

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 19, 2012

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P. O. Drawer 14607  
Surfside Beach, SC 29587-4607

Timothy A. Domin, Esquire  
Clawson & Staubes, LLC  
126 Seven Farms Drive , Suite 200  
Charleston, SC 29492-7595

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA

Dear Counsel:

The record in the above case has been reviewed and the time allotment for oral argument for this case is as follows:

Appellant	10 minutes
Respondent	10 minutes
Appellant in Reply	5 minutes

This case is scheduled for hearing on Tuesday, May 1, 2012 at 9:30 a.m.

Very truly yours,

Daniel E. Shearouse, Clerk

By Debbie M. Hopkins

Administrative Assistant

DES/dmh

**CLAWSON  
AND STAUBES**  
LLC

Timothy A. Domin  
tdomin@clawsonandstaubes.com

March 29, 2012

File No.: 2008-1306 tad

**VIA U. S. MAIL**

The Honorable Daniel E. Shearouse  
Clerk of Court  
The South Carolina Supreme Court  
P. O. Box 11330  
Columbia, SC 29211

Re: Lisa Everitt Lomonaco v. The Myrtle Beach Resort Homeowners' Association, Inc.  
Case No: 08-CP-26-7002

Dear Mr. Shearouse:

In response to the Court's request for scheduling conflicts, I am scheduled to attend an out of state conference on May 20-22, 2012. If the court is inclined to accept this protection request, I would ask that the oral argument of this case not be held on either the 22nd or 23rd due to the need to attend this conference and travel time back from the conference.

With kindest regards, I remain

Very truly yours,

CLAWSON AND STAUBES, LLC



Timothy A. Domin

TAD/paa

cc: Bradley A. Floyd, Esquire  
(Via e-mail)

**RECEIVED**  
APR 02 2012  
S.C. SUPREME COURT

[www.clawsonandstaubes.com](http://www.clawsonandstaubes.com)  
126 Seven Farms Drive, Suite 200, Charleston, South Carolina 29492  
Fax: (843) 722 - 2867 / Office: (843) 577 - 2026



## The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Timothy A. Domin, Esquire  
From: Daniel E. Shearouse  
Date: March 21, 2012  
RE: May Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the May 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of May 1, 2, 3, 22 and 23. Please notify this office in writing prior to March 28, 2012 as to any scheduling conflicts for the May term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Lomonaco, Lisa v. Myrtle Beach Resort HA



# The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

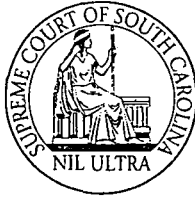
P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Bradley A. Floyd, Esquire  
From: Daniel E. Shearouse  
Date: March 21, 2012  
RE: May Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the May 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of May 1, 2, 3, 22 and 23. Please notify this office in writing prior to March 28, 2012 as to any scheduling conflicts for the May term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Lomonaco, Lisa v. Myrtle Beach Resort HA



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

March 2, 2012

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P. O. Drawer 14607  
Surfside Beach, SC 29587-4607

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA

Dear Counsel:

The following Order has been endorsed on your Motion for Continuance of Oral Arguments in the above entitled case on appeal.

“Granted.

s/ Jean H. Toal C.J.  
For the Court

March 2, 2012.”

Please be advised you will be notified at a later date as to when this matter will be rescheduled for oral argument.

Very truly yours,

*Daniel E. Shearouse*  
DS

CLERK

DES/dmh

Lomonaco, Lisa v. Myrtle Beach Resort HA  
Page two  
March 2, 2012

cc: Timothy A. Domin, Esquire

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Trial Court Case No. 2008-CP-26-7002

Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

MOTION FOR CONTINUANCE

Bradley A. Floyd  
The Floyd Law Firm  
15 Highway 17, South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

Timothy A. Domin  
Clawson & Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
843-577-2026 (phone)  
843-722-2867 (facsimile)  
Attorney for Respondent

*Granted*

*[Handwritten Signature]*  
*For the Court*

*March 2, 2012*

RECEIVED

2012

SUPREME COURT

The Plaintiff, Lisa Everitt Lomonaco, moves the Court for an Order continuing the above-captioned case for six (6) weeks. In support of this motion, the Plaintiff shows the following to the court:

1. This matter is currently scheduled for Oral Argument before the South Carolina Supreme Court on March 20, 2012 at 10:30 a.m.

2. Counsel for Plaintiff, Bradley A. Floyd, commenced a medical leave on Thursday, February 16, 2012.

3. Bradley A. Floyd is expected to be unavailable, due to medical reasons, for six (6) weeks.

4. Bradley A. Floyd is counsel of record for Plaintiff in this matter, and as such is fully familiar with the facts and legal issues surrounding this matter.

5. Pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, the undersigned counsel affirms that he has consulted with opposing counsel and that Mr. Domin has consented to the requested relief.

WHEREFORE, the Plaintiff moves this Court to continue the Oral Argument of this matter for at least six (6) weeks, so as to allow Bradley A. Floyd to appear on behalf of Plaintiff at that time, and for such other and further relief as this Honorable Court deems just and proper.

THE FLOYD LAW FIRM PC

---

Dalton B. Floyd  
S.C. Bar no: 2045  
15 Highway 17, South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

Date: February 22, 2012

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**CERTIFICATE OF SERVICE**

The undersigned employee of The Floyd Law Firm, Attorneys at Law, P.O. Drawer 14607, Surfside Beach, SC 29587, does hereby certify that the following named individuals were served with a copy of the pleading indicated below by forwarding a copy of same to said persons by United States Postal Service on the date indicated below:

INDIVIDUALS SERVED:

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
(Original plus 6 copies)

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

**RECEIVED**

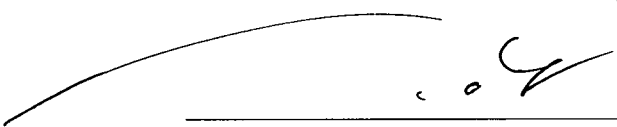
FEB 24 2012

**S.C. SUPREME COURT**

PLEADING:

MOTION FOR CONTINUANCE

February 22, 2012  
Surfside Beach, SC

  
\_\_\_\_\_  
Holly E. Foster, Legal Assistant



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell | Brittney J. Farish

February 21, 2012

The South Carolina Supreme Court  
Attn: Daniel E. Shearouse  
P.O. Box 11330  
Columbia, SC 29211

RE: Lomonaco, Lişa v. Myrtle Beach Resort HA  
March Preliminary List

Dear Mr. Shearouse:

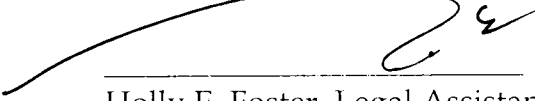
Enclosed please find an original and six (6) copies of a Motion for Continuance and corresponding Certificate of Service in the above-captioned matter. Kindly file the same and forward the same to the Justices for decision.

Should you have any questions, please do not hesitate to contact me at 843-238-5141 or via e-mail at [hfooster@floydflaw.com](mailto:hfooster@floydflaw.com).

With kindest regards, I am

Very truly yours,

**THE FLOYD LAW FIRM PC**

  
Holly E. Foster, Legal Assistant

/hef

cc: Timothy A. Domin, Esq.

**RECEIVED**

FEB 24 2012

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

---

Trial Court Case No. 2008-CP-26-7002

---

Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

---

MOTION FOR CONTINUANCE

---

Bradley A. Floyd  
The Floyd Law Firm  
15 Highway 17, South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

Timothy A. Domin  
Clawson & Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
843-577-2026 (phone)  
843-722-2867 (facsimile)  
Attorney for Respondent

RECEIVED

12

SUPREME COURT

The Plaintiff, Lisa Everitt Lomonaco, moves the Court for an Order continuing the above-captioned case for six (6) weeks. In support of this motion, the Plaintiff shows the following to the court:

1. This matter is currently scheduled for Oral Argument before the South Carolina Supreme Court on March 20, 2012 at 10:30 a.m.

