

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
The Honorable D. Garrison Hill

Appellate No.: 2013 - 001488
Civil Action No.: 2012-CP-23- 6148

Suntrust Bank..... Respondent

vs.

Bilal and Latoya Abdullah..... Appellants

**RESPONDENT'S MEMORANDUM IN REPLY TO APPELLANTS' RETURN TO
RESPONDENT'S MOTION TO DISMISS**

S. Nelson Weston, Esquire
Adam Tesh, Esquire
Sheila M. Bias, Esquire
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201)
P.O. Drawer 7788
Columbia, South Carolina 29202
803-771-4400

Counsel for Respondent Suntrust Bank

October 1, 2013

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SC Court of Appeals

Respondent timely¹ files this Reply in response to Appellants' Return to our Motion to Dismiss. Appellants have presented no compelling reason as to why their appeal should not be dismissed or why their filings continue to not be in compliance with this Court's rules.

Contrary to Appellants' assertions, most of their filings with this Court have been deficient in some manner. See attachments to Motion to Dismiss. Additionally, if Appellants' continue to contend that no transcript is required this Court should dismiss their case for failure to provide a sufficient record for this Court's review. See Hundley ex rel. Hundley v. Rite Aid of South Carolina, Inc., 339 S.C. 285, 529 S.E.2d 45 (Ct. App. 2000) (appellants bear the burden of providing the court with a record sufficient to allow appellate review). Further, without the transcript, Respondent cannot adequately present argument regarding whether the trial court erred, which we contend it did not, in granting summary judgment and are thereby prejudiced. Moreover, Respondent has a right to present a full and adequate defense to these allegations of error and Appellants' failure to provide a transcript infringes on our right to present such a defense. Because Appellants have not ordered the transcript, they have not perfected their appeal.

Respondent's Motion is not unreasonable, excessive, nor is it a violation of any of Appellants' rights. Any arguments to the contrary should be rejected by this Court. Appellants have failed to perfect their appeal, now several months after its filing; therefore, it should be dismissed. Finally, with regard to Appellants' requests for

¹ Much like Appellants' other filings with this Court, the Certificate of Service for the Return to the Motion to Dismiss is not dated. There is a date indicating the document was written on September 25, 2013. However, our office did not receive the document until September 30, 2013—five days after this date. (See Exhibit A). Accordingly, it would be impossible to comply with Rule 240(f). Respondents respectfully request this Court accept this Reply as timely as it will arrive at the Court one day after our receipt of Return. If a formal motion to this effect is needed, please advise and Respondents will provide same.

dismissal of the lower court's judgment, redress in the amount of thirty thousand dollars (\$30,000.00), and any other such relief Appellants' request, Respondents respectfully submit such requests should be denied as having no merit.

CONCLUSION

Based on the foregoing, and Respondent's arguments in the Memorandum in Support of our Motion to Dismiss, Respondent respectfully moves this honorable Court for an Order dismissing this appeal.

Respectfully submitted,



S. Nelson Weston, Esquire

Adam Tesh, Esquire

Sheila M. Bias, Esquire

RICHARDSON PLOWDEN & ROBINSON, P.A.

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803-771-4400

Counsel for Respondent Suntrust Bank

October 1, 2013

EXHIBIT A

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
The Honorable D. Garrison Hill

Appellate No.: 2013 - 001488
Civil Action No.: 2012 -CP - 23- 6148

Suntrust Bank.....Respondent

vs.

Bilal and Latoya Abdullah.....Appellants

AFFIDAVIT OF DAISY BONDS

I, Daisy Bonds, being duly sworn, certify and state the following based on my personal knowledge:

1. I am a citizen and resident of the state of South Carolina and am a legal assistant to Sheila Bias at Richardson Plowden & Robinson, P.A., a law firm in the state of South Carolina

2. I received, at our Columbia office, Appellants' Response to our Motion to Dismiss on September 30, 2013.

FURTHER THE AFFIANT SAYETH NOT.

[SIGNATURE ON NEXT PAGE]

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Daisy Bonds
Daisy Bonds

Dated:

October 1, 2013

SWORN to and subscribed before me
this 1st day of Oct., 2013

Melinda S. Cotton
Notary Public for the State of South Carolina
My Commission Expires: 06/22/2021

**THE STATE OF SOUTH CAROLINA
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Appellate No.: 2013-001488
Civil Action No.: 2012-CP-23-6148

SunTrust Bank.....Respondent

v.

Bilal and Latoya Abdullah.....Appellants

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Respondent SunTrust Bank, do hereby certify that I have this date served the foregoing Respondent's Memorandum in Reply to Appellants' Return to Respondent's Motion to Dismiss by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the following:

Bilal and Latoya Abdullah
7 Landing Lane
Simpsonville, South Carolina 29681


Daisy F. Bonds

Dated: October 1, 2013

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SC Court of Appeals

October 1, 2013

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: *SunTrust Bank v. Bilal & LaToya Abdulla*
Appellate No.: 2013-001488
C/A No.: 2012-CP-6148

Dear Ms. Kitchings:

As counsel for the Respondent SunTrust Bank, I have enclosed for filing an original and seven copies of our Reply to Appellants' Return to our Motion to Dismiss in the above referenced matter, along with our original Certificate of Service. I would request that the additional copy of our Reply be stamped filed and returned to our courier.

We are this day serving a copy of our Motion to Dismiss on the *pro se* Appellants.

Thank you for your assistance.

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

SMB/dfb

Enclosures

cc: Bilal & LaToya Abdullah (w/enclosure)
Adam Tesh, Esquire (w/o enclosure)
S. Nelson Weston, Esquire (w/o enclosure)

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