

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Mar 29 2021

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2019-002031

Richard Ralph and Eugenia Ralph..... Respondents,

v.

Paul Dennis McLaughlin and Susan Rode McLaughlin..... Petitioners.

MOTION FOR BRIEFING AND ORAL ARGUMENT

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the Ralphs hereby move for supplemental briefing and oral argument, in the event that this Court is inclined to hear (for the first time on rehearing) questions that were not before it for certiorari review.

On March 17, 2021, this Court issued its Opinion in this case, deciding several issues that were never raised for certiorari review by the Petitioners, the McLaughlins, nor ruled on by the Court of Appeals. On March 29, 2021, the Ralphs filed a Petition for Rehearing. Within their Petition for Rehearing, the Ralphs argue that the Opinion improperly decided questions that were never raised on appeal. This procedural mistake by the Court had at least two serious results: (1) it deprived the Ralphs of a fair

opportunity to brief the law, to their detriment; and (2) lack of briefing by the parties led this Court to make errors of law which should be heard and corrected, not only because of their impact on the Ralphs, but also because of the significant peril of leaving those errors—which are a threat to litigants and appellate courts—within the body of the common law.

The Ralphs therefore respectfully ask that this Court would give them leave to submit supplemental briefing, and to participate in oral argument on the questions wrongly decided in the Opinion, particularly the issues of appellate standing, new trial, and reciprocal servitudes. The Ralphs seek this relief only if this Court does not, as requested in the Petition, withdraw the Opinion to affirm the Court of Appeals' decision in its entirety, pursuant to the two-issue rule and the law of the case doctrine.

Respectfully submitted,

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March 29, 2021

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