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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 FOR COSTS AND/OR SANCTIONS

Respondent respectfully moves this Honorable Court to award sanctions including but not limited to attorney's fees and costs in accordance with Rules 222 and 269, SCACR, on the basis that Appellants have filed a Notice of Appeal which is frivolous, is taken solely for purposes of delay, and is not in compliance with these rules.

As set forth in Respondent's Motion to Dismiss Appeal, Appellants have filed a Notice of Appeal of two (2) Orders, one of which is clearly interlocutory in nature, and another Order filed by the Honorable R. Ferrell Cothran, Jr. (dated May 28, 2021) which is interlocutory and appealed well beyond the deadline provided by the rules. Counsel for Respondent saw this Appeal coming, and on November 18, 2021, he sent a letter to counsel for Appellants warning as follows:

In the event your Motion for Reconsideration is denied, there is no basis under South Carolina law for an immediate appeal....If you decide to file an immediate Notice of Appeal anyway, please be advised that I will file a Motion to Dismiss the Appeal and will ask the Court for an award of attorney's fees and costs for having to defend a frivolous appeal....An immediate appeal and resulting stay would be yet another thinly veiled attempt to avoid producing your client for his deposition, which is now the subject of two (2) Orders to Compel. This letter will be Exhibit A to our Motion for Attorney's Fees and Costs should you decide to file an immediate appeal in the face of overwhelming S.C. statutory and case law to the contrary.

Letter to Mr. Kendall attached hereto as Exhibit A. Respondent submits that there is no reasonable argument under the rules for allowing an immediate appeal under these circumstances, and therefore the Appeal is frivolous and should be sanctioned. Furthermore, based on the words and actions of Appellants' counsel, this Appeal was expressly filed for the sole purpose of delay; specifically, in order to avoid the Plaintiff's taking of the Rule 30(b)(6) deposition of LDY Properties, LLC, which was scheduled pursuant to Court Order for February 15-16, 2022.

Factual Background

The Appellants' frivolous appeal is merely the latest in a long line of efforts to thwart discovery and avoid the taking of LDY Properties, LLC's deposition. This action was filed on March 1, 2019. Respondent/Plaintiff subsequently gave his deposition over a period of five (5) days, on September 2-4, 2020 and October 7-8, 2020. On September 21, 2020, Respondent furnished counsel for LDY Properties, LLC with a draft Notice of Deposition for his client with proposed topics to be answered by the Rule 30(b)(6) representative. Respondent asked that LDY Properties identify a representative and a date when he/she could give a deposition. On October 21, 2020, counsel for LDY Properties responded and agreed to make his client available for deposition on November 18, 2020 and December 10, 2020. Email from Mr. Kendall attached hereto as Exhibit B.

Just a few days later, on October 30, 2020, Appellants filed a Motion to Disqualify Plaintiff's Counsel, and took the position that none of the scheduled depositions could go forward while this motion was pending. Conveniently for Appellants, at the time of their motion, Respondent had given his deposition for five (5) days but had not been able to depose a single defendant in the case. Emails cancelling depositions attached hereto as Exhibit C. The Motion to Disqualify Plaintiff's Counsel was denied on January 22, 2021.

On March 5, 2021, the Circuit Court granted Plaintiff's Motion to Compel the deposition of LDY Properties, LLC and ordered that the deposition take place on March 16-17, 2021. In the same Order, the Court dismissed Plaintiff's derivative claims, stating that Plaintiff had not stated with specificity the efforts made to obtain the desired action from the directors. Order attached hereto as Exhibit D. Subsequently, Plaintiff agreed to withdraw his Notice of Deposition for March 16-17, 2021 while he pursued a Motion to Amend Complaint and Motion to Reconsider the

Court's March 5, 2021 Order. Plaintiff reserved the right to re-notice the LDY Properties, LLC deposition at a later time. Email attached hereto as Exhibit E.

Following the grant of Plaintiff's Motion to Amend the Complaint, Plaintiff filed its Second Amended Complaint on June 2, 2021. On June 8, 2021, Plaintiff's counsel e-mailed counsel for LDY Properties, LLC and asked for dates for his client's deposition. E-mail to Rett Kendall attached hereto as Exhibit F. On June 10, 2021, LDY Properties, LLC filed two more Motions to Dismiss. Hearing no response from counsel for LDY Properties, on June 14, 2021, Plaintiff noticed its deposition to take place on July 13 and 20, 2021. Email attached as Exhibit G. On June 15, 2021, counsel for LDY Properties stated that he would not provide dates for LDY Properties' deposition until the Motions to Dismiss were resolved. E-mails between counsel attached hereto as Exhibit H. LDY Properties, LLC proceeded to file a Motion for Protective Order, but obtained no ruling on its motion prior to July 13, 2021. Plaintiff proceeded with the deposition of LDY Properties, LLC but no representative made an appearance. Transcript of deposition non-appearance attached hereto as Exhibit I.

When presented with the Court's prior Order compelling his client's deposition, counsel for LDY Properties, LLC responded that this Order was of no consequence because the date provided in the Order had passed already. Emails between counsel attached hereto as Exhibit J. In an earlier exchange, counsel for LDY Properties, LLC stated that even if his motions to dismiss were denied, he planned to look into the possibility of an immediate appeal of the decision, which would stay the case entirely (and result in his client once again avoiding his deposition). Id. Plaintiff responded with the letter identified as Exhibit A advising that any immediate appeal would be frivolous, interposed for delay, and would be met with a motion for attorney's fees and costs.

