

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

ATTIA ELBADAAY & LYNN CHATFIELD
Plaintiff,

vs.

D. R. HORTON, INC
Defendant.

IN THE COURT OF COMMON PLEAS
1st JUDICIAL CIRCUIT

CASE NO.: 2024-CP-18-01459

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

2024 APR -7 PM 1:11
COURT CLERK
COURTY

Plaintiff's Attorney:

PRO SE, Bar No. _____

Address: 493 WISE ROAD

Phone: 843-641-8556 Fax Sumnerville

E-mail: 212-INTERM/06/04/2024 Other: SC 29483

Defendant's Attorney:

MARK BIBLE JR, Bar No. 101824

Address: 325 W. McBee Ave Suite 301

Phone: 864-242-4809 Fax _____

E-mail: _____ Other: _____

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion to Compel

Estimated Time Needed: 30 minutes Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Attia Elbadaay
Signature of Attorney for Plaintiff / Defendant

APRIL 7, 2024
Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ 825.00

- EXEMPT: (check reason)
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRCP)
 - 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: _____
 Other: _____

JUDGE'S SECTION

- Motion Fee to be paid upon filing of the attached order.
- Other: _____

JUDGE CODE _____
Date: _____, 20

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20

- MOTION FEE COLLECTED: \$ _____
- CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER) Civil Action No.: 2024-CP-18-01459

2025 APR 7 PM 1:11
L. GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Attia Elbadawy and Lynne Chatlos,)

Plaintiffs)

v.)

D.R. Horton, Inc.,)

Defendant.)

D.R. Horton, Inc.,)

Third-Party Plaintiff,)

v.)

Dorchester County,)

Third Party Defendant.)

PLAINTIFFS' MOTION TO COMPEL INTERROGATORIES

COMES NOW, Plaintiffs, pursuant to Rule 37(a) of the South Carolina Rules of Civil Procedure (SCRCP), and respectfully move this Court for an order compelling Defendant, D.R. Horton, Inc., to provide complete and proper responses to Plaintiffs' First Set of Interrogatories. In support of this motion, Plaintiffs state as follows:

1. On February 17, 2025, Plaintiffs served their First Set of Interrogatories upon Defendant, D.R. Horton, Inc.
2. Defendant provided responses on March 14, 2025; however, several of Defendant's responses were deficient, incomplete, and improper under the South Carolina Rules of Civil Procedure.

Deficient Responses:

Interrogatory No. 1: Plaintiffs requested the name and address of the person answering the interrogatories on behalf of Defendant. Defendant objected, claiming attorney-client privilege, and failed to provide the required information. However, Rule 33, SCRPC, mandates that the responding party disclose the identity of the individual verifying the responses. The identity of the person answering is crucial for assessing credibility and accuracy. Defendant's refusal to disclose this information is improper.

Interrogatory No. 2: Plaintiffs requested the names and addresses of all persons known to be witnesses concerning the facts of this case and whether any written or recorded statements exist. Defendant provided a vague response, referring generally to "one or more representatives of Defendant, one or more representatives of Dorchester County, and one or more representatives of Stantec Consulting Services." This response is inadequate as it does not provide specific names or addresses. Witness names are standard discovery information, and Defendant must supplement its response with the specific identities and contact information of known witnesses.

Interrogatories No. 3 and 4: Plaintiffs inquired whether Defendant attempted to have Dorchester County remove the black metal gate blocking Plaintiffs' driveway before contacting Plaintiffs and Why was Dorchester County unable to remove the black gate, preventing Defendant from working on the Plaintiffs' driveway on Wise Lane. The Defendant's objection that the information is in the possession of third parties is not sufficient to avoid responding to the interrogatory, as the Defendant may have access to this information or may be required to make reasonable efforts to obtain it. Under Rule 26(b)(1) of the South Carolina Rules of Civil Procedure, parties are required to respond to discovery requests that seek relevant and non-privileged information that is proportional to the needs of the case. The Plaintiffs question is directly related to the Defendant's claim that the road is a county road and that the County has granted them a permit. The issue of whether Defendant attempted to have Dorchester county remove the gate is critical to Plaintiffs' claims. Plaintiffs assert that if Defendant claims Wise Lane is a public road accepted by Dorchester County, then it must be explained why Dorchester County was unable to remove the gate. If the County issued a permit but was unable to remove the gate, this raises a material issue about the Defendant's control or authority over the road and gate. The Defendant is in the best position to explain why the County has not removed the gate if they possess a valid permit. The Defendant's assertion that the County issued a permit should compel a full response. Even if the Defendant is not the direct party responsible for the gate's removal, they must explain why the County did not act, as this is tied to the Plaintiff's claims about the road's status. Defendant must supplement its response with any relevant information regarding its actions concerning the gate's removal.

