

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	Civil Action No. 2022-CP-32-03934
	)	
Crescent Roofing & Remodeling LLC,	)	
	)	
Plaintiff,	)	Response Of Defendant To
	)	Alternative Dispute Resolution
v.	)	Rule To Show Cause
	)	
Eric Ragsdale,	)	
	)	
Defendant.	)	

NOW COMES THE DEFENDANT, Pro'se, who would respectfully show this Honorable Court the following:

1. Pursuant to S.C. Code of Laws 15-79-125, in the above-captioned matter, being mandatorily subject to Rule 3 of the South Carolina Alternative Dispute Resolution Rules ("SCADR"), and the Federal Rules Of Civil Procedure, the Defendant moves to respond to the notice, "Alternative Dispute Resolution Rule To Show Cause", from June McCarthy ("ADR Coordinator") received by email October 4, 2023, from Plaintiff's Attorney of record (see attached Document 1) .
2. On July 27, 2022, Chris Lambeth, Crescent Roofing & Remodeling ("Plaintiff") filed a frivolous complaint ("Case number 2022CV321100943") in Magistrate Court, involving Eric Ragsdale ("Defendant") for a judgment in the amount of four thousand nine hundred and two (\$4,902.56) dollars and fifty-six cents.
3. Upon the filing, the Defendant filed a Counterclaim September 28,2022, for Actual and Punitive damages, in the amount of twenty-one thousand six hundred twenty-seven (\$21,627.64) dollars and sixty-four cents of claims grown out of the same transaction as that of the Plaintiff. The amount of controversy exceeded the Magistrate Court's jurisdiction. Upon the Summons hearing November 14, 2022, the Court

moved by lack of jurisdiction and transferred this action to the Court Of Common Pleas in the above-subject matter.

4. On June 14, 2023, "Notice Of ADR" (Alternative Dispute Resolution) was served on both parties, directing the parties and/or lawyers of their required participation of the methods therein and outlining the process and responsibility under the South Carolina Alternative Dispute Resolution Rules (SCADR). An exemption of 300 days from the date of filing November 16, 2022, of the action or 90 days from the date of notice "**September 12, 2023**" (see attached Document 2).

5. Upon the "Notice", the Defendant on July 6, 2023, contacted Yolanda C Courie (ADR Mediator), for purposes of adhering to the mandate of mediation. Upon the verbal communication with the ADR mediator, Defendant received an email from the ADR Mediator confirming correspondence with June McCartha (ADR Coordinator), requesting Plaintiff's contact information. (see attached Document 3). It was noted on that date that once the information was received an email to both parties would be sent to pursue mediation.

6. On July 11, 2023, the ADR Mediator contacted both parties providing details of credentials, cost, expectations, and dates. Both parties were encouraged to seek advice from an attorney and requested available dates for mediation (see attached Document 4). Again, on July 19, 2023, the Mediator emailed both parties and Defendant responded July 21, 2023, with September 8, 2023 as a date for available mediation (see attached Document 5 A&B).

7. On July 25, 2023, The Mediator emailed the Plaintiff for confirmation of the September 8, 2023, date for mediation, as required by (SCADR) (see attached Document 5B). The Plaintiff retained Counsel and in response, the Plaintiff's Attorney responded to the Mediator. In the response it was stipulated by Plaintiff's Attorney, a planned Motion to request to the Court to extend the deadline until the end of August for time to complete discovery (see attached Document 6). The record reflects that the Defendant

has not received, as required by South Carolina Rules Of Civil Procedure., notice from the Court or from the Plaintiff, any motion or order to extend the mediation requirement inter alia discovery.<sup>1</sup>

8. The Court appointed mediator postponed the ADR hearing scheduling requirement on the the Plaintiff's assertion of the need for discovery and attested to the delay in sua sponte.<sup>2</sup> Defendant by these actions could not participate in the ADR, therefore unable to provide Proof of ADR or Exemption form required by the standing Order for Alternative Dispute Resolution.

9. Defendant was served by Plaintiff's Attorney with discovery request pursuant to Rules 26 and 33 of the South Carolina Rules Of Civil Procedure, by un-certified mail and received by mail on or about July 26, 2023. Plaintiff stipulated in letter dated August 28, 2023, discovery was served July 21, 2023, but the Certificate Of Service Dates July 23, 2023 (see attached Document 7 A B C). Included in the same correspondence, Plaintiff stipulates mandatory mediation requirement but only after the discovery request completion, without the acknowledgement of notification to the court to extend the ADR deadline inter alia discovery, only a directive of seeking sanctions against the Defendant if his intent is not to comply to the discovery request.

10. Upon the letter (attached Document 7B) from the Plaintiff dated August 28, 2023, the Defendant in electronic communication, offered settlement options of a fair proposal to avoid the stress of litigation (see attach Document 8 of 4 pages). Included in the same correspondence an extension of time to respond to the discovery response was requested to the Plaintiff and granted to September 27, 2023.

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<sup>1</sup> Rule 5(e) Motion to Defer ADR. A party may file a motion to defer an ADR conference. For good cause, the Chief Judge for Administrative Purposes of the circuit may grant the motion.

