

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Ralph Stroman, Special Referee
Case No.: 2011-CP-26-4556
Appellate Case No.: 2013-001270

RECEIVED
SEP 02 2013
SC Court of Appeals

Carey Graham and Rodney A. Chardukian,

Respondents,

v.

Stephen Eric Robinson,

Appellant.

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 Appellant's Initial Brief was due to be served and file on Monday, August 18, 2013.
2. Counsel for the Respondents was contacted by Appellant's office on August 20, 2013, which requested Respondents' consent for an extension to file its Initial Brief.

3. Counsel for the Respondents contacted Appellant's 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. This is an action by the Plaintiffs to set aside two fraudulent transfers of real estate by Brenda R. Babb to her brother, the Appellant, to escape paying a large judgment. There have been five appeals involving the subject matter of this action, which are contained in the case of Carey Graham and Rodney Chardukian vs. Malcolm M. Babb, Brenda R. Babb, et al, Case No.: 2004-CP-26-3498. That case has an identical motion to file out of time handled by the same attorney for the Appellant, William I. Diggs. Brenda R. Babb was declared in default because of discovery abuses on April 3, 2008. Babb's 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). Babb appealed the Order of Judge Clifton Newman appointing a Receiver in that action, and that 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 Babb in the amount of \$997,000.00, filed May 17, 2011. Babb's appeal of this Judgment was denied by the Court of Appeals in 2013-UP-037, filed Feb. 6, 2013 (Appeal No. 3). Babb has 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 Babb's "Motion for Declaratory Judgment," the issue was then appealed to this Court (Appeal No. 4). Finally, in this case, Respondents were successful in setting aside Babb's fraudulent transfers of real properties to Appellant, her brother, which was done to escape paying this judgment. This is Appeal No. 5, all of which are orchestrated by Brenda R. Babb.


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 the Appellant, in collusion with his sister, Brenda Robinson Babb, have used the rules of this Court to promote injustice and have filed this appeal solely for the purposes of delay. The Respondents do not believe granting the Appellant's 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, Respondents uncovered Babb's husband, while in bankruptcy, transferred the sum of \$100,000.00 to the Appellant, when Appellant alleged that Babb was "financing" this illicit purchase transaction. Appellant did not disclose this transfer of funds during discovery or trial in this case.

7. That Respondents believe this appeal by Babb's brother, Robinson, is another dilatory action, encouraged and promoted by Babb, to delay the collection proceedings against Babb, in an attempt to cause Respondents financial harm.

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

Respectfully submitted,



Frank H. DuRant
DuRant & Martin
P.O. Box 960
Myrtle Beach, SC 29578
T.: 843-448-1541; F.: 843-448-1541
fdurant@durantandmartin.com
SC Bar No.: 0001802
Attorneys for the Respondents

August 29, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Ralph Stroman, Special Referee
Case No.: 2011-CP-26-4556
Appellate Case No.: 2013-001270

RECEIVED

SEP 02 2013

SC Court of Appeals

Carey Graham and Rodney A. Chardukian,
Respondents,

v.

Stephen Eric Robinson,
Appellant.

CERTIFICATE OF SERVICE

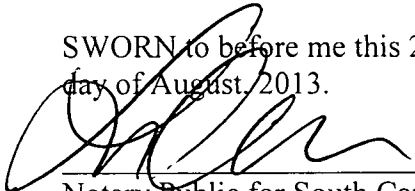
This is to certify that I, Frank H. DuRant, mailed the Respondents Reply to Appellants' Motion to File Brief Out of Time in the above entitled action to the addressee(s) below on August 29, 2013 and proper postage was attached thereto.

ADDRESSEE(S): Brenda R. Babb
Post Office Box 4800
Calabash, NC 28467

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


Frank H. DuRant

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


Notary Public for South Carolina,
My Commission Expires: 3/12/23

DuRant & Martin
ATTORNEYS AND COUNSELORS AT LAW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
2107 FARLOW STREET
POST OFFICE BOX 960
MYRTLE BEACH, SOUTH CAROLINA 29578-0960

FRANK H. DURANT, P.A.
DAVID E. MARTIN, P.A.

TELEPHONE: (843) 448-1541
TELECOPIER: (843) 626-7431

August 29, 2013

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

RECEIVED
SEP 02 2013
SC Court of Appeals

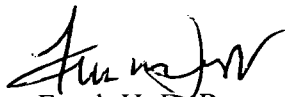
Re: Carey Graham and Rodney A. Chardukian vs. Stephen Eric Robinson
Civil Action No. 2011-CP-26-4556
Appellate Case No.: 2013-001270

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 Isaac Diggs, Esq.
Clients