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Oct 30 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

Judge G. D. Morgan

Case No. 2024-CP-23-00312
Appellate Case No.: 2024-000731

Christopher Jones,

Appellant,

v.

D&B Real Estate Ventures, LLC.;
Darius Jones; Bradley Robinson,

Respondents.

**RESPONDENTS' AMENDED MOTION FOR DISMISSAL, OR IN THE
ALTERNATIVE, SANCTIONS**

Pursuant to Rule 262(c) of the South Carolina Appellate Court Rules (SCACR), Respondents D&B Real Estate Ventures, LLC., Darius Jones, and Bradley Robinson (collectively "Respondents"), by and through their undersigned counsel, hereby moves for a dismissal of this appeal, or in the alternative, for sanctions against Appellant, Christopher Jones ("Appellant"). This motion is based on the grounds that the Appellant has routinely failed to abide by this Court's Orders and notices, the Appellant has consistently failed to comply with this Court's filing deadlines, the Appellant has consistently misled the court and Respondent's counsel regarding his reasons for failing to comply with filing deadlines, and the Appellant has consistently failed to serve all parties with copies of documents he files with this Court, despite prior reminders to do so

and despite his 'certificates of service' that indicate otherwise. In support of their motion, Respondents would show the following:

1. Appellant filed his first Notice of Appeal on March 13, 2024 in case number 2024-000417. Counsel for Respondent did not receive a copy of the Notice of Appeal via email or via U.S. Mail.
2. On March 21, 2024, a Deficiency Letter regarding the filing fee not being submitted was sent to Appellant from the court via email. Counsel for Respondent was copied on this email from the court, which is how they found out about the filing of the initial Notice of Appeal.
3. On April 5, 2024, Appellant sent proof of ordering the Transcript to the court via email. Counsel for Respondent was not copied on the email to the court and did not receive a copy of the documents via U.S. Mail.
4. On April 9, 2024, Appellant filed a Motion to Extend Automatic Stay via email to the court. Counsel for Respondent was not copied on the email to the court and did not receive a copy of the Motion via U.S. Mail.
5. On April 10, 2024, a Deficiency Letter regarding the motion fee and proof of service not being submitted was sent to Appellant from the court via email. Counsel for Respondent was copied on this email from the court, which is how they found out about the filing of the Motion to Extend Automatic Stay that was filed by Appellant.
6. On April 11, 2024, Appellant submitted payment for the motion fee and his proof of service to the court via email. Counsel for Respondent was not copied on the email to the court and did not receive a copy of the proof of service via U.S. Mail.

7. On April 12, 2024, a letter giving Respondent until April 22, 2024, to file a return to Appellant's Motion was sent by the court via email to Appellant and counsel for Respondent.
8. On April 12, 2024, Counsel for Respondent sent an email notifying both the court and Appellant that no copies of filings have been received via email or U.S. Mail and requested that Appellant please send copies of all documents to Counsel for Respondent, to include via email.
9. On April 12, 2024, Appellant sent an email to the court and counsel for Respondent confirming that he would send copies of all documents via email to counsel for Respondent.
10. On April 23, 2024, Appellant's initial appeal was dismissed for being filed prematurely.
11. On May 1, 2024, Appellant filed his current Notice of Appeal with the Court of Appeals via email. A copy was forwarded via email by Appellant to counsel for Respondent and stated that a copy would also be placed in the mail. Counsel for Respondent did not receive a copy via U.S. Mail.
12. On May 9, 2024, a deficiency letter was sent to Appellant from the court stating that no filing fee was submitted and that the Notice of Appeal had not been filed with the lower court.
13. On May 20, 2024, Appellant filed a Motion for Extension of Time to submit proof of filing his Notice of Appeal with the lower court. Counsel for Respondent was not sent a copy via email, despite Appellant agreeing to send copies of all

documents via email on April 12, 2024. Counsel for Respondent also did not receive a copy of Appellant's filing via U.S. Mail.

