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Feb 22 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The 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 LIFT THE AUTOMATIC STAY

Respondent respectfully moves this Honorable Court to lift the automatic stay imposed by
Rule 241, SCACR. As set forth in Respondent's Motion to Dismiss and Motion for Sanctions, the

Appellants have filed a Notice of Appeal which was taken solely for the purpose of delaying discovery in the underlying case. Respondent has been attempting to schedule the deposition of LDY Properties, LLC for over 17 months. That deposition was most recently set to take place on February 15-16, 2022, when Appellants filed their Notice of Appeal less than a week before and declared that the deposition would not be going forward.

The appeal is interlocutory in nature and the Orders appealed do not even involve all causes of action in the case. Discovery should be allowed to proceed, especially in a case that is over three (3) years old in which not all parties have been deposed. Any discovery will not affect the validity of the appeal but will allow the parties to be more ready for trial once the Court makes its ruling.

Wherefore, Respondent requests that this Court lift the automatic stay in order to allow discovery and discovery-related motions to proceed in Circuit Court.

February 21, 2022



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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.

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.
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Encls.