2. Counsel for Plaintiff, Bradley A. Floyd, commenced a medical leave on Thursday, February 16, 2012.

3. Bradley A. Floyd is expected to be unavailable, due to medical reasons, for six (6) weeks.

4. Bradley A. Floyd is counsel of record for Plaintiff in this matter, and as such is fully familiar with the facts and legal issues surrounding this matter.

5. Pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, the undersigned counsel affirms that he has consulted with opposing counsel and that Mr. Domin has consented to the requested relief.

WHEREFORE, the Plaintiff moves this Court to continue the Oral Argument of this matter for at least six (6) weeks, so as to allow Bradley A. Floyd to appear on behalf of Plaintiff at that time, and for such other and further relief as this Honorable Court deems just and proper.

THE FLOYD LAW FIRM PC

---

Dalton B. Floyd  
S.C. Bar no: 2045  
15 Highway 17, South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

Date: February 22, 2012

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**CERTIFICATE OF SERVICE**

The undersigned employee of The Floyd Law Firm, Attorneys at Law, P.O. Drawer 14607, Surfside Beach, SC 29587, does hereby certify that the following named individuals were served with a copy of the pleading indicated below by forwarding a copy of same to said persons by United States Postal Service on the date indicated below:

INDIVIDUALS SERVED:

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
(Original plus 6 copies)

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

**RECEIVED**

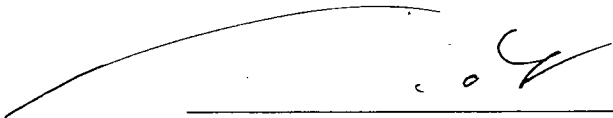
FEB 24 2012

**S.C. SUPREME COURT**

PLEADING:

MOTION FOR CONTINUANCE

February 22, 2012  
Surfside Beach, SC

  
\_\_\_\_\_  
Holly E. Foster, Legal Assistant



**THE FLOYD LAW FIRM PC**

*attorneys & counselors at law*

**RECEIVED**

Dalton B. Floyd, Jr. | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell | Brittney J. Farish

JAN 26 2012

**S.C. SUPREME COURT**

January 25, 2012

Writer's E-Mail:  
bafloyd@floydlaw.com

The South Carolina Supreme Court  
Attn: Daniel E. Shearouse  
P.O. Box 11330  
Columbia, SC 29211

RE: Lomonaco, Lisa v. Myrtle Beach Resort HA  
March Preliminary List

Dear Mr. Shearouse:

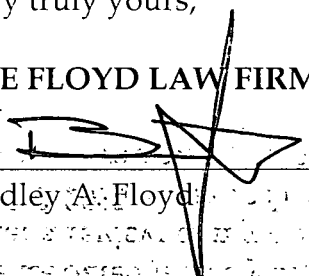
This will confirm receipt of your correspondence dated January 24, 2012 regarding the above-referenced matter. Please be advised after a review of my calendar, I am not available March 8, 2012 or March 21, 2012. On March 8, 2012, we are scheduled to appear before the Horry County Master-In-Equity for a foreclosure hearing in a matter entitled Bank of North Carolina vs. Mark and Mary Finnegan, et al., Case No.: 2011-CP-26-9593 and my colleague, Collin R. Jewell, Esq., will be under house arrest for the Muscular Dystrophy Association on March 21, 2012. Further, I hereby request the addition of Collin R. Jewell, Esq., to the Court's records for the purposes of oral argument.

Should you have any questions, please do not hesitate to contact me at 843-238-5141 or via e-mail at bafloyd@floydlaw.com.

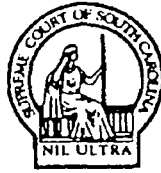
With kindest regards, I am

Very truly yours,

**THE FLOYD LAW FIRM PC**

  
Bradley A. Floyd

cc: Timothy A. Domin, Esq.



# The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Bradley A. Floyd, Esquire  
From: Daniel E. Shearouse  
Date: January 24, 2012  
RE: March Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the March 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of March 6, 7, 8, 20 and 21. Please notify this office in writing prior to January 31, 2012 as to any scheduling conflicts for the March term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Lomonaco, Lisa v. Myrtle Beach Resort HA





## The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Timothy A. Domin, Esquire  
From: Daniel E. Shearouse  
Date: January 24, 2012  
RE: March Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the March 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of March 6, 7, 8, 20 and 21. Please notify this office in writing prior to January 31, 2012 as to any scheduling conflicts for the March term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Lomonaco, Lisa v. Myrtle Beach Resort HA

# The Supreme Court of South Carolina

Lisa Everitt Lomonaco, Appellant,

v.

The Myrtle Beach Resort  
Homeowners' Association, Inc., Respondent.

The Honorable Benjamin H. Culbertson  
Horry County  
Trial Court Case No. 2008-CP-26-07002

---

## ORDER

---

Pursuant to Rule 204(b) for the South Carolina Appellate Court Rules, this appeal is hereby certified for review by the South Carolina Supreme Court. Upon receipt of this order, the Court of Appeals is hereby directed to forward the case file, all records and briefs and any exhibits on file to this Court.

IT IS SO ORDERED.



FOR THE COURT

Columbia, South Carolina

JANUARY 4, 2012

cc: Bradley A. Floyd, Esquire  
Timothy A. Domin, Esquire  
The Honorable Tanya Gee



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell

September 15, 2011

V. Claire Allen  
Deputy Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Assn, Inc.  
Case No.: 2010177787

Dear Ms. Barber:

Pursuant to your correspondence of September 1, 2011, I am enclosing herewith for filing the following documents in the above case:

- (1) Certificate of Counsel for Appellant, Lisa Everitt Lomonaco's Final Reply Brief;
- (2) Proof of Service of the Plaintiff/ Appellant's Final Reply Brief upon the Defendant/Respondent, Myrtle Beach Resort Home Owners Association, Inc.

With kindest regards, I am,

Very truly yours,

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures

**RECEIVED**

SEP 19 2011

**SC Court of Appeals**



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell

September 15, 2011

Chad Cusick  
c/o Carolina Deli  
Medical Park 2  
Columbia, SC 29203

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Assn, Inc.  
Court of Appeals Case No.: 2010177787

Dear Mr. Cusick:

Thank you so much for agreeing to assist us in this matter. I have enclosed the brief covers that you will need to bring to the Court with you. You will see that there are both blue and gray covers. When you get to the Court, you will be given two sets of briefs to attach covers. Needless to say, the blue covers go on the briefs with blue covers and the grey covers go with the grey briefs. All we need you to do is attach the enclosed covers to the back of each brief. The briefs are bound with a plastic sort of ring binding, which opens in the back.

Thank you again for your assistance. Should you have questions, please do not hesitate to call.

Very truly yours,

Collin R. Jewell  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141

Enclosures



## The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 1, 2011

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
2010177787

Dear Counsel:

We have received your Appellant's Final Brief and Final Reply Brief in the above case. However, the Final Reply Brief was filed without a Certificate of Counsel and a Proof of Service. Please provide this Court with a Certificate of Counsel and a Proof of Service for the Final Reply Brief within ten (10) days of the date of this letter.

The Appellant's Final Brief and the Final Reply Brief were filed without back covers. It will be necessary that you or someone authorized by you come to the Court and place blue back covers on the Final Brief and gray back covers on the Final Reply Brief within ten (10) days of the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/mpm

cc: Timothy A. Domin, Esquire



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell  
August 12, 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

I am enclosing herewith for filing the following documents in the above case:

- (1) Final Brief of the Plaintiff/Appellant, Lisa Everitt Lomonaco (15 copies);
- (2) Final Reply Brief of the Plaintiff/Appellant, Lisa Everitt Lomonaco (15 copies);
- (3) Certificate of Counsel pursuant to Rule 211(b) SCACR
- (4) Certificate of Service of the Plaintiff/Appellant's Final Brief and Final Appellate Brief as well as Certificate of Counsel and Certificate of Service upon the Defendant/Respondent, Myrtle Beach Resort Home Owners Association, Inc.