On November 5, 2021, the Circuit Court entered a second Order compelling the deposition of LDY Properties, LLC to take place within 60 days of the Order. Order attached as Exhibit K. By agreement among counsel, Plaintiff noticed the deposition for February 15-16, 2022. Email attached as Exhibit L. Plaintiff's good faith was misplaced, however, because on February 9, 2022 (less than a week prior to LDY Properties' deposition) Appellants (including LDY Properties, LLC) filed their Notice of Appeal and declared the deposition was off.

Argument and Citation of Authority

Rule 222(a), SCACR, provides that "costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed." The party entitled to recover costs may recover an attorney's fee in an amount which shall be set by order of the Supreme Court. Rule 222(b), SCACR. Footnote 1 to the rule states that the Supreme Court set the attorney's fee at \$2,500 by order dated January 17, 2018.

Rule 269, SCACR, further provides that in a case where an appeal is frivolous or taken solely for purposes of delay or is not in compliance with these Rules, the Court may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

Conclusion

As demonstrated by the Appellants' words and actions, this appeal was filed for the sole purpose of delaying the Respondent's legitimate efforts at obtaining discovery, namely the deposition of LDY Properties, LLC. The appeal is frivolous, not due to its substantive merits, but because it is clearly interlocutory in nature and therefore untimely. Therefore, the Court should award attorney's fees and costs against Appellants and in favor of Respondent under its authority in Rules 222 and 269, SCACR.



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Attorneys for Plaintiff

February 21, 2022

Other Counsel of Record:

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Columbia, SC 29260
Attorneys for Appellants

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Attorneys for Appellants

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Attorneys for Michael Marino

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Richard Apolenis, John K. Manley,
Michael Marino, Daniel Larry Young, Jr.,
and Estate of Larry D. Young*

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Robert L. Schechter, Camden C. McCarl, Carl A.
Rubano, and Marienne Johnson*

Reginald W. Belcher, Esq.
P.O. Box 1473
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*Attorneys for Michael R. Latta, New Town
Management, LLC, Parkland POA, Larry D. Young,
Robert L. Schechter, Camden C. McCarl, Carl A.
Rubano, and Marienne Johnson*

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Curtis E. Bostic
also admitted in NC, NY and PA
D. Scott Drescher
Christopher M. Ramsey
also admitted in GA

Seth P. Saunders
also admitted in VA
Danielle G. Walker*
*admitted in CA only

November 18, 2021

Via U.S. Mail and E-Mail: rkendall@murphygrantland.com
Everett A. Kendall, II, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260

**Re: Cutlip v. LDY Props et al., case no 2019-CP-26-01211
Horry County Court of Common Pleas**

Dear Rett,

As you know, on November 5, 2021, Judge DeBerry denied your separate Motions to Dismiss following extensive briefing and oral argument. On November 15, 2021, you filed a Motion for Reconsideration of those decisions. We are awaiting Judge DeBerry's ruling on your Motion for Reconsideration.

In an email dated July 8, 2021, you disclosed the strategy which you appear to be implementing now. "I will not present a witness for LDY Properties unless and until a court says I have to or the pending motion to dismiss is denied. If the Motion is denied, I am looking into the possibility of an immediate appeal, which will stay the case completely."

In the event your Motion for Reconsideration is denied, there is no basis under South Carolina law for an immediate appeal. The denial of your Motions to Dismiss is not a ruling on the merits or final judgment and thus is not immediately appealable 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).

If you decide to file an immediate Notice of Appeal anyway, please be advised that I will file a Motion to Dismiss the Appeal and will ask the Court for an award of attorney's fees and costs for having to defend a frivolous appeal. Based on recent history, the Court is disposing of such appeals in less than 2 months. See Order in Appellate Case No. 2021-001160, enclosed here for your reference.

An immediate appeal and resulting stay would be yet another thinly veiled attempt to avoid producing your client for his deposition, which is now the subject of two (2) Orders to Compel. This letter will be Exhibit A to our Motion for Attorney's Fees and Costs should you decide to file an immediate appeal in the face of overwhelming S.C. statutory and case law to the contrary.

With kind regards, I remain

Sincerely,


Christopher M. Ramsey



The South Carolina Court of Appeals

Janice M. Barnwell and Chauncy N. Brown-Barnwell,
Appellants,


v.

Nell Barnwell Hay and Alice Anderson Barnwell,
Respondents.

Appellate Case No. 2021-001160

ORDER

This appeal arises out of an order dated September 8, 2021, denying the appellants' motion for partial summary judgment and to add parties. The case was ended in the lower court on November 24, 2020, by a consent order partitioning a parcel of property. The remaining claims were ended by an order dated March 21, 2019, granting a motion for directed verdict on the appellants' claims. None of the matters decided in the September 8, 2021 order are immediately appealable. See S.C. Code Ann. §14-3-330 (2017); *Olson v. Faculty House of Carolina, Inc.*, 354 S.C. 161, 168, 580 S.E. 440, 444 (2003) (noting the denial of summary judgment is not appealable). Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina

FILED
Nov 02 2021

cc:

Janice M. Barnwell
Chauncey N. Brown-Barnwell
Robert Nicholas C. Felix, Esquire
Christopher Michael Ramsey, Esquire

RE: Cutlip Depositions

Rett Kendall <rkendall@murphygrantland.com>

Wed 10/21/2020 3:08 PM

To: Chris Ramsey <cramsey@bosticlaw.com>

Cc: Justice, Art <ajjustice@turnerpadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>

Chris,

First, until we received the recent notice, it frankly didn't register with me that you were intending to schedule these depositions for 2 days. I realize that the first notices were also for 2 days, but, they never hit my calendar because we all immediately advised you that the dates were unavailable. I did not intend to imply agreement. But, these aren't my witnesses, so I'll go with the group.

