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Oct 03 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

Civil Action No. 2020-CP-43-00734
Appellate Case No. 2024-001532

Ronald L. Jones.....Appellant,

v.

Gary A. Jones, Sr., Becky J.
Jones, Ima Lee Jones and Shel-
ley Allsbrooks.....Respondents.

ADDENDUM TO MEMORANDUM OF APPELLANT

/s/Richard L. Whitt,

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STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)
Ronald L. Jones,)
Plaintiff,)
vs.)
Gary A. Jones, Sr., Becky J. Jones,)
Ima Lee Jones, and Shelley Allsbrooks,)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
CASE NUMBER: 2020-CP-43-00734

ORDER

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SC Court of Appeals

This matter came before me on January 29, 2024 pursuant to a Notice of Motion and Motion to Amend Complaint filed by the Plaintiff Ronald L. Jones.

The Plaintiff was represented by Richard L. Whitt, Esquire of the Whitt Law Firm, LLC. The Defendants Gary A. Jones, Sr., Becky J. Jones and Shelley Allsbrooks were represented by Marvin E. McMillan, Jr., Esquire and Thomas E. Player, Jr., Esquire of the law firm of Player & McMillan, LLC.

I have reviewed the Court's file in regard to this matter, considered arguments of counsel, reviewed exhibits filed for use in Motion and memorandums, pleadings and documents presented to the Court by counsel at the hearing and I make the following findings of fact and conclusions of law.

1. That this Court has jurisdiction over the parties hereto and the subject matter herein.
2. That the Plaintiff, in his Motion, attached as Exhibit A a proposed Summons and Complaint which would represent the Plaintiff's Third Amended Complaint and thus overall fourth Complaint filed in this action.

3. That the Plaintiff seeks to amend by adding a cause of action for unjust enrichment and states in his Motion the basis is that the Plaintiff seeks to add the cause of action for unjust enrichment because the deposition of the Defendant Shelley Allsbrooks, which was taken on March 16, 2021, reveals that the Defendant Shelley Allsbrooks intended to profit by unjust enrichment.

4. That the Plaintiff's proposed Third Amended Complaint also contains almost exact allegations which were stricken by this Court by Order dated September 22, 2021.

5. That the Plaintiff acknowledges in his Motion to Amend that the deposition of Shelley Allsbrooks was taken on March 16, 2021 and subsequent thereto the Plaintiff did amend his Complaint (Second Amended) dated April 23, 2021.

6. That the Plaintiff's Second Amended Complaint and proposed Third Amended Complaint allege that the subject property is owned by Gary A. Jones, Sr., Becky J. Jones and Ima Lee Jones but does not allege that Shelley Allsbrooks is an owner of the subject property.

7. That any allegations of unjust enrichment, as alleged by the Plaintiff, if appropriate, could have been alleged in the Plaintiff's Second Amended Complaint dated April 23, 2021.

8. That after the Plaintiff's filing of the Second Amended Complaint the Defendants Gary A. Jones, Sr., Becky J. Jones and Shelley Allsbrooks moved to strike certain allegations of the Plaintiff's Second Amended Complaint and by Order dated September 22, 2021 this Court specifically ruled that any immaterial, redundant and impertinent allegations of the pleadings should be stricken and that pleadings should contain a short statement of facts showing that the pleader is entitled to relief.

9. That by Order to Strike dated September 22, 2021 this Court specifically ordered the first paragraph numbered 13 as well as paragraphs 30 and 31 of the Plaintiff's Second Amended Complaint be stricken based upon the fact that they appear to allege evidentiary facts.

10. That the Plaintiff, after his Motion to Reconsider my Order dated September 22, 2021 was denied, did appeal the September 22, 2021 Order to the South Carolina Court of Appeals which was dismissed by the Court of Appeals. Further, the Plaintiff then filed a Writ of Certiorari to the South Carolina Supreme Court which was denied and Remittitur from the Court of Appeals was filed with the Clerk of Court for Sumter County on April 26, 2023. It appears that the Plaintiff now seeks to file a Third Amended Complaint alleging unjust enrichment and a proposed Summons and Third Amended Complaint which contains some of the exact language that this Court ordered stricken in its Order to Strike dated September 22, 2021.

11. That the Defendants Gary A. Jones, Sr., Becky J. Jones and Shelley Allsb Brooks oppose the Plaintiff's Motion to Amend and the proposed Third Amended Complaint. The Defendants, through counsel, argued in Court that the Plaintiff's Motion and proposed Summons and Complaint are prejudicial due to the lack of basis for the filing of a Third Amended Complaint and the failure to amend for unjust enrichment in the Plaintiff's Second Amended Complaint when filed.