With kindest regards, I am,

**RECEIVED**

AUG 15 2011

**SC COURT OF APPEALS**

Very truly yours,

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures

**CLAWSON  
AND  
STAUBES**  
LLC

Timothy A. Domin  
tdomin@clawsonandstaubes.com

August 12, 2011

File No.: 2008-1306 tad

The Honorable Kenneth A. Richstad  
Clerk - Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211-1629

Re: Lisa Everitt Lomonaco v. The Myrtle Beach Resort Homeowners' Association, Inc.  
Case No: 08-CP-26-7002

Dear Mr. Richstad:

Enclosed please find the original and 15 copies of Respondent's, The Myrtle Beach Resort Homeowners Association, Inc., Final Brief along with the Certificate of Counsel and Certificate of Service regarding the above-referenced case. After filing, please return the copies to me in the enclosed envelope.

Thank you for your assistance in this matter.

With kindest regards, I remain

Very truly yours,

CLAWSON & STAUBES, LLC

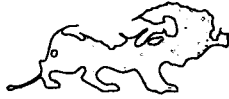
  
Timothy A. Domin

**RECEIVED**  
AUG 15 2011  
COURT OF APPEALS

TAD/paa  
Enclosures

cc: Bradley A. Floyd, Esquire (w/enclosures)

[www.clawsonandstaubes.com](http://www.clawsonandstaubes.com)  
126 Seven Farms Drive, Suite 200, Charleston, South Carolina 29492  
Fax: (843) 722 - 2867 / Office: (843) 577 - 2026



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell  
July 25, 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

I am enclosing herewith fifteen copies of the Record on Appeal (14 bound copies and one unbound copy) relative to the above-referenced case. You will also find enclosed the corresponding Certificate of Counsel and Certificate of Service.

With kindest regards, I am,

Very truly yours,

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

SC COURT OF APPEALS

JUL 26 2011

RECEIVED

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

**RECEIVED**  
JUL 15 2011  
SC Court of Appeals

Lisa Everitt Lomonaco.....Appellant

v.

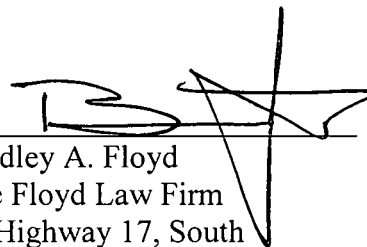
The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

AMENDED DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following to be included in the Record on Appeal:

1. Complaint filed September 2, 2008;
2. Answer filed on January 14, 2009;
3. Deposition of Ron Budd held on February 16, 2009; p. 21 (lines 13-16); p. 24 (lines 13-15);
4. Affidavit of Phil Stegall dated July 8, 2009;
5. Transcript of Record Hearing upon Defendant's Motion for Summary Judgment held on July 14, 2009 (Entire Transcript);
6. Order Granting Summary Judgment In Favor Of Defendant by the Honorable Benjamin H. Culbertson, Presiding Judge for Horry County, dated September 14, 2009;
7. Plaintiff's Brief In Support Of Motion For Reconsideration Pursuant To Rules 59(e) SCRCF And To Alter Or Amend Pursuant To Rule 52(b) SCRCF;
8. Order Denying Plaintiff's Motion for Reconsideration by the Honorable Benjamin H. Culbertson, Presiding Judge for Horry County, dated September 10, 2010; and
9. Plaintiff/Appellant's Notice of Appeal filed November 16, 2010 with the Clerk of Court for the South Carolina Court of Appeals.
10. Deposition of Jennifer Lundi held on June 16, 2009, pp. 56, 68 and 98

I certify that this designation contains no matter which is irrelevant to this appeal.

A handwritten signature in black ink, appearing to be 'B. Floyd', written over a horizontal line. The signature is stylized and somewhat abstract.

Bradley A. Floyd  
The Floyd Law Firm  
15 Highway 17, South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

July 14, 2011

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

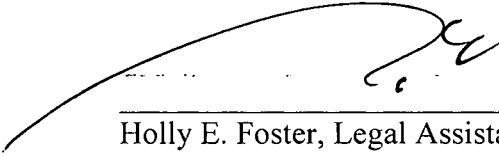
Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

PROOF OF SERVICE

I certify that I have served the Amended Designation of Matter of to be Included in the Record on Appeal on The Myrtle Beach Resort Homeowner's Association, Inc., by depositing a copy of same in the United States Mail, postage prepaid, on July 14, 2011, addressed to the attorney of record, Timothy A. Domin, Esquire of Clawson & Staubes, LLC, 126 Seven Farms Drive, Suite 200, Charleston, SC 29492.

  
Holly E. Foster, Legal Assistant  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
Attorneys for Appellant

July 14, 2011

**RECEIVED**  
JUL 15 2011  
SC Court of Appeals



**THE FLOYD LAW FIRM PC**

*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell

July 14, 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

I am enclosing herewith for filing the following documents in the above case:

- (1) Amended Designation of Matter to be included in the Record on Appeal of the Plaintiff/ Appellant, Lisa Everitt Lomonaco;
- (2) Proof of Service of the Plaintiff/ Appellant's Amended Designation of Matter to be included in the Record on Appeal upon the Defendant/ Respondent, Myrtle Beach Resort Home Owners Association, Inc.

With kindest regards, I am,

Very truly yours,

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

**RECEIVED**

JUL 15 2011

**SC Court of Appeals**

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

July 7, 2011

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Timothy A. Domin, Esquire  
Clawson & Staubes, LLC  
126 Seven Farms Drive  
Suite 200  
Charleston, SC 29492-7595

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
**2010177787**

Dear Counsel:

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate Court Rules, but should not be bound. You may secure the originals with paper clips, binder clips, rubber bands, by placing them in large envelopes, or by any other similar means that will keep the pages together without binding or hole-punching. All COPIES of the record on appeal and final briefs should be bound as specified in the South Carolina Appellate Court Rules.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/mpm

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

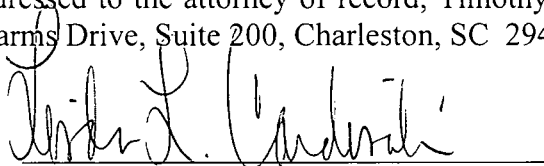
Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

PROOF OF SERVICE

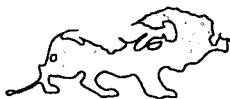
I certify that I have served the Reply Brief of Appellant to be Included in the Record on Appeal on The Myrtle Beach Resort Homeowner's Association, Inc., by depositing a copy of same in the United States Mail, postage prepaid, on July 1, 2011, addressed to the attorney of record, Timothy A. Domin, Esquire of Clawson & Staubes, LLC, 126 Seven Farms Drive, Suite 200, Charleston, SC 29492.



Linda L. Cardinali, Paralegal  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
Attorneys for Appellant

RECEIVED  
JUL 05 2011  
SC Court of Appeals

July 1, 2011



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin B. Jewell  
July 1, 2011

**RECEIVED**

JUL 05 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**SC Court of Appeals**

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

I am enclosing herewith for filing the following documents in the above case:

- (1) Reply Brief of the Plaintiff/Appellant, Lisa Everitt Lomonaco;
- (2) Proof of Service of the Plaintiff/Appellant's Reply Brief upon the Defendant/Respondent, Myrtle Beach Resort Home Owners Association, Inc.

With kindest regards, I am,

Very truly yours,

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

RECEIVED

JUN 20 2011

SC Court of Appeals

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

Lisa Everitt Lomonaco ..... Appellant,

v.

The Myrtle Beach Resort Homeowners Association, Inc. .... Respondent.

DESIGNATION OF MATTER TO BE INCLUDED IN  
RECORD ON APPEAL BY RESPONDENT

1. Complaint
2. Answer
3. Lundi Deposition, p. 17, 36-39, 51-55, 59-61, 63-67, 72-74, 106
4. Ronn Budd Deposition, p. 10-13
5. Affidavit of Mel Renky
6. Lower Court Order

I certify that this Designation contains no matter which is irrelevant to the appeal.



Timothy A. Domin, Esquire  
CLAWSON & STAUBES, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, South Carolina 29492-8144  
(843) 577-2026

Attorney for Respondent

June 17, 2011

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

**RECEIVED**

JUN 20 2011

**SC Court of Appeals**

Lisa Everitt Lomonaco ..... Appellant,

v.