<sup>2</sup> Rule 5(f) Deadline for the ADR Conference in Circuit Court. The ADR conference shall be held on or before three hundred (300) days from the date of the filing of the action. The case shall not be on the circuit court trial roster until a Proof of ADR is filed.

11. Defendant submitted discovery request to Plaintiff's Attorney of record, Robert B Phillips in and through electronic mail September 27, 2023, in accordance with South Carolina Rules Of Civil Procedure. In discovery, said mechanism was found to be errored in technology and for such cause the Defendant resubmitted October 4, 2023, with delivery confirmation from the electronic postaster@phillipsfirm.net (see attached Documents 9 A B C D).

12. Defendant informed the Plaintiff (see attached Document 10) on October 5, 2023, the following:

"See attached. Please use the email ericragsdale60@gmail.com , my personal email, to sever business from my personal matter. I received your email you received from the court. I have not received from them yet, but I intend to respond to them when I receive by mail. There is not email on file with the court for electronic communication. You copied the communication that the mediator sent to the parties concerning my attempt to arrange mediation."

In response to the notice to the Plaintiff and stipulated in the facts of this response, concerning the ADR Coordinator's Rule To Show Cause Notice received October 17, 2023, (see attached Document 11 (1)&(2)) the Defendant in accordance with the Rules Of Process, moves in response.

13. The Defendant contends that while the South Carolina Alternative Dispute Resolution Rules (SCADR), does not suspend the Discovery Rules of the South Civil Rule of Civil Procedure<sup>3</sup>, it is a component the Courts have adopted by the legislature akin to the Federal Rules Of Civil Procedure, certainly the discovery mechanism does not suspend or exempt the mandatory 300 day from date of filing of the above-captioned action.

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<sup>3</sup> Rule 5(b) **Discovery and Motions.** The ADR conference shall not be cause for delay of other proceedings in the case, including the completion of discovery, the filing and hearing of motions, or any other matter that would delay preparation of the case for trial, except by order of the court.

14. These rules shall be construed to secure the just, speedy, inexpensive and collaborative resolution in every action to which they apply. These rules govern Alternative Dispute Resolution (ADR) processes in the courts of this State as follows:

(a) With the exceptions stated in Rule 3, these rules govern court-annexed ADR processes in South Carolina Circuit Courts in civil suits, and in South Carolina Family Courts in domestic relations actions:

(1) in all counties in South Carolina;<sup>4</sup>

(2) as required by statute; or

(3) as ordered by a court of competent jurisdiction.

15. The Defendant in the above-captioned action contest that the delay of the mandatory ADR for discovery purposes, not only demonstrates a disregard to the essential spirit of the law outlined in the Rules Of Civil Procedure but can be viewed as a strategic deterrence for self-representing litigants seeking redress in the justice system. While the right to discovery is a systematic fact-finding tool and guaranteed and defined in our code of laws, insomuch discovery is not delayed by ADR proceedings and to discovery should not delay the ADR madidates.

16. The actions or lack thereof of the Plaintiff violates the South Carolina Rules Of Civil Procedure, and prohibited the Defendant from a just, speedy, inexpensive and collaborative resolution mandated by the "Notice Of ADR". The Discovery mechanism is not a cause to be considered to exempt or delay this action in the above-captioned matter from the Alternative Dispute Resolution mandate<sup>5</sup>. Hypothetically, Plaintiff responses to "delay mediation until the parties had opportunities to exchange discovery", even if set forth by the provisions of the S.C. Code Of Laws 15-79-125, a cause to exempt or delay, Plaintiff failed to file a

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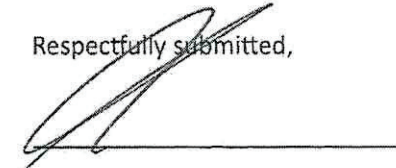
<sup>4</sup> See Supreme Court Order dated November 12, 2015.

<sup>5</sup> S.C. Ct. Ann. ADR.R.3

motion to the Chief Judge for Administrative Purposes, for exemption to exempt or delay as stipulated in the former correspondence to the ADR Coordinator.

For this cause the Defendant moved for mediation without involving the Court within the guidelines set forth, but the opposing counsel for the Plaintiff continues to delay without compromise.

Respectfully submitted,



Eric Ragsdale, Defendant Pro'se  
121 Shumpert Rd  
West Columbia, S.C. 29172  
ericragsdale60@gmail.com  
803 309-0539

Date: October 23, 2023

Notice of Response Of Defendant To Alternative Dispute Resolution Rule To Show Cause was given by email.

**ADR Coordinator:**

June McCartha

Jmccartha@lex-co.com

**Plaintiff' Attorney Of Record:**

Robert B. Phillips, Esq

sam@phillipsfirm.net

The Phillips Firm LLC

# DOCUMENT 1



**THE PHILLIPS FIRM, LLC**  
ATTORNEY & COUNSELOR AT LAW

04 October 2023

Eric Ragsdale  
121 Shumpert Rd  
West Columbia, SC 29172

**Re: Crescent Roofing & Remodeling LLC v. Eric Ragsdale**  
Civil Action No. #2022-CP-32-03934

Dear Mr. Ragsdale,

I received the attached filing from the Lexington County Clerk of Court's office regarding ADR. I responded with the attached letter which I also provided you in an email. You will recall that we reached out to Yolanda C. Courie, one of the court designated mediators, to delay mediation until the parties had an opportunity to exchange discovery. To date, I have not received anything from you and the extended deadline for so was the end of September, 2023. I have proposed a deadline for completing mediation of January 31, 2024 which is realistic IF you provide your discovery responses in the next few days; otherwise, I will have to file a motion to compel that discovery.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Phillips', written in a cursive style.