Do you intend to depose Mr. Young on November 18 in his personal capacity, or in is capacity as the 30b6 designee for LDY? It will also be okay with me if these are taken concurrently.

As you know, I have not asked Mr. Cutlip any questions that bear directly on the defamation suit that Mr. Young filed against Mr. Cutlip. I do not represent Mr. Young in that suit or on those claims. While it may have been fair game, I felt that those questions should rightfully be handled in a deposition taken by Mr. Zayicek and under the caption of that matter. I am hoping that you will apply this same standard in the deposition of Mr. Young in this case. I recognize that there are overlapping issues, but I do not think Mr. Cutlip should be deposed in this case regarding the allegations specific to the defamation case.

Rett



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Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communications or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

From: Chris Ramsey <cramsey@bosticlaw.com>

Sent: Wednesday, October 21, 2020 11:29 AM

To: Rett Kendall <rkendall@murphygrantland.com>

Cc: Justice, Art <ajjustice@turnerpadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>

Subject: Re: Cutlip Depositions

Rett,



Thank you for bringing these concerns to the group's attention. To my knowledge, though, this is the first time you have voiced any objection to a deposition being set for 2 days. These dates were obtained only after all counsel were consulted and provided their availability. You are the only attorney now making an objection, and none of the noticed depositions are of a party whom you represent.

When I objected to Mr. Cutlip being deposed for multiple days in succession, you reminded me that there was no rule in SCRPC against it (See your email dated May 22, 2020). When Judge Brown ordered that Mr. Cutlip attend 9 days of deposition, you made no objection and were happy to ask all of the questions you wanted over 4 1/2 days. Now apparently a different rule should apply because Mr. Cutlip wishes to ask questions.

In the interest of resolving a discovery dispute, we can agree to replace the 2nd day of Robert Schechter's deposition (December 10) with Larry D. Young as Mr. Young's 2nd day on December 10, but only if Mr. Young's 1st day can be scheduled on your suggested date of November 18. We cannot agree to curtail Susan Harper's deposition. Ms. Harper was an employee at New Town Management at the time of many of the incidents complained of, and she was very involved in the payments made on behalf of the respective POAs. Ms. Harper will be starting a new job any day now, and once that happens she will be unavailable for 3 months.

Concerning the dates offered for Larry Young and LDY Properties, as stated above, we can agree to take Larry D. Young on December 10 as his 2nd day (Schechter to be scheduled December 9 – one day compromise) and November 18 will be for Larry D. Young's 1st day, if that works for the group. I am glad to hear that Mr. Young is feeling better.

Chris

Christopher M. Ramsey

The Bostic Law Group, P.A.

2236 Ashley Crossing Drive

Charleston, SC 29414

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Fax: (843) 571-7050

From: Rett Kendall <rkendall@murphygrantland.com>
Sent: Tuesday, October 20, 2020 1:29 PM
To: Chris Ramsey <cramsey@bosticlaw.com>
Cc: Justice, Art <ajjustice@turnerpadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>
Subject: RE: Cutlip Depositions

Following up on this. Particularly the question regarding the setting of Mr. Young and/or LDY depositions.
I'll wait until tomorrow before moving for a protective order on the Harper and Schechter depositions.

Rett



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From: Rett Kendall
Sent: Wednesday, October 14, 2020 3:55 PM
To: Chris Ramsey <cramsey@bosticlaw.com>
Cc: Justice, Art <ajjustice@turnerpadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>
Subject: Cutlip Depositions

Keeping track has gotten difficult. Here's what I have on my calendar.

| | |
|------------|---------------------|
| Nov. 12-13 | Susan Harper |
| Nov. 16-17 | New Town Management |
| Dec 9-10 | Alan Schechter |

Is this all that has been scheduled? Are these confirmed?

It is unreasonable to block two days for the depositions of Harper and Schechter. Ms. Harper is not even a party to the suit, or an employee of a party. I am requesting that you agree to reduce the deposition notices to a single day. If a second day is needed, then we should discuss reconvening. We all have at least one other case that needs attention. If you cannot agree to this, I will move to quash the notices and/or for a protective order.

I can also confirm the availability of Mr. Larry Young for depositions in November. We can use any of the "extra" days you've already reserved for others, or I can also offer November 18, 19 and 23. Any of those dates can also be used for the 30(b)(6) of LDY Properties, LLC, assuming we reach agreement on the designated topics. Again, one day only.

Rett



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Re: Cutlip v LDY Properties, et al

Rett Kendall <rkendall@murphygrantland.com>

Fri 11/6/2020 1:27 PM

To: Chris Ramsey <cramsey@bosticlaw.com>

Cc: Justice, Art <AJustice@turnerpadget.com>; Tamara Boyer <tboyer@thompsonlaw.com>; JD Elliott <jdelliott@murphygrantland.com>; Stewart, Nicholas C. C. <NStewart@turnerpadget.com>

Sounds like the answer is "no". There are no depositions on the calendar at this time. We will revisit the issue after motions are resolved.