The Myrtle Beach Resort Homeowners Association, Inc. .... Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2011, I have mailed, regular first class mail, postage prepaid, to opposing counsel a copy of Respondent's Designation of Matter To Be Included in Record on Appeal by Respondent to the following:

Bradley A. Floyd  
The Floyd Law Firm  
P. O. Drawer 14607  
Surfside Beach, Sc 29587



\_\_\_\_\_  
Timothy A. Domin, Esquire  
CLAWSON & STAUBES, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, South Carolina 29492-8144  
(843) 577-2026

Attorney for Respondent

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

**RECEIVED**

JUN 20 2011

**SC Court of Appeals**

Lisa Everitt Lomonaco ..... Appellant,

v.

The Myrtle Beach Resort Homeowners Association, Inc. .... Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2011, I have mailed, regular first class mail, postage prepaid, to opposing counsel a copy of Respondent's Brief to the following:

Bradley A. Floyd  
The Floyd Law Firm  
P. O. Drawer 14607  
Surfside Beach, Sc 29587



Timothy A. Domin, Esquire  
CLAWSON & STAUBES, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, South Carolina 29492-8144  
(843) 577-2026

Attorney for Respondent

CLAWSON & STAUBES, LLC  
ATTORNEYS AT LAW

TIMOTHY A. DOMIN  
tdomin@clawsonandstaubes.com

June 17, 2011

Reply to Charleston Office  
File No.: 2008-1306tad

The Honorable Jeanette F. Barber  
Clerk of Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211-1629

RECEIVED

JUN 20 2011

Re: Lisa Everitt Lomonaco v. The Myrtle Beach Resort Homeowners Association, Inc.

SC Court of Appeals

Dear Ms. Barber:

Enclosed please find the following documents filed on behalf of the Respondent regarding the above-referenced case:

1. Brief of Respondent;
2. Designation of Matter To Be Included In Record On Appeal By Respondent;
3. Certificate of Service of Brief of Respondent; and
4. Certificate of Service of Designation fo Matter To Be Included In Record On Appeal By Respondent.

After filing, please return the copies to me in the enclosed envelope.

Thank you for your assistance in this matter.

With kindest regards, I remain

Very truly yours,

CLAWSON & STAUBES, LLC



Timothy A. Domin

TAD/paa  
Enclosures  
cc: Bradley A. Floyd, Esquire (w/enclosures)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

**RECEIVED**  
APR 19 2011  
**SC Court of Appeals**

Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following to be included in the Record on Appeal:

1. Complaint filed September 2, 2008;
2. Answer filed on January 14, 2009;
3. Deposition of Ron Budd held on February 16, 2009; p. 21 (lines 13-16); p. 24 (lines 13-15);
4. Affidavit of Phil Stegall dated July 8, 2009;
5. Transcript of Record Hearing upon Defendant's Motion for Summary Judgment held on July 14, 2009 (Entire Transcript);
6. Order Granting Summary Judgment In Favor Of Defendant by the Honorable Benjamin H. Culbertson, Presiding Judge for Horry County, dated September 14, 2009;
7. Plaintiff's Brief In Support Of Motion For Reconsideration Pursuant To Rules 59(e) SCRCPP And To Alter Or Amend Pursuant To Rule 52(b) SCRCPP;
8. Order Denying Plaintiff's Motion for Reconsideration by the Honorable Benjamin H. Culbertson, Presiding Judge for Horry County, dated September 10, 2010; and
9. Plaintiff/Appellant's Notice of Appeal filed November 16, 2010 with the Clerk of Court for the South Carolina Court of Appeals.

I certify that this designation contains no matter which is irrelevant to this appeal.



Bradley A. Floyd  
The Floyd Law Firm  
15 Highway 17, South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

April 18, 2011

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002


Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on The Myrtle Beach Resort Homeowner's Association, Inc., by depositing a copy of same in the United States Mail, postage prepaid, on April 18, 2011, addressed to the attorney of record, Timothy A. Domin, Esquire of Clawson & Staubes, LLC, 126 Seven Farms Drive, Suite 200, Charleston, SC 29492.



Linda L. Cardinali, Paralegal  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
Attorneys for Appellant

April 18, 2011



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell

April 18, 2011

**RECEIVED**

APR 19 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**SC Court of Appeals**

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

I am enclosing herewith for filing the following documents in the above case:

- (1) Initial Brief of the Plaintiff/ Appellant, Lisa Everitt Lomonaco;
- (2) Plaintiff/ Appellant's Designation of Matter to be Included in the record on Appeal; and,
- (3) Proof of Service of the Plaintiff/ Appellant's Initial Brief upon the Defendant/ Respondent, Myrtle Beach Resort Home Owners Association, Inc.

With kindest regards, I am,

Very truly yours,

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures



# The South Carolina Court of Appeals

JOHN CANNON FEW  
CHIEF JUDGE

JOHN C. CALHOUN BUILDING  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-2373  
E-MAIL: [jfew@sccourts.org](mailto:jfew@sccourts.org)

March 21, 2011

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Timothy A. Domin, Esquire  
Clawson & Staubes, LLC  
126 Seven Farms Drive  
Suite 200  
Charleston, SC 29492-7595

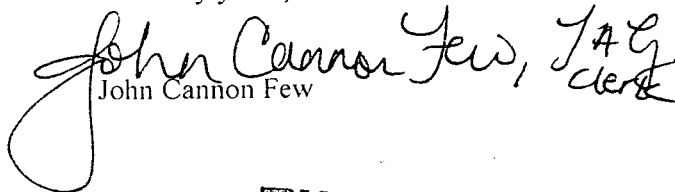
Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
2010177787

Dear Counsel:

This letter serves as an Order granting Appellant's request for an extension of time in which to file the Appellant's Initial Brief and Designation of Matter. I have extended the due date until April 18, 2011. I realize that this extension may not give you all the time you need to complete the Appellant's Initial Brief and Designation of Matter. I have set a conference call for 9:45 a.m. on Monday, April 11, 2011 to discuss an overall approach to setting due dates for all filings in this appeal. **The Appellant is responsible for initiating the conference call by getting all parties on the phone at the allotted time.** The call should last less than ten minutes. The participants in the call will include counsel for all parties and me. In preparation for the call, please consider the other time commitments you have in the near future so we can discuss a suitable timeframe for all parties to complete their briefs. If the time scheduled for the conference call creates a conflict, please contact the Clerk's Office at 734-1890 with all counsel on the phone. We will reschedule the call to suit you.

I look forward to talking to you on Monday, April 11, 2011.

Sincerely yours,

  
John Cannon Few, JAG  
John Cannon Few, Clerk

JCF/laf

FILED

3/21/11

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**MOTION FOR EXTENSION OF TIME**

Appellant, Lisa Everitt Lomonaco, through her undersigned counsel, hereby moves this Honorable Court pursuant to Rule 224, SCACR, for an Order extending by thirty (30) days the time for filing the Brief of Appellant, which was set for March 14, 2011 by the Honorable V. Claire Allen and indicated in her letter dated February 14, 2011.

During the scheduled phone conference of February 1, 2011, Chief Judge Few indicated that additional time would be granted if needed by Counsel for the Appellant. Counsel for the Appellant requests the extension on the basis that the additional time is needed to complete a thorough Initial Brief and appellant counsel has had multiple unforeseen complex motions in the past two weeks.

Counsel for the Appellant has contacted counsel for the Respondent concerning this Motion and Counsel for the Respondent does not oppose the Appellant's Motion.

March 8, 2011



Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorneys for Appellant

**RECEIVED**

MAR 09 2011

**SC Court of Appeals**

4-11-11  
9:45 a.m.

