

June 11, 2021

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SC Court of Appeals

Moore & Van Allen

VIA EMAIL ONLY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

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Re: Shem Creek Development Group, LLC v. The Town of Mount Pleasant, South Carolina
Appellate Case No.: 2020-001387
Civil Action No.: 2017-CP-10-05493
MVA File No.: 043920.000001

Moore & Van Allen PLLC

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Charleston, SC 29401-1428

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Dear Ms. Kitchings:

Pursuant to Section (c)(6) of the Supreme Court's Amended Order regarding Operation of the Appellate Courts During the Coronavirus Emergency dated May 29, 2020, please accept this letter as notification to the Court that Respondent Shem Creek Development Group, LLC is not filing a Return to Appellant The Town of Mount Pleasant's Motion to Strike Materials Designated by Respondent for Inclusion in the Record on Appeal (the "Motion to Strike").

However, Respondent requests that the Court take notice that the failure to file a return should not be deemed consent to Appellant's motion pursuant to Rule 240(e) of the South Carolina Appellate Court Rules. Prior to Appellant's filing of the Motion to Strike, Respondent filed its Motion to Supplement the Record on Appeal. As indicated in the Motion to Strike, the parties' respective motions involve the same issues. Therefore, filing a return to the Motion to Strike would be duplicative and counter to the purposes of judicial economy. Respondent respectfully requests that the Court consider its filings in support of the Motion to Supplement the Record on Appeal in resolving both motions.

Thank you for your assistance with this matter. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,



E. Brandon Gaskins

EBG/llp

cc: **VIA EMAIL ONLY**
Andrew F. Lindemann, Esquire
David G. Pagliarini, Esquire
Claudius O. Tackett, II, Esquire

Charlotte, NC
Charleston, SC