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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
In the Court of Common Pleas for the Ninth Circuit  
The Honorable Carmen T. Mullen, Circuit Court Judge

Common Pleas No. 2020-CP-07-01840  
Appellate Case No. 2020-001522

The Town of Hilton Head Island, South Carolina, John J. McCann  
and Stephen G. Riley, .....Intervenors/Plaintiffs

vs.

Beaufort County, South Carolina,.....Respondent

vs.

James Beckert, .....Appellant.

**RESPONDENT'S CONSENT MOTION FOR LEAVE TO FILE RETURN TO MOTION  
FOR AN ORDER OF CERTIFICATION PURSUANT TO S.C.A.C.R. RULE 204**

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**RESPONDENT'S CONSENT MOTION FOR LEAVE TO FILE RETURN TO MOTION  
FOR AN ORDER OF CERTIFICATION PURSUANT TO S.C.A.C.R. RULE 204**

AND NOW COMES Respondent Beaufort County ("County"), by and through its undersigned counsel, and files the following Consent Motion for Leave to File Return to Appellant's Motion for an Order of Certification Pursuant to S.C.A.C.R. Rule 204:

**INTRODUCTION**

1. On November 2, 2020, the County filed its Supplemental and Amended Motion for Temporary Injunction and Writ of Mandamus and for Expedited Hearing ("Motion for Temporary Injunction"). The trial court signed and filed an Order granting the Motion for Temporary Injunction on November 20, 2020.

2. On the same day, Appellant filed: (a) a Notice of Appeal to the South Carolina Court of Appeals; and (b) a Motion for an Order of Certification Pursuant to SCACR Rule 204 in the South Carolina Supreme Court.

3. On December 15, 2020, the County filed a Return to the Motion for an Order of Certification Pursuant to SCACR Rule 204.

4. The Supreme Court subsequently informed counsel for the County that the Return to the Motion for an Order of Certification Pursuant to SCACR Rule 204 had been filed out of time.

5. Counsel for the County incorrectly initially set the deadline for filing its Return to the Motion for an Order of Certification Pursuant to SCACR Rule 204 as 30-days, similar to the deadline for filing a return to a petition for writ of certiorari.

6. The County hereby seeks leave to file its Return to the Motion for an Order of Certification Pursuant to SCACR Rule 204, which it previously sent to the Clerk's office for filing.

7. Counsel for Appellant has consented to the relief requested herein.

8. The relief requested herein will not cause prejudice to any party.

9. For the foregoing reasons, this Court should enter an order granting Respondent's Consent Motion for Leave to File Return to the Motion for an Order of Certification Pursuant to

SCACR Rule 204.

Respectfully submitted,

BARNWELL, WHALEY, PATTERSON, AND  
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December, 1 2020  
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