Robert B. (Sam) Phillips, Esq.

---

OFFICE ADDRESS  
2001 ASSEMBLY STREET, STE 101  
COLUMBIA, SC 29201

(803) 726-4269  
WWW.PHILLIPSFIRM.NET

MAILING ADDRESS  
1025 CALHOUN STREET, BOX 3  
COLUMBIA, SC 29201

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# DOCUMENT 2

IN THE COURT OF COMMON PLEAS

## NOTICE OF ADR

Crescent Roofing & Remodeling LLC

2022CP3203934

**PLAINTIFF(S)**

Filing Date: November 16, 2022

Vs

Eric Ragsdale

**DEFENDANT(S)**

Pursuant to the South Carolina Alternative Dispute Resolution Rules (SCADR), you are required to participate in the following methods of Alternative Dispute Resolution (ADR): mediation or arbitration (binding or non-binding); on or before 300 days from the date of filing of this action. The parties have a right to mutually agree upon the form of ADR and a neutral person(s) to conduct that ADR process. In the event the parties are unable to agree upon the form of ADR, the court hereby designates mediation as the default process of ADR. In the event the parties are unable to agree upon a mediator, the court hereby appoints

Yolanda C Courie, PO Box 6587, , Columbia, SC 29260, Phone (803) 479-2304

to serve as mediator. In the event the aforementioned mediator has a conflict of interest or is unable to serve, the alternate mediator is

Robert Merrel Cook II, PO Box 3575, , Leesville, SC 29070, Phone (803) 317-2171

The parties and/or their lawyers shall contact the court-appointed mediator directly regarding scheduling and payment of the court-mandated fee.

A Rule to Show Cause why sanctions should not be imposed may be issued in all cases that fail to file a Proof of ADR or Exemption form indicating evidence of participation in or exemption from an ADR process within 300 days from the date of filing of the action or 90 days from the date of this notice (September 12, 2023).

Date: June 14, 2023

Notice of this Order was given by First Class Mail, E-mail, Fax or by the E-Filing Notice of Electronic Filing (NEF). Pro-Se parties were notified by first class mail on 06/14/2023

**Plaintiff Pro Se:**

Crescent Roofing & Remodeling LLC  
770 James Dunbar Rd.  
Pelion, SC 29123

**Defendant Pro Se:**

Eric Ragsdale  
121 Shumpert Rd  
West Columbia, SC 29172

**ADR Coordinator**

June McCartha  
(803) 785-2804  
jmccartha@lex-co.com

ELECTRONICALLY FILED - 2023 Jun 14 10:46 AM - LEXINGTON - COMMON PLEAS - CASE#2022CP3203934

# DOCUMENT 3

**Eric Ragsdale**

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**From:** Yolanda Courie <Yolanda@couriemediation.com>  
**Sent:** Friday, July 7, 2023 10:26 AM  
**To:** Eric Ragsdale  
**Subject:** Re: 2022CP3203934 Notice Of ADR

Eric,

I'm following up on our phone call yesterday. I sent June McCartha at Lexington Clerk's office an email asking for contact information for the plaintiff company. Once she gets me the information, I will email both parties to pursue mediation.

Have a good weekend,

Yolanda Courie  
Courie Mediation LLC  
(803)479-2304

# DOCUMENT 4

**Eric Ragsdale**

---

**From:** Yolanda Courie <Yolanda@couriemediation.com>  
**Sent:** Tuesday, July 11, 2023 11:33 AM  
**To:** Eric Ragsdale; chrislambeth1967@gmail.com  
**Subject:** Mediation of Crescent Roofing v. Ragsdale

Eric and Chris,

I've talked to both of you about the Notice of ADR you received from the Clerk of Court of Lexington. The Court ordered Alternative Dispute Resolution to occur before September 12, 2023. Here are dates I have open for mediation before September 12: July 28, August 1, 7, 8, 9, 15, any day the week of August 21, 31, and September 7, 8. You are not required to have me as your mediator, if the two parties want to select and agree on another mediator. I practiced law with two firms in Columbia, Collins and Lacy and McAngus, Goudelock and Courie, for a total of 18 years. I tried cases in State and Federal Courts all over the state during that time. I am certified by the SC Supreme Court and the US District Court of SC to mediate. My hourly rate is \$275 but I will mediate this case pursuant to Rule 9 of the ADR Court Rules, for \$200 an hour. The fee is payable at the conclusion of the mediation, to be split equally between the parties. If all of the above is suitable and we can agree on a date, I will prepare a Mediation Agreement and a Zoom link for you. I recommend Zoom because it is less time consuming and a little less expensive. But, if both of you prefer in person mediation, I will make arrangements for conference rooms in Columbia. Please reply to all with the dates you are available within those dates listed.