12. That the proposed Third Amended Complaint contains numerous evidentiary facts as opposed to ultimate facts as well as almost identical language in paragraphs 13, 30 and 31 from the Plaintiff's Second Amended Complaint which were stricken by this Court's Order dated September 22, 2021 (as shown in paragraph 12 and paragraph 30 of the proposed Third Amended Complaint). To permit the proposed amendment would sanction the violation of the Court's

previous Order. The Plaintiff's Appeal was dismissed and the Plaintiff is precluded from re-pleading matters previously stricken.

13. That this action was filed by the Plaintiff on May 4, 2020 and to allow the amendment would prejudice the Defendants in that the Defendants would be required to file Motions or take other necessary actions resulting in further and needless delays in regard to this matter.

NOW, THEREFORE, based upon the foregoing, it is

ORDERED that the Plaintiff's Notice of Motion and Motion to Amend is denied.

AND IT IS SO ORDERED!

R. Ferrell Cothran, Jr.
Circuit Court Judge
Third Judicial Circuit

April _____, 2024
Sumter, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Ronald L. Jones

Plaintiff,



IN THE COURT OF GENERAL SESSIONS
JUDICIAL CIRCUIT

ORDER

CA NO. 2020CP4300734

Gary A. Jones Sr., Dorey J. Jones

Sumter Common Pleas

vs. Ronald L. Jones

Case Caption: Ronald L Jones VS Gary A Jones Sr , defendant, et al

Case Number: 2020CP4300734

Type: Order/Other

So Ordered

s/ R. Ferrell Cothran, Jr., 2144

Electronically signed on 2024-04-09 09:16:17 page 5 of 5

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Apr 11 2024

Cl. Clerk of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Ronald L. Jones

Plaintiff,

VS.

Gary A Jones Sr., Becky J. Jones,
Ima Lee Jones and Shelley Alsbrooks.

Defendant.

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT

ORDER

C/A NO. 2020CP4300734

This matter is before the Court pursuant to Rule 59 (e) SCRCp. The Plaintiff seeks an Order of this Court amending or altering its Order of April 9, 2024.

Pursuant to Rule 59 (f) SCRCPP, this Court determines that the motion to alter or amend may be decided on briefs filed by the parties and without oral argument.

Having duly considered the motion to alter or amend of the Plaintiff, this Court has determined that its original Order dated April 24, 2024 is fully supported by the law and the evidence and is hereby ratified and reconfirmed. The motion to alter or amend the earlier Order is therefore DENIED.

AND IT IS SO ORDERED.

Manning, South Carolina

Dated: _____

R. Ferrell Cothran, Jr.
Judge, Third Judicial Circuit

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Sep 11 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

COUNTY OF SUMTER

CIVIL ACTION NO.

RONALD L. JONES,

2020-CP-43-00734

PLAINTIFF,

DEFENDANT

VS.

OF

Sumter Common Pleas

GARY A. JONES, SR.

SHELLY ALLSPOON

SECKY J. JONES AND ONE LEE

JONES,

Case Caption: Ronald L Jones VS Gary A Jones Sr , defendant, et al

Case Number: 2020CP4300734

Type: Order/Other

EXPOSITION OF SHELLY ALLSPOON, TAKEN BEFORE WENLY

SHANNON SULLIVAN, A NOT So Ordered IN AND FOR THE STATE OF

SOUTH CAROLINA, COMMISSIONER s/ R. Ferrell Cothran, Jr., 2144 02 A.M.,

THURSDAY, 29th DAY OF MARCH, 2021, VIA VIDEOCONFERENCE AT

Electronically signed on 2024-09-10 11:39:58 page 2 of 2

COPY

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER) FOR THE THIRD JUDICIAL CIRCUIT
RONALD L. JONES,)
PLAINTIFF,)
VS.)
GARY A. JONES, SR.,)
BECKY J. JONES AND IMA LEE)
JONES,)
DEFENDANTS.)

CIVIL ACTION NO.:
2020-CP-43-00734
DEPOSITION

OF
SHELLEY ALLSBROOKS

DEPOSITION OF SHELLY ALLSBROOKS, TAKEN BEFORE WENDY

SHANNON SULLIVAN, A NOTARY PUBLIC IN AND FOR THE STATE OF
SOUTH CAROLINA, COMMENCING AT THE HOUR OF 10:02 A.M.,
TUESDAY, THE 16TH OF MARCH, 2021, VIA VIDEOCONFERENCE AT
VARIOUS LOCATIONS IN SOUTH CAROLINA.

