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Jan 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2025-000127

Alan Nix.....Appellant,

v.

Churchill Park Homeowners' Association, Inc., **McCabe, Trotter & Beverly, PC**, "Churchill Park," MP Morris Law Firm, PA, State Street Holdings, LLC, Mikel Scarborough, County of Charleston, Cedar Management Group, LLC, Lee Jansen, James Thornton, **Stephanie Trotter**, Christopher Craven, Town of Mt. Pleasant Police Dept., City of Charleston Police Department, County of Charleston Sheriff's Dept., Kristin Graziano, Scarlett Wilson, Christina Smith, Jeffrey Booker, Mathew Colburn, Bobby Green, Elyssa Rookey, John Cox, Stewart Murphy, Charleston Dorchester Mental Health Center, Nerissa Hardin, Nerissa Hardin's Supervisor, Amanda Haselden, Julie Armstrong, Patrick Summerell, Rachel Filer, The Discount Real Estate Company, LLC, Navy Federal Credit Union, South State Corporation, Jeffrey Scranton, Laura Westbrook, Anderson Oconee Pickens Mental Health Center, Adam Lambert/Acker, Lambert & Hinton, Nicholas Uricchio, Benjamin Mack, Adams Property Group, LLC, Michael Morris, Butler & College, LLC, Michael Miller, Carolina Real Estate and Investment Group, LLC, Marshall Overton, and James Gosnell.....Respondents

MOTION TO DISMISS OF RESPONDENTS

MCCABE, TROTTER & BEVERLY, PC AND STEPHANIE TROTTER (KELLAHAN)

Respondents McCabe, Trotter & Beverly, PC and Stephanie Trotter (Kellahan) move this Court to dismiss this appeal. The basis for dismissal is Rules 201, 203(b)(1), 267(a), 269, and 260 SCACR.

Rule 201, SCACR provides that an appeal may be taken by law, from any final judgment, appealable order, or decision. Additionally, Rule 203(b)(1), SCACR provides when a timely motion to reconsider has been made, the time to appeal is stayed until receipt of an order denying said motion.

This appeal is from an Order granting various Respondents' Motions to Dismiss C/A 2024-CP-39-00073 entered December 5, 2024. Appellant filed a Motion to Reconsider the subject Order on January 3, 2025. Judge Morgan has acknowledged the Motion to Reconsider and requested briefs in opposition by February 3, 2025.

 **Morgan, Grenville D. Law Clerk (Adam Compton)** January 23, 2025 at 2:30 PM
Plaintiff's Motion to Reconsider Alan G. Nix v. Churchill Park Homeowners Association, et al. (2024CP3900073) [Details](#)
To: Andrew Countryman, Alan.G.Nix@outlook.com, alan.g.nix@gmail.com, Michael P. Morris, Steven Pruitt & 12 more

Good afternoon,

The Court has received Plaintiff's Motion to Reconsider in the above-mentioned matter. Defendants have 10 days to submit responses if they choose to do so. Thank you, and I hope everyone has a great rest of their day.

Best regards,

Adam Compton
Law Clerk to The Honorable G.D. Morgan, Jr.
Resident Circuit Judge, 13th Circuit
305 E. North Street
Greenville, SC 29601
Office: (864) 467-8407


Counsel for these Respondents has filed a Brief in Opposition to the Motion to Reconsider, *which is currently pending*. To be clear, Judge Morgan has not decided on the Motion to Reconsider. Thus, the subject Order on the Motions to Dismiss is not final. Because the Order is not final, Appellant lacks the right to appeal under Rule 201, SCACR. The Court should therefore dismiss this appeal.

Further Rule 267(a), SCACR requires all those submitting filings to the Court of Appeals to include the name, address, and phone number of the person submitting the document. Appellant has knowingly and intentionally failed to comply with this Rule. This case arises out of the loss of Appellant's former home at 1401 Densmore Circle, Mt. Pleasant, SC 29466 ("the Home"). Appellant

lost the Home through foreclosure, and this is yet another in the litany of lawsuits¹ he has filed against anyone he perceives to be remotely involved with the process.

Appellant has not lived at the Home in years. Another family does (Michael and Taryn Lazroff). In fact, Appellant is under order not to come within a certain distance of the home. He does not live or receive mail there, yet he continues to use this as an address in legal pleadings. This was a basis of the Order at issue dismissing Appellant's lawsuit (failure to comply with the Rules of Civil Procedure by refusing to provide an accurate mailing address).

Appellant continues this pattern here. USPS stopped forwarding mail to Appellant at that address long ago. Moreover, Appellant was incarcerated during at least a portion of the underlying litigation. He is apparently out yet continues to fail to provide an accurate mailing address. In addition to providing the Home as an address, the NOA lists "c/o Scarlett Wilson, Charleston County Prosecutor, 101 Meeting St., Charleston, SC 29401" as a mailing address.


Alan Nix
c/o Michael and Taryn Lazroff
1401 Densmore Circle
Mount Pleasant, SC 29466
843.729.2400
&
Alan Nix
c/o Scarlett Wilson
County of Charleston Prosecutor
101 Meeting St.
Charleston, SC 29401

It is unclear how this is at all proper or sending pleadings to Appellant at either of these addresses would lead to service on him. Appellant does not live or receive mail at the Home. Ms.

¹ See, e.g., Appellate Case Nos.: 2019-001951 and 2022-001155.

Wilson is a Defendant in this case and represented by counsel. Appellant's obfuscation is intentional, and the Court should not tolerate this continued behavior.

This behavior is also noncompliant with Rule 269, SCACR regarding frivolous appeals. Under this Rule, the Court may on its own or upon motion of a party, after ten (10) days' notice, impose upon the offending party such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

Further, as of the filing of this Motion, Appellant has not filed a Notice of Appeal with the Pickens County Clerk of Court. *See* Rule 203, SCACR

Rule 260, SCACR provides for the dismissal of an appeal when the appellant has failed to comply with the requirements of the Appellate Court Rules. Such is the case here.

These Respondents respectfully request this Court dismiss Appellant's appeal and award costs and fees associated with the same, including sanctions under Rules 269 and 222,² SCACR.

Respectfully submitted,



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Trotter (Kellahan)**

Jan. 28, 2025

² To include any costs and attorney's fees of \$2,500.

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PROOF OF SERVICE

I certify I have served the Motion to Dismiss of Respondents McCabe, Trotter & Beverly, PC and Stephanie Trotter (Kellahan) on all parties/their counsel in this case addressed as follows:

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c/o Scarlett Wilson
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