3/14/11

4/13/11

3<sup>rd</sup> motion

Other Counsel of Record:

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**CERTIFICATE OF SERVICE**

The undersigned employee of The Floyd Law Firm, Attorneys at Law, P.O. Drawer 14607, Surfside Beach, SC 29587, does hereby certify that the following named individuals were served with a copy of the pleading indicated below by forwarding a copy of same to said persons by United States Postal Service on the date indicated below:

INDIVIDUALS SERVED:

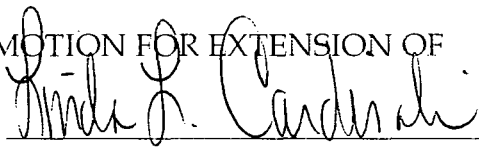
The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

PLEADING:

APPELLANT LISA EVERITT LOMONACO'S MOTION FOR EXTENSION OF TIME

March 8, 2011  
Surfside Beach, SC

  
Linda L. Cardinali, Paralegal



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell

March 8, 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

MAR 09 2011

**SC Court of Appeals**

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

Enclosed for filing is the Appellant's original Motion for Extension of time to file the Appellant's Initial Brief as required in R. 208(a)(1) of the South Carolina Appellate Court Rules, together with six (6) copies thereof.

Also enclosed are the following documents:

1. Original Proof of Service of the Motion for Extension of time; and,
2. Filing fee of \$25.00.

Please do not hesitate to contact me should you have any questions or concerns.

With kindest regards, I am,

Very truly yours,

**THE FLOYD LAW FIRM PC**

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

February 14, 2011

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
**2010177787**

Dear Counsel:

The following Order has been endorsed on your Motion in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.  
For the Court

By s/ V. Claire Allen  
Deputy Clerk

February 14, 2011.”

Please be advised the Appellant’s Initial Brief and Designation of Matter must be served and filed no later than March 14, 2011.

Respondents' Initial Brief and Designation of Matter are due sixty days after the Appellant's Initial Brief is served.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/laf

cc: Timothy A. Domin, Esquire

A small, stylized handwritten mark or signature in the bottom right corner of the page.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED  
FEB 10 2011

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

SC Court of Appeals

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

MOTION FOR EXTENSION OF TIME

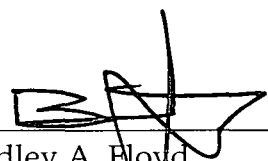
Appellant, Lisa Everitt Lomonaco, through her undersigned counsel, hereby moves this Honorable Court pursuant to Rule 224, SCACR, for an Order extending by thirty (30) days the time for filing the Brief of Appellant, which was set for February 11, 2011 by the Honorable John Cannon Few and indicated in his letter dated January 18, 2011.

During the scheduled phone conference of February 1, 2011, Chief Judge Few indicated that additional time would be granted if needed by Counsel for the Appellant. Counsel for the Appellant requests the extension on the basis that the additional time is needed to complete a thorough Initial Brief and appellant counsel will be out of the state for a few days with regard to long standing arrangements.

Counsel for the Appellant has contacted counsel for the Respondent concerning this Motion and Counsel for the Respondent does not oppose the Appellant's Motion.

February 8, 2011

*Granted.*  
*John Cannon Few, C.J.*  
*By V. Claire Allen*  
*Deputy Clerk*

  
Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorneys for Appellant

FILED  
2/14/11  
2/11/11  
3/14/11  
2<sup>nd</sup> Mot

Other Counsel of Record:

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

FEB 10 2011

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

**SC Court of Appeals**

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**CERTIFICATE OF SERVICE**

The undersigned employee of The Floyd Law Firm, Attorneys at Law, P.O. Drawer 14607, Surfside Beach, SC 29587, does hereby certify that the following named individuals were served with a copy of the pleading indicated below by forwarding a copy of same to said persons by United States Postal Service on the date indicated below:

INDIVIDUALS SERVED:


The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

PLEADING:

APPELLANT LISA EVERITT LOMONACO'S MOTION FOR EXTENSION OF TIME

February 9, 2011  
Surfside Beach, SC

  
Linda L. Cardinali, Paralegal



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd | Collin R. Jewell

February 8, 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

FEB 10 2011

**SC Court of Appeals**

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association,  
Inc.  
Case No.: 2010177787

Dear Ms. Barber:

Enclosed for filing is the Appellant's original Motion for Extension of time to file the Appellant's Initial Brief as required in R. 208(a)(1) of the South Carolina Appellate Court Rules, together with six (6) copies thereof.

Also enclosed are the following documents:

1. Original Proof of Service of the Motion for Extension of time; and,
2. Filing fee of \$25.00.

Please do not hesitate to contact me should you have any questions or concerns.

With kindest regards, I am,

Very truly yours,

**THE FLOYD LAW FIRM PC**

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures

# The South Carolina Court of Appeals

Lisa Everitt Lomonaco,

Appellant,

v.

The Myrtle Beach Resort Homeowners'  
Association, Inc.,

Respondent.

The Honorable Benjamin H. Culbertson  
Horry County  
Trial Court Case No. 2008-CP-26-07002

---

## ORDER

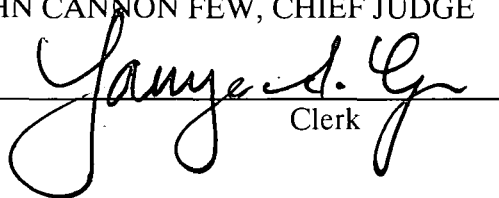
---

Pursuant to a telephone conference with the parties, the Respondents' Initial Brief and Designation of Matter are due sixty days after the Appellant's Initial Brief is served.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE

BY

  
Clerk

Columbia, South Carolina

cc: Bradley A. Floyd, Esquire  
Timothy A. Domin, Esquire

**FILED**

2/3/11 



# The South Carolina Court of Appeals

JOHN CANNON FEW  
CHIEF JUDGE

JOHN C. CALHOUN BUILDING  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-2373  
E-MAIL: [jfew@sccourts.org](mailto:jfew@sccourts.org)

January 18, 2011

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Timothy A. Domin, Esquire  
Clawson & Staubes, LLC  
126 Seven Farms Drive  
Suite 200  
Charleston, SC 29492-7595

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
**2010177787**

Dear Counsel:

This letter serves as an Order granting Appellant's request for an extension of time in which to file the Appellant's Initial Brief and Designation of Matter. I have extended the due date until February 11, 2011. I realize that this extension may not give you all the time you need to complete the Appellant's Initial Brief and Designation of Matter. I have set a conference call for 11:00 a.m. on Tuesday, February 1, 2011 to discuss an overall approach to setting due dates for all filings in this appeal. **The Appellant is responsible for initiating the conference call by getting all parties on the phone at the allotted time.** The call should last less than ten minutes. The participants in the call will include counsel for all parties and me. In preparation for the call, please consider the other time commitments you have in the near future so we can discuss a suitable timeframe for all parties to complete their briefs. If the time scheduled for the conference call creates a conflict, please contact the Clerk's Office at 734-1890 with all counsel on the phone. We will reschedule the call to suit you.

I look forward to talking to you on Tuesday, February 1, 2011.

Sincerely yours,

*John Cannon Few, by Judge J. G.*  
John Cannon Few

JCF/laf

**FILED**

1/19/11



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**MOTION FOR EXTENSION OF TIME**

Appellant, Lisa Everitt Lomonaco, hereby moves this Honorable Court pursuant to Rule 224, SCACR, for an Order extending by thirty (30) days the time for filing the Brief of Appellant pursuant to Rule 208(a)(1), SCACR.

This is Counsel for the Appellant's first Motion for an Extension of Time and hereby requests the extension on the basis that the additional time is needed to complete a thorough Initial Brief.

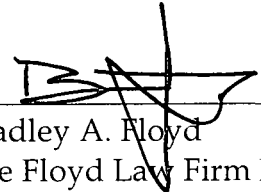
Counsel for the Appellant has contacted counsel for the Respondent concerning this Motion and Counsel for the Respondent does not oppose the Appellant's Motion.

January 7, 2011

**RECEIVED**

JAN 12 2011

**SC Court of Appeals**

  
Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorneys for Appellant

Other Counsel of Record:

Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

1/12/11 1st motion  
2/11/11

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

Lisa Everitt Lomonaco.....Appellant

v.