I encourage you to seek the advice of an attorney and have an attorney present at the mediation. However, you are not required to hire an attorney. I cannot offer legal or financial advice to anyone in the course of a mediation.

Thank you and have a good day,

Yolanda Courie  
Courie Mediation LLC  
PO Box 6587  
Columbia SC 29260  
(803)479-2304

# DOCUMENT 5A

**Eric Ragsdale**

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**From:** Yolanda Courie <Yolanda@couriemediation.com>  
**Sent:** Wednesday, July 19, 2023 4:42 PM  
**To:** Eric Ragsdale; chrislambeth1967@gmail.com  
**Subject:** Re: Mediation of Crescent Roofing v. Ragsdale

I have booked mediations on the following dates: August 15, 22, 23. So, those dates are no longer available. Let me know what dates you are available and if you want to proceed. Thanks.

> On Jul 11, 2023, at 11:33 AM, Yolanda Courie <Yolanda@couriemediation.com> wrote:

>

> Eric and Chris,

>

> I've talked to both of you about the Notice of ADR you received from the Clerk of Court of Lexington. The Court ordered Alternative Dispute Resolution to occur before September 12, 2023. Here are dates I have open for mediation before September 12: July 28, August 1, 7, 8, 9, 15, any day the week of August 21, 31, and September 7, 8. You are not required to have me as your mediator, if the two parties want to select and agree on another mediator. I practiced law with two firms in Columbia, Collins and Lacy and McAngus, Goudelock and Courie, for a total of 18 years. I tried cases in State and Federal Courts all over the state during that time. I am certified by the SC Supreme Court and the US District Court of SC to mediate. My hourly rate is \$275 but I will mediate this case pursuant to Rule 9 of the ADR Court Rules, for \$200 an hour. The fee is payable at the conclusion of the mediation, to be split equally between the parties. If all of the above is suitable and we can agree on a date, I will prepare a Mediation Agreement and a Zoom link for you. I recommend Zoom because it is less time consuming and a little less expensive. But, if both of you prefer in person mediation, I will make arrangements for conference rooms in Columbia. Please reply to all with the dates you are available within those dates listed.

>

> I encourage you to seek the advice of an attorney and have an attorney present at the mediation. However, you are not required to hire an attorney. I cannot offer legal or financial advice to anyone in the course of a mediation.

>

> Thank you and have a good day,

>

> Yolanda Courie

> Courie Mediation LLC

> PO Box 6587

> Columbia SC 29260

> (803)479-2304

>

>

>

>

# DOCUMENT 5B

**Eric Ragsdale**

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**From:** Yolanda Courie <Yolanda@couriemediation.com>  
**Sent:** Tuesday, July 25, 2023 3:02 PM  
**To:** chrislambeth1967@gmail.com  
**Cc:** Eric Ragsdale  
**Subject:** Re: Mediation of Crescent Roofing v. Ragsdale

Chris,

Does September 8 mediation work for you?

Yolanda Courie  
Courie Mediation LLC

> On Jul 21, 2023, at 5:01 PM, Eric Ragsdale <eric@shredwithus.com> wrote:

>

> Friday September 8th is good with zoom

>

> ERIC RAGSDALE, CEO, CFO, CPO, CIO

>

> Shred With Us / Master Vault Information Management Certified Privacy

> Professional VOIP Phone: 803-358-2024

> Fax: 803-358-2020

> www.shredwithus.com

> www.mastervaultsc.com

>

>

> Confidentiality Notice:

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> Furthermore, if no confidentiality agreement exists between the parties, the proprietary work product may not be copied or distributed without the specific written consent of [REDACTED]

> Copyright ©1999-2022 [REDACTED]

>

>

> -----Original Message-----

> From: Yolanda Courie <Yolanda@couriemediation.com>

> Sent: Wednesday, July 19, 2023 4:42 PM

> To: Eric Ragsdale <eric@shredwithus.com> chrislambeth1967@gmail.com

> Subject: Re: Mediation of Crescent Roofing v. Ragsdale

>

>

>

> I have booked mediations on the following dates: August 15, 22, 23. So, those dates are no longer available. Let me know what dates you are available and if you want to proceed. Thanks.

>

>> On Jul 11, 2023, at 11:33 AM, Yolanda Courie <Yolanda@couriemediation.com> wrote:

# DOCUMENT 6

Eric Ragsdale

---

**From:** Yolanda Courie <Yolanda@couriemediation.com>  
**Sent:** Wednesday, July 26, 2023 10:37 AM  
**To:** Robert Phillips  
**Cc:** Eric Ragsdale; Chris lambeth; Terra Shipp  
**Subject:** Re: Crescent Roofing v. Ragsdale

Good morning,

Thank you for the email. I agree the mediation will be more meaningful with some discovery. I have October 31, November 1, 2, 6, 7, 13,14, and 15 open for mediation. Let me know what works for each of you.

