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THE STATE OF SOUTH CAROLINA
In The Court of Appeals
Case No. 2013-000327

APPEAL FROM YORK COUNTY
Court of Common Pleas

Hon. John C. Hayes, III
Presiding Circuit Court Judge

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JUN 04 2013

SC Court of Appeals

Consolidated case no. 2010-CP-46-2326

Juontonio Pinckney, et al..... Appellants,

v.

Epcon Communities, Inc.,
Epcon Communities Franchising, Inc.,
Brock L. Fankhauser, Fankhauser Property Group, Inc.,
Stonecrest Villas of Tega Cay, LLC,
AndStonecrest Villas of Tega Cay Owners'
Association, Inc. Respondents

RESPONDENT CROSS-APPELLANT'S MOTION TO STRIKE

Brett Dressler
301 S. McDowell Street, Suite 410
Charlotte, North Carolina 28204
Telephone: 704.377.5050
Facsimile: 704.927.2868
Attorney for Respondent-Cross-Appellant

Respondent/Cross-Appellant, Stonecrest Villas of Tega Cay Owners' Association, Inc., pursuant to Rule 240(f) of the South Carolina Appellate Court Rules, hereby files this Motion to Strike the May 23, 2013 "Appellant's Reply to Respondent Cross Appellant's Return and Memorandum" on the basis that Appellant's document is misnamed and not permitted under the Rules. The following is an outline of the documents filed in relation to Respondent/Cross-Appellant's Motion to Dismiss:

1. May 13, 2013

Respondent Cross-Appellant's Motion to Dismiss and Memorandum in Support of Same

2. May 16, 2013

Appellants' Return to Respondent/Cross-Appellant's Motion to Dismiss and Memorandum in Opposition

3. May 22, 2013

Respondent/Cross-Appellant's Reply to Appellants' Return to Motion to Dismiss and Memorandum in Support of Same

4. May 23, 2013

Appellants' Reply to Respondent Cross Appellant Return and Memorandum

The Rules permit the moving party to file an opening motion. Thereafter, the opposing party files a "Return". Finally, the moving party files a "Reply". There is no provision to permit an opposing party to file the "Return" and then a "Reply". It appears that the May 23, 2013 may be a "Reply" to the "Reply" but such is also not permitted. Accordingly, Respondent/Cross-Appellant moves the Court to strike the pleading dated May 23, 2013 as improper.

CONCLUSION

Appellant has filed a brief titled a "Reply" after already having filed the "Return". Such a document is not contemplated nor permitted under the SCACR. Accordingly, Respondent/Cross-Appellant moves to strike the pleading from the record.

Respectfully submitted,



Brett Dressler

State Bar Number 77650
301 S. McDowell Street, Suite 410
Charlotte, North Carolina 28204
Telephone: 704.377.5050
Facsimile: 704.927.2868
Attorney for Respondent

June 3, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
Case No. 2013-000327

APPEAL FROM YORK COUNTY
Court of Common Pleas

Hon. John C. Hayes, III
Presiding Circuit Court Judge

Consolidated case no. 2010-CP-46-2326

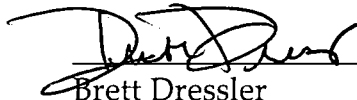
Juontonio Pinckney, et al.Appellants,

v.

Epcon Communities, Inc., Epcon Communities Franchising, Inc.,
Brock L. Fankhauser, Fankhauser Property Group, Inc.,
Stonecrest Villas of Tega Cay, LLC, and
Stonecrest Villas of Tega Cay Owners' Association, Inc.Respondent

PROOF OF SERVICE

I certify that I have served the foregoing RESPONDENT/CROSS-APPELLANT'S MOTION TO STRIKE on counsel for Appellants Juontonio Pinckney, et al, J. Cameron Halford, HalfordNiemic& Freeman, L.L.P., 238 Rockmont Drive, Fort Mill, South Carolina 29708, by depositing a copy in the U.S. Mail, postage prepaid, on May 22, 2013 with all other parties served by U.S. Mail.



Brett Dressler
State Bar Number 77650
301 S. McDowell Street, Suite 410
Charlotte, North Carolina 28204
Telephone: 704.377.5050
Facsimile: 704.927.2868
Attorney for Respondent

June 3, 2013
Other Counsel of Record Served:

(Via U.S. Mail)
Curtis W. Dowling, Esquire
Barnes Alford Stork & Johnson, L.L.P.
Post Office Box 8448
Columbia, South Carolina 29202
Attorney for Stonecrest Villas of Tega Cay Owners' Association, Inc.

(Via U.S. Mail)
Graham P. Powell, Esquire
Wall, Templeton & Haldrop, P.A.
145 King Street, Suite 300
Charleston, South Carolina 29401
Attorney for Brock L. Fankhauser, Fankhauser Property Group, Inc. and Stonecrest Villas of Tega Cay, L.L.C.

(Via U.S. Mail)
Mike Wilkes, Esquire
J. Derham Cole, Esquire
Wilkes Law Firm, P.A.
127 Dunbar Street, Suite 200
Spartanburg, South Carolina 29306
Attorneys for Epcon Communities, Inc. and Epcon Communities Franchising, Inc.

(Via U.S. Mail)
Bradford W. Cranshaw, Esquire
Grier, Cox & Cranshaw, LLC
Post Office Box 2823
Columbia, South Carolina 29202-2823
Attorney for Epcon Communities, Inc. and Epcon Communities Franchising, Inc.

SELLERS, HINSHAW, AYERS, DORTCH & LYONS, P.A.

ATTORNEYS AT LAW
SUITE 410 CAMERON-BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE, NORTH CAROLINA 28204-2686

CHRISTINA F. ACKERMAN
JOHN F. AYERS III
ROBERT C. DORTCH, JR.
BRETT E. DRESSLER †††‡
MARK D. GOTT ††
G. EDWARD HINSHAW, JR.
T. PATRICK JENKINS
CHARLES E. LYONS II *
MICHELLE PRICE MASSINGALE **‡
TIMOTHY G. SELLERS *
DAVID H. SIMPKINS*
ROBERT A. WHITLOW †‡

TELEPHONE
(704) 377-5050

FACSIMILE
(704) 927-2868

WRITER'S EMAIL
BDressler@sellershinshaw.com

* Also Admitted in South Carolina
** Also Admitted in West Virginia
† Also Admitted in Georgia
†† Also Admitted in Alabama
††† Also Admitted in Texas
‡ Certified Mediator

June 3, 2013


Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: *Juontonio Pinckney, et al. v Brock L. Fankhauser, et al.*
Consolidated Case No.: 2010-CP-46-2326

Dear Ms. Kitchings:

Please find enclosed originals and seven copies of Respondent Cross-Appellant's Motion to Strike and Respondent/Cross-Appellant's Return to Appellants' Motion for the Court to Establish Briefing Deadlines in the above matter. Please file the originals and return a file-stamped copy to me in the enclosed envelope. By copy of this letter, I am serving all counsel of record with the same. Thank you.

Sincerely,



Brett Dressler

BED/mb

Enclosures

cc: J. Cameron Halford, Esquire
Curtis W. Dowling, Esquire
Graham P. Powell, Esquire
Mike Wilkes, Esquire
J. Derham Cole, Esquire
Bradford W. Cranshaw, Esquire

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