Sent from my iPhone

On Nov 6, 2020, at 11:36 AM, Chris Ramsey <cramsey@bosticlaw.com> wrote:

All,

I am treating the Joint Motion for Protective Order as a written confirmation by defense counsel that none of the noticed depositions (or un-noticed depositions that were set by agreement) are going forward. If I am mistaken please let me know and we will plan to go forward with those which defense counsel agree can occur as scheduled.

Chris

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From: Rett Kendall <rkendall@murphygrantland.com>

Sent: Friday, November 6, 2020 10:57 AM

To: Chris Ramsey <cramsey@bosticlaw.com>; Justice, Art <AJustice@TurnerPadget.com>

Cc: Tamara Boyer <TBoyer@thompsonlaw.com>; JD Elliott <jdelliott@murphygrantland.com>;

Stewart, Nicholas C. C. <NStewart@TurnerPadget.com>

Subject: RE: Cutlip v LDY Properties, et al

Without any waivers of any rights to file motions, etc.:

Are there any depositions that are confirmed to go forward?

Rett

<image001.png>



STATE OF SOUTH CAROLINA
COUNTY OF Horry
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2601211

Gregory Cutlip et al
PLAINTIFF(S)

LDY Properties LLC et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Defendant's Motion to Dismiss is GRANTED and plaintiff's derivative action is dismissed. Plaintiff's Amended Complaint fails to allege with particularity the efforts made by plaintiff to obtain the action he desires from the directors. See Rule 23(b)(1), SCRPC.

Defendant's Motion for Complex Case Designation is DENIED due to the dismissal of plaintiff's derivative action.

Plaintiff's Motion to Compel the Deposition of the Defendant filed 10/12/2020 is MOOT.
Defendant's Motion for Protection from Discovery is MOOT.
Plaintiff's Motion to Serve Additional Interrogatories is DENIED.

Plaintiff's Motion to Compel filed 11/18/2020 is PARTIALLY RESOLVED and GRANTED as follows:
Deposition of LDY Properties 30(b)(8) witness is 3/18-3/17/2021;
Deposition of Newtown Managements 30(b)(8) witness is 4/19-4/20/2021;
Deposition of Susan Harper is 5/7-5/8/2021 provided deponent is subpoenaed.
Carl Rubano shall submit to an uninterrupted virtual deposition on 4/29-4/30/2021.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/03/2021 .

Christina Agnes Bisset for Michael Marino
Hannah Davis Statson for Robert L Schechter, Camden C Mccarl, Carl A Rubano, Marianne Johnson, Michael R Latta, New Town Management LLC, Parkland Property Owners Association Inc, Larry D Young
Reginald Wayne Belcher for Robert L Schechter, Camden C Mccarl, Carl A Rubano, Marianne Johnson, Michael R Latta, New Town Management LLC, Parkland Property Owners Association Inc, Larry D Young
Douglas Michael Zayicek for Jigger Holdings LLC
Joseph Jakob Kennedy for Legends Scnc Golf Holdings LLC, Century Resort Management LLC
Nicholas Clarence Chapman Stewart for Robert L Schechter, Camden C Mccarl, Carl A Rubano, Marianne Johnson, Michael R Latta, New Town Management LLC, Parkland Property Owners Association Inc
Everett Augustus Kendall, II for LDY Properties LLC, Legends Properties LLC, Larry D Young
G. Michael Smith, Sr. for Michael Marino, Legends Property Owners Association Inc
Legends Property Owners Association Inc
Parkland Property Owners Association Inc
Legends Golf Holding LLC
John Douglas Elliott for LDY Properties LLC, Legends Properties LLC, Larry D Young
Christopher Michael Ramsey for Gregory Cutlip
Tamara Fagner Boyer for Carl A Rubano
Brian Lincoln Craven for LDY Properties LLC, Legends Properties LLC, Larry D Young



ELECTRONICALLY FILED - 2021 Mar 05 8:32 AM - HORRY - COMMON PLEAS - CASE#2019CP2601211

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Horry Common Pleas

Case Caption: Gregory Cutlip , plaintiff, et al VS LDY Properties LLC , defendant,
et al
Case Number: 2019CP2601211
Type: Order/Electronic Form 4

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2021-03-03 17:32:06 page 3 of 3

ELECTRONICALLY FILED - 2021 Mar 05 8:32 AM - HORRY - COMMON PLEAS - CASE#2019CP2601211

Cutlip v. LDY Props et al. - Depositions

Chris Ramsey <cramsey@bosticlaw.com>

Fri 3/5/2021 3:54 PM

To: Rett Kendall <rkendall@murphygrantland.com>; 'JD Elliott' <jdelliott@murphygrantland.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Christina Bisset <christina.bisset@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Tamara Boyer <TBoyer@thompsonlaw.com>

Counsel,

In light of Judge Culbertson's ruling on the dismissal of the Plaintiff's derivative claims, we would like to withdraw the depositions of LDY Properties, LLC, New Town Management, LLC, Susan Harper, Carl Rubano, and Sara Harris currently scheduled, while reserving the right to re-notice and conduct these depositions at a later time. I believe this email is sufficient to cancel the depositions, but since most of these depositions were set by Order, if anyone would prefer a Consent Order, please circulate one for consideration. I tried to include all counsel on this list but if I have left anyone out, please forward to them as well. Thanks