Myrtle Beach Resort Home Owners Association, Inc..... Respondent

**CERTIFICATE OF SERVICE**

The undersigned employee of The Floyd Law Firm, Attorneys at Law, P.O. Drawer 14607, Surfside Beach, SC 29587, does hereby certify that the following named individuals were served with a copy of the pleading indicated below by forwarding a copy of same to said persons by United States Postal Service on the date indicated below:

INDIVIDUALS SERVED:

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

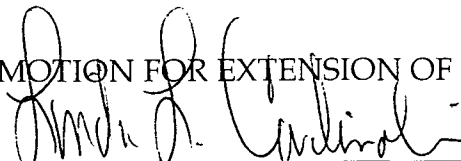
Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

**RECEIVED**  
JAN 12 2011  
SC Court of Appeals

PLEADING:

APPELLANT LISA EVERITT LOMONACO'S MOTION FOR EXTENSION OF TIME

January 7, 2011  
Surfside Beach, SC

  
Linda L. Cardinali, Paralegal



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd

January 7, 2011

The Honorable Jeanette Barber  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

JAN 12 2011

**SC Court of Appeals**

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Home Owners Association, Inc.  
Case No.: 2010177787

Dear Ms. Barber:

Enclosed for filing is the Appellant's original Motion for Extension of time to file the Appellant's Initial Brief as required in R. 208(a)(1) of the South Carolina Appellate Court Rules, together with six (6) copies thereof.

Also enclosed are the following documents:

1. Original Proof of Service of the Motion for Extension of time; and,
2. Filing fee of \$25.00.

Please do not hesitate to contact me should you have any questions or concerns.

With kindest regards, I am,

Very truly yours,  
**THE FLOYD LAW FIRM PC**

Bradley A. Floyd  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
(843) 238-5141  
Attorney for Appellant

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144

Enclosures



**THE FLOYD LAW FIRM PC**

*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd

December 14, 2010

Writer's E-Mail:  
bafloyd@floydllaw.com  
Paralegal, Linda L. Cardinali  
E-Mail: lindac@floydllaw.com

The Honorable Tanya A. Gee  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Lisa Everitt Lomonaco, Appellant vs.  
The Myrtle Beach Resort Homeowner's Association, Inc.  
Case No.: 2008-CP-26-7002

Dear Ms. Gee:

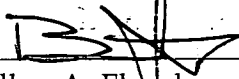
This will confirm that we received the Transcript of Record related to the above-referenced matter on December 13, 2010.

Should you have any questions or concerns, kindly do not hesitate to contact me at the above-referenced number, or via e-mail.

With kindest regards, I am

Very truly yours,

THE FLOYD LAW FIRM PC

  
Bradley A. Floyd  
Attorney for Appellant

RECEIVED

DEC 15 2010

SC Court of Appeals

BAF:llc

cc: Timothy A. Domin, Esq.  
Ms. Lisa Everitt Lomonaco



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd

December 14, 2010

Writer's E-Mail:  
bafloyd@floydlaw.com  
Paralegal: Linda L. Cardinali  
E-Mail: lindac@floydlaw.com

Grace L. Hurley  
P.O. Box 30878  
Myrtle Beach, SC 29588

RE: Lisa Everitt Lomonaco, Appellant v. Myrtle Beach Resort Homeowners  
Association, Inc., Respondent  
Case No.: 2008-CP-26-7002

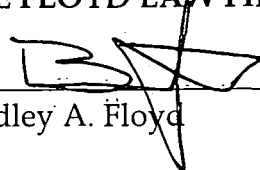
Dear Ms. Hurley:

Enclosed please find our check payable to your order in the amount of \$55.25,  
representing payment in full for the Transcript received on December 13, 2010.

We thank you for your time and attention.

With kindest regards, I am

Very truly yours,  
THE FLOYD LAW FIRM PC

  
Bradley A. Floyd

BAF:llc

cc: Timothy A. Dornin, Esq.  
The Honorable Tanya A. Gee

**RECEIVED**

DEC 15 2010

**SC Court of Appeals**

15 Highway 17, South | P.O. Drawer 14607 | Surfside Beach, SC 29587-4607 | (843) 238-5141 | Fax (843) 238-9060 | *www*

† Additionally Licensed in NY & CT



**THE FLOYD LAW FIRM PC**

*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Rea† | Bradley A. Floyd

**RECEIVED**

NOV 18 2010

November 16, 2010

**SC Court of Appeals**

Writer's E-Mail:  
bafloyd@floydllaw.com  
Paralegal: Linda L. Cardinali  
E-Mail: lindac@floydllaw.com

Grace L. Hurley  
P.O. Box 30878  
Myrtle Beach, SC 29588

RE: Lisa Everitt Lomonaco v. Myrtle Beach Resort Homeowners Association,  
Inc.  
Case No.: 2008-CP-26-7002

Dear Ms. Hurley:

Please be advised oral arguments were heard before the Honorable Benjamin H. Culbertson on July 14, 2009 regarding a Motion for Summary Judgment relative to the above-referenced matter. Attorneys present were:

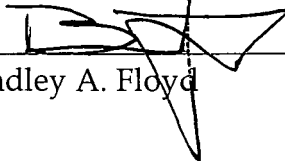
Attorney for Plaintiff: Frank J. Bryan  
Attorney for Defendant: Timothy A. Domin

The matter has now been appealed to the Court of Appeals and as you were the Court Reporter when the Motion for Summary Judgment was orally argued, we are requesting you prepare and forward a Transcript to our attention as soon as possible. Of course, we will promptly forward payment upon receipt of an invoice.

Should you have any questions or concerns, kindly do not hesitate to contact me.

With kindest regards, I am

Very truly yours,  
**THE FLOYD LAW FIRM PC**

  
\_\_\_\_\_  
Bradley A. Floyd

BAF:llc

cc: Timothy A. Domin, Esq.  
The Honorable Tanya A. Gee  
Court Administration



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

November 22, 2010

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
2010177787

Dear Counsel:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1015 Sumter Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten (10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

**NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as**

amended June 1, 1999, and the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

*V. Claire Allen, Deputy*  
Tanya A. Gee  
CLERK

TAG/laf

cc: Timothy A. Domin, Esquire



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

November 22, 2010

Bradley A. Floyd, Esquire  
The Floyd Law Firm  
P O Drawer 14607  
Surfside Beach, SC 29587-4607

Re: Lomonaco, Lisa v. Myrtle Beach Resort HA  
**2010177787**

Dear Counsel:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/laf

cc: Timothy A. Domin, Esquire

# The Supreme Court of South Carolina

RE: Interim Guidance Regarding Personal Data Identifiers and  
Other Sensitive Information in Appellate Court Filings

---

## ORDER

---

Under the Federal Constitution, our State Constitution, and our common law, court records are presumptively open to the public, and these records may only be sealed by a court based on specific findings that the need for secrecy outweighs the presumption of openness. Ex parte Capital U-Drive-It, Inc., 369 S.C. 1, 630 S.E.2d 464 (2006); Davis v. Jennings, 304 S.C. 502, 405 S.E.2d 601 (1991). Therefore, with some few exceptions,<sup>1</sup> documents filed with this Court or the South Carolina Court of Appeals (appellate court) are available to the public unless sealed by order of the appellate court in which the matter is pending.

Several commercial vendors have recently requested copies of briefs filed with the appellate courts, and it is anticipated that these and other appellate filings will be available electronically from both private and public sources in the future. The ready availability of these documents raises significant privacy concerns. While this problem is currently under review by the Chief Justice's Task Force on Public Access to Court Records, we adopt the following interim guidance regarding personal data identifiers and other sensitive information in documents filed in the appellate courts.

Parties shall not include, or will partially redact where inclusion is necessary, the following personal data identifiers from documents filed with an appellate court:<sup>2</sup>

1. Social Security Numbers. If a social security number must be included, only the last four digits of that number should be used.
2. Names of Minor Children. If a minor is the victim of a sexual assault or is involved in an abuse or neglect case, the minor's name will be completely redacted and a term such as "victim" or "child" should be used. In all other cases, only the minor's first name and first initial of the last name (i.e., John S.) should be used.
3. Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
4. Home Addresses. If a home address must be included, only the city and state should be used.

