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Jan 29 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-in-Equity

Mikell R. Scarborough, Master in Equity

Case No. 2023-001562

R&R Landscape and Design,
LLC f/k/a R&R Landscape,
Inc and Mark Gonzalez,

Respondent,

v.

The Broadband Companies,
LLC and Fred Anthony,

Appellants.

RETURN TO MOTION FOR COSTS

Pursuant to Rule 240, SCACR, Appellants issue this RETURN to Respondent's Motion for Costs and ask that this court DENY the relief sought.

First, Mr. Anthony has already paid counsel for the defendants \$30,651.53 under the Court's order of November 9th, 2023 to be released from jail. This \$30,651.53 was for attorney fees and costs that the respondents claim to have incurred since July of 2023. Mr. Sanchez submitted an affidavit for \$12,663.23, Mr. Qualey submitted an affidavit for \$6,275.00, and Mr. Knowles submitted an affidavit for \$6,063.30. The affidavits are not itemized, but Mr. Sanchez does include \$355.87 in transcript fees that he incurred through November 7th. This would include any transcript through November 7th. If the transcript costs from the hearing on November 6th are part of the motion, then that should be denied as that transcript is irrelevant to this appeal. In addition to the costs, the counsel has already been reimbursed for the time spent

on the appeal through the contempt order

In addition to the fact that fees and costs requested have already been paid in full by the Appellant, the affidavits of Attorney's fees and costs from Mr. Sanchez, Mr. Qualey, and Mr. Knowles total \$25,001.53, which is \$5,650 less than what was ordered by the contempt order. The record does not support the additional amount of fees and costs, but it has been paid by Mr. Anthony.

Finally, the appeal was rendered moot on December 23, 2023. See *Gordon v. Lancaster*, 425 S.C. 386, 823 S.E.2d 173 (S.C. 2018).

January 29, 2024

/s/Shawn M. French, Sr.

Shawn M. French, SC BAR No.: 75007

Attorney for Appellants

Mt. Pleasant, SC 29464

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

R&R Landscape and Design, LLC f/k/a
R&R Landscaping, Inc., and Mark
Gonzalez,

Case No. 2010-CP-10-09857

Plaintiff,

vs.

Affidavit of
Compliance with Contempt Order

The Broadband Companies, LLC and
Fred Anthony,

Defendants.

PERSONALLY appeared before me the undersigned, Jesse Sanchez of the Law Office of Jesse Sanchez, LLC , who, upon first being duly sworn, states under penalty of perjury the following facts:

1. My name is Jesse Sanchez. I represent the Plaintiffs in this action.
2. I have received the documents from Fred Anthony required by the Court's orders of November 6, November 9th, and December 12th. To my knowledge, he has complied with this portion of the Contempt Order.
3. I am also in receipt of the amount of \$30,651.53 from the Defendant as required by the Order. He has complied with this portion of the contempt order.
4. I am filing this affidavit to certify that Fred Anthony has cured his contempt under those orders and should be released, and should be released from custody IMMEDIATELY.

Further Affiant Sayeth Naught.



Jesse Sanchez
Counsel for Plaintiffs R&R Landscape and Design LLC
f/k/a R&R Landscaping, LLC, and Mark Gonzalez

SWORN to before this 02 day of Dec, 2023



NOTARY PUBLIC FOR

NAME: S.C

My commission Expires: 3/27/33



amount as this Court deems necessary and sufficient to deter Defendants' from engaging in further dilatory tactics.

FURTHER AFFIANT SAITH NOT!



BRIAN M. KNOWLES

SWORN to before me this
9 day of November, 2023



NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 3/16/2033

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 R&R Landscape and Design, LLC, f/k/a)
 R&R Landscape Inc., and Mark)
 Gonzalez,)
)
 Plaintiffs,)
)
 vs.)
)
 The Broadband Companies, LLC, and)
 Fred Anthony,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 Civil Action No.: 2010-CP-10-09857

**AFFIDAVIT
 OF RECEIVER'S FEES**

PERSONALLY APPEARED BEFORE ME, Joseph K. Qualey, Receiver appointed by the Master in Equity Court of Charleston County, being first duly sworn, deposes and states as follows:

1. I am an attorney with the Qualey Law Firm in Charleston, South Carolina, and this firm is the Court appointed Receiver for the Defendants above-named.
2. Qualey Law Firm was appointed by this Court by Order for the purpose of assessing the finances of the Defendants and assuming control of the Defendant business in order to satisfy the Judgment confessed by the Defendants.
3. That in this capacity, Receiver investigated payroll and bank account records of Defendant Broadband Services and Defendant Fred Anthony to discover that Defendant Anthony has received a salary in an amount approximately \$200,000.00 over the last (18) months. When asked, Defendants' attorney, Dwayne Green, stated that the money was re-invested into the Defendant business.
4. That additional inquiry was made as to the records of these transactions; those inquiries were denied or ignored.

5. That as the Receiver, and with the authority granted by this Court, the Receiver made multiple additional direct inquiries to the attorney for the Defendants, Dwayne Green, as to the finances of Defendant Fred Anthony and Defendant Broadband Services, including request for account information and activity, receipt and transfer of funds, the origin and flow of finances for both Defendants. These, too, were ignored, denied, or incomplete.

6. To date, the Receiver has spent more than (16) hours making inquiries to Mr. Green as to Defendants' finances, all of which have been met with denials, incomplete answers, attempts to delay the Receiver's efforts, and attempts to thwart the administration of justice.

7. That at the Receiver's reduced hourly rate, the behavior by the Defendants and the Defendants' attorney has amounted to \$6,275.00 in attorney's fees and costs.

FURTHER AFFIANT SAYETH NOT.

Respectfully submitted,

Qualey Law Firm

s/ Joseph K. Qualey

Joseph K. Qualey

SC Bar No.: 4603

37 Broad Street

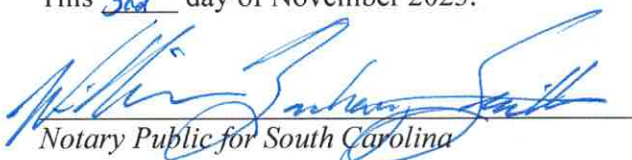
Charleston, SC 29401

843-577-3434

joequaley@qlawfirm.com

SWORN TO and subscribed before me

This 3rd day of November 2023.


Notary Public for South Carolina

Printed Name: William Zedberg Smith

My Commission Expires: 9/9/2025

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	CASE NO.: 2010-CP-10-9857
)	
R&R LANDSCAPE AND DESIGN)	
LLC f/k/a R&R LANDSCAPING INC.)	
and Mark Gonzalez,)	
)	
Plaintiff,)	AFFIDAVIT OF
)	JESSE SANCHEZ
)	FOR COSTS AND ATTORNEY’S FEES
vs.)	
)	
THE BROADBAND COMPANIES)	
LLC and FRED ANTHONY)	
)	
Defendants.)	

PERSONALLY appeared before me, Jesse Sanchez, who being duly sworn deposes and says as follows:

1. I am an attorney practicing law in The Law Office of Jesse Sanchez, LLC, of which I am the principal attorney. I represent the Plaintiffs, R&R Landscape and Design and Mark Gonzalez, in the above-captioned action.

2. This affidavit is submitted pursuant to this Court’s November 6, 2023 Supplemental Proceedings Order, finding Defendant in Civil Contempt of Court.

THE PROFESSIONAL STANDING OF COUNSEL

3. I have been licensed to practice law in the state of South Carolina since November of 2014, and have at all times been in good standing. Since April of 2016, I have worked at my own practice, the Law Office of Jesse Sanchez, LLC.

4. Prior to opening my firm, I worked as a staff attorney at Nexsen Pruet, LLC. I am an active member of the South Carolina and Charleston County Bar Associations.

5. I graduated from Boston College with a B.A. in History in 2003, and with a J.D. from Benjamin N. Cardozo School of Law in 2010.