Chris

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Cutlip v. LDY Props et al. - Deposition Scheduling

Chris Ramsey <cramsey@bosticlaw.com>

Tue 6/8/2021 11:39 AM

To: Rett Kendall <rkendall@murphygrantland.com>

Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christina Bisset <christina.bisset@mgclaw.com>

Counsel,

I am looking to schedule certain depositions in this case. For ease in scheduling and to cut down on travel time, we will conduct these via Zoom. I will send subpoenas to non-parties Sara Harris and Susan Harper for June 28 and July 1, respectively. I am hopeful they can make those dates work, but if not, we will be flexible depending on their schedules. I know Ms. Harris owns a restaurant with her husband and this can be a busy time of year for them. When I last checked, Ms. Harper was starting a job with the post office.

Concerning parties, I would ask the respective attorneys to provide available dates in the month of July for the following: LDY Properties, LLC, Carl Rubano, and Michael Marino. We would like to set aside 2 non-consecutive dates for each deponent. Rett, I believe I previously provided a list of topics for LDY, but let me know if you need me to re-send.

Please advise on dates for your respective clients' depositions by close of business this Friday, June 11. If I do not hear from you by Monday, I will blind notice the deposition and of course will be flexible if you and your client can commit to an alternate date within a reasonable time.

Chris

Christopher M. Ramsey
The Bostic Law Group, P.A.
2236 Ashley Crossing Drive
Charleston, SC 29414
(843) 571-2525
Fax: (843) 571-7050
bosticlawgroup.com



Re: Cutlip v. LDY Props et al. - Deposition Scheduling

Chris Ramsey <cramsey@bosticlaw.com>

Mon 6/14/2021 6:26 PM

To: Rett Kendall <rkendall@murphygrantland.com>

Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>

Counsel,

Please find attached notices of deposition and subpoenas as appropriate for the following depositions, all via Zoom videoconference:

Sara Harris on June 28

Susan Harper on July 1

LDY Properties, LLC on July 13 and 20

Carl Rubano on July 15 and 22

As mentioned previously, if the dates for LDY or Mr. Rubano do not work, please advise of alternate dates in July. Thanks

Chris

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From: Chris Ramsey <cramsey@bosticlaw.com>

Sent: Tuesday, June 8, 2021 11:39 AM

To: Rett Kendall <rkendall@murphygrantland.com>

Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christina Bisset <christina.bisset@mgclaw.com>

Subject: Cutlip v. LDY Props et al. - Deposition Scheduling

Counsel,



I am looking to schedule certain depositions in this case. For ease in scheduling and to cut down on travel time, we will conduct these via Zoom. I will send subpoenas to non-parties Sara Harris and Susan Harper for June 28 and July 1, respectively. I am hopeful they can make those dates work, but if not, we will be flexible depending on their schedules. I know Ms. Harris owns a restaurant with her husband

and this can be a busy time of year for them. When I last checked, Ms. Harper was starting a job with the post office.

Concerning parties, I would ask the respective attorneys to provide available dates in the month of July for the following: LDY Properties, LLC, Carl Rubano, and Michael Marino. We would like to set aside 2 non-consecutive dates for each deponent. Rett, I believe I previously provided a list of topics for LDY, but let me know if you need me to re-send.

Please advise on dates for your respective clients' depositions by close of business this Friday, June 11. If I do not hear from you by Monday, I will blind notice the deposition and of course will be flexible if you and your client can commit to an alternate date within a reasonable time.

Chris

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Re: Cutlip v. LDY Props et al. - Deposition Scheduling

Chris Ramsey <cramsey@bosticlaw.com>

Tue 6/15/2021 1:46 PM

To: Rett Kendall <rkendall@murphygrantland.com>; Christina Bisset <christina.bisset@mgclaw.com>

Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Christine Strickland <Christine.Strickland@mgclaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>

Rett,

If I understand your position correctly, any defendant could avoid his/her deposition by making similar arguments and filing a motion to dismiss. This case is 27 months old. I have been asking for your client's deposition for over a year. I have you on record at various times agreeing to schedule your client's deposition for a certain date, only to cancel for one reason or another, usually at the 11th hour. Judge Culbertson has already entered an Order compelling this deposition once. We withdrew our notice in light of his ruling that the derivative claims were not sufficiently pled, but we reserved the right to re-notice.

Absent an alternate date in July or an Order from the Court, we will proceed as scheduled, and if your client chooses not to participate in its deposition, we will file a motion to compel and for sanctions.

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From: Rett Kendall <rkendall@murphygrantland.com>

Sent: Tuesday, June 15, 2021 11:04 AM

To: Chris Ramsey <cramsey@bosticlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>

Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Christine Strickland <Christine.Strickland@mgclaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>

Subject: RE: Cutlip v. LDY Props et al. - Deposition Scheduling

Yes. Rule 26(c) permits me to ask for a Protective Order on good cause shown. I believe that Mr. Cutlip does not have standing to sue my client. I believe that Mr. Cutlip is hellbent on embarrassing, annoying, and harassing my client. Therefore, I would like the Court decide that issue before allowing you take the deposition.

