

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph Stroman, Special Referee
Case No.: 2004-CP-26-3498

Carey Graham and Rodney A. Chardukian,
Respondents,

v.

Malcolm M. Babb, Brenda R. Babb, Cable
Plus of Carolina, Inc., South Bay Lakes Cable
Partnership, Southbridge Cable Television,
LLC, and Renaissance Enterprises, Inc., Now
Known as Condo Services, Inc.,
Defendants,

OF WHOM

Brenda R. Babb and Renaissance Enterprises,
Inc., now known as Condo Services, Inc.,

Are Appellants.

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SC Court of Appeals

RESPONDENTS REPLY TO APPELLANTS'
MOTION TO FILE BRIEF OUT OF TIME

The Respondents, by and through the undersigned counsel, would submit the following
reply to the Appellants Motion:

1. The Transcript of Record was hand delivered by the Court Reporter on July 18,
2013 and the Appellants' Initial Brief was due to be served and file on Monday, August 18,
2013.

2. Counsel for the Respondents was contacted by Appellants' Attorneys' office on August 20, 2013, which requested Respondents' consent for an extension to file its Initial Brief.

3. Counsel for the Respondents contacted Appellants' attorney, William I. Diggs, on that date and informed him that he could not consent to an extension, as the time for filing had expired.

4. There have been five appeals involving the subject matter of this action. The Appellants were declared in default because of discovery abuses on April 3, 2008. Appellants' appeal of Judge Michael Baxley's Order was denied by decision of the Court of Appeals in 2010-UP-298, a decision which was not appealed (Appeal No. 1). Appellants appealed the Order of Judge Clifton Newman appointing a Receiver in this action, and this appeal was denied by the Court of Appeals in 2010-UP-130, filed Feb. 29, 2012 (Appeal No. 2). After a default damages hearing before Judge Ralph Cothran, judgment was granted against the Appellants in the amount of \$997,000.00, filed May 17, 2011. Appellants appeal of this Judgment was denied by the Court of Appeals in 2013-UP-037, filed Feb. 6, 2013 (Appeal No. 3). The Appellants have appealed such decision to the South Carolina Supreme Court, which is pending. When Judge Ralph Stroman issued an order in Supplemental Proceedings and then declined Appellant Babb's "Motion for Declaratory Judgment," the issue was then appealed to this Court (Appeal No. 4). Finally, in Graham and Chardukian v. Robinson, 2011-CP-26-4556, Respondents were successful in setting aside Appellant Babb's fraudulent transfers of real properties to her brother, which were done to escape paying this judgment. Her brother, Stephen Eric Robinson, filed Appeal No. 5, which has this same motion pending.

5. The undersigned attorney for the Respondents customarily consents to requests for extensions and even requests to file late, as not to be punitive to another member of the Bar.

In this case, Respondents feel that Court Reporter Babb has used the rules of this Court to promote injustice and has filed these last three appeals solely for the purposes of delay. The Respondents do not believe granting the Appellants' request would promote justice in this case.

6. That during the course of the additional investigation by Respondents' attorneys that occurred subsequent to the Order being appealed in this case and in Robinson, Respondents uncovered Appellants' multiple transfers of large sums of monies through many bank accounts to an attempt to avoid paying this judgment. Appellant Babb denied, in responses to Court Ordered discovery, that such bank accounts existed.

7. That Respondents believe this appeal is another dilatory action by Babb to delay the proceedings and cause Respondents financial harm.

8. The Respondents request that the Court examine the multiple filings of the Appellants and deny the Appellants' request to file late and that the Court issue such other Orders at it may deem just and proper.

Respectfully submitted,



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Myrtle Beach, SC 29578
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SC Bar No.: 0001802
Attorneys for the Respondents

August 29, 2013

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Ralph Stroman, Special Referee
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Brenda R. Babb and Renaissance Enterprises,
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Are Appellants.

CERTIFICATE OF SERVICE

This is to certify that I, Frank H. DuRant, mailed the Respondents Reply to Appellants' Motion to File Brief Out of Time in the above entitled action to the addressee(s) below on August 29, 2013 and proper postage was attached thereto.

ADDRESSEE(S): Ms. Brenda R. Babb
P.O. Box 4800
Calabash, NC 28467

William I. Diggs, Esq.
Attorney at Law
1700 Oak Street, Suite D
Myrtle Beach, SC 29577

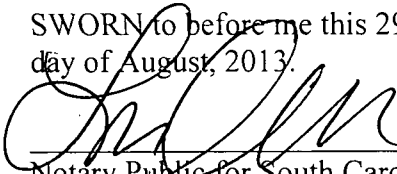
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Frank H. DuRant

SWORN to before me this 29th
day of August, 2013.



Notary Public for South Carolina

My Commission Expires: 3/12/23

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August 29, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Carey Graham and Rodney A. Chardukian vs. Malcolm M. Babb, Brenda R.
Babb, et al.; Civil Action No. 2004-CP-3498
Appellate Case No.: 2013-001330

Dear Ms. Kitchings:

Enclosed please find for filing the original and six (6) copies of the Respondents Reply to Appellants' Motion to File Brief out of Time along with the Certificate of Service showing service to the Appellants. Please file original and return a clocked copy to me in the enclosed envelope.

Should you have any questions, please feel free to contact me office.

Sincerely,



Frank H. DuRant
Attorney for the Respondents

FHD/lm

Enclosure: as stated

cc: Brenda R. Babb
William I. Diggs, Esq.
Client

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