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& MCINTOSH**

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May 26, 2021

VIA EMAIL ONLY ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org))

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, S.C. 29201

**RECEIVED**

**May 26 2021**

**SC Court of Appeals**

**RE: *The Boathouse at Breach Inlet, LLC, et al. v. Richard S. W. Stoney, et al.***  
***Appellate Case No: 2020-001203***  
***Our File No: 2015-1098***

Dear Ms. Kitchings:

We represent the Respondent Richard S. W. Stoney in the above appeal.

This letter is written in response to that of Sarah P. Spruill, Esq., attorney for Appellant, dated May 24, 2021, and suggesting that certain orders of the Family Court be recognized as supplemental citations under Rule 208(b)(7) of the South Carolina Appellate Court Rules.

Respondent objects to the supplementation, and requests that the materials be stricken, for the following reasons:

1. The Family Court Orders are not “pertinent and significant authorities” within the contemplation of Rule 208(b)(7), upon which the Court of Appeals would rely in deciding the issues in appeal in the case. The orders carry no precedential or persuasive effect;
2. The Orders are not “citations” within the contemplation of Rule 208(b)(7);
3. According to Appellant’s own connection of the proposed supplemental citations to his Brief, the proposed supplemental Orders relate only to footnotes inserted by Appellant in his Brief and Reply Brief, which are gratuitous and irrelevant. Neither the footnote arguments, nor any evidence relating to the Family Court matters, were presented to the trial judge in this case.
4. The Family Court Orders purport to recite evidence presented in that court, and to report factual findings by the Family Court judge as to the evidence. Such evidence and findings are collateral to the trial record of the case here at issue.

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
May 26, 2021 Letter  
Page Two

5. The Family Court Orders are not final. By their terms they are contingent upon future events, and they provide, depending upon future events, that certain findings “will no longer be considered findings of the Family Court.”

6. To the extent this Court’s scope of review is *de novo*, the supplemental orders make findings but without also including the Family Court record in this appeal, making *de novo* review by this Court impossible.

Respectfully,



Capers G. Barr, III

CGBIII/shg

cc: The Honorable Desiree Allen, Court Administration (via e-mail only [dallen@sccourts.org](mailto:dallen@sccourts.org))  
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