Rett





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From: Chris Ramsey <cramsey@bosticlaw.com>
Sent: Tuesday, June 15, 2021 10:42 AM
To: Rett Kendall <rkendall@murphygrantland.com>; Christina Bisset <christina.bisset@mgclaw.com>
Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Christine Strickland <Christine.Strickland@mgclaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>
Subject: Re: Cutlip v. LDY Props et al. - Deposition Scheduling

I am not aware of any rule, statute, or case that says discovery is stayed pending resolution of a motion to dismiss. Can you provide that to us?

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From: Rett Kendall <rkendall@murphygrantland.com>
Sent: Tuesday, June 15, 2021 10:18 AM
To: Chris Ramsey <cramsey@bosticlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>
Cc: JD Elliott <jdelliott@murphygrantland.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Christine Strickland <Christine.Strickland@mgclaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>
Subject: RE: Cutlip v. LDY Props et al. - Deposition Scheduling

I do not intend to produce a witness for LDY until after a resolution of the Motions to Dismiss that I have filed. Will you agree to withdraw the deposition notice?

Rett

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF HORRY

15TH JUDICIAL CIRCUIT

3
4 Gregory Cutlip, individually and as a
5 member of the Legends Property Owners
6 Association, Inc. and Parkland Property
7 Owners Association, Inc.,

8 Plaintiff,

9 vs. CASE NO. 2019-CP-26-01211

10 LDY Properties, LLC, Estate and/or Trust
11 of Larry D. Young, Legends Property
12 Owners Association, Inc., Parkland
13 Property Owners Association, Inc.,
14 Legends Properties, LLC, New Town
15 Management, LLC, Michael R. Latta,
16 Marienne Johnson, Carl A. Rubano,
17 Camden C. McCarl, Robert L. Schechter,
18 Richard Apolenis, John K. Manley,
19 Michael Marino, Legends Golf Holding,
20 LLC, Jigger Holdings, LLC, and Daniel
21 Larry Young, Jr.,

22 Defendants.

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VTC 30(b)(6)

DEPOSITION OF: LDY PROPERTIES, LLC

DATE: JULY 13, 2021

TIME: 9:14 a.m.

LOCATION: VIRTUAL VTC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: Susan M. Valsecchi, Registered
Professional Reporter, CRR
(Appearing by VTC)



1 APPEARANCES OF COUNSEL VIA VTC:

2 ATTORNEYS FOR PLAINTIFF

3 Gregory Cutlip, individually and as a
4 member of the Legends Property Owners
5 Association, Inc. and Parkland Property
6 Owners Association, Inc.:

7 BOSTIC LAW GROUP PA

8 BY: CHRISTOPHER RAMSEY

9 (Appearing by VTC)

10 2236 Ashley Crossing Drive

11 Charleston, SC 29414

12 (843) 571-2525

13 cramsey@bosticl原因.com

14 ATTORNEYS FOR DEFENDANT

15 NEW TOWN MANAGEMENT, LLC, ET AL.:

16 TURNER PADGET GRAHAM & LANEY PA

17 BY: REGINALD BELCHER

18 (Appearing by VTC)

19 1901 Main Street, 17th Floor

20 Columbia, SC 29201

21 (803) 254-2200

22 rbelcher@turnerpadget.com

23 ATTORNEYS FOR THE DEFENDANT

24 MICHAEL MARINO:

25 MCANGUS GOUDELOCK & COURIE

BY: CHRISTINA A. BISSET

(Appearing by VTC)

2411 North Oak Street, Suite 401

Myrtle Beach, SC 29577

(843) 848-6000

christina.bisset@mgclaw.com

(INDEX AT REAR OF TRANSCRIPT)

1 MR. RAMSEY: Okay, Madam Court
2 Reporter, it's now 9:15 a.m. The deposition of LDY
3 Properties, the Rule 30(b)(6) deposition of LDY
4 Properties, LLC, was noticed for today, July 13th
5 at 9 a.m.

6 We haven't heard anything from counsel
7 or the deponent about not being able to make it
8 this morning, however, in the last few days,
9 especially the counsel for LDY had indicated that
10 he would not be designating the witness or making
11 anyone available for our deposition today.

12 So, again, the deposition was duly
13 noticed about a month ago. We even offered to give
14 alternate dates if today did not work, but that was
15 the response we got, that counsel for LDY would not
16 offer up a witness unless and until there was a
17 ruling on his motion to dismiss.

18 And so with that, we'll just record the
19 nonappearance of the witness.

20 And Madam Court Reporter, if you could
21 get this short transcript prepared as soon as you
22 could and send it to me so we could attach it to a
23 motion, I would appreciate it.

24 Does anyone else have anything before
25 we close the record?

1 Okay. Thank y'all for being here and
2 thank you, Madam Court Reporter, for your time this
3 morning.

4 (EXHIBIT 1, Second Amended Rule
5 30(b)(6) Notice of Deposition of LDY Properties,
6 LLC, was marked for identification.)

7 (The proceedings were concluded at 9:16
8 a.m.)

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RE: Cutlip v. LDY Props et al. - Notices of Deposition

Rett Kendall <rkendall@murphygrantland.com>

Thu 7/8/2021 3:12 PM

To: Chris Ramsey <cramsey@bosticlaw.com>; JD Elliott <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christine Strickland <Christine.Strickland@mgclaw.com>

Thank you for confirming.

First, if that is the Order you are seeking to enforce, you missed the date already.

