

Bevance Lynch
PLAINTIFF(S)

Bertha Dunham
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Defendant's Motion to Reconsider filed on 12/10/23 is denied. (See attached exhibit.)

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/15/2024 .

Bevance Lynch for Bevance Lynch
Bevance Lynch for Bevance Lynch

RECEIVED
Apr 17 2024
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

Fw: Lynch v. Dunham; 2020-CP-33-277

Hughston, Thomas L.

Thu 2/8/2024 10:19 AM

To: ryoungsc@sccourt.org <ryoungsc@sccourt.org>;

From: Hughston, Thomas L.

Sent: Wednesday, February 7, 2024 12:17 PM

To: Paul Ferrara; DeBerry, H. Steven Secretary (Stacey R. Minton); jake@kennedysc.com; Nettles, Michael G.; Gray, Christy

Cc: Brandy Lewis; DeBerry, H. Steven Law Clerk (James Snyder)

Subject: Re: Lynch v. Dunham; 2020-CP-33-277

Mr. Ferrara:

You did not mention anything about any pending motions prior to the hearing and after that my request for a proposed order granting Summary Judgment. Your email of 2/7/24 is first notice to me of any so called pending motions by you and your clients. I consider that you/they waived these by your failure to tell me of them when you were present for the Summary Judgment Hearing and did not speak up regarding this, and only now many weeks later.

As I recall, we, that is, you, Mr. Kennedy, the other attorney, and I had a nice long and friendly conversation in chambers directly behind the bench after the hearing in the courtroom. You never said anything about just filing motions, etc. You had every opportunity to bring this to my attention then and/or in the many weeks since. You waived such and I refuse to consider such now and refuse to reconsider summary judgment.

This serves as my Order regarding same.

Thomas L. Hughston, Jr.

From: Paul Ferrara <paul@ferraralawfirm.net>

Sent: Wednesday, February 7, 2024 9:38 AM

To: Hughston, Thomas L.; DeBerry, H. Steven Secretary (Stacey R. Minton); jake@kennedysc.com

Cc: Brandy Lewis; DeBerry, H. Steven Law Clerk (James Snyder)

Subject: Re: Lynch v. Dunham; 2020-CP-33-277

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Judge Hughston,

I have been in court every day for the past 4 days and apologize for just now emailing you. In short, there are material questions of fact in this case that go to the heart of this eviction matter, Specifically, whether Mrs.

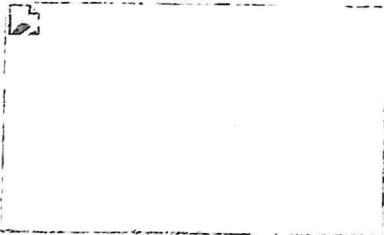
Dunham was permitted to be on the land by the equitable owner, Buellah Belin. Importantly, there was a motion to intervene by the Belins that is pending and also a motion to amend the complaint prior to your granting summary judgment.

The Summary judgment hearing started at 10:30 am and was heard by Your Honor. Twenty minutes prior to the hearing on summary judgment, the clerk accepted the motion to amend answer and counterclaim at 10:10 am. Those motions have not been scheduled as the Court's Order has ended that matter by summary judgment. The Supreme Court has held in Skydive Myrtle Beach v. Horry County that the Circuit Court erred by failing to consider the motion to amend in the context of a 12 B motion. Similarly, the Court of Appeals has recently held in Lofton v. Berkeley Elec. Coop Inc. and John Lucas Tree Experts Co. that the trial court's failure to rule on the motion to amend prior to granting summary judgment was an abuse of discretion. I have attached both decisions for the Court's reference.

Based on the above, we respectfully request the Court vacate its prior grant of summary judgment and allow the case to proceed forward on the filed motions as there are questions of material fact to be resolved by a jury.

I have copied Mr. Kennedy on this email.

Sincerely,
Paul B. Ferrara, III



8887 Old University Blvd., Ste. 201
N. Charleston, SC 29406
(843) 569-5511 (office)
(843) 569-5411 (fax)

This e-mail and the information transmitted is PRIVILEGED and CONFIDENTIAL information and is the property of the sender. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this information, or the taking of any action in reliance on the content of this information is strictly prohibited. If you have received this email in error, please immediately contact Paul B. Ferrara III with Ferrara Law Firm, PLLC at (843) 569-5511 and please delete the original transmittal of this information.

From: Hughston, Thomas L. <thughstonj@sccourts.org>
Sent: Wednesday, January 31, 2024 3:39 PM
To: DeBerry, H. Steven Secretary (Stacey R. Minton) <hsdeberrysc@sccourts.org>; jake@kennedysc.com <jake@kennedysc.com>; Paul Ferrara <paul@ferraralawfirm.net>
Cc: Brandy Lewis <blewis@marionsc.org>; DeBerry, H. Steven Law Clerk (James Snyder) <hsdeberrylc@sccourts.org>
Subject: Re: Lynch v. Dunham; 2020-CP-33-277

I suggest that I handle the Motion to Reconsider without a hearing. Therefore, Mr. Ferrara, please send to me why you think I should reconsider and what you want me to do. Thereafter, Mr. Kennedy send to me your response to this Motion.

3/14/24, 12:07 PM

Fw: Lynch v. Dunham; 2020-CP-33-277 - Hughston, Thomas L.

Thereafter, I will do my Order.

Thank you for your consideration, cooperation and attention in this matter and I shall look forward to hearing from you.

Thomas L. Hughston, Jr.

From: DeBerry, H. Steven Secretary (Stacey R. Minton)
Sent: Wednesday, January 24, 2024 9:26 AM
To: Hughston, Thomas L.
Cc: Young, Roger Secretary (Robyn R. Hills); Brandy Lewis; DeBerry, H. Steven Law Clerk (James Snyder)
Subject: Lynch v. Dunham; 2020-CP-33-277

Good afternoon, Judge Hughston,

I hope this email finds you well. There is a Motion to Reconsider pending in Marion in the above-referenced case. Given that you were the deciding judge, the reconsideration will need to go before you. We would like to find a time, perhaps during a chambers week, when you would be able to hear this motion via the virtual courtroom or in-person in Marion. Would you let us know when you might be able to fit this into your schedule? Once we receive your preferred dates, we will coordinate with court administration and the attorneys to make sure everything is set up for you.

Thank you so much for your help.

Sincerely,

Stacey R. Minton

Administrative Assistant to

The Honorable H. Steven DeBerry, IV

181 N. Irby St., Suite 3600

Florence, SC 29501

Office: (843) 665-3020

Cell: (843) 908-4799



Marion Common Pleas

Case Caption: Bevance Lynch VS Bertha Dunham

Case Number: 2020CP3300277

Type: Order/Form 4

So Ordered

s/T.L.HUGHSTON, JR. 2008

Electronically signed on 2024-03-15 11:20:18 page 6 of 6