

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

CLERK OF COURT
DORCHESTER COUNTY

Civil Action No.: 2024-CP-18-01459

Attia Elbadawy and Lynne Chatlos,

Plaintiffs

v.

D.R. Horton

Defendant.

INTERROGATORIES TO DEFENDANT

D.R. Horton

Third-Party Plaintiff,

v.

Dorchester County,

Third Party Defendant.

COMES NOW, the Plaintiffs, Attia Elbadawy and Lynne Chatlos, hereby requires the Defendant, D.R. Horton, Inc., within (30) days after service hereof, to answer the following interrogatories hereinafter set forth, in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

INTERROGATORIES

1. What is the name and address of the person answering these interrogatories, and if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

2. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
3. Did Defendant, D.R. Horton, Inc. attempt to have Dorchester County remove the Plaintiff's black metal gate that blocks the Plaintiff's driveway on Wise Lane before contacting the Plaintiffs?
4. Why was Dorchester County unable to remove the black metal gate, preventing D.R. Horton from working on the Plaintiffs' private driveway on Wise Lane?
5. Does Defendant, D.R. Horton, Inc. possess a legally enforceable encroachment permit to work on Wise Lane and who issued and signed the application?
6. If Defendant, D.R. Horton, Inc. has a legally enforceable encroachment permit for work on Wise Lane, they should be able to enforce it. So, why can't they?
7. On July 26, 2024, at around 8 a.m., Defendant, D.R. Horton, Inc. entered the plaintiffs' property with a large excavator, causing damage to Wise Lane and harassing the plaintiff Lynne Chatlos. The question arises: Did D.R. Horton have a legally enforceable permit for that activity on that day and who issued and signed the application?
8. Defendant D.R. Horton, Inc. left that day without contacting the police, which raises the question: why did they choose to do that? If they possessed an enforceable permit, they had no obligation to seek the plaintiffs' permissions.
9. Did Defendant, D.R. Horton, Inc. altered the map and make the Plaintiffs' Private Road Wise Lane a part of the D. V. Timbers Subdivision?
10. Did Defendant, D.R. Horton, Inc. know that Wise Lane was a dirt road?
.....
11. Why did Chris Hill, the project manager for D.R. Horton, seek to meet with the Plaintiffs' in the woods at the D.R. Horton construction site? If D.R. Horton possesses a legally enforceable permit for work on Wise Lane, why would Chris Hill prefer to have this meeting in the woods rather than in his Charleston office?

12. If Defendant, D.R. Horton, Inc. had the legal right to work on Wise Lane, then why does EXHIBIT ~~I-1~~ ^{I-1} clearly indicate that Chris Hill accepted an agreement to compensate the Plaintiffs, as demonstrated in the email?
13. Did Defendant, D.R. Horton, Inc. ever try to buy a utility easement from the Plaintiffs neighbor Amanda Wise? and If D.R. Horton had a legal right to work on Wise Lane, why would they seek to purchase an easement from Amanda Wise?
14. If Defendant, D.R. Horton, Inc. has the legal right to work on the Plaintiffs private Driveway, Wise Lane. Then why is D.R. Horton suing Dorchester County?
15. The Defendant, D.R. Horton's installation of water pipes and fire hydrants on Weir Street indicates intent to turn left onto Wise Lane (the Plaintiff's driveway) EXHIBIT #. Who funded the work on Weir Street? Was it D.R. Horton's private money or Dorchester County funds?
16. Does D.R. Horton possess a legally enforceable encroachment permit to work on Weir Street and who signed the application?
17. The U.S. Army Corps of Engineers application shows Weir Street and Wise Lane not listed as project sites. What Street names is it showing?
18. In the emails found in EXHIBIT ~~I-1~~ ^{I-2}, attorney Thomas Harper for Defendant, D.R. Horton, Inc. explicitly stated to the Plaintiffs' former lawyer Landon Brock that Wise Lane would solely be utilized for the installation of water and sewer pipes, and there would never be any allowance for vehicle travel. Is this statement accurate?
19. Plaintiffs ask why they're not using Helms Drive/Trinity Drive as the permit states, especially since they hold a Legal Encroachment Permit for it?
20. Why is Defendant, D.R. Horton opting to remove their "Sanitary Sewerage Station Pump" in the major modification plan? After they received approval for the engineering design plan and obtained all the legally enforceable permits to proceed with the D.V. Timbers project on Helm Dr/Trinity Dr. Why is Defendant D.R. Horton Inc. altering their plans and so insistently seeking access through the Plaintiffs' driveway?
21. Why is Wise Lane treated with such preferential treatment in relation to Helms Drive and Trinity Drive? The original legally enforced encroachment permit pertains to the roads to the north of Wise Lane, specifically Helms Drive and Trinity Drive. What is the

real issue here? Is there some notion that human waste is somehow more valuable on Wise Lane than it is on Helms Drive or Trinity Drive?

22. Behind the Defendant, D.R. Horton subdivision "D V Timbers," there exists approximately 10 acres of wetlands. Will this land parcel remain landlocked or will a public road be constructed that traverses D.R. Horton's private H.O.A. subdivision providing access to this 10-acre area? Will the Defendant, D.R. Horton intends to utilize Wise Lane, the plaintiffs' driveway, for access to their future landlocked subdivision?