Second, as you well know, the reason we would not schedule dates in the first instance, and the reason you did not take the deposition on March 16 and 17 as stated in the order, is the same reason I am not offering the witness now. Cutlip has no standing to sue LDY Properties in a derivative capacity and has no personal claim against it. While you were successful in obtaining leave to amend, that is not an adjudication or overturning of Judge Culbertson's dismissal of these claims. In fact, because you have withdrawn the Motion to Reconsider and your time to appeal that order has run, you have no legal position to advance. Because Judge Culbertson's dismissal must have been with prejudice, your amended complaint is barred as *res judicata*. To this end, I have filed both a Motion to Dismiss and a Motion for a Protective Order.

So, take what ever action you wish. LDY will not appear absent a ruling on the pending motions requiring otherwise.

Rett



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From: Chris Ramsey <cramsey@bosticlaw.com>

Sent: Thursday, July 8, 2021 2:43 PM

To: Rett Kendall <rkendall@murphygrantland.com>; JD Elliott <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; NStewart@TurnerPadget.com; Stetson, Hannah D <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Zayicek,

Douglas M. <DZayicek@bellamylaw.com>; Christine Strickland <Christine.Strickland@mgclaw.com>
Subject: Re: Cutlip v. LDY Props et al. - Notices of Deposition

See attached.

Christopher M. Ramsey

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From: Rett Kendall <rkendall@murphygrantland.com>

Sent: Thursday, July 8, 2021 2:00 PM

To: Chris Ramsey <cramsey@bosticlaw.com>; JD Elliott <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christine Strickland <Christine.Strickland@mgclaw.com>

Subject: RE: Cutlip v. LDY Props et al. - Notices of Deposition

Please send me a copy of an Order compelling my client's deposition.

Rett



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From: Chris Ramsey <cramsey@bosticlaw.com>
Sent: Thursday, July 8, 2021 1:59 PM
To: Rett Kendall <rkendall@murphygrantland.com>; JD Elliott <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; NStewart@TurnerPadget.com; Stetson, Hannah D <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christine Strickland <Christine.Strickland@mgclaw.com>
Subject: Re: Cutlip v. LDY Props et al. - Notices of Deposition

Rett,

Thank you for letting us know you do not plan to provide a 30(b)(6) witness for LDY Properties for its deposition on Tuesday. In reliance on that, I will not prepare anything and we will simply record your client's non-appearance. We will cancel the 2nd day of the LDY deposition noticed for July 20 once the witness does not appear for the first day. It remains our position that the deposition of LDY Properties, LLC has already been compelled once by this Court, and we will file a motion for sanctions accordingly.

Chris

Christopher M. Ramsey

The Bostic Law Group, P.A.

2236 Ashley Crossing Drive

Charleston, SC 29414

(843) 571-2525

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From: Rett Kendall <rkendall@murphygrantland.com>
Sent: Thursday, July 8, 2021 1:45 PM
To: Chris Ramsey <cramsey@bosticlaw.com>; JD Elliott <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christine Strickland <Christine.Strickland@mgclaw.com>
Subject: RE: Cutlip v. LDY Props et al. - Notices of Deposition

As indicated in previous emails, Mr. Young has advised me that he is not able to appear during the month of July based on travel commitments out of state. In addition, I will not present a witness for LDY Properties unless and until a court says I have to or the pending motion to dismiss is denied. If the Motion is denied, I am looking into the possibility of an immediate appeal, which will stay the case completely.

Rett



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From: Chris Ramsey <cramsey@bosticlaw.com>
Sent: Thursday, July 8, 2021 12:40 PM
To: Rett Kendall <rkendall@murphygrantland.com>; JD Elliott <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; Christina Bisset <christina.bisset@mgclaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Stetson, Hannah D <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Michael Johnson <Michael.Johnson@mgclaw.com>; 'rbelcher@turnerpadget.com' <rbelcher@turnerpadget.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; Christine Strickland <Christine.Strickland@mgclaw.com>
Subject: Cutlip v. LDY Props et al. - Notices of Deposition

Counsel,

Please find attached amended notices and notices of deposition for Carl Rubano, Michael Marino, and Daniel Larry Young, Jr. The alternate date of July 19 for Mr. Rubano was confirmed by his counsel and so we are withdrawing the previously noticed dates of July 15 and 22 for his deposition. As always, if any

of the listed dates do not work for you or your respective client to appear for his deposition, just let me know of alternate dates in the same month and we'll be glad to re-schedule. Here is the updated schedule after adding and amending these depositions:

July 13 - LDY Properties

July 19 - Carl Rubano

July 20 - LDY Properties

August 10 - Michael Marino

August 12 - Danny Young

August 17 - Michael Marino

August 19 - Danny Young

August 26 - Carl Rubano

Best regards,

Christopher M. Ramsey

The Bostic Law Group, P.A.

2236 Ashley Crossing Drive

Charleston, SC 29414

(843) 571-2525

Fax: (843) 571-7050

bosticlawgroup.com

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 Gregory Cutlip, individually and as a)
 member of the Legends Property Owners)
 Association, Inc. and Parkland Property)
 Owners Association, Inc.,)
)
 Plaintiff,)
)
 vs.)
)
 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.)
)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT
 Civil Action No. 2019-CP-26-01211

**Order Resolving LDY Properties, LLC's
 Motion for Protective Order**

This matter came before the Court on September 13, 2021 for a hearing on Defendant LDY Properties, LLC's Motion for Protective Order. Defendant LDY Properties, LLC contended that it should be protected from producing a Rule 30(b)(6) witness until its two (2) Motions to Dismiss were ruled upon.

