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Apr 25 2024

SC Court of Appeals

Clerk of the Court
Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Alleged Violation of Rule 240(f) – Freeman v. Trapp, Case No.: 2024-000283

Dear Clerk of the Court,

Pursuant to the rules and procedures established by this honorable court, I am writing to formally request that the court disregard the late reply filed by the respondent in the above-referenced case. As detailed in the rules governing motions and replies, specifically, Rule 240(f) of the South Carolina Rules of Appellate Procedure, “240(f) Reply. The moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve on all parties a copy of the reply. The provisions of Rule 240(c) apply to a reply.”

In the case at hand, the documented Return by Appellant service date was April 8th, 2024 making the due date for any reply by the respondents attorney April 15th, 2024. The respondent's reply was filed on April 18th, 2024, which is clearly beyond the allowable time frame as stipulated by the rule.

Allowing the consideration of this late submission would not only contravene the explicit guidelines set by the court but may also prejudice the rights of the Appellant Randal K Freeman, undermining the fairness and order of these judicial proceedings. Therefore, I respectfully request that the court exercise its discretion to disregard the respondent's reply due to its untimeliness.

This action is essential to maintaining the integrity and expedience of the judicial process, ensuring that established procedural deadlines are adhered to, and preventing any undue prejudice that may arise from the acceptance of out-of-time submissions.

Thank you for your attention to this matter. We trust that the court will uphold its procedural rules and look forward to your ruling on this request.

Respectfully,


Randal K Freeman

Enclosures: Appellants Email 1, Email 2, Proof of Service, Respondents Email 1, Email 2, Proof of Service, Reply to Return

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Apr 08 2024

SC Court of Appeals

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

R.Ferrell Cothran, Jr., Circuit Court

Judge

Case No. 2024-CP-43-00366

Randal K. Freeman

Appellant.

v.

David Bryan Trapp,

Respondent,


PROOF OF SERVICE

OF

OPPOSTION TO MOTION TO DISMISS

I certify that I have served the Reply to the Motion to Dismiss to the respondent David Bryan Trapp by depositing a copy of it in the United States Mail, postage prepaid, on April 08, 2024, addressed to his attorney of record, J. Benjamin Cahill, 693 N. Guignard, Sumter, South Carolina 29150.

April 08, 2024


Randal
Freeman
8 Warren Ct
Sumter, South Carolina 29150
(224) 407-1660
Appellant

From: Ben Cahill
To: Court Of Appeals Filings
Cc: Chris Jay
Subject: Re: Appeal 2024-000283
Date: Thursday, April 18, 2024 12:26:39 PM
Attachments: Reply to Appelants Response in Opposition .pdf

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

Good afternoon,

Please see attached Reply for filing. Thank you!

On Tue, Apr 2, 2024 at 1:32 PM Court Of Appeals Filings <ctappfilings@sccourts.org> wrote:

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

From: Ben Cahill <bcahill@cahill-lawfirm.com>
Sent: Tuesday, April 2, 2024 11:57 AM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: Chris Jay <cjay@cahill-lawfirm.com>
Subject: Re: Appeal 2024-000283

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

Good afternoon,

Please see the attached Affidavit of Service. We'll get a check in the mail for the filing fee. Thank you!

On Mon, Apr 1, 2024 at 4:51 PM Court Of Appeals Filings <ctappfilings@sccourts.org>

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Apr 18 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY

Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2024-CP-43-000366

Appellant Case No. 2024-000283

David Bryan Trapp,

Respondent,

v.

Randal K. Freeman and
Jenna B. Freeman,

Appellants.

REPLY TO APPELLANTS' RETURN IN OPPOSITION

Respondent through his undersigned Counsel hereby brings his Reply to Appellants' Return in Opposition received on April 15, 2024, to dismiss this appeal in its entirety due to mootness, and in support of his Reply alleges the following:

1. Respondent denies any allegations contained in Appellant's Return;
2. Respondent denies Exhibit A of Appellant's Return is an Exhibit of Record and that Exhibit A was never introduced as evidence at any lower court, and hence is in violation of Rule 210; and
3. Respondent further informs this Court that beyond the inadmissibility of Appellants' Exhibit A submitted herein, Exhibit A is a fraud and forgery.

Respondent reaffirms the Court should dismiss this appeal as moot and for lack of standing and affirm the Circuit Court's Order. Respondent prays this Court impose such sanctions under Rule 269 as this Court deems appropriate.

Respectfully Submitted,

/s Christopher R. Jay

Christopher R. Jay, Esq (S.C. Bar No.: 100313)
Cahill Law Firm, LLC
693 N. Guignard Drive
Sumter, SC 29150
Tel. (803) 500-5072
Fax. (855) 701-1425

/s J. Benjamin Cahill

J. Benjamin Cahill, Esq (S.C. Bar No.: 102437)
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693 N. Guignard Drive
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Tel. (803) 500-5072
Fax. (855) 701-1425

Attorneys for Respondent David Bryan Trapp

Sumter, South Carolina

April 18, 2024

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Apr 22 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY

Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Appellant Case No. 2024-000283

David Bryan Trapp,

Respondent,

v.

Randal K. Freeman and
Jenna B. Freeman,

Appellants.

PROOF OF SERVICE

I certify that I have served the Reply to Appellant's Return in Opposition on Randal K. Freeman and Jenna B. Freeman by depositing a copy of it in the United States Mail, postage prepaid, on April 19, 2024, addressed to Randal K. Freeman and Jenna B. Freeman at their current or last known address of 8 Warren Ct, Sumter, SC 29150.

April 22, 2024

/s J. Benjamin Cahill

J. Benjamin Cahill, Esq (S.C. Bar No.: 102437)
Cahill Law Firm, LLC
693 N. Guignard Drive
Sumter, SC 29150
Tel. (803) 500-5072
Fax. (855) 701-1425
Attorney for Respondent