

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

COUNTY OF DORCHESTER

2025 JUN 27

PM 2:17  
CASE NO. 2024 -CP- 18- 01459

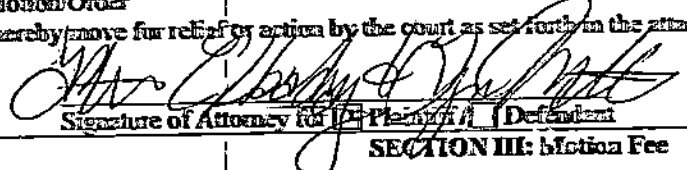
ATTIA ELBADAWY & LYNNE CHATLOS

CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

vs.

D.R. HORTON, INC,

Defendant.

Plaintiff's Attorney: <b>PRO SE</b> , Bar No. _____ Address: <u>493 WISE ROAD, SUMMERVILLE, SC 29483</u> Phone: <u>843-641-8556</u> Fax _____ E-mail: <u>ala_international@yahoo.com</u>		Defendant's Attorney: <b>KENSON DUDLEY &amp; CRAWFORD</b> , Bar No. <u>201624</u> Address: <u>325 W. MCBEE AVE, SUITE 301, GREENVILLE, SC</u> Phone: <u>252-222-4322</u> Fax _____ E-mail: _____ Other: _____	
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: <u>MOTION TO STRIKE DEFENDANTS D.R. HORTONS PARTIAL SUMMARY JUDGEMENT</u> Estimated Time Needed: <u>15 MINUTES</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
SECTION II: Motion/Order Type			
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant		<u>JUNE 27</u> , 2025 Date submitted	
SECTION III: Motion Fee			
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)			
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Correction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____			
JUDGE'S SECTION			
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____		JUDGE CODE _____ Date: _____, 20__	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20__	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____			

# PLAINTIFFS' MOTION TO STRIKE DEFENDANT D.R. HORTON'S PARTIAL SUMMARY JUDGMENT

CHERRYL G. NAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

2025 JUN 27 PM 2:17

IN THE COURT OF COMMON PLEAS FOR DORCHESTER COUNTY, SOUTH CAROLINA

Case No. 2024-CP-1801459

Plaintiffs: Attia Elbadawy and Lynne Chatlos

Defendant: D.R. Horton, Inc.

## MOTION TO STRIKE

NOW COME the Plaintiffs, Attia Elbadawy and Lynne Chatlos, pro se, and respectfully move this Court pursuant to Rule 12(f), South Carolina Rules of Civil Procedure, to strike the Defendant D.R. Horton, Inc.'s filing titled "Partial Summary Judgment," in its entirety, on the following grounds:

## GROUNDS FOR MOTION

1. The Defendant's Motion for Partial Summary Judgment is premature and procedurally improper, as the case remains in active litigation with multiple motions pending, including motions to strike, compel discovery, and motions for declaratory judgment regarding property rights in Wise Lane. Additionally, there are pending Motions for Declaratory Judgment regarding property rights to Wise Lane, and a Motion to Extend the Discovery Deadline, which must be resolved before any summary judgment can be considered.
2. The Defendant's Motion contains misrepresentations of fact and relies on evidence that is either unauthenticated or was the subject of a prior Motion to Strike, including affidavits and a memorandum previously challenged by the Plaintiffs.
3. The Defendant relies on an encroachment permit application that is missing its second page, the only page containing the terms and conditions of use. This omission is intentional and deceptive, and it renders the permit invalid on its face.
4. The Defendant has failed to establish any lawful right to use the Plaintiffs' private road, Wise Lane, for vehicular traffic or development-related access. Their assertion of legal entitlement is unsupported by any recorded easement or agreement.

5. The summary judgment filing violates Rule 56(c), SCRCP, in that it is not supported by admissible evidence and was filed solely to harass and create confusion ahead of the Plaintiffs' motions and appeal proceedings.

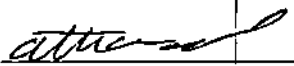
This motion is based on South Carolina Rules of Civil Procedure and the Common and Statutory Law of South Carolina, affidavits, depositions, and other evidence which may hereafter be submitted to the court. The Plaintiffs reserve the right to submit and/or supplement memorandum in support of this motion prior to hearing.

**RELIEF REQUESTED**

WHEREFORE, Plaintiffs respectfully request that this Court GRANT this Motion and STRIKE Defendant D.R. Horton's Motion for Partial Summary Judgment from the record in its entirety, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

Date: 6/27/25


Signature: 

Name: Attia Elbadawy

Address: 493 Wise Road, Summerville, SC 29483

Phone: 843-641-8556

Pro Se Plaintiff

Signature: 

Name: Lynne Chatlos

Address: [Insert Address]

Pro Se Plaintiff

SOUTH CAROLINA  
DORCHESTER COUNTY

COURT OF COMMON PLEAS  
Case No.: 2024-CP-18-01459

Attia Elbadawy and Lynne Chatlos,  
Plaintiffs,  
v.  
D.R. Horton, Inc.,  
Defendant.

FILED  
2025 JUN 27 PM 2:17  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

### STATEMENT OF GENUINE ISSUES OF MATERIAL FACT

Pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, Plaintiffs Attia Elbadawy and Lynne Chatlos respectfully submit the following Statement of Genuine Issues of Material Fact in opposition to Defendant D.R. Horton, Inc.'s Motion for Partial Summary Judgment:

1. Whether Wise Lane is privately owned or a public road.
2. Whether Plaintiffs or their predecessors have continuously used, maintained, and improved Wise Lane.
3. Whether Dorchester County ever maintained Wise Lane as a public road.
4. Whether Dorchester County had legal authority to issue encroachment permits to D.R. Horton.
5. Whether D.R. Horton's entry and construction activity constituted trespass on private property.(July 26,2024)
6. Whether Plaintiffs acquired any legal interest in Wise Lane through adverse possession or easement by use.
7. Whether Dorchester County's FOIA responses confirm no maintenance records support Plaintiffs' claims.
8. Whether County Attorney Bradley Mitchell's failure to testify or provide records is material to permit validity.
9. Whether D.R. Horton relied on any knowingly invalid or improperly issued permits.
10. Whether the County's late response to D.R. Horton's counterclaim impacts the validity of those permits.

Each of these facts remains in genuine dispute and is material to the resolution of this case. Accordingly, summary judgment must be denied.

Respectfully submitted,

Attia Elbadawy

Lynne Chatlos

Attia Elbadawy

Lynne Chatlos

Pro Se, Plaintiffs

493 Wise Road

Summerville, SC 29483

ala\_international@yahoo.com

843-641-8556

Date: June 25 ,2025

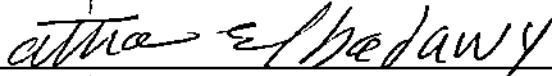
SOUTH CAROLINA  
DORCHESTER COUNTY


COURT OF COMMON PLEAS  
CASE No: 2024-CP-1801459

Attia Elbadawy & Lynne Chatlos,  
Plaintiffs,  
V.  
D.R. Horton, Inc  
Defendants,

MOTION TO STRIKE  
DEFENDANTS  
D.R. HORTON'S  
PARTIAL SUMMARY  
JUDGEMENT

Kenison, Dudley & Crawford, LLC  
325 W. McBee Avenue  
Suite # 301  
Greenville, SC 29601

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493 Wise Road  
Summerville, SC 29483  
843-641-8556  
ala\_international@yahoo.com

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