ALL EXHIBITS WILL BE MARKED AFTER THE CONCLUSION OF THE
DEPOSITION

COPY

PLAINTIFF'S EXHIBIT NUMBER 2
EMAIL CORRESPONDENCE

PLAINTIFF'S EXHIBIT NUMBER 3
EMAIL CORRESPONDENCE

*THIS TRANSCRIPT MAY CONTAIN UNRECORDED MATERIAL. SUCH MATERIAL
IS REFERENCED AS AKA & QUOTED BY THE OFFICER.



APPEARANCES

FOR THE PLAINTIFF

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FOR THE DEFENDANTS

CHIP MCMILLAN, ESQUIRE
THOMAS E. PLAYER, ESQUIRE
PLAYER & MCMILLAN
305 N. MAIN STREET
SUMTER, SOUTH CAROLINA 29150

REPORTED BY

WENDY SHANNON SULLIVAN
VERBATIM, INC.
POST OFFICE BOX 7123
COLUMBIA, SOUTH CAROLINA 29202

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EXHIBITS

(ALL EXHIBITS WERE MARKED AFTER THE CONCLUSION OF THE
DEPOSITION)

PLAINTIFF'S EXHIBIT NUMBER 1
COPIES OF TEXT MESSAGES-----

PLAINTIFF'S EXHIBIT NUMBER 2
EMAIL CORRESPONDENCE-----

PLAINTIFF'S EXHIBIT NUMBER 3
EMAIL CORRESPONDENCE-----

*THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.



- 1 Q Okay. Who would you say was making the decisions in
2 April and May concerning the plat and concerning
3 getting Mr. Anderson out there to do a new plat? Were
4 you making those decisions, or was your father, or were
5 you doing it jointly?
- 6 A We were doing it jointly because he had told Ronnie
7 that it was up to me.
- 8 Q Your father had told your Uncle Ronnie --
- 9 A Correct.
- 10 Q -- that you would make the decisions?
- 11 A Correct.
- 12 Q Okay. What do you recall happened when you proposed
13 the 15-foot easement to your Uncle Ronnie?
- 14 A I'm not --
- 15 Q I'm sorry. I'll rephrase it. You had to let your --
16 it says in your emails you were going to discuss it
17 with your Uncle Ronnie. When you discussed it with him
18 and he saw the 15-foot easement, what was his reaction?
- 19 A He did not react.
- 20 Q Did he approve of it, or disapprove of it, or he just
21 had no reaction?
- 22 A No reaction.
- 23 Q Okay. Well, why did that matter not proceed to a plat?
24 Why did it stay a sketch as you described it?
- 25 A Because he never let me know that he was okay with it.



1 you aware of any?

2 A I only know what my aunt has told me.

3 Q Oh, okay. What has she told you?

4 A She told me that her instructions from my Uncle Warren

5 were to make sure that Ronnie never owned land because

6 he would borrow money against it and potentially lose

7 it.

8 Q When did you have that conversation?

9 A With my aunt?

10 Q Yes.

11 A After we -- I believe, if I remember correctly, after
12 my dad was served with papers.

13 Q All right. Just one moment. Ms. Allsbrooks, how old
14 are you now?

15 A How old am I? I'm 41 years old.

16 Q Okay. So your Uncle Ronnie, his position is he has
17 been living out there a little over ten years. So
18 being 41, you're aware of the period of time he has
19 been living on that property?

20 A Correct.

21 Q Okay. How long do you estimate that he has been living
22 on that property?

23 A Oh --

24 Q Well, let me ask it this way: If he says it has been
25 over ten years, does that sound right to you? Does



1 Q that sound correct?

2 A That sounds correct between him living with my
3 grandmother, and fixing up the club house, and living
4 out there, that would sound correct.

5 Q Okay. And so he lived with your grandmother?

6 A That was my understanding.

7 Q Was that prior to him moving into what you describe as
8 the clubhouse and fixing it up and moving in about ten
9 years ago? Is that prior to that?