Thanks,

Yolanda Courie  
Courie Mediation LLC  
(803)479-2304

On Jul 25, 2023, at 5:10 PM, Robert Phillips <[sam@phillipsfirm.net](mailto:sam@phillipsfirm.net)> wrote:

Dear Ms. Courie, my name is Sam Phillips. I made an appearance in this case on Sunday to represent Crescent Roofing. As you know, this case originated in Magistrate's Court and despite its move to Circuit Court, no discovery has been completed. I served Mr. Ragsdale with interrogatories and requests to produce concerning his counterclaims by mail on Sunday so I don't anticipate a return from him until after September 8<sup>th</sup>. Additionally, I am not available during the first two weeks in September due to a prior engagement out-of-state. I know this case is getting old, but generally mediations without the benefit of discovery responses rarely succeed. I therefore propose asking the Court to extend the ADR deadline until the end of August so there is time to complete discovery. Under the circumstances, I believe the Court will approve the request.

Ms. Courie, I assume you are willing to mediate this case at a later date, therefore I ask that you provide me with your availability for a mediation during the first 2 weeks of November? I would like to update the Court about an alternate date if possible.

Mr. Ragsdale, please let me know if you agree to Crescent Construction's motion to postpone the mediation of this case? I will advise the Court of your position one-way-or-the-other and naturally, you may address the motion to the Court directly after it is filed if you care to. Also, could you share with us your availability during the first two weeks of November.

I am currently out-of-state working on another matter and will not return to Columbia for some time. If you need to reach me by telephone, please call my cell number (803) 606-5694

Thanks in advance for prompt responses to my proposals above. I look forward to working with both of you on this matter.

<F716509DD04A47C9AC6ACB4A61EB44D8[3804878].jpg>  
by Robert B. (Sam) Phillips, Esq.



# DOCUMENT 7A

**THE PHILLIPS FIRM, LLC**  
ATTORNEY & COUNSELOR AT LAW

21 July 2023

Eric Ragsdale  
121 Shumpert Rd  
West Columbia, SC 29172

**Re: Crescent Roofing & Remodeling LLC v. Eric Ragsdale**  
Civil Action No. #2022-CP-32-03934

Dear Mr. Ragsdale,

The Phillips Firm, LLC will be representing Crescent Roofing & Remodeling LLC in this matter starting on July 21, 2023. Please direct all correspondence and filings to the Firm's office listed below. It is my understanding you are representing yourself. If that changes in the future, please have your attorney contact me directly so I can update the case file.

I have attached several pleadings and discovery requests to you and am hereby serving you with same. There are deadlines for responding to discovery which are explained on the applicable document. Please take note of them when preparing your responses. If possible, I would like you to provide me with pictures that show the alleged defects and/or damages to your home that you complain of in this lawsuit.

As you know, this case is subject to the South Carolina Alternative Dispute Resolution Rules (SCADR). The Court has provided the parties with a Notice of ADR and proposed Yolanda C. Courie to serve as mediator. Crescent Roofing has no objection to Ms. Courie and is available on all the dates Ms. Courie proposed for the mediation in September. I will be reaching out to Ms. Courie shortly to let her know our availability and suggest you do the same so that we can lock in a date to mediate this case before Ms. Courie's schedule fills up. The court has set September 12<sup>th</sup> as the deadline for mediating this case pursuant to the SCADR.

Please feel free to contact me if you have questions or would like to discuss the case.

Sincerely,

Robert B. (Sam) Phillips, Esq.

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OFFICE ADDRESS  
2001 ASSEMBLY STREET, STE 101  
COLUMBIA, SC 29201

(803) 726-4269  
WWW.PHILLIPSFIRM.NET

MAILING ADDRESS  
1025 CALHOUN STREET, BOX 3  
COLUMBIA, SC 29201

# DOCUMENT 7B



**THE PHILLIPS FIRM, LLC**  
ATTORNEY & COUNSELOR AT LAW

28 August 2023

Eric Ragsdale  
121 Shumpert Road  
West Columbia, SC 29172

**Re: Discovery Responses Due From You in Case of -**  
**Crescent Roofing & Remodeling v. Eric Ragsdale**  
**C/A No. 2022-CP-32-03934**

Dear Mr. Ragsdale,

I have not yet received your responses to the discovery I served on you 21 July 2023. Your responses to discovery requests are due within thirty (30) days of their service pursuant to the South Carolina Rules of Civil Procedure, specifically Rule 33 for the Interrogatories and Rule 34 for the Requests to Produce. Your production of this material is needed so that I can analyze your counterclaim and properly advise my client. If you need additional time to respond, please let me know. If I do not hear from you soon, I will assume you do not intend to comply with the discovery requests and will therefore pursue sanctions from the Court. For your convenience, I have included another copy of the discovery with this letter.

I would also like to arrange for a time to come inspect your property and photograph the damage you included in your counterclaims. Rule 34 of the South Carolina Rules of Civil Procedure allow for such inspections.

As I mentioned in my earlier letter to mediator Courie, the Court's mandatory mediation requirement is best served when a mediation occurs after the parties complete the discovery process. I therefore would like to finish the discovery process as soon as possible in order to have the best chance of resolving this matter at mediation. Your cooperation with the process would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Phillips', written in a cursive, flowing style.

