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THE STATE OF SOUTH CAROLINA  
In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.  
Circuit Court Judge

Unpublished Opinion No. 27867  
Heard November 8, 2018 – Filed March 13, 2019  
Petition for Rehearing Denied May 19, 2017

Skydive Myrtle Beach, Inc. (f/k/a Skydive Myrtle Beach, LLC).....Petitioner,

v.

Horry County, Horry County Department of Airports, H. Randolph Haldi, Pat Apone,  
Tim Jackson, and Jack Teal, Defendants

Of whom H. Randolph Haldi, Pat Apone, Tim Jackson, and Jack Teal  
are.....Respondents,

Appellate Case No. 2017-001382  
Lower Court Case No. 2014-CP-26-1193

**RETURN OF RESPONDENTS TO  
PETITIONER'S MOTION FOR FEES AND COSTS  
AND MOTION FOR EXTENSION OF TIME**

AIKEN, BRIDGES, ELLIOTT, TYLER  
& SALEEBY, P.A.

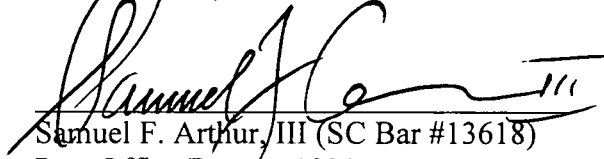
Samuel F. Arthur, III (SC Bar #13618)  
Post Office Drawer 1931  
Florence, South Carolina 29503  
Phone: (843)669-8787  
Fax: (843) 664-0097  
Attorney for the Respondents

Counsel for Respondents is in receipt of a copy of correspondence from counsel for Petitioner to the South Carolina Supreme Court dated April 19, 2019 with a copy of Petitioner's Motion for Costs. However, no certificate of service was included with Petitioner's Motion and it appears no filing fee was included with the original motion. Counsel for Respondents is also in receipt of correspondence from counsel for Petitioner to the South Carolina Supreme Court dated April 23, 2019 with an enclosed Motion to Extend Time requesting a retroactive extension of time to file a motion for costs that would extend a previously expired deadline of April 15, 2019 to Friday, April 19, 2019.

Respondents respectfully oppose Petitioner's Motion for Costs on the grounds that it was not timely filed within fifteen (15) days of the issuance of the Remittitur on March 29, 2019 pursuant to *SCACR* Rules 222(d) and 242(j)(4). Furthermore, an appropriate motion for extension of time to file the Motion for Costs was not timely filed prior to the expiration of the time for filing said motion on April 15, 2019. Petitioner's untimely Motion for Costs was also not properly filed in compliance with Rule 240(c) *SCACR* and did not contain an appropriate certificate of service or filing fee and therefore should not be considered by the Supreme Court.

Similarly, Petitioner's Motion to Extend Time dated April 23, 2019 is also untimely and should be denied. However, in the event the Court is inclined to grant the Motion to Extend Time and accept Petitioner's Motion for Costs for filing, Respondents request notice of the effective date of the filing of Petitioner's Motion for Costs and additional time within which to respond to same on the merits.

AIKEN, BRIDGES, ELLIOTT, TYLER  
& SALEEBY, P.A.



Samuel F. Arthur, III (SC Bar #13618)

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Attorney for the Respondents

Florence, South Carolina

April 30, 2019.

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THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM Horry COUNTY  
COURT OF COMMON PLEAS  
LARRY B. HYMAN, CIRCUIT COURT JUDGE

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CASE NO. 2014-CP-26-1193  
APPELLATE CASE NO. 2017-001382

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Skydive Myrtle Beach, Inc. (f/k/a Skydive Myrtle Beach, LLC),.....Petitioner,

v.

Horry County, Horry County Department of Airports,  
H. Randolph Haldi, Pat Apone, Tim Jackson, and Jack Teal, Defendants

Of whom H. Randolph Haldi, Pat Apone, Tim Jackson  
and Jack Teal are.....Respondents,

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**CERTIFICATE OF SERVICE**

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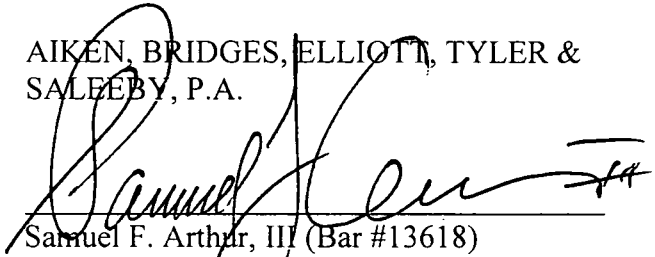
I hereby certify that I have served the document listed below in the above entitled  
action to the addressees below via U.S. mail on April 30, 2019 and proper postage was  
attached thereto.

DOCUMENTS: RETURN OF RESPONDENTS TO PETITIONER'S  
MOTION FOR FEES AND COSTS AND MOTION FOR  
EXTENSION OF TIME

ADDRESSEES: THE HONORABLE DANIEL E. SHEAROUSE  
SOUTH CAROLINA SUPREME COURT  
1231 GERVAIS STREET  
COLUMBIA, SC 29211  
(ORIGINAL AND 6 COPIES)

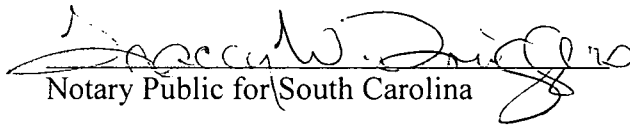
ROBERT B. VARNADO, ESQUIRE  
BROWN & VARNADO, LLC  
P.O. BOX 1127  
MT. PLEASANT, SC 29465  
(COPY)

AIKEN, BRIDGES, ELLIOTT, TYLER &  
SALEEBY, P.A.



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Attorney for the Respondents

SWORN to before me this  
30th day of April, 2019.



Notary Public for South Carolina

My Commission Expires: June 2, 2019

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