Parties wishing to file documents containing the personal data identifiers listed above may file unredacted documents under seal, together with redacted versions for the public file. The sealed unredacted documents shall be filed in a separate Appendix and the bottom of each page of the Appendix shall be marked "Sealed." No order of the appellate court will be required to file this sealed Appendix. The number of copies of the Appendix to be served and filed shall be the same as that required for the brief, record on appeal, motion or other filing that includes the redacted documents.

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend the caption to redact the identifier. This should be done contemporaneously with the filing of the notice of appeal or the commencement of the case with the appellate court. Without a motion to the appellate court, the caption of a juvenile delinquency matter from the family court shall be redacted to only use the juvenile's first name and first letter of the juvenile's last name (i.e., In the Interest of John S., a Juvenile.)

A party seeking to seal material beyond those personal identifiers listed above, must file a motion to seal with the appellate court in which the matter is pending. This is true even if the lower court or administrative tribunal may have issued an order sealing the record. Until the motion is ruled on, the clerk of the appellate court shall treat the material as if it is sealed. Parties and counsel are reminded that the standard established in Ex parte Capital U-Drive-It, Inc. and Davis v. Jennings, supra, must be met before any request to seal all or a portion of a record will be granted. Once sealed by order of an appellate court, the materials will remain sealed before the appellate courts unless otherwise ordered by the appellate court in which the matter is pending.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, or national security information.

Attorneys are expected to discuss this matter with their clients so that an informed decision can be made about the inclusion of sensitive information. The appellate courts and their staff will not review filings for redaction or to determine if materials should be sealed; the responsibility for insuring that information is redacted or sealed rests with counsel and the parties.

IT IS SO ORDERED.

s/Jean H. Toal C.J.

s/James E. Moore J.

s/John H. Waller, Jr. J.

s/E.C. Burnett, III J.

s/Costa M. Pleicones J.

Columbia, South Carolina

August 13, 2007

---

<sup>1</sup> See, e.g., Rule 12 of the Rules for Lawyer Disciplinary Enforcement contained in Rule 413, SCACR; Rule 12 of the Rules for Judicial Disciplinary Enforcement contained in Rule 502, SCACR; Rule 402(n), SCACR; and Rule 403(l), SCACR.

<sup>2</sup> This restriction shall not apply when this information is required or requested by the appellate court. For example, the application for admission to practice law under Rule 402, SCACR, requires many of these personal identifiers to be disclosed.

PM 11/15/10  
POS 11/15/10

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

NOV 16 2010

SC Court of Appeals

Case No. 2008-CP-26-7002

Lisa Everitt Lomonaco.....Appellant,

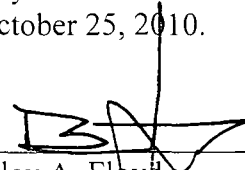
v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

NOTICE OF APPEAL

Appellant, Lisa Everitt Lomonaco, appeals the Order of the Honorable Benjamin H. Culbertson dated September 14, 2009. Appellant received written notice of entry of this Order on September 22, 2009. Appellant filed a timely Notice of Motion and Motion for Reconsideration of this Order pursuant to Rules 52(b) and 59(e) SCRPC on October 2, 2009. Appellant also appeals the Order of the Honorable Benjamin H. Culbertson, dated September 10, 2010, that denied Appellant's Motion for Reconsideration. The Appellant received written notice of entry of the Order denying its Motion for Reconsideration pursuant to Rules 52(b) and 59(e) SCRPC on October 25, 2010.

November 15, 2010

  
Bradley A. Floyd  
The Floyd Law Firm  
15 Highway 17 South  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
843-238-5141 (phone)  
843-238-9060 (facsimile)  
Attorney for Appellant

Other Counsel of Record:

Timothy A. Domin

Clawson & Staubes, LLC

126 Seven Farms Drive, Suite 200

Charleston, SC 29492

843-577-2026 (phone)

843-722-2867 (facsimile)

Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2008-CP-26-7002

RECEIVED

NOV 16 2010

SC Court of Appeals

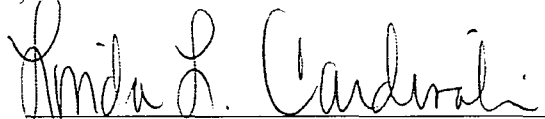
Lisa Everitt Lomonaco.....Appellant,

v.

The Myrtle Beach Resort  
Homeowner's Association, Inc.....Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The Myrtle Beach Resort Homeowner's Association, Inc., by depositing a copy of same in the United States Mail, postage prepaid, on November 15, 2010, addressed to the attorney of record, Timothy A. Domin, Esquire of Clawson & Staubes, LLC, 126 Seven Farms Drive, Suite 200, Charleston, SC 29492.



Linda L. Cardinali, Paralegal  
The Floyd Law Firm PC  
P.O. Drawer 14607  
Surfside Beach, SC 29587  
Attorneys for Appellant

November 15, 2010



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*

Dalton B. Floyd, Jr. | Frank J. Bryan | Charles R. Rhodes Jr. | Terrence R. Real † | Bradley A. Floyd

November 15, 2010

Writer's E-Mail:  
bafloyd@floydllaw.com  
Paralegal, Linda L. Cardinali  
E-Mail: lindac@floydllaw.com

The Honorable Tanya A. Gee  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

NOV 16 2010

**SC Court of Appeals**

Re: Lisa Everitt Lomonaco, Appellant vs.  
The Myrtle Beach Resort Homeowner's Association, Inc.  
Case No.: 2008-CP-26-7002

Dear Ms. Gee:

Enclosed for filing are the following documents related to the above-referenced matter:

1. Notice of Appeal;
2. Proof of Service of the Notice of Appeal on the Respondent;
3. A copy of the Orders which are to be challenged on appeal; and
4. A filing fee of \$100.00.

Should you have any questions or concerns, kindly do not hesitate to contact me at the above-referenced number, or via e-mail.

With kindest regards, I am

Very truly yours,

**THE FLOYD LAW FIRM PC**

Bradley A. Floyd  
Attorney for Appellant

FJB:llc

cc: Timothy A. Domin, Esq.  
Clawson & Staubes, LLC  
126 Seven Farms Drive  
Suite 200  
Charleston, SC 29492

Ms. Lisa Everitt Lomonaco

Enclosures

RECEIVED

NOV 16 2010

SC Court of Appeals

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF HORRY )

CASE NO.: 08-CP-26-7002

Lisa Everitt Lomonaco, )

Plaintiff, )

vs. )

ORDER GRANTING SUMMARY  
JUDGMENT  
IN FAVOR OF DEFENDANT.

The Myrtle Beach Resort Homeowners'  
Association, Inc., )

Defendant. )

COPY

SHIRLEY L. GIBSON  
CLERK OF COURT  
NOV 16 2010 AM 10:32

This matter came before the Court on the Defendant's Motion for Summary Judgment. Having heard argument from both counsel and after reviewing the affidavits and depositions in this case, I find that the defendant is entitled to summary judgment as a matter of law. While there are some differences in the facts as recounted by various individuals, even viewed in the light most favorable to the plaintiff, these do not result in any conceivable basis for recovery by the plaintiff.

The Myrtle Beach Resort (hereinafter "Resort") is located on the beach in Horry County. It is comprised of four separate horizontal property regimes which each have their own board of directors and property management company. Each individual regime elects a member to the board of directors of the defendant entity. This master board selects a property manager who administers the day-to-day affairs of the property common to all the regimes. The property manager at the time of this incident was Chicora Development. Chicora Development hired Eagle Services, Inc. to maintain security over the common areas maintained by the Master Association.

The undisputed facts demonstrate that the plaintiff, Lisa Lomonaco, was an adult over the age of twenty-one who was present on the subject property as a guest of a friend

*1*  
*MLC*

who lived in one of the buildings at the Resort. By all accounts and by an admission in her own pleadings, Lomonaco became highly intoxicated. This intoxication was not the result of any actions of the defendant. Lomonaco was not served any alcohol by the Resort, by the property manager for the Resort, or by security for the Resort.