Robert B. (Sam) Phillips, Esq.

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OFFICE ADDRESS  
2001 ASSEMBLY STREET, STE 101  
COLUMBIA, SC 29201

(803) 726-4269  
WWW.PHILLIPSFIRM.NET

MAILING ADDRESS  
1025 CALHOUN STREET, BOX 3  
COLUMBIA, SC 29201

# DOCUMENT 7C

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	Civil Action No. 2022-CP-32-03934
	)	
Crescent Roofing & Remodeling LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Eric Ragsdale,	)	
	)	
Defendant.	)	
_____	)	

## DOCUMENTS HEREBY SERVED ON DEFENDANT:

- 1) PLAINTIFF'S REPLY TO DEFENDANTS' COUNTERCLAIMS
- 2) PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE TO DEFENDANT.
- 3) NOTICE OF APPEARANCE OF PLAINTIFF'S COUNSEL.
- 4) COVER LETTER.

On behalf of Plaintiff Crescent Roofing & Remodeling LLC in the above-captioned matter, I hereby certify that I am an employee of The Phillips Firm, LLC, and that I have served a copy of the aforementioned documents upon the below-named addressees by placing the same in the United States Mail, proper First Class pre-paid postage affixed thereto and/or electronic mailing, on this 23 day of July 2023.

  
Terralee Shipp

Columbia, South Carolina

### DEFENDANT

Eric Ragsdale  
121 Shumpert Rd  
West Columbia, SC 29172

# DOCUMENT 8 PAGE 1

**Eric Ragsdale**

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 18, 2023 6:04 PM  
**To:** Eric Ragsdale  
**Subject:** Fwd: Crescent Roofing v. Ragsdale

Sent from my iPhone

Begin forwarded message:

**From:** Robert Phillips <sam@phillipsfirm.net>  
**Date:** August 28, 2023 at 7:18:25 PM EDT  
**To:** [REDACTED]  
**Cc:** Terra Shipp <terra@phillipsfirm.net>  
**Subject:** RE: Crescent Roofing v. Ragsdale

Mr. Ragsdale, thank you for your email. I have attached a letter I sent you earlier today regarding your discovery responses and a request for an inspection. Your email this afternoon has rendered most of that letter moot, so please accept this email as a revision to my letter. I am allowed to grant a 30 day extension per the Rules of Civil Procedure and I am happy to do so which will extend the deadline for producing your discovery responses until September 27<sup>th</sup>, 2023. You may mail the material to me at the address below, or if more convenient you may scan the responses into an electronic and email them to me, which ever you prefer.

As you know, mediation is mandatory in all SC civil court cases. The cost of that mediation is to be borne equally by the parties which essentially means that each party pays an equal share of the mediator's hourly rate. While participation in such a mediation is mandatory, the rules do not prohibit the parties from attempting to mediate a settlement directly and if successful, thereby avoiding the cost of a mediation. I take your letter to mean that you are open to such a negotiation. Once I have an opportunity to review your discovery responses and confer with my client, I will reach back out to you to discuss a settlement. As it stands now, I know nothing more about your claims than what you put in your Answer. Without competent evidence of the damage you claim and a third party estimate of repair costs, I am unable to recommend considering your claims as they would likely be found unproven by a jury. Mr. Lambreth does not recall you pointing out any of the alleged deficiencies during the walk through you & he conducted after the work was completed and therefore is uninformed about the basis of your claims. If you intend to have repairs made to any of the items you are claiming, please let me know. In my letter, I mention my request to inspect your home so that I can observe the damage you claim. This is a routine request under Rule 34 of the South Carolina Rules of Civil Procedure. While I am happy to forego that inspection until after I review your written discovery responses and we have a chance to explore settlement options, I will have to challenge any damages claim made at trial if repairs were made before there was an opportunity observe the damage.

I disagree with your claim that Crescent Construction's reply to your counterclaim is precluded for a number of reasons, not the least of which is the complete absence of any prejudice to your position as nothing has been attempted in this matter since it was transferred to magistrate's court.

Let me know that you have received my email. Regards, Sam.


# DOCUMENT 8 PAGE 2

The Phillips Firm, LLC  
Attorney & Counselor at Law  
by Robert B. (Sam) Phillips, Esq.  
2001 Assembly Street, Suite 101  
Columbia, SC 29201  
(803) 726.4268

This electronic transmission and any attached files are intended only for the person(s) or entity(ies) to which the transmission is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. If you received this transmission in error, please alert the sender by return email then permanently delete the transmission. Any retention and/or distribution of the transmission is strictly prohibited by applicable law.

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**From:** Shred With Us <shred.swu@gmail.com>  
**Sent:** Monday, August 28, 2023 3:18 PM  
**To:** Robert Phillips <sam@phillipsfirm.net>  
**Cc:** Terra Shipp <terra@phillipsfirm.net>  
**Subject:** Fwd: Crescent Roofing v. Ragsdale

  
**Subject: RE: Crescent Roofing v. Ragsdale**

[sam@phillipsfirm.net](mailto:sam@phillipsfirm.net)

Good Afternoon

I am reaching out to offer settlement options in the matter. We would be open to a fair proposal to avoid the stress of litigation.