THE NATURE EXTENT AND DIFFICULTY OF THE LEGAL SERVICES RENDERED

6. The undersigned has expended significant time and resources pursuing supplemental proceedings and financial information in this case, including:

- A. Preparing for and appearing at a Supplemental Proceedings Hearing, held on August 11, 2023.
- B. Communications with the Court-appointed Receiver and opposing counsel in pursuit of financial documents and information;
- C. Personally reviewing and investigating incomplete financial documents in an effort to locate the source and destination of funds;
- D. Communications with Court-appointed Receiver and opposing counsel in an attempt to resolve issues before involving the Court.
- E. Preparing a Rule to Show Cause against Defendants for repeated failure to produce financial documents and cooperate with Plaintiffs as previously ordered by the Court, Rule entered on October 26, 2023.
- F. Preparing a Motion to Lift Stay and Motion for Sanctions Against Defendants and their Attorney, and supporting affidavit, filed October 26, 2023.
- G. Engaging a private investigator in an effort to locate Defendants and coordinate service of Rule to Show Cause after Defendants counsel refused to accept service on three separate occasions.

- H. Preparing for and appearing at a Supplemental Proceedings Hearing, held on November 6, 2023.
- I. Preparing a formal order pursuant to the Court's November 6, 2023 Supplemental Proceedings Order.
7. Defendants have repeatedly engaged in dilatory tactics, refusing to attend court-ordered hearings, refusing to produce court-ordered documents, failing to disclose assets, and otherwise hiding from Plaintiffs so as to require Plaintiffs to hire private investigators and process servers.
8. The undersigned has on numerous occasions attempted in good faith, without avail, to resolve these issues.

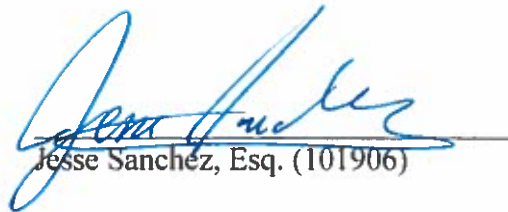
THE FEE CUSTOMARILY CHARGED
IN THE LOCALITY FOR SIMILAR LEGAL SERVICES

9. My customary hourly billing rate is three hundred and fifty dollars per hour (\$350.00/hour); which is within the range charged by comparable local attorneys for similar services. The undersigned attests that he has expended over THIRTY-FIVE HOURS pursuing enforcement of supplemental proceeding orders in this case, as described above. In addition, the undersigned has incurred (\$57.36) in court filing fees, and (\$355.87) in transcript fees. These are in addition to the fees paid to the Receiver, Joseph Qualey, Esq. which are separately addressed in his Affidavit of Fees.

10. Accordingly, the undersigned respectfully requests that this Court award the undersigned attorneys' fees in the amount of Twelve Thousand Two Hundred Fifty Dollars (\$12,250.00), plus costs of (\$413.23), totaling: \$12,663.23 plus reimbursement for fees incurred on the Court-appointed receiver, which have been necessitated due to Defendants' lack of cooperation and

disregard of prior orders, or such other amount as this Court deems necessary and sufficient to deter Defendants' from engaging in further dilatory tactics.

FURTHER AFFIANT SAYETH NOT.

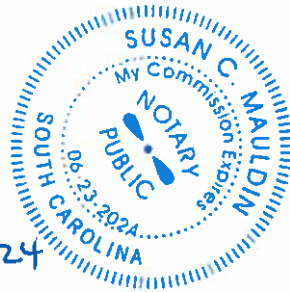

Jesse Sanchez, Esq. (101906)

Sworn and Subscribed before Me
This 7th day of November, 2023


Signature

Susan C. Mauldin
Print Name

Notary Public for South Carolina
My Commission Expires: June 23, 2024



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THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHARLESTON COUNTY
Master-in-Equity

Mikell R. Scarborough, Master in Equity

Appellate Case No. 2023-001562

R&R Landscape and Design,
LLC f/k/a R&R Landscape,
Inc and Mark Gonzalez,

Respondent,

v.

The Broadband Companies,
LLC and Fred Anthony,

Appellants.

Proof of Service

I certify that I have served the **Return to Motion for Costs** by email to the counsel of record in this matter.

January 29, 2024

/s/Shawn M. French, Sr.

Shawn M. French, SC BAR No.: 75007

Attorney for Appellants

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