

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2022-001162
Civil Action No. 2017-CP-10-04112

CHRIS KHAMNEI,

Appellant,

v.

COLUMBUS STREET HOLDINGS,
LLC; ROY T. WILLEY, IV; AND ERIC
M. POULIN,

Respondents.

RESPONDENTS' MOTION TO DISMISS

Even Vince Gill did not ask for as many last chances as Appellant.¹ As shown by the excerpts from this Court’s correspondence (following page), Appellant has been warned *ad nauseum* of the risk of dismissal, and yet he continues to ignore the rules. Ignoring the rules time and time again cannot be without consequence. *See, e.g. Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (“South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.”). The same rules apply to parties who chose to represent themselves, such as this Appellant.

¹ Vince Gill, *One More Last Chance*, Gary Nicholson / Vince Gill, 1993.

Appellant has had more than his fair share of chances. And this Court was kind enough to give Appellant one more last chance on November 8, 2023. Once again, he blew it.

- August 30, 2022 — “[T]he time for ordering the transcript has expired. . . ***Your appeal will be dismissed*** if no motion is made within ten (10) days of the date of this letter.” (Emphasis added).
- January 23, 2023 — “The time for serving and filing the appellant's initial brief and designation of matter has expired. Within ten (10) days of the date of this letter, you must serve and file the appellant's initial brief and designation of matter. . . ***Your appeal will be dismissed*** if no motion is made within ten (10) days of the date of this letter.” (Emphasis added).
- February 24, 2023 — “[A]ny deficiency must be corrected within ten (10) days of the date of this letter or ***your appeal will be dismissed*** . . . The initial brief is not accompanied by a designation of matter to be included in the record on appeal.”(Emphasis added).
- March 13, 2023 — “[A]ny deficiency must be corrected within ten (10) days of the date of this letter, or ***this appeal will be dismissed*** . . . It appears that the designation you provided is for another matter, and not the above listed appeal”(Emphasis added).
- June 14, 2023 — “[T]he record on appeal was due to be served by May 26, 2023. As of today's date we have not received the record on appeal, nor have we received a motion for an extension of time in which to serve the record. . . Within ten (10) days of the date of this letter you must serve and file the record on appeal, along with a motion to file out of time, or ***this appeal will be dismissed.***”(Emphasis added).
- July 13, 2023 — "Upon reviewing your motion to allow late filing of the record on appeal, the following deficiencies have been noted . . . The required filing fee has not been submitted . . . A proof of service has not been provided." "any deficiency must be corrected within ten (10) days of the date of this letter or your filing will not be considered, and ***your case may be dismissed.***"(Emphasis added).
- August 9, 2023 — “[Y]ou still have not provided a proof of service for the motion to file the record on appeal out of time.”
- September 11, 2023 — “[T]he appeal is dismissed.”

And most recently . . .

- November 8, 2023 — Appeal reinstated. "If the record on appeal and ***appellant's final brief are not filed within twenty days of the date of the enclosed order, the appeal will be dismissed.***" (Emphasis added).

No such brief has been filed or served. By all rights, Appellant has blown his last last chance. It's time to say we're through.

[Signature on Following Page]

Dated: December 7, 2023

Respectfully Submitted,

POULIN | WILLEY

/s/Lane D. Jefferies

Lane D. Jefferies

S.C. Bar No.: 101764

32 Ann Street

Charleston, SC 29403

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ATTORNEY FOR THE RESPONDENTS

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PROOF OF SERVICE

I certify that I have served Respondents' Motion to Dismiss on Appellant by depositing a copy of it in the United States Mail, postage prepaid on December 7, 2023, addressed to Appellant:

Chris C. Khamnei
82 Overlake Park
Burlington, VT 05401

[Signature on Following Page]

Dated: December 7, 2023

Respectfully Submitted,

POULIN | WILLEY

/s/Lane D. Jefferies

Lane D. Jefferies

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REPLY TO ANN STREET OFFICE

POULIN | WILLEY ANASTOPOULO

AKIM A. ANASTOPOULO (SC)
ERIC M. POULIN (SC)(GA)(NC)(CA)
ROY T. WILLEY, IV (SC)(KY)(NJ)

December 7, 2023

Sent via Regular Mail and Email

The Honorable Jenny Abbott Kitchings, Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
E: Ctappfilings@sccourts.org

RE: *Chris Khamnei v. Columbus Street Holdings, et al.*
Case No.: 2022-001162

To Whom It May Concern:

Enclosed for filing, please find Respondents' Motion to Dismiss, Notice of Appearance, Proof of Service, and a firm check in the amount of \$50.00 for the filing fee.

Sincerely,

s/Lane D. Jefferies

Lane D. Jefferies

CC: Chris C. Khamnei
82 Overlake Park
Burlington, VT 05401

BLAKE G. ABBOTT (SC)(NC)
CONSTANCE ANASTOPOULO (SC)*
A. ELLIOTT HUGER BARROW, JR. (SC)*
ZACHARY BIEBER (SC)
BRADLEY BURGESS (SC)
MATTHEW J. BURGESS (SC)
JOSHUA P. CANTWELL (SC)
CHASE H. COBLE (SC)
RALPH JAMES D'AGOSTINO III (DC)
ERICA M. DOBRICH (SC)
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JESSICA S. NELSON (SC)
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JONATHAN RIDDLE (SC)
INDIA D. SHAW (SC)(DC)
ANDREW D. SMITH (SC)
BRADLEY TINGER (SC)
NEIL WILLIAMS (SC)

*OF COUNSEL

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SC Court of Appeals

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