10 A Yes, sir.

11 Q Okay. All right. And your grandmother also has a life
12 estate in her property; correct?

13 A Correct.

14 Q Okay. Just give me one moment, Ms. Allsbrooks. That
15 may be all the questions I have.

16 A Okay.

17 Q (Pause.) All right. I do have a little bit of follow-
18 up. So you said that you met with your father and you
19 discussed with your father the concerns about Uncle
20 Ronnie staying on the property and getting a plat. How
21 many times do you think you met with your parents
22 concerning this dispute back in that April-May time
23 frame?

24 A Well, I'd like to rephrase that, because I never had a
25 problem with my uncle living on the land.



1 Q Okay.

2 A I had a problem with anything being in someone else's
3 hands after him.

4 Q Okay. Understood. I understand. Thank you for
5 clarifying that.

6 A You're welcome.

7 Q How many times do you think you met with him? More
8 than five, more than ten?

9 A When you say met, do you mean face-to-face?

10 Q Well, either face-to-face or discussions by, you know,
11 telephone or text.

12 A In April and May, you say?

13 Q Yes, ma'am.

14 MR. MCMILLAN: Just for clarification, excuse me,
15 Richard. Who are you asking that about with, Ronnie or
16 with Gary or someone else?

17 MR. WHITT: I'm asking about her discussions with
18 her father concerning it.

19 MR. MCMILLAN: Okay. Got it.

20 THE WITNESS: Okay. Between April and May,
21 Richard, I would say maybe five to ten times.

22 BY MR. WHITT:

23 Q Okay. And how about your mother? Was she involved in
24 those conversations or was it just your father,
25 concerning the problem with Uncle Ronnie?



1 A Just my father, really. I mean, I would talk to my
2 mother as a mother if that makes sense, but about this,
3 it was me and my father.

4 Q Okay. About the details, it was just strictly with
5 your father and not your mother?

6 A Correct.

7 Q And did your father have advice for you or did he say,
8 you know, keep on doing what you're doing?

9 A I would say that we were trying to do everything we
10 could to resolve the matter. So he just supported me
11 100 percent.

12 Q Okay. So, basically, you were free to make decisions
13 about dealing with your Uncle Ronnie about your
14 concerns about the land?

15 A Yes, sir.

16 Q You'll be happy to know, that's all the questions I
17 have today, and I really appreciate you participating.

18 A Well, no problem at all.

19 MR. MCMILLAN: We don't have any questions.

20 THE COURT REPORTER: Mr. McMillan, did you want a
21 copy of this?

22 MR. MCMILLAN: Please, yes. Just an etran.

23 (WHEREUPON, THERE BEING NO FURTHER QUESTIONS, THE DEPOSITION
24 WAS CONCLUDED AT 10:20 A.M.)

25 (DEPONENT HAS WAIVED READING AND SIGNING.)



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Feb 18 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable R. Ferrell Cothran, Jr.
Circuit Court Judge

Civil Action No. 2020-CP-43-00734

Appellate Case No. 2021-001150

Ronald L. Jones, Appellant,

v.

Gary A. Jones, Sr., Becky J. Jones, Ima Lee Jones, and Shelley Allsbrooms, Respondents.

**RESPONDENTS' REPLY TO APPELLANT'S RETURN TO
MOTION TO DISMISS**

Respondents Gary A. Jones, Sr., Becky J. Jones, and Shelley Allsbrooms (collectively, "Respondents"), by and through the undersigned counsel, respectfully submit this Reply to Appellant Ronald L. Jones's Return to the Motion to Dismiss filed February 14, 2022. Respondents stand confident that their Motion to Dismiss clearly demonstrates that dismissal of this interlocutory appeal is appropriate. However, for the Court's benefit, Respondents submit this brief Reply, not to reargue points raised in its Motion to Dismiss, but to simply highlight several of the inaccuracies and misunderstandings found in Appellant's Return. Respondents address Appellant's main points in turn.

IV. *Thornton v. South Carolina Electric and Gas Corp.* Does Not Support Appellant's Position.

Appellant believes *Thornton v. South Carolina Electric and Gas Corp.*, 391 S.C. 297, 705 S.E.2d 475 (Ct. App. 2011), supports his position in this matter. However, this case—like the others cited—supports Respondents' position.

In *Thornton*, this Court issued an opinion with three different holdings: (1) the circuit court's order striking class action allegations was not immediately appealable; (2) the circuit court's order granting summary judgment under the Mining Act was not immediately appealable; and (3) the circuit court's order denying summary judgment as to the statute of limitations was not immediately appealable. *Id.* Appellant highlights a discussion in *Thornton* which cites to two cases that discussed appealability stemming from the predecessor statute to subsection 14-3-330(c)(2). *Thornton* summarized, "An order affects a substantial right by striking a pleading if the order removes a material issue from the case, thereby preventing the issue from being litigated on the merits, and preventing the party from seeking to correct any errors in the order during or after trial." *Id.* at 304, 705 S.E.2d at 479.

