

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

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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Withdrawn, Substituted and Refiled December 18, 2019

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Appellate Case No. 2020-000667

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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.

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**REPLY IN SUPPORT OF MOTION TO EXCEED PAGE LIMIT**

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Petitioners respectfully reply to Respondent Callawassie Island Members Club, Inc.'s ("CIMC") opposition to Petitioners' motion to exceed page limit.

**RECEIVED**

**Jun 29 2021**

**S.C. SUPREME COURT**

CIMC does not claim it is prejudiced by Petitioners' request to exceed page the page limit. Instead, CIMC's argument boils down to "rules are rules." Which is true, except that the rules provide a proper mechanism for exceeding a page limit, which Petitioners have properly invoked and respectfully request be allowed here.

These cases have been proceeding for almost 10 years (since 2012), and during that time Petitioners have not requested leave to exceed the courts' page limits. Today, however, good cause exists for the request.

The Appendix alone is seven (7) volumes, 2,601 pages. Seven (7) separate issues are argued, which will affect not only the Petitioners, but the dozens of other CIMC cases – in both the state and federal courts – that are pending and have been stayed while this appeal progresses. Those issues involve (i) the merits, which are intricate, and also (ii) CIMC's questionable procedural arguments that the issues have not been preserved, and (iii) interpretation of this Court's previous decision in *The Callawassie Island Members Club, Inc. v. Dennis*, 425 S.C. 193, 821 S.E.2d 667 (2018). The *Dennis* issue alone is complex, as demonstrated by the fact that it was a 3-2 decision with a lengthy dissent by two Justices of this Court.<sup>1</sup>

Petitioners therefore respectfully request that this Court would permit them to exceed the page limit.

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<sup>1</sup> If the Court denies Petitioners' motion, Petitioners respectfully request leave to shorten their reply brief to the standard page limit.

Respectfully submitted,

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