

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

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

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, Petitioners.

**RESPONDENT’S RETURN TO PETITIONERS’
MOTION REGARDING APPENDIX**

The Petitioners Gregory L. Martin and Michael J. Frey have filed a motion seeking guidance from the Supreme Court regarding the preparation and filing requirements for the Appendix in these consolidated appeals. The Petitioners also seek leave of court to file less than the ten paper copies of the Appendix.

As to their first request for guidance, the Petitioners inquire whether the Appendix should include the complete copies of the Records on Appeal filed in the Martin and Frey appeals in the Court of Appeals. The Respondent Callawassie Island Members Club ("CIMC") believes that the Records on Appeal from both appeals must be available both to the Supreme Court and to the litigants for citing in briefs and at oral argument. CIMC recognizes that there is an overlap of the materials contained in the Records on Appeal, but the records are not identical because the two cases were not consolidated in the Circuit Court. Accordingly, there are significant portions of the two Records that are not the same, including pleadings, motions, orders, and certain portions of the evidentiary record.

As to their second request, the Petitioners have no objection to the Petitioners submitting less than ten paper copies of the Appendix as requested. CIMC will agree to the number of paper copies that the Court determines in its discretion are needed to properly adjudicate this appeal.

Respectfully submitted,

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

M. DAWES COOKE, JR. #1376
JOHN W. FLETCHER #69550
BARNWELL WHALEY PATTERSON
& HELMS, LLC
Post Office Drawer H
Charleston, South Carolina 29402
(843) 577-7700

STEPHEN P. HUGHES #2805
HOWELL, GIBSON & HUGHES
Post Office Box 40
Beaufort, South Carolina 29901
(843) 522-2400

*Counsel for Respondent
The Callawassie Island Members Club, Inc.*

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