Here, the order did not remove a material issue from the case. Thus, the order does not prevent the issue from being litigated on the merits. Appellant still has the same three causes of action. Nothing prevents Appellant from presenting the very same stricken facts into evidence at the appropriate time. The circuit court's ruling simply found the stricken factual allegations were inappropriately included at the pleading stage. The circuit court did not rule that Appellant cannot attempt to prove the stricken facts at a later stage in the litigation. Moreover, should Appellant believe that he was harmed by the circuit court's decision to strike, at the pleading stage, the three factual allegations from the Complaint, Appellant will have the opportunity to argue error and prejudicial harm after a final judgment has been issued in the circuit court.

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF SUMTER) 2020-CP-43-00734

Ronald L. Jones)
vs.)
Gary A. Jones, Sr., et. al.)
Sumter, South Carolina
DEFENDANT) July 29, 2024

B E F O R E:

THE HONORABLE R. FERRELL COTHRAN, JR.

A P P E A R A N C E S:

RICHARD L. WHITT, ESQUIRE
Attorney for the Plaintiff

MARVIN E. MCMILLIAN, JR., ESQUIRE
Attorney for the Defendant

KESHIA REED
Official Court Reporter

1 He's not paying anything. None of that has to do with a
2 right to amend your case.

3 In fact, your Honor I commend hearing transcript
4 pages nine, 10, 11, 12, 13 and 14, which said that -- I
5 mean, where they repeatedly argued the merits to this case
6 to your Honor. And we cited the Sky Dive case for your
7 Honor on page 182. It says that merit based arguments
8 have no place in a motion to amend. They tried to
9 substitute a couple things your Honor. They substituted
10 the burden on the defendants is -- that should be
11 prejudice and your Honor excepted their argument. It
12 appears the burden on the defendants because in your
13 Honor's order on page 4, it states defendants would be
14 required to file motions or take other necessary actions,
15 but that's not the standard if it's a burden on them your
16 Honor. They also cited as a substitute for prejudice they
17 cited delay. And your Honor's previous order on page 4
18 said -- read that quote resumptive in further and needless
19 delay in regard to this matter, but delay doesn't matter.
20 And that was on page 4 of your Honor's order. We cited
21 some case law in each one of these points and counsel
22 actually cited the delay argument in transcript page 13
23 your Honor.

24 And the final thing was judicial estoppel which
25 we covered in our memo and on page 3 I believe. And

1 judicial estoppel was that your Honor we had -- after your
2 Honor had issued a motion to strike three paragraphs, we
3 filed an appeal, went to the appellate court and counsel
4 -- defendant's counsel argued that Mr. Whitt's lost
5 nothing. Those three paragraphs are still viable and can
6 be used later, can be brought up later. And then so we
7 come to in a motion to amend and we reference those three
8 paragraphs, and this time they say your Honor they
9 shouldn't be mentioning those three paragraphs that you
10 struck, so that's what judicial estoppel is.

11 As your Honor knows, it's the same facts. It's
12 the same parties. And in one setting they say he's fine,
13 he's lost nothing. And then they came before your Honor
14 and the motion to amend said it's outrageous that he would
15 put these in there. So we just wanted to be brief your
16 Honor. And so that's what we have. But thank you very
17 much for your time.

18 THE COURT: Thank you, sir.

19 MR. MCMILLAN: This is Mr. Whitt's motion for
20 reconsideration. This hearing was held before you on
21 January 29th of 2024, all of these issues were raised. He
22 filed on Thursday a memorandum in support of his motion
23 for reconsideration. It's the identical motion other than
24 change of caption that he filed in his motion to be
25 allowed to amend. We filed on Friday the defendant's

1 memorandum in opposition to the plaintiff's motion to
2 amend and their motion for reconsideration. I'm going to
3 hand the Court a copy. Judge, this is the exact motion
4 that would be Defendant's Exhibit 1 that we filed when
5 this matter was heard before you on January 29th.

