

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Feb 22 2022

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

H. Steven DeBerry, IV, Circuit Court Judge
and
R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2019-CP-26-01211
Appellate Case No. 2022-000152

Gregory Cutlip, individually and as a member
of the Legends Property Owners Association, Inc.
and Parkland Property Owners Association, Inc.,

Respondent,

v.

LDY Properties, LLC, Estate and/or Trust of Larry
D. Young, Legends Property Owners Association, Inc.,
Parkland Property Owners Association, Inc., Legends
Properties, LLC, New Town Management, LLC,
Michael R. Latta, Marianne Johnson, Carl A. Rubano,
Camden C. McCarl, Robert L. Schechter, Richard Apolenis,
John K. Manley, Michael Marino, Legends Golf Holding,
LLC, Jigger Holding, LLC, and Daniel Larry Young, Jr.,

Defendants,

Of which LDY Properties, LLC; Larry D. Young; Legends Properties, LLC; and Legends Golf
Holding, LLC are the Appellants.

RESPONDENT'S MOTION TO DISMISS APPEAL

Respondent respectfully moves this Honorable Court to dismiss the Appeal on the basis
that it is interlocutory in nature. Regardless of the substantive merits of the Appeal, the denial of

the Motion to Dismiss which is the subject of the Appeal was not a ruling on the merits or a final judgment. Therefore, the denial of the Motion to Dismiss is not an immediately appealable decision under S.C. Code § 14-3-330. See McLendon v. S.C. Dept. of Hwy. & Pub. Transp., 443 S.E.2d 539, 313 S.C. 525 (1994).

The Appellants also included in their Notice of Appeal the Order Granting Plaintiff's Motion to Amend Complaint. This Order was entered on May 28, 2021 and no Motion for Reconsideration of this particular Order was ever filed. To the extent the Appellants seek appellate review of this Order Granting Plaintiff's Motion to Amend Complaint, the time to do so expired months prior to the Notice of Appeal submitted on February 9, 2022. This Order is also interlocutory in nature because it simply permitted Plaintiff to present its claims in the Circuit Court, and was not a ruling on the merits of those claims.

For the foregoing reasons, this Court should dismiss the Notice of Appeal with all costs to be borne by Appellant.

February 21, 2022



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LLC, Jigger Holding, LLC, and Daniel Larry Young, Jr.,

Defendants,

Of which LDY Properties, LLC; Larry D. Young; Legends Properties, LLC; and Legends Golf Holding, LLC are the Appellants.

PROOF OF SERVICE

Counsel for Respondent hereby certifies that he has served all counsel of record with the foregoing Motion to Dismiss Appeal, Motion for Costs And/Or Sanctions, and Motion to Lift the

Automatic Stay by e-mail and by causing a true and correct copy to be placed in an envelope,
proper postage attached, and addressed as follows:

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SC Court of Appeals

Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

**Re: Gregory Cutlip vs. LDY Properties, LLC et al.
Case No. 2019-CP-26-01211
Appellate Case No. 2022-000152**

Dear Clerk:

Please find enclosed an original and one copy of the Respondent's Motion to Dismiss Appeal, Motion to Lift the Automatic Stay, Motion for Costs and/or Sanctions, and Proof of Service in the above-referenced case. Kindly file the original in your usual manner and return a stamp filed copy in the enclosed self-addressed stamped envelope.

Should you need anything further, do not hesitate to give me a call.

With kind regards, I remain

Sincerely,



Christopher M. Ramsey

CC: Everett A. Kendall, II, Esq.
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Christina Bisset, Esq.
Douglas M. Zayicek, Esq.
G. Michael Smith, Sr., Esq.
Hannah Stetson, Esq.
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Encls.