

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUL 22 2019

SC Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Honorable William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2019-001134

Case No. 2019-CP-26-01732

City of Myrtle Beach, For Itself and a Class of
Similarly Situated Plaintiffs, Respondents,

v.

Horry County, Appellant.

RETURN TO MOTION FOR ENLARGEMENT OF TIME

Pursuant to Rule 240(e), SCACR, the County submits this return to the City’s Motion for Enlargement of Time, and the County respectfully requests that this Court either: (i) rule upon the County’s Petition for Writ of Supersedeas (“Petition”) in *ex parte* fashion in accordance with Rule 241(d), SCACR, without even waiting for a response from the City; or (ii) deny the City’s request for additional time to file a return to the Petition.

The City is mistaken, when it argues that “[t]he diminished time within which the City must now respond to the Petition is not a result of any apparent request by the County for a shortening of the time within which the City’s return is due.” To the

contrary, in the County's Petition, the County requested that this Court rule upon the Petition in *ex parte* fashion in accordance with Rule 241(6), SCACR, without even waiting for a response from the City. This Court declined to do so, and instead directed the City to file a return pursuant to an expedited schedule. The County now renews its request for this Court to rule upon the Petition in *ex parte* fashion.

The City argues it needs additional time because the appendix to the Petition is 1,000 pages. The appendix does not consist of anything new. The appendix consists exclusively of the filings by the parties before the circuit court and the orders issued by the circuit court. The City has already reviewed the documents making up the appendix and responded to the arguments articulated by the County, as to why the injunction should be stayed during the pendency of appeal. The County was required by Rule 241(d)(1) to first ask the circuit court to stay the injunction while the appeal was pending before the County could make such a request to this Court. The County did so, and therefore, the arguments expressed by the County in the Petition are nothing new, and neither the length of the appendix, nor the substance of the Petition are reasons to grant additional time to the City.

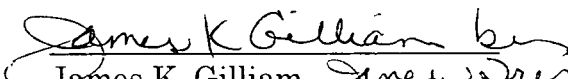
The City also points to the fact that the County filed a motion to transfer its underlying *appeal* to the Supreme Court. The Supreme Court has not ruled on this motion, and no one knows when the Supreme Court may rule on this motion or what the Supreme Court's ruling may be. Moreover, the County's underlying appeal is not the matter currently before this Court. The matter currently before this Court is the County's Petition, which presents the question of whether to stay the injunction

during the pendency of the appeal. Unless and until the Supreme Court rules otherwise, this Petition remains squarely with this Court, and this Court alone possesses the power to rule upon it.

Lastly, the type of relief sought by the County demands expediency. Every day the injunction remains in place, the County continues to suffer irreparable harm, and a miscarriage of justice continues. The City's request for additional time is gamesmanship and a transparent attempt to stall a ruling on the County's Petition. This Court surely recognizes that.

The County renews its request for this Court to issue a ruling upon the County's Petition in *ex parte* fashion, without waiting for a response from the City. In the alternative, the County respectfully requests that the City's motion for additional time be denied.

Respectfully submitted:


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CERTIFICATE OF SERVICE

I certify that this RETURN TO MOTION FOR ENLARGEMENT OF TIME was
served on counsel for the Respondent via hand delivery on July 22, 2019:

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