6 A little history on this case is important.
7 This case was filed in 2020. Mr. Whitt represents Mr.
8 Ronald Jones. The suits against Jerry Jones, Becky Jones
9 was against Ima Lee Jones and Shelley Allsbrooks. Gary
10 Jones is the plaintiff's brother. Becky Jones is the
11 plaintiff's sister-in-law. Ima Lee Jones was the
12 plaintiff's mother. And Shelley Allsbrooks is the
13 plaintiff's niece. She is the daughter of Gary and Becky.
14 In his initial complaint -- and this motion that was
15 before you in January was his motion to amend his third
16 complaint, which would be the fourth complaint that he
17 filed in this action.

18 The motion to amend included in my opposition in
19 this third amended complaint that he attached to his
20 motion to amend which has obviously been filed along with
21 his motion back in January of 2024. First and foremost
22 included three exact same statements made in his second
23 amended complaint that came before you in 2021 that you
24 heard at length and you struck in that they were not
25 plain-concise statements but rather evidentiary facts.

1 Mr. Whitt appealed that case to the Court of Appeals.
2 They denied it as interlocutory said it was not material.
3 Then he applied for cert through the Supreme Court which
4 they denied and it came back. And those cases are
5 stricken by your order. And once again all this was heard
6 by you in January.
7 And Mr. Whitt replied it and argued with the
8 Court, argued to the Court in January that in one of our
9 appellate briefs the issue was well they can argue that.
10 Well, obviously, they can argue some of those facts at
11 trial, but he has taken the position we appealed it. We
12 lost it. I'm going to file another amended complaint and
13 replead the exact same language that your Honor struck.
14 And it's in the 2021 order.

15 Now, in addition through pleading those as part
16 of your order denying his right to amend his third amended
17 complaint, he sought to add a third cause of action for
18 unjust enrichment. And in his motion to file this third
19 amended complaint, the reason he gave is that -- and we
20 argued this once again back in January. There's no new
21 evidence that he submitted to you as I've said that's his
22 exact same brief. He stated and he has got the transcript
23 attached to his motion. You will see how your Honor had
24 every one of these matters. He put in his motion the
25 reason was that from a deposition taken of Shelley

1 Allsbrooks it's now been determined that Shelley
2 Allsbrooks intended to profit and therefore a cause of
3 action for unjust enrichment.

4 Well, Judge, what he didn't tell you was the
5 deposition of Shelley Allsbrooks -- and we raised this in
6 January was taken on March 16th 2021. He amended his
7 complaint -- his second amendment which was his third
8 complaint in this matter March 16 -- I'm sorry April 22nd
9 2021 what would that be 38 days later. In his second
10 amended complaint, he didn't include a cause of action for
11 unjust enrichment. He brought in a cause of action for
12 conspiracy. And since then this appeal that he's
13 described as followed, nothing has happened for him to
14 discover any additional information.

15 And then he -- once his appeal is denied, he
16 files for his third amended complaint which would be his
17 fourth complaint and includes a cause of action for unjust
18 enrichment and cites for the reason is that he discovered
19 something in Shelley Allsbrooks deposition that was taken
20 38 days before his previous amended complaint. You heard
21 all that. You'll see it in the transcript. You denied
22 it.

23 We argued that this is a case where his client
24 has been allowed with permission to live on land owned by
25 Mr. Gary Jones. Gary Jones brought this land. It's got

1 an old pond house in the back. His brother Ronnie live in
2 it. Ronnie's never paid a dime rent and he's never paid a
3 dime to purchase it. It's 37 acers that Mr. Gary Jones
4 owns. And they initially brought the first complaint
5 under some oral gift or promissory estoppel citing the
6 Satcher case from years ago out of Lexington.

7 Then he amended his complaint within the
8 timeframe of his first amended complaint. And then he
9 amended his second amended complaint after the deposition
10 of Shelley Allsbrooks and brought in conspiracy only. We
11 filed a motion to strike on that complaint and that's what
12 he took up to the Court of Appeals and then to the Supreme
13 Court. He lost that appeal. Court of Appeals assess cost
14 against the appellate on that case. There's a timeline
15 attach to my memo that sets all that out. And now he is
16 alleging this fourth amended complaint and the prejudice
17 that we set forth. And as your Honor found in his order
18 was this is nothing but a delay tactic. There is no
19 reason, no cause, no justification for him to do that.

20 And ironically in an e-mail to me, I got a copy
21 of it. And he says if this motion gets denied, I'm going
22 to appeal that. It's just stair stepping, so we have
23 objected to his amended complaint. It's not necessary.
24 It's prejudicial. The facts of the case clearly set it
25 out. We submit that the original order dated April 9th

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October 3, 2024
Columbia, South Carolina.