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Dec 20 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Judge

Appellate Case No. 2022-000958

Southern First Bank, N.A. d/b/a Greenville First Bank,.....Respondent,

v.

Kenneth J. Vilcheck, Renee M. Vilcheck, Portfolio Recovery Associates, LLC, United States of America, acting through its agency, Department of Treasury – Internal Revenue Service, Longbridge Financial, LLC, Federal Housing Commissioner, The South Carolina Department of Revenue, Belfair Property Owners’ Association, Inc., and the Greenery, Inc. a South Carolina corporation, Defendants,

Of whom Kenneth J. Vilcheck and Renee M. Vilcheck are the.....Appellants.

MOTION TO CONSOLIDATE APPEAL WITH APPEAL NO. 2022-001678

Appellant hereby moves pursuant to Rule 214, SCACR, for an order that consolidates the instant appeal with Appeal No. 2022-001678 and which holds the deadlines in the instant appeal in abeyance until this motion is decided, as the grant of this motion will result in a single set of briefs encompassing both these appeals.

The grounds for this motion are as follows:

1. Rule 214, SCACR, permits consolidation of appeals where common questions are involved in the appeals.

2. Appeal No. 2022-001678 is an appeal of, among other rulings, the denial of a motion for relief from a judgment on the grounds that the judgment is void for lack of personal jurisdiction.
3. The instant appeal has the same appellants and respondent as does Appeal No. 2022-001678, and this is an appeal brought in an action seeking to enforce the same judgment involved in Appeal No. 2022-001678.
4. Though Appeal No. 2022-001678 was brought later than this appeal, the outcome of Appeal No. 2022-001678 has the potential to affect the issues in this appeal significantly, perhaps even making them moot.
5. Absent consolidation, if the court ultimately decides in Appeal No. 2022-001678 that the judgment is void, both the court and the parties will likely have spent significant time briefing, arguing, and deciding the issues in this appeal, only to have that time all have been spent for nothing.
6. It is in the interest of judicial economy that these appeals, which involve a common question and common subject matter, be consolidated for briefing and argument.
7. The undersigned has served this document on opposing counsel by email to registered AIS email address on the date given below.

WHEREFORE Appellant prays for an order that consolidates the instant appeal with Appeal No. 2022-001678 and which holds the deadlines in the instant appeal in

abeyance until this motion is decided, as the grant of this motion will result in a single set of briefs encompassing both these appeals.

Respectfully submitted,

/s/ Andrew S. Radeker
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December 20, 2022

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PROOF OF SERVICE

I certify that I have served the foregoing motion to consolidate on the date given below by emailing it to counsel for the Respondent(s) and all other counsel of record in the underlying action at the address(es) noted below.

Paul Simons, Jr., Esq., at psimons@hullbarrett.com
Aaron J. Angel, Esq., at aaron@angellmolony.com

December 20, 2022

Respectfully submitted,

/s/ Andrew S. Radeker

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