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Nov 09 2022

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Case No. 2020-CP-08-00267
Appellate Case No.: 2020-000629

Lisa Ray,..... Appellant,

v.

Parkway Village Apartments,..... Respondent.

**MOTION TO ALLOW LATE FILING AND MOTION
TO STRIKE PETITIONER’S REPLY BRIEF**

Please accept this motion to allow additional time to file Respondent’s Final Brief. The Petitioner failed to serve the final record on appeal as required by Rule 210. Specifically, the notice of appeal, which is attached, was not included in the record on appeal. As such, I cannot finalize my brief.

On December 23, 2021, Respondent filed their designation of matter, which included Petitioner’s appeal of the writ of eviction to the Circuit Court dated January 29, 2020 as number three (3). On June 17, 2022 Petitioner filed a motion to amend her brief and the record on appeal. On June 27, 2022 Petitioner filed her corrected record on appeal but failed to include number three (3) of Respondent’s designation. This Court, by order dated September 28, 2022, ordered briefs to be filed within thirty (30) days. Respondent was under the mistaken belief that the Petitioner would serve an updated record on appeal to include Respondent’s number three designation of matter.

As an additional basis of this motion, Respondent’s computer program automatically

calendars the Final Brief due no later than twenty (20) days after the service of the record on appeal pursuant to Rule 211. Based upon the above, Respondent was under the belief that a new record on appeal was going to be sent, thus triggering the deadline for the brief.

Additionally, Petitioner's Final Reply Brief does not comply with the appropriate court rules and should be stricken. Appellant's Initial Brief, specifically sections (1)(a) and (1)(b), contain a restatement of contested matters which are not included in the record on appeal in direct violation of Rule 208(b)(1)(c). Moreover, (2)(a), (2)(b), and (2)(c) contain matters which were not included in either the Initial Brief or the record on appeal. When an appellant fails to comply with the statutory and appellate authority, dismissal of the appeal can be an appropriate remedy. Henning v. Kaye, 207 S.C. 436, 415 S.E.2d 794 (1992).

Based upon the above cause, Respondent requests an Order of this Court to direct Petitioner to file a complete, numbered, and updated record on appeal with Respondent's designations, and further requests that this Court grant Respondent's motion to strike Appellants Reply Brief from the record, along with the Petitioner's February 9, 2022 and March 2, 2022 supplemental and amended supplemental designations of matter.

November 9, 2022

/s Paul B. Ferrara, III

Paul B. Ferrara, III
SC Bar No.: 70511
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8887 Old University Blvd.
North Charleston, SC 29406
T: (843) 569-5511 / F: (843) 569-5411
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ATTORNEY FOR RESPONDENT

" To Whom it may concern "
CASE # 2020 CV 0810600294

JANUARY 28 2020

I WAS TAKEN TO EVICTION COURT
ON THIS CASE BY WESTMINSTER COMPANY MANAGEMENT
ON 1-23-2020 @ 10 A.M. **2020-CP-08-267**

I AM A RESIDENT SINCE OCTOBER 13, 2004 15 YEARS
NEVER NOT PAID. MRS. JAGUETA YOLONDA GILAS HAS
BEEN DISCRIMINATING AND HARASSING ME THROUGH HER
MNGT. POSITION WITH OTHER RESIDENTS + HER ASSISTANT
MNG. NICOLE DAVIS ALSO MAINTENANCE - JOHN BENTLY
RONALD DETTORO. ~~THE~~ I HAVE HAD TO FILE MULTIPLE
RESIDENTIAL COMPLAINTS SINCE EASTER OF APRIL 1ST 2018

TRUDY ANBER R.S.C. VERBALLY TOLD ME I COULD
PAY FEB 1ST 2020. TRUDY IS A PART OF MNGT
I AM UNDER A DOCTORS CARE HAVE NOWHERE TO
GO.

PLEASE HELP

Olivia M. Ray

775. SANGREE PARKWAY BLVD.
#5-C SUMMERVILLE, S.C. 29486

FILED
20 JAN 28 PM 4:39
LEAH S. SANDY, CLERK
CLERK OF COURT
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF Berkeley

Lisa M. Ray
Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

20-20-CP-08-267

Jaguetta Elias vs. Parkway Village Apartments
Defendant(s)

Submitted By: Lisa Michelle Ray
Address: 717 SANGAREE PARKWAY
MAIN OFFICE, SUMMERVILLE, SC
29486

SC Bar #: (843) 530-1132
Telephone #: (843) 530-1132
Fax #: _____
Other: SouthCarolina650@gmail.com
E-mail: SouthCarolina650@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case # <u>20-NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | | |

FILED
20 JAN 23 PM 4:10
CLERK OF COURT
BERKELEY COUNTY, SC

Submitting Party Signature: _____

Date: 1-28-2020

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

2020CV0810600294
CIVIL CASE NUMBER
MAGISTRATE'S COURT
RULE TO VACATE OR SHOW CAUSE (EVICTION)

Parkway Village Apartments
775 Sangaree Parkway Blvd.
Summerville, SC 29486

Phone: (843) 271-7952

Vs
Lisa Michelle Ray
775 Sangaree Pkwy Apt 5C
Summerville, SC 29486-1842

PLAINTIFF(S)

Phone: (843) 553-3646

DEFENDANT(S) *SD30*

TO Lisa Michelle Ray : Parkway Village Apartments is asking this Court to evict you from the property located at because they claim that:

- You have failed to pay rent when due or demanded in the amount of \$147.00 (160.00 Total Due).
- The terms of your tenancy or occupancy have ended.
- You have violated the terms or conditions of your lease by:

You the defendant(s) and lessee(s) of the premises listed at the address listed above, and all others, are ordered to vacate the premises immediately pursuant to S.C. Code Ann. §27-37-10 OR contact the:

Goose Creek Magistrate
303-B North Goose Creek Blvd.
Goose Creek, SC 29445
(843) 553-7080

within ten (10) days of receiving this notice, for the purpose of scheduling a hearing to show why you should not be evicted from these premises.

FAILURE TO VACATE THE PREMISES OR RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

01/14/2020

JANUARY 14 2020

Judge, Goose Creek Magistrate

Personally appeared before me, the undersigned deponent, being duly sworn, , says s/he is a person over 18 years of age, not a party or attorney in this action and s/he to serve the Rule to Vacate or Show Cause on Lisa Michelle Ray on the following dates/times:

DATE	TIME	INITIALS	DATE OF SERVICE	TIME OF SERVICE
1. _____	_____	_____	SETTLED/DATE _____	VACANT/DATE _____
2. _____	_____	_____	PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT	
3. _____	_____	_____		

Sworn to and subscribed before me
This _____ day of _____, 20__.

NOTARY PUBLIC OR JUDGE

SIGNATURE OF SERVER

ON _____ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO, A COPY OF THIS DOCUMENT.

MAGISTRATE'S CLERK

Common Pleas

Clerk : Leah Guerry Dupree

300 B California Avenue

Moncks Corner, SC 29461

Phone:(843) 719-4400 Fax:(843) 719-4509

Received From: Ray, Lisa Michelle

Date: 1/28/2020

Receipt #: 6094176

Clerk: c08slovin

Paying for: Self

Transaction Type: Payment

Payment Type: Cash

Total Paid:

\$150.00

\$150.00

Reference #:

Comment:

Non-Refundable

You may check the status of your Berkeley case at:

<http://www.sccourts.org/caseSearch/>

<u>Case #</u>	<u>Caption</u>	<u>Previous Balance</u>	<u>Amount Paid</u>	<u>Balance Due</u>
2020CP0800267	Lisa Michelle Ray VS Parkway Village Apartments	\$150.00	\$150.00	\$0.00



Total Cases: 1

\$150.00

\$150.00

\$0.00

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In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Case No. 2020-CP-08-00267
Appellate Case No.: 2020-000629

Lisa Ray,..... Appellant,

v.

Parkway Village Apartments, Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's motion to extend time and motion to strike via E-Mail on November 9, 2022, to:

smartsouthkat@gmail.com
Lisa Michelle Ray
Sangaree Parkway, Apt. 5C
Summerville, SC 29486-1842

/s Paul B. Ferrara, III

Paul B. Ferrara, III
SC Bar No.: 70511
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ATTORNEY FOR RESPONDENT

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SC Court of Appeals

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NORTH CHARLESTON, SC 29406
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Paul B. Ferrara, III*
Janel K. Ferrara*

*(also Admitted in N.C.)

November 9, 2022

SENT VIA ELECTRONIC FILING TO:

Mary-Caitlyn Singleton
Senior Appeals Specialist
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Lisa Ray v. Parkway Village Apartments
Appellate Case No.: 2020-000629
Our File No.: 21-589

Dear Ms. Singleton,

Enclosed is Respondent's motion to allow late filing and motion to strike along with the proof of service regarding the same. I have mailed a check for fifty (\$50.00) dollars for the filing fee. Thank you for your assistance in this matter.

/s Paul B. Ferrara, III _____

Paul B. Ferrara, III
SC Bar No.: 70511
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8887 Old University Blvd.
North Charleston, SC 29406
T: (843) 569-5511 / F: (843) 569-5411
paul@ferraralawfirm.net
ATTORNEY FOR RESPONDENT

Enclosures: as stated.
cc: Lisa M. Ray