

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas  
Paul M. Burch, Circuit Court Judge

---

Appellate Case No. 2020-001166

---

**RECEIVED**

**Nov 19 2020**

**SC Court of Appeals**

Ex Parte: DeBordieu Colony Community Association, Inc., Appellant

In Re: The Belle W. Baruch Foundation, Plaintiff

v.

The State of South Carolina, Defendant,

Of which The Belle W. Baruch Foundation is the Respondent.

---

MOTION FOR LEAVE TO FILE ABBREVIATED BRIEF  
AND FOR EXTENSION OF TIME

---

The Defendant State of South Carolina moves for leave to file an abbreviated brief in this appeal by DeBordieu of the decision of the circuit court not to allow it to intervene in this case. The State has not objected to and does not oppose Appellant's intervention in this case. The State takes no position on the merits of this appeal, but the State strongly disagrees with DeBordieu's mischaracterization of and speculation about the State's position in this case including its statement that the State has only a "general interest in this case," that the State does not have the "same determination" that DeBordieu has and that the State seeks to "fast-track the title determination for trial." Initial Brief at page 19 (Argument II.A.3).

The State wishes to respond to these allegations in an abbreviated brief of no more than about two pages in length. The State might designate one or two additional documents for the record. Because the State response would be limited to this section of Appellant's argument regarding adequacy of representation of its interests, the State respectfully requests that it be relieved of requirements to include statements of the case and issues and tables of contents and authorities. Of course the State, will include such sections as this Court requests. The State reserves the right to submit an initial brief in full should this motion be denied.

This Court has granted Respondent Baruch an extension of time to file its initial brief and designation to December 21. The State respectfully requests that it be granted an extension to file an abbreviated or full brief and designation in accordance with a ruling of this Court until December 21 or 15 days after this Court's ruling whichever comes later. The State respectfully requests that any filing deadline for it be held in abeyance while this Court considers this Motion.

Respectfully submitted,

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262

Deputy Solicitor General

ALAN WILSON

Attorney General

ROBERT D. COOK

Solicitor General

S.C. Bar No. 1373

[Address on next page]

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3680  
Email: ESmith@scag.gov

November 19, 2020

ATTORNEYS FOR THE STATE

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas  
Paul M. Burch, Circuit Court Judge

---

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

Appellate Case No. 2020-001166

---

Ex Parte: DeBordieu Colony Community Association, Inc., Appellant

In Re: The Belle W. Baruch Foundation, Plaintiff

v.

The State of South Carolina, Defendant,

Of which The Belle W. Baruch Foundation is the Respondent.

---

CERTIFICATE OF SERVICE

---

I hereby certify that I have served the State's Motion for Leave to File Abbreviated Brief and Extension Request by emailing it to counsel for the other parties at the email addresses below this November 19, 2020 (Copy of email attached):

Brian Duffy  
Duffy & Young, LLC  
bduffy@duffyandyoung.com

Julie Moore  
Duffy & Young, LLC  
jmoore@duffyandyoung.com

Kara Grevey  
Duffy & Young, LLC  
kgrevey@duffyandyoung.com

CERTIFICATE OF SERVICE

November 19, 2020

Page 2

Trenholm Walker  
WALKER GRESSETTE FREEMAN & LINTON, LLC  
Walker@WGFLAW.com

Thomas P. Gressette, Jr.  
WALKER GRESSETTE FREEMAN & LINTON, LLC  
gressette@wgflaw.com

Thomas S. Tisdale, Jr.  
HELLMAN YATES & TISDALE, PA  
tst@hellmanyates.com

/s J. EMORY SMITH, JR.  
Deputy Solicitor General  
S.C. Bar No. 5262

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3680

November 19, 2020

ATTORNEY FOR THE STATE

## Emory Smith

---

**From:** Emory Smith  
**Sent:** Thursday, November 19, 2020 4:27 PM  
**To:** Trenholm Walker; Thomas P. Gressette, Jr.; tst@hellmanyates.com; Julie Moore; Brian Duffy; Kara Grevey  
**Cc:** cliff.moore@arlaw.com; 'Pamela Jones'  
**Subject:** RE: Ex Parte: Debordieu Colony Community Association, Inc., Appellate Case No. 2020-001166  
**Attachments:** Motion for Leave to File Abbreviated Brief for e filing (02432628xD2C78).PDF

Counsel:

Attached is our motion for leave to file abbreviated brief and request for extension which is hereby served upon you.

Emory

J. Emory Smith, Jr.  
Deputy Solicitor General  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
803-734-3642 Direct

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