

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

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Appellate Case No. 2019-002099

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**RECEIVED**  
MAY 19 2020  
SC Court of Appeals

Machelle Smith,..... Appellants,

v.

Columbia Sussex Corporation d/b/a Hilton Head Marriott  
Resorts and Spa; Columbia Sussex Management, LLC; and  
Columbia Properties Hilton Head, LLC..... Respondents.

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**RESPONDENTS' RETURN TO APPELLANT'S MOTION TO FILE  
OUT OF TIME**

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TO: THE HONORABLE JUDGES OF THE COURT OF APPEALS OF SOUTH  
CAROLINA:

Pursuant to Rule 263, Appellant Machelle Smith moved this Court for  
an Order permitting her to file a Return to Respondents Columbia Sussex Corp.  
d/b/a Hilton Head Marriott Resorts and Spa, Columbia Sussex Management,  
LLC and Columbia Properties Hilton Head, LLC's (collectively,

“Respondents”) Motion to Dismiss Appeal. Respondents’ submit this Reply in Opposition of Appellant’s Motion to File Out of Time.

On March 19, 2020, Respondents filed their Motion to Dismiss Appeal on the grounds that Appellant had failed to raise any preserved issues or arguments. Appellant’s Reply to the Motion was due March 30, 2020<sup>1</sup> pursuant to Rule 240(e), SCRCP. Pursuant to the Chief Justice of the Supreme Court of South Carolina’s March 20, 2020 Order, Appellant’s deadline to reply to the Motion to Dismiss was extend twenty (20) days, or until April 20, 2020. Appellant failed to file her Reply by April 19, 2020. On May 7, 2020, Appellant filed her Motion to File Out Return to Motion to Dismiss Out of Time and corresponding Return to Respondents’ Motion to Dismiss, eighteen (18) days past the extended deadline. Appellant’s motion was based on prior counsel’s resignation and transfer of the case to new counsel within the same firm.

Respondents respectfully submit that Appellant has failed to articulate any good cause shown in support of the filing of Appellant’s Return out of time. While Appellant’s counsel states that the request was made due to the

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<sup>1</sup> March 29, 2020 was a Sunday.

resignation of appellant's prior counsel, the subject appeal remained at prior counsel's firm. Appellant nor counsel have articulated any grounds for the delay in filing the response, such as the time of resignation and when new counsel became involved in the subject case, or any other basis as grounds for delay.

Because there is no good cause shown to file Appellant's Return to Respondents' Motion to Dismiss Appeal out of time, Appellant's motion should be denied.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

COLLINS & LACY, P.C.



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ATTORNEYS FOR RESPONDENTS

**RESPONDENTS' RETURN TO  
APPELLANT'S MOTION TO FILE  
OUT OF TIME**

Columbia, South Carolina  
May 18, 2020

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Machelle Smith,..... Appellants,

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**PROOF OF SERVICE**

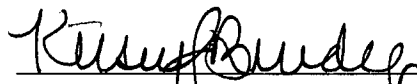
I hereby certify that I served Respondents' Return to Appellant's Motion to File Out of Time upon all parties, by placing a copy in the United States mail, postage prepaid, to all counsel of record on May 18, 2020, addressed to the following:

**COUNSEL SERVED:**

John E. Parker, Esquire  
Peters Murdaugh Parker Eltzroth & Detrick  
Post Office Box 2500  
Ridgeland, SC 29936  
*Counsel for Appellant*

Respectfully submitted,

COLLINS & LACY, P.C.



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ATTORNEYS FOR RESPONDENTS



Christian Stegmaier | D: 803.255.0454 | E: cstegmaier@collinsandlacy.com

May 18, 2020

**VIA UNITED STATES MAIL**

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

**Re: *Machelle Smith v. Columbia Sussex Corporation d/b/a Hilton Head Marriott Resorts & Spa; Columbia Sussex Management, LLC; and Columbia Properties Hilton Head, LLC***  
***Civil Action No. 2016-CP-07-0777***  
***Claim No. 007164-006563-GD-01***  
***C&L File No. 001831-00104***

**RECEIVED**  
MAY 19 2020  
SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed the original and one copy of the following:

1. Respondents' Reply to Appellant's Return In Opposition of Motion to Dismiss Appeal; and
2. Respondents' Response to Appellant's Motion to File Out of Time.

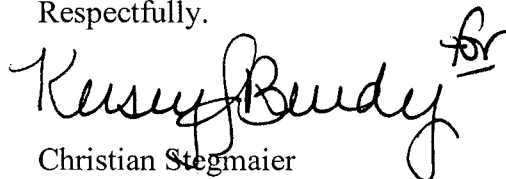
Please file the originals and return one copy to our office in the envelope provided for your convenience.

Pursuant to the Supreme Court's Order "re: Operation of the Appellate Courts During the Coronavirus Emergency" (2020-03-20-01), no additional copies are being provided. If any additional copies are required, please let us know.

By copy of this letter to Appellant's counsel, we are serving same on them.

Thank you for your attention to this matter.

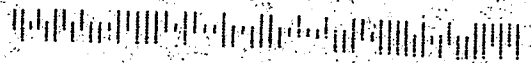
Respectfully,

  
Christian Stegmaier

CS/net  
Encl.

cc (via U.S. Mail and email):

John E. Parker, Esquire, Peters Murdaugh Parker Eltzroth & Detrick



Hasler

FIRST-CLASS MAIL

05/18/2020

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**Collins Lacy**  
ATTORNEYS AT LAW

1330 Lady Street, Sixth Floor (29201) Post Office Box 12487 | Columbia, SC 29211

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

1831-104

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