

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
J. Ernest Kinard, Jr., Circuit Court Judge

S.C. SUPREME COURT

Court of Appeals Opinion No. 2019-UP-393
Originally Filed as 2018-UP-178, 2018-UP-179 and 2018-UP-180
Withdrawn, Substituted and Refiled December 18, 2019

Appellate Case No. 2020-000667

The Callawassie Island Members Club, Inc., Respondent,

v.

Gregory L. Martin and Rebecca L. Martin, Defendants,

and

The Callawassie Island Members Club, Inc., Respondent,

v.

Michael J. Frey and Grace I. Frey, Defendants,

Of Whom Gregory L. Martin and Michael J. Frey are the Petitioners.

**MOTION REGARDING THE APPENDIX
(Expedited Hearing Requested)**

Petitioners Martin and Frey respectfully move this Court for guidance on preparing the Appendix in this appeal, and for permission to file fewer than ten paper

copies of the Appendix. Due to the time that it will take to prepare and copy voluminous paper copies of the Appendix,¹ Petitioners respectfully request that this Court would decide this Motion on an expedited basis.

Originally, this case was two separate appeals, from two separate orders, in two separate circuit court cases. The Court of Appeals had before it two Records on Appeal, each over 1,500 pages long. There were nuanced differences between the two records, since the cases were not consolidated before the circuit court. The Court of Appeals initially issued two separate opinions (one for Frey, and one for Martin). However, when it granted rehearing of those opinions, the Court of Appeals consolidated Martin's and Frey's cases, and it issued a single decision under one caption.

Petitioners seek guidance from this Court in this motion. Under this Court's order granting certiorari dated March 9, 2021, it is Appellants' current understanding that they must submit 10 copies of the full Appendix—consisting of more than 30,000 pages of materials—to the Court (1,500-page Appendix for each case x 10 copies = 30,000+ pages). That forest-raiding document dump may be beyond what the Court wishes, and it is a huge logistical and financial task for Appellants.

First, Petitioners request guidance on whether this Court would like the Appendix to contain complete copies of both Frey's and Martin's records (which would together total more than 3,000 pages per copy), or whether the Court would prefer one Record, along with a smaller supplement containing the pages that are different, or whether this Court would prefer something else entirely.

¹ The Petitioners' briefs and Appendix are due to be filed on April 19, 2021.

Second, due to the voluminous size of the Records, Petitioners respectfully move for permission to submit fewer than the ten (10) additional copies of the Appendix, or perhaps to submit it electronically. The thousands of pages of evidence before the lower court are important, but if there is a mechanism by which this Court (or its law clerks) could view the Appendix in electronic form, Petitioners (and the environment) would be grateful. Petitioners therefore ask this Court to give guidance and permit them to file whatever number of paper copies that the Court deems necessary for purposes of this appeal, and no more.

Finally, in the event the Court does not decide this Motion before Appellants' April 19 filing deadline, Appellants request a reasonable period of time following the Court's order to comply and submit the Appendix and accompanying opening Brief.

Prior to filing this motion, the undersigned counsel attempted to consult with counsel for Respondent, but at this writing have not heard back. Because time is pressing on this issue, Petitioners proceeded with the filing.

Respectfully submitted,

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