 14<sup>th</sup>, 2018

Charleston, South Carolina

RECEIVED

DEC 14 2018

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY  
In the Court of Common Pleas for the Fourteenth Circuit

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2014-001524  
Lower Court Case No. 2011-CP-07-3322

The Callawassie Island Members Club, Inc ..... Respondents,

v.

Ronnie D. Dennis and Jeanette Dennis ..... Appellants.

PROOF OF SERVICE

I certify that I have served the REPLY TO RESPONDENT'S RETURN on all counsel of record by depositing a copy of it in the United States Mail, postage prepaid, addressed to their attorneys of record:

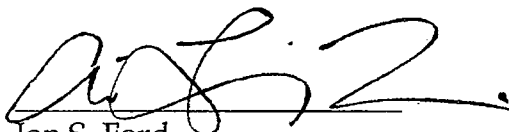
Stephen P. Hughes, Esq.  
Howell, Gibson and Hughes  
P.O. Box 40  
Beaufort, SC 29901;

M. Dawes Cooke, Jr., Esq.  
John Fletcher, Esq.  
Barnwell Whaley Patterson & Helms, LLC  
P.O. Drawer H  
Charleston, SC 29402;

Andrew F. Lindemann, Esq.  
Lindemann, Davis, & Hughes, P.A.  
Post Office Box 6923  
Columbia, South Carolina 29260

Respectfully submitted,

FORD WALLACE THOMSON LLC



Ian S. Ford  
Neil D. Thomson  
Ainsley F. Tillman  
715 King St., Charleston, SC 29403  
(843)-277-2011

*Attorneys for Ronnie D. Dennis and Jeanette  
Dennis*

December 14, 2018  
Charleston, South Carolina

## FORD WALLACE THOMSON LLC

ATTORNEYS AT LAW

December 14, 2018

VIA FACSIMILE AND MAIL

Jenny Abbot Kitchings, Clerk  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *The Callawassie Island Members Club Inc. vs. Ronnie Dennis*  
Beaufort County Case No.: 2011-CP-07-03322  
SC Court of Appeals Case No.: 2014-001524

Dear Jenny:

Enclosed for filing, please find an electronically submitted facsimile copy of the Appellants' Reply to Respondent's Return in the above referenced matter. A hard copy will follow via U.S. Mail.

By copy of this letter, I am serving all counsel of record with the same.

Thank you in advance for your assistance with this matter. Should you have any questions or concerns, please do not hesitate to contact my office.

With kind regards, I am,

Very truly yours,



Ian S. Ford

Enc. - as stated

Cc: Stephen Hughes, Esq.  
M. Dawes Cooke, Jr., Esq.  
Andrew F. Lindemann, Esq.

RECEIVED

DEC 14 2018

SC Court of Appeals

RECEIVED

DEC 14 2018

SC Court of Appeals