By separate Orders, this Court is denying both of LDY Properties, LLC's Motions to Dismiss. IT IS THEREFORE ORDERED that LDY Properties, LLC's Motion for Protective Order is RESOLVED, as follows: within sixty (60) days of this Order, LDY Properties, LLC shall make a representative available for deposition pursuant to Rule 30(b)(6), SCRPC.

IT IS SO ORDERED.



The Honorable H. Steven DeBerry, IV
Judge, Fifteenth Judicial Circuit

Date: _____



Horry Common Pleas

Case Caption: Gregory Cutlip , plaintiff, et al VS LDY Properties LLC , defendant,
et al
Case Number: 2019CP2601211
Type: Order/Protective Order

H. Steven DeBerry, IV

Circuit Court Judge 2771

Electronically signed on 2021-11-04 12:52:31 page 3 of 3

Cutlip v. LDY Props. et al - Notice of Deposition of LDY Properties, LLC

Chris Ramsey <cramsey@bosticlaw.com>

Mon 12/27/2021 11:58 AM

To: Rett Kendall <rkendall@murphygrantland.com>

Cc: 'JD Elliott' <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; 'hstetson@turnerpadget.com' <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Christina Bisset <christina.bisset@mgclaw.com>

Counsel,

Please find attached the Plaintiff's Rule 30(b)(6) Notice of Deposition for LDY Properties, LLC. The deposition will take place on Feb. 15-16 beginning at 9:00 a.m. each day via Zoom. Let me know if there are any questions or concerns.

Chris

Christopher M. Ramsey
The Bostic Law Group, P.A.
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Charleston, SC 29414
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Fax: (843) 571-7050
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From: Chris Ramsey <cramsey@bosticlaw.com>

Sent: Thursday, November 18, 2021 12:49 PM

To: DeBerry, H. Steven <hsdeberryj@sccourts.org>; DeBerry, H. Steven Secretary (Leisa Shady) <hsdeberryj@sccourts.org>

Cc: Rett Kendall <rkendall@murphygrantland.com>; 'JD Elliott' <jdelliott@murphygrantland.com>; Tamara Boyer <TBoyer@thompsonlaw.com>; 'hstetson@turnerpadget.com' <HStetson@TurnerPadget.com>; Mike Smith <MSmith@thompsonlaw.com>; Zayicek, Douglas M. <DZayicek@bellamylaw.com>; NStewart@TurnerPadget.com <NStewart@TurnerPadget.com>; Christina Bisset <christina.bisset@mgclaw.com>

Subject: Cutlip v. LDY Props. et al., case no. 2019-CP-26-01211 - Proposed Orders on Motions to Compel

Judge DeBerry,

I represent the Plaintiff in the above-captioned case. On September 13, 2021, you heard 3 motions to compel filed by the Plaintiff against Defendants Parkland POA, Legends POA, and LDY Properties/Legends Properties/Estate of Larry Young. We were running short on time so the arguments at the hearing were abbreviated. Your Honor directed us to confer and submit proposed orders reflecting the court's rulings and the parties' agreement on what was to be produced.

On November 8, 2021, we were in your Court again for other motions in this case and expressed the difficulty we were having in reaching agreement on the contents of the proposed orders. You directed us to obtain the hearing transcript and then submit competing proposed orders for consideration.



RECEIVED

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.

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:

Everett A. Kendall, II, Esq.
P.O. Box 6648
Columbia, SC 29260
Attorneys for Appellants

J.D. Elliott, Esq.
P.O. Box 6648
Columbia, SC 29260
Attorneys for Appellants

Christina Bisset, Esq.
2411 North Oak Street, Suite 401
Myrtle Beach, SC 29577-3173
Attorneys for Michael Marino

Douglas M. Zayicek, Esq.
1000 29th Ave. N
Myrtle Beach, SC 29577
Attorneys for Jigger Holdings, LLC

G. Michael Smith, Sr., Esq.
1300 2nd Ave., Unit 3
Conway, SC 29526
*Attorneys for Legends POA, Carl Rubano,
Richard Apolenis, John K. Manley,
Michael Marino, Daniel Larry Young, Jr.,
and Estate of Larry D. Young*

Hannah Stetson, Esq.
P.O. Box 1473
Columbia, SC 29202
*Attorneys for Michael R. Latta, New Town
Management, LLC, Parkland POA, Larry D. Young,
Robert L. Schechter, Camden C. McCarl, Carl A.
Rubano, and Marienne Johnson*

Reginald W. Belcher, Esq.
P.O. Box 1473
Columbia, SC 29202
*Attorneys for Michael R. Latta, New Town
Management, LLC, Parkland POA, Larry D. Young,
Robert L. Schechter, Camden C. McCarl, Carl A.
Rubano, and Marienne Johnson*

February 21, 2022



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Seth P. Saunders
also admitted in VA
Danielle G. Walker*
*admitted in CA only

February 21, 2022

RECEIVED

Feb 22 2022

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.
J.D. Elliott, Esq.
Christina Bisset, Esq.
Douglas M. Zayicek, Esq.
G. Michael Smith, Sr., Esq.
Hannah Stetson, Esq.
Reginald W. Belcher, Esq.

Encls.