We also are humbly requesting an extension of time in your discovery request, as we will in turn request discovery, if needed after the fact finding process in the mediation requirement.

If you elect not to grant the extension, we will be filing a motion to quash base on the ADR statutory requirements with a motion to strike.

# DOCUMENT 8 PAGE 3

We herein object to the Plaintiffs reply to counterclaims as untimely and precluded pursuant to the rules of civil procedure.

Kind regards,

Eric

Certificate Of Service

on behalf of Eric Ragsdale in the above-subject matter, responds to Plaintiffs documents herein dated July 23, 2023, and serves by electronic response informally , this 28th day of August, 2023.

Robert Phillips [sam@phillipsfirm.net](mailto:sam@phillipsfirm.net)  
ERIC RAGSDALE

---

**From:** Robert Phillips <[sam@phillipsfirm.net](mailto:sam@phillipsfirm.net)>  
**Sent:** Tuesday, July 25, 2023 5:11 PM  
**To:** [yolanda@couriemediation.com](mailto:yolanda@couriemediation.com)  
**Cc:** Eric Ragsdale [REDACTED], Chris lambeth <[chrislambeth1967@gmail.com](mailto:chrislambeth1967@gmail.com)>; Terra Shipp <[terra@phillipsfirm.net](mailto:terra@phillipsfirm.net)>  
**Subject:** Crescent Roofing v. Ragsdale

Dear Ms. Courie, my name is Sam Phillips. I made an appearance in this case on Sunday to represent Crescent Roofing. As you know, this case originated in Magistrate's Court and despite its move to Circuit Court, no discovery has been completed. I served Mr.

Ragsdale with interrogatories and requests to produce concerning his counterclaims by mail on Sunday so I don't anticipate a return from him until after September 8<sup>th</sup>. Additionally, I am not available during the first two weeks in September due to a prior engagement out-of-state. I know this case is getting old, but generally mediations without the benefit of discovery responses rarely succeed. I therefore propose asking the Court to extend the ADR deadline until the end of August so there is time to complete discovery. Under the circumstances, I believe the Court will approve the request.

Ms. Courie, I assume you are willing to mediate this case at a later date, therefore I ask that you provide me with your availability for a mediation during the first 2 weeks of November? I would like to update the Court about an alternate date if possible.

Mr. Ragsdale, please let me know if you agree to Crescent Construction's motion to postpone the mediation of this case? I will advise the Court of your position one-way-or-the-other and naturally, you may address the motion to the Court directly after it is filed if you care to. Also, could you share with us your availability during the first two weeks of November.

I am currently out-of-state working on another matter and will not return to Columbia for some time. If you need to reach me by telephone, please call my cell number (803) 606-5694

Thanks in advance for prompt responses to my proposals above. I look forward to working with both of you on this matter.

<image009.jpg>

by Robert B. (Sam) Phillips, Esq.  
2001 Assembly Street, Suite 101  
Columbia, SC 29201  
(803) 726.4268

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Sent from Mail for Windows

<2023.08.28 Ltr to E Ragsdale.pdf>

# DOCUMENT 9 A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	Civil Action No. 2022-CP-32-03934
	)	
Crescent Roofing & Remodeling LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>PLAINTIFF'S DISCOVERY TO</b>
	)	<b>DEFENDANT ERIC RAGSDALE</b>
	)	
Eric Ragsdale,	)	
	)	
Defendant.	)	

----->

## CERTIFICATE OF SERVICE

The Defendant Eric Ragsdale in the above-captioned matter, certifies that the copy of the document requested, Plaintiff's request for Discovery, was sent by electronic transmission to sam@phillipsfirm.net on or before September 27<sup>th</sup> 2023, to Plaintiff's attorney of record Robert B. Phillips, ESQ, by permission in former email correspondence dated, August 28<sup>th</sup>, 2023.

  
Eric Ragsdale, Pro'se Defendant

Columbia, South Carolina

PLAINTIFF ATTORNEY  
sam@phillipsfirm.net

# DOCUMENT 9 B

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	Civil Action No. 2022-CP-32-03934
	)	
Crescent Roofing & Remodeling LLC,	)	
	)	
Plaintiff,	)	STATEMENT DECLARATION OF ERIC
	)	RAGSDALE WHY DELAY OF SERVICE OF
v.	)	PLAINTIFF'S DISCOVERY TO
	)	DEFENDANT ERIC RAGSDALE
Eric Ragsdale,	)	
	)	
Defendant.	)	

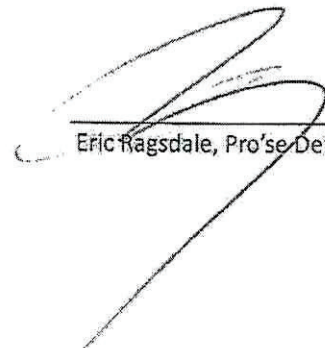
I, Eric Ragsdale, Defendant in the above-captioned matter, was served with a "Discovery" request by the Plaintiff, after an extension was granted by the Plaintiff, request was due on or before September 27, 2023.

I, Eric Ragsdale, discovered the electronic submission was delayed outside of my control in the submission to Plaintiff's attorney, not deliberate, intentional or by lack of response.

I, Eric Ragsdale by attached admin notice from Defendant's third-party communication carrier, to demonstrate reason for delay for "Discovery" not in accordance with the South Carolina Rules Of Civil Procedure.

I, Eric Ragsdale in response to, hereby submit request by notice of receipt "Discovery" request, this 4<sup>th</sup> day of October 2023.

I, Eric Ragsdale by declaration, would testify under oath, to oppose any sanctions that would be sought for error beyond my control in the above-captioned matter.

  
Eric Ragsdale, Pro'se Defendant

Columbia, South Carolina

This 4<sup>th</sup> Day Of October, 2023.

# DOCUMENT 9 C

**Eric Ragsdale**

---

**From:** postmaster@phillipsfirm.net  
**To:** sam@phillipsfirm.net  
**Sent:** Thursday, October 5, 2023 5:29 PM  
**Subject:** Delivered: FW: 2022-CP-32-03934

**Your message has been delivered to the following recipients:**

[sam@phillipsfirm.net](mailto:sam@phillipsfirm.net) ([sam@phillipsfirm.net](mailto:sam@phillipsfirm.net))

Subject: FW: 2022-CP-32-03934

# DOCUMENT 9 D

**Eric Ragsdale**

---

**From:** postmaster@phillipsfirm.net  
**To:** terra@phillipsfirm.net  
**Sent:** Thursday, October 5, 2023 5:29 PM  
**Subject:** Delivered: FW: 2022-CP-32-03934

**Your message has been delivered to the following recipients:**

[terra@phillipsfirm.net](mailto:terra@phillipsfirm.net) (terra@phillipsfirm.net)

Subject: FW: 2022-CP-32-03934

# DOCUMENT 10

## Eric Ragsdale

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**From:** Eric Ragsdale  
**Sent:** Thursday, October 5, 2023 5:29 PM  
**To:** sam@phillipsfirm.net  
**Cc:** ericragdale60@gmail.com; terra@phillipsfirm.net  
**Subject:** FW: 2022-CP-32-03934  
**Attachments:** doc03199220231004170509.pdf

**Importance:** High  
**Sensitivity:** Confidential

See attached. Please use the email [ericragdale60@gmail.com](mailto:ericragdale60@gmail.com), my personal email, to sever business from my personal matter. I received your email you received from the court. I have not received from them yet, but I intend to respond to them when I receive by mail. There is not email on file with the court for electronic communication. You copied the communication that the mediator sent to the parties concerning my attempt to arrange mediation.

Thank you

---

**From:** [REDACTED]  
**Sent:** Thursday, October 5, 2023 1:36 PM  
**To:** Eric Ragsdale [REDACTED]  
**Subject:** Fwd: 2022-CP-32-03934

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** October 4, 2023 at 5:39:03 PM EDT  
**To:** Robert Phillips <[sam@phillipsfirm.net](mailto:sam@phillipsfirm.net)>  
**Subject:** Fwd: 2022-CP-32-03934

Please see attached as requested. Please confirm you received.

Thank you  
Eric Ragsdale

*CONFIDENTIALITY NOTICE: The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any use, disclosure, dissemination, distribution or copying of any portion of this message or any attachment is strictly prohibited. If you think you have received this e-mail message in error, please notify the sender at the above e-mail address, and delete this e-mail along with any attachments. Thank you.*

Sent from my iPhone

DOCUMENT 11 10F2

ELECTRONICALLY FILED - 2023 Oct 04 3:11 PM - LEXINGTON - COMMON PLEAS - CASE#2022CP3203934

STATE OF SOUTH CAROLINA )  
LEXINGTON COUNTY )

2022CP3203934

Crescent Roofing & Remodeling LLC )

PLAINTIFF(S) )

vs )

Alternative Dispute Resolution  
Rule To Show Cause

Eric Ragsdale )

DEFENDANTS )

10/04/2023

According to court records, you have not submitted the Proof of ADR or Exemption form required by the Standing Order for Alternative Dispute Resolution. We are now required to issue a Rule to Show Cause why sanctions should not be imposed in this case.

Please contact June McCartha immediately at (803) 785-2804, or by email at [jmccartha@lex-co.com](mailto:jmccartha@lex-co.com), if my records are incorrect.

Sincerely,

June McCartha  
ADR Coordinator

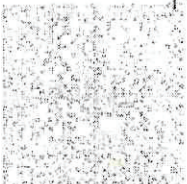
Letter to:

Robert Sam Phillips  
Eric Ragsdale

*RECEIVED*  
*10/10/2023*  
*[Signature]*  
*witness*  
*[Signature]*  
*witness*

COUNTY OF LEXINGTON  
LISA M. COMER, CLERK OF COURT  
LEXINGTON COUNTY JUDICIAL CENTER  
205 EAST MAIN STREET  
LEXINGTON, SC 29072

10-12-23 PMST FCI



POSTAGE  
PAID  
BY  
10/12/23  
OF LEXINGTON, SC

ERIC RAGSDALE  
121 SHUMPERT RD  
WEST COLUMBIA SC 29172

1AUSMM 29172

