

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-In-Equity

Case No. 2021-CP-10-3609
Appellate Case No. 2023-001334

Jason Aryeh.....Respondent
Olivia Aryeh.....Appellant

APPELLANT’S RESPONSE TO MOTION TO STRIKE AND CLARIFY

The Respondent seeks to strike portions of the Appellant’s designation of matter to be included in the record on appeal, and to clarify what is meant by other items in the designation.

Items to Clarify

1. Defendant’s Attorney’s fees and Plaintiff’s Attorney’s fees

The Appellate apologizes for utilizing the incorrect vocabulary. The Appellate is concurrently representing herself in several post judgement divorce issues, and mistakenly used “plaintiff” instead of Respondent, and “defendant” instead of Appellant.

With that error now clarified, both Appellant and Respondent testified on a variety of legal fees at trial for this case.

The Appellant referenced the following attorney’s fees during her trial testimony for this lawsuit:

- Divorce, appellate and criminal attorney’s fees from her divorce from the Respondent:
 - *“This was not a divorce that just had divorce attorneys. It had appellate attorneys, criminal attorneys, a guardian ad leitum, a custody evaluator.” Trial transcript, page 85, lines 21-24.*
 - *“Initially there were orders in 2020 that required Mr. Aryeh to pay alimony and legal fees. He couldn't appeal the alimony but he could appeal the legal fees so already to get alimony*

to start being paid, it took a tremendous amount of money” (Trial transcript, page 83, lines 20-25).

- During this trial, the Appellant testified and referenced divorce court documents indicating the divorce Court’s calculation of the Respondent’s annual income of at least \$900,000 (trial transcript, page 95 line 22 to page 96, line 1).

The Respondent referenced the following attorney’s fees during his trial testimony for this lawsuit:

- Attorney’s fees from this matter with accompanying bank statements (trial transcript, page 140, line 3)
- Attorney’s fees from his and the Appellant’s divorce.
 - *“I had paid a total of 1.1 million dollars of legal fees and alimony in the pendency of this dissolution action which was more than double what Olivia's own attorney acknowledged our marital agreement said she was due which was \$500,000” (trial transcript, page 149, lines 20-25).*
 - *“I guess someone changed her mind and she decided to oppose the postnup agreement which has since cost me 7 figures in legal fees to try to protect that agreement” (Trial transcript, page 156, lines 8-11).*

Proof of Plaintiff’s multiple residences and income sources

The Appellate apologizes for utilizing the incorrect vocabulary. The Appellate is concurrently representing herself in several post judgement divorce issues, and mistakenly used “plaintiff” instead of Respondent, and “defendant” instead of Appellant.

Item 6 should have read, “Proof of Respondent’s multiple residences and income sources.”

The Respondent’s multiple residences and income sources were discussed at trial for this matter.

- In his trial testimony, the Respondent stated that he has *“developed luxury high end real estate, single family homes from Greenwich Connecticut to Placitas, New Mexico to Tucson, Arizona to Malibu, California to West Hollywood, California and now in Sullivan's Island South Carolina,”* (trial transcript, page 101 line 22 to page 102 line 4).
- In his trial testimony, the Respondent stated, *“I run my own money in a hedged manner. Hedge just being long and short to balance out market risk. Most people who run money long and short are heavily long. I run my portfolio usually 80 or 90 percent long and 20 percent short in case you get a strong market downdraft and you don't want your portfolio to blow up essentially. So I have run that -- I call my fund JALAA Equities. It is my money, a little bit of my mom and sister's. And I have run that since 1997”* (trial transcript, page 172, lines 13 - 22).

Date of referenced order from Judge Moukawsher when and how it was presented to lower court
The date of the referenced order from Judge Moukawsher is March 2022.

The information was provided to the lower court from the Appellant, through her testimony at trial for this case:

“This order came about after the soon after the Supreme Court supporting that Mr. Aryeh needed to pay 409 thousand dollars in retroactive alimony and majority was legal fees. We had a hearing with a judge and the a divorce court judge and that judge said. I can't say what he said. The judge favored the exchange of a lis pendens being lifted of extracting that 409 thousand dollars out of the lis pendens, the mortgage. And that in order to safeguard the rest of the asset the judge said you cannot touch the remaining portion of that mortgage unless you have a court order or permission from the Court” (Trial transcript, pages 91-92, lines 23-11).

The information was also provided to the lower court from the Respondent, through his testimony at trial for this case:

“We held a contempt hearing on that with Judge Moukawsher as part of what Olivia described earlier, me not paying legal fees, because they had drained me of all my liquidity” (Trial transcript, page 125, lines 5-8).

The Connecticut divorce decree

Portions of the Connecticut divorce decree relevant to this case were presented to the lower court through the Appellant’s post trial brief, which contained a section entitled, “A Note on the Connecticut Divorce Order and Relevant Contempt Findings” on pages 7 and 8. The divorce decree was issued on March 31, 2023 The post trial brief was submitted on April 7, 2023.

Respectfully Submitted,

Olivia Aryeh
Appellant, Self-Represented Party

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June 20, 2024