14. On May 28, 2024, a deficiency letter was sent from the court to Appellant regarding the Motion fee not being submitted. Counsel for Respondent was copied on the email from the court, which is how they became aware of the Motion having been filed.
15. On June 8, 2024, Appellant submitted the Motion fee to the court and sent a copy via email to the court with counsel for Respondent copied.
16. The court granted Appellant's Motion for Extension of Time on June 24, 2024, and gave Appellant until July 5, 2024, to submit proof of filing the Notice of Appeal with the lower court.
17. On July 15, 2024, ten (10) days beyond the Court's deadline, Appellant submitted his proof of filing the Notice of Appeal with the lower court and his Notice of Appeal via email to the court. Counsel for Respondent was not sent a copy via email and did not receive a copy via U.S. Mail.
18. On July 15, 2024, Appellant filed a Motion for Extension of Time to file his Notice of Appeal. Once again, counsel for Respondent was not sent a copy via email nor via U.S. Mail. Counsel for Respondent only became aware of the motion after checking the court website. In purported support of the Appellant's July 15, 2024, Motion for Extension of Time, Appellant posited that he was out of the country and did not receive the mailed copy of the Order and therefore did not know about the filing deadline of July 5, 2024. Notices from the Court are also sent out via email. Appellant's Facebook account shows 'check-ins' on July 2, 2024 and on July 19,

2024 in Dubai, as well as on July 18, 2024 in Qatar (See copies of said Facebook posts attached hereto and incorporated herein by reference as “Exhibit A”). These posts make clear that Appellant had access to the internet while out of the country and would have been able to receive any emails from the Court.

19. At the time of filing the original version of this Motion, Counsel for Respondent had not been served copies of any documents filed by Appellant since May 1, 2024.
20. On July 16, 2024, a notice was sent to Appellant from the court stating that the time for ordering the transcript had expired and giving Appellant ten (10) days from the date of the letter, July 26, 2024, to provide proof that the transcript was timely ordered from the court reporter. Appellant did not order the transcript until July 30, 2024, and did not file a motion requesting permission to order the transcript outside of the filing deadline.
21. On August 5, 2024, Appellant filed a copy of the transcript with the court.
22. On August 9, 2024, Respondent filed a Motion for Dismissal or in the Alternative, Sanctions. Appellant had until August 19, 2024, to file a Return to Respondent’s Motion. Appellant did not file a Return by the deadline.
23. On September 16, 2024, nearly a full month past the deadline to file a Return to Respondent’s Motion, Appellant filed a Motion to File Opposition Out of Time. Appellant’s reason for missing the filing deadline was that “Appellant has been seriously ill for the past month and even before”, and “was unable to respond to any motion or pleadings coherently.” However, photos, comments and at least one video posted to a Facebook account from August 18, 2024 - the day before the filing deadline - show Appellant attending a party and even dancing at a party with a cigar

in his hand. Another post from August 4, 2024, shows Appellant's location as being in the Bahamas. (A copy of the above referenced social media posts are attached hereto and incorporated herein by reference as "Exhibit B"). These public social media posts further demonstrate that Appellant has consistently misled the court regarding his reasons for missing filing deadlines.

24. Appellant had until September 4, 2024, to file his Initial Brief. To date, Appellant has not filed his Initial Brief, nor has he requested an extension to file his Initial Brief.

WHEREFORE, for the reasons stated herein, Respondents respectfully request that this Court dismiss the present appeal, or in the alternative, sanction Appellant for consistently failing to comply with this Court's filing deadlines, consistently misleading the court regarding his reasons for failing to comply with filing deadlines and consistently failing to serve all parties with copies of his filings, ignoring both the well-established rules and prior instructions regarding same.

Respectfully submitted this 30th day of October 2024.

HOLDER, PADGETT, LITTLEJOHN + PRICKETT, LLC

Greenville, South Carolina

s/ M. Stokely Holder

M. Stokely Holder
S.C. Bar No. 73892
sholder@hplplaw.com

Ra'na Heidari
SC Bar No. 104501
rheidari@hplplaw.com
P.O. Box 1804
Greenville, South Carolina 29602
(864) 335-8808
Attorneys for Respondents

Appellant

The image is a screenshot of a Facebook post. At the top, a user's profile picture is circled in blue, with a blue arrow pointing from the word "Appellant" to it. The text of the post reads "Chris Jones is in Dubai, United Arab Emirates." The name "Chris Jones" is also circled in blue. Below the text is the date "Jul 2" and a globe icon. The main content is a map of the United Arab Emirates with a red location pin on Dubai. Other cities labeled on the map include Khaimah, Sharjah, Al Dhaid, Fujairah, Al Madam, and Gantout. Below the map, the text says "CITY · DUBAI, UNITED ARAB EMIRATES" and "Dubai, United Arab Emirates" with a "Save" button. Underneath, it says "David and 15 other friends have been here". The post has 18 reactions (likes, love, wow) and 7 comments. At the bottom, there are icons for "Like", "Comment", "Send", and "Share". Below this is another post snippet starting with "Williams Beacon Pranceton is with Chris Jones and 14 others." and the date "Jun 27". A thick purple bar is at the very bottom of the screenshot.

EXHIBIT A

Appellant





APPELLANT

This photo is from a post.

View post



Byron Epps

August 18 · 🌐



👍 2

Write a comment...



System dark mode is now on. Switch Facebook to always match system setting? Yes



Byron's Post



Byron Epps is with Andrea McClintock Bailey and 13 others.

August 18



My 60th Photo Booth was amazing!! 🎉🎉🎉🎉❤️❤️🙏🙏

Click the link below to see entire party Photo Booth.

PHTBTH-UPLOAD.COM

phtbth-upload.com



4

3 comments 1 share



Like



Comment



Share



Chris Jones

Great celebration big brother Gimme the loot!!!

10w Like Reply



Chris Jones

Super cool!

10w Like Reply



Andrea McClintock Bailey

It was a great evening with you all!!! Enjoyed ourselves,thoroughly 🤗😊. Thanks for the invite!!! ...



Write a comment...



APPELLANT



EXHIBIT B

APPELLANT



EXHIBIT B



EXHIBIT B

Link to video of Appellant at August 18th party:

<https://phtbth-upload.com/public/sy5ux5fx8wkymtwficzoos2vwqg26ypxvsg3mrofaf2zmxqt9p?file=45-20240817-202346.745387-slomo.mp4>

EXHIBIT B

Facebook post by Byron Epps with Metria Epps and Sharon Grant. August 18. Text: "I would like to thank Demetria, Sterling and Sharon Grant Epps for a beautiful 60th birthday celebration. All my family and friends who came out and celebrated with me. So much love and blessings poured on me. Thanks again to everybody." Includes photos of the group and 63 likes, 35 comments, 2 shares.

Facebook comment thread for Byron Epps' post. Comments include: Metria Epps (We love you), Africa Chappelle (Nice!), DrSharon Drummond-Melancon (Happy Birthday), Charlene Lloyd (Happy Birthday), Hiram Griggs (Classmate), Eve Brothers (Happy birthday), and Chris Jones (It was a super classy and awesome 60th bro.). A blue arrow points to Chris Jones' name with the label "APPELLANT".

Facebook search results for "Chris Jones". Results include: "Chris Jones Congratulations" (10w Like Reply) and "Chris Jones H" (10w Like Reply). A "HAPPY BIRTHDAY" GIPHY sticker is also visible. Total 10 of 33 results.

APPELLANT



Chris Jones is in Bahamas Islands.
Aug 4

Years of hard work. Work Hard Play Hard

West End
Freeport
High Rock

ISLAND
Bahamas Islands Save

24 11 comments 1 share

Like Comment Send Share

Chris Jones
Aug 4

Happy Birthday To My

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Oct 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

THE HONORABLE G.D. MORGAN

Appellate Case No. 2024-000731
Circuit Court Case No. 2024-CP-23-00312

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Respondents, D&B Real Estate Ventures, LLC, Darius Jones and Bradley Robinson, do hereby certify that I have served the Respondents' Amended Motion for Dismissal, or in the Alternative, Sanctions and corresponding exhibits on the Appellant, Christopher Jones by sending a copy via email to intljonesc@gmail.com and via mail to 309 Perry Ave., Greenville, SC 29601. I also certify that I have served the Respondents' Amended Motion for Dismissal, or in the Alternative, Sanctions and corresponding exhibits on the South Carolina Court of Appeals by depositing it in the United States Mail, postage prepaid, on October 30, 2024, addressed to The Honorable Jenny Abbott Kitchings, Clerk of Court, P.O. Box 11629, Columbia, SC 29211, and by electronic mail at: ctappfilings@sccourts.org.



M. Stokely Holder

SC Bar No.: 73892

Ra'na Heidari

SC Bar No.: 104501

Holder, Padgett, Littlejohn + Prickett, LLC

800 E. North Street

Greenville, SC 29601

864-335-8808

sholder@hplplaw.com

rheidari@hplplaw.com

Attorneys for the Respondents D&B Real Estate Ventures, LLC, Darius Jones and Bradley Robinson

October 30, 2024

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SC Court of Appeals

Via U.S. Mail and Email

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

**RE: Christopher Jones v. D&B Real Estate Ventures, LLC; Darius Jones; Bradley
Robinson
Circuit Court Case No.: 2024-CP-23-00312
Appellate Case No.: 2024-00417**

Dear Ms. Kitchings,

Please find enclosed herewith for service upon the court Respondents' Amended Motion for Dismissal, or in the Alternative, Sanctions and corresponding exhibits, along with a Certificate of Service for same. I have also included our firm's check in the amount of \$50.00 for the filing fee.

Should you have any questions or concerns, feel free to contact our office.

Regards,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Carolyn Denney
Paralegal

Enclosures

cc: *Christopher Jones*