The evidence shows that Lomonaco was in the beach area of the Resort and then the pool area of the Resort. Due to a disturbance in the pool area, which apparently involved Lomanaco's boyfriend throwing her into the pool, security was called. Security directed Lomanaco to go to the room to "sleep it off."

Plaintiff alleges that the security guards told her boyfriend to stay downstairs. While this is disputed by the security guard, it must be assumed as true for the purposes of this Motion. Plaintiff's boyfriend states in his affidavit that although he had consumed some alcohol, he did not believe he was too impaired to drive. Lomanaco's boyfriend contends that he requested that he be allowed to drive the plaintiff off the subject property and was denied that request by security.

Plaintiff was accompanied to the room by her friends Jennifer Lundi, Stephanie Caradinta and Ovidiu Caradinta. After arriving at the room, Stephanie Caradinta and Ovidiu Caradinta left. Jennifer Lundi remained with the plaintiff in the unit. Plaintiff thereafter opened the sliding door to the balcony, climbed onto the chest-high balcony railing and either fell or jumped from the eighth story room. Although the plaintiff survived the fall, she sustained serious injuries.

In South Carolina, a plaintiff is barred from recovery if her negligence outweighs the defendant's negligence. Nelson v. Concrete Supply Co., 303 S.C. 243, 399 S.E.2d 783 (1991). While the question of comparative negligence is often a question for the jury, when

the evidence supports only one conclusion, then the comparative fault of the plaintiff and defendant become a question of law for the trial judge. Creech v. South Carolina Wildlife & Marine Res. Dep't, 328 S.C. 24, 33, 491 S.E.2d 571, 575 (1997).

This state's modified comparative negligence system also bars an intoxicated adult's recovery on a first party negligent entrustment cause of action. See Lydia v. Horton, 355 S.C. 36, 40 583 S.E.2d 750, 752 (2006) ("We cannot imagine how one could be more than fifty percent negligent in loaning his car to an intoxicated adult who subsequently injured himself."). Public policy and logic is not served by allowing an intoxicated adult to maintain a suit for injuries which result from his own conduct. See Tobias v. Sports Club, Inc., 332 S.C. 90, 504 S.E.2d 318, 319 (1998). An adult who voluntarily renders themselves intoxicated is nevertheless responsible for their own acts. State v. Vaughn, 268 S.C. 119, 125 232 S.E.2d 328, 330-31 (1977)

In the present case, it is not foreseeable that directing the intoxicated Lomonaco out of the pool area and to a room with friends would result in her climbing over the balcony and jumping to the ground from the eighth floor. Jennifer Lundi, the plaintiff's friend who accompanied her to the room testified that no one had any reason to believe that she would go over the balcony that day. (Lundi Dep. Tr., 71, l.15-25).

The suggestion that the Resort security should have allowed Lomonaco to be driven off the property by her boyfriend does not provide any reasonable alternative or a means to assign negligence to the security personnel. While Lomonaco might not have had an opportunity to jump off the eighth floor balcony if she had been allowed to be driven off the subject property by her boyfriend, placing her in a moving car with a man who had just thrown her into the pool to "sober her up", would have posed its own unique risks.

In comparing the negligence of the parties, it is difficult to suggest the security guards were negligent whatsoever. It was not foreseeable the plaintiff would jump off an eighth floor balcony if directed to the room. On the other hand, plaintiff's voluntary intoxication does not excuse her conduct. The direct cause of Lomonaco's injuries is her decision to climb over the balcony on the eighth floor and to thereafter jump or fall. Based on those facts, it is inconceivable that any reasonable jury could conclude that the Resort was somehow more responsible for plaintiff's injuries than the plaintiff herself. As a matter of public policy and logic, plaintiff should not be permitted to recover for the consequences of her own voluntary intoxication under these circumstances.

Further, the Court would note that the Resort's employees did not interact with the plaintiff in any way whatsoever. The plaintiff and her friends only interacted with the security guards who were employees of Eagle Security Services, Inc. By all accounts, and tests, Eagle Security Services, Inc. appears to be an independent contractor hired by the property manager, Chicora Development. The general rule is that a person is not vicariously liable for the negligent acts of an independent contractor. Duane v. Presley Constr. Co., Inc., 270 S.C. 682, 683, 244 S.E.2d 509, 510 (1978).

While the plaintiff argues that the Resort has responsibility for the security guards under the theory of a non-delegable duty, there is no duty under South Carolina law for a property owner to provide a security guard or any type of security service. Unlike those cases which involve some defect on the property which the property owner is charged with the duty of making safe, See e.g., Courtney v. Remler, 566 F. Supp. 1225, 1234 (D.S.C. 1983) aff'd, 745 F.2d 50 (4th Cir. 1984), there is no tort duty for a landowner to provide security for guests absent some level of criminal activity warranting security. Simmons v.

Tuomey Reg'l Med. Ctr., 341 S.C. 32, 52 (S.C. 2000).

The only reasonable inference that may be drawn from the evidence is that the plaintiff's negligence exceeded fifty percent of the total negligence that caused her injuries. Even if the security guards were somehow negligent in directing the plaintiff up to a room as opposed to having her leave the Resort in a moving car with her boyfriend, it was not foreseeable that plaintiff would thereafter climb on to an eighth floor balcony railing.

  
Benjamin Culbertson  
Presiding Judge

Georgetown, South Carolina

September 14, 2009

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 Lisa Everitt Lomonaco, )  
 )  
 Plaintiff, )  
 vs. )  
 The Myrtle Beach Resort Homeowners' )  
 Association, Inc., )  
 )  
 Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.: 08-CP-26-7002

ORDER

FILED  
 HORRY COUNTY  
 10 SEP 17 AM 11:24  
 MELANIE HISSGINS-WARD  
 CLERK OF COURT

This matter comes before me on the Plaintiff's motion to reconsider my order granting summary judgment in favor of the Defendant. I have asked each party to submit a memorandum of law in support of their position rather than have a second oral argument. I have reviewed the memorandums and accompanying materials. The court believes that its prior order adequately addresses the issues in this case. Accordingly, plaintiff's motion for reconsideration is denied.

AND IT IS SO ORDERED

*Benjamin H. Culbertson*  
 Benjamin H. Culbertson  
 Presiding Judge

Sept. 10, 2010, 2009  
Conway, South Carolina

CLAWSON & STAUBES, LLC  
ATTORNEYS AT LAW

TIMOTHY A. DOMIN  
tdomin@clawsonandstaubes.com

October 20, 2010

Reply to Charleston Office  
File No.: 2008-1306tad

**VIA FACSIMILE - 843-238-9060**

Frank J. Bryan, Esquire  
The Floyd Law Firm, PC  
P. O. Box 14607  
Surfside Beach, SC 29587

Re: Lisa Everitt Lomonaco v. The Myrtle Beach Resort Homeowners' Association, Inc.  
Case No: 08-CP-26-7002

Dear Frank:

Enclosed is a copy of the Order signed by Judge Culbertson and filed on September 10, 2010 with regard to the above matter.

With kindest regards, I remain

Very truly yours,

CLAWSON & STAUBES, LLC

  
Timothy A. Domin

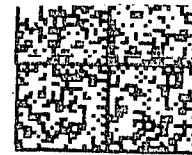
TAD/clf  
Enclosure

RECEIVED  
OCT 25 2010  
THE FLOYD LAW FIRM PC

Charleston Office:  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-6144  
(o) 843.577.2026  
(f) 843.722.2867

Charlotte Office:  
756 Tyvola Rd., Suite 130  
Charlotte, NC 28217-3535  
(o) 704.940.9128  
(f) 704.522.9033

clawsonandstaubes.com



HASLER  
\$1.760  
11/15/2010  
Mailed From 29575  
US POSTAG



**THE FLOYD LAW FIRM PC**  
*attorneys & counselors at law*  
P.O. Drawer 14607  
Surfside Beach, SC 29587-4607  
(843) 238-5141 | Fax (843) 238-9060  
[www.floydlaw.com](http://www.floydlaw.com)

The Honorable Tanya A. Gee  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211