CERTIFICATE OF SERVICE

This is to certify that we have served a true copy of this Notice of Interrogatories to the Defendant D.R. Horton, Inc. this 14 day of February, 2025, by depositing a copy of the same in the United States Mail, proper postage affixed, addressed as follows:

Mark A. Bible, Jr., (SC Bar #101624)
John T. Crawford, Jr. (SC Bar # 69682)
KENISON, DUDLEY & CRAWFORD, LLC
325 West McBee Avenue, Suite 301 Greenville, SC 29601
Ph. 864.242.4899 Fax 864.242.4844
Attorneys for Defendant, D.R. Horton, Inc and

Bradley A Mitchell, Deputy County Attorney
DORCHESTER COUNTY ATTORNEY'S OFFICE
201 Johnston Street
St. George, South Carolina 29477
bmitchell@dorchestercountysc.gov
843.563.0097

2025 FEB 14 PM 2:00

CLERK OF COURT
DECATUR COUNTY

EXHIBIT: I

Thank you

Attia Elbadawy

ALA International

2025 FEB 14 PM 2:00

On Tuesday, July 30, 2024 at 09:25:10 AM EDT, Christopher L Hill <chlhill1@dmorton.com> wrote:

CHRISTOPHER HILL
CLERK OF COURT
DORCHESTER COUNTY

Good morning Attia, thank you for sending these pictures. The pictures you have sent shows no damage to the road. There are trees down and water in the existing ditch. The trees that are down are within the Dorchester County Public Right of Way. We have the right and approval to clear and complete construction activity in Dorchester County's public right of way.

I see your concern with the use of Wise Lane because you and your brother built the road. I understand that Dorchester County did not build the road. I am not looking to take this to court because I do not think it's necessary. The road is a public road. I have sent you documentation that shows that.

I would like to know what you are looking for regarding compensation. I think we could get this handled quicker if we could speak over the phone. There is no need for you to come to my office.

I am uncertain how I am harassing you. I'm simply trying to speak with you so we can resolve this matter. I want to make sure you are taken care of and I'm trying to be neighborly. I want to resolve this swiftly. Please feel free to call me. I will not call you anymore.

Thanks,

Chris Hill
Land Development Manager

D.R. HORTON
2057 Wambaw Creek Rd
Charleston, SC 29492
m: 843.855.2176
o: 843.284.5000

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I-1

From: Andy Garsea <ala_international@yahoo.com>
Sent: Monday, July 29, 2024 10:13 PM
To: Christopher L Hill <CLHill1@dmorton.com>
Subject: Re: Attia Elbadawy

[External]

Hey Chris,

I went through your email; the problem seems to be, you would like to use a road (Wise Lane) a road you or Dorchester County DID NOT build/maintain.

RE: Evolve Project 9306: DV Timbers Subdivision - Wise Road(Lane)

From: Landon Brock (lbrock@wiggerlawfirm.com)

To: ala_international@yahoo.com

Date: Friday, August 30, 2024 at 12:24 PM EDT

Attia,

I have spoken with D.R. Horton's attorney this morning and got an understanding of their project and timeline for completion which I will explain in some more detail below. Attached, please find D.R. Horton's entire plans for the project for your file.

As you can see on the attached plans, Horton is not tying its roads into Wise Lane. It's installing water & sewer in the Wise Lane public right of way, which they are legally entitled to do. Once those improvements are installed, that will be it for Wise Lane as far as the neighborhood development is concerned. The Horton neighborhood is not using Wise Lane for vehicular or pedestrian access. Traffic will go through the other roads, Trinity Dr./Oak Dr./Pruitt St.

According to Horton's counsel, they have been ready to start on sewer installation for 2 weeks but have been prevented from doing so by the gate that you placed blocking the roadway. The gate will need to be opened or removed to allow Horton and Dorchester County access because it is a public right of way. Even though Dorchester County does not maintain Wise Lane it does not change the fact that it belongs to the general public, including Horton, and you are not allowed to prevent Horton from using the area otherwise they will need to take steps to ensure that their right of access is no longer infringed. I hope that they will not have to resort to those measures. Dorchester County owns the Wise Lane right of way and has approved Horton's plans to install water & sewer in that right of way.

I know that there has been a lot of upsetting back and forth but Horton does want to be a good neighbor while they work adjacent to your property and that is why they have an attorney who has been willing to speak with me and provide us this information.

Horton's counsel states that once Horton is able to access Wise Lane that the work they have left to complete should take about 3 weeks, assuming the weather cooperates. After the water and sewer installations are complete, Horton will grade the road back to its "original" condition. Then, Horton will be done with Wise Lane. In the spring, after everything is built in the development, Dorchester County will come out and inspect the development, including the lines installed in the Wise Lane right of way, and that should be the end of it. Home buildings will follow afterwards, but it will not have anything to do with Wise Lane as Horton's development is not connecting to Wise Lane and the home owners will not be driving over it to get to their homes.

I will give you a call to follow up.

Sincerely,

Landon L. Brock
Associate Attorney
Wigger Law Firm, Inc.
100 S. Main St., Suite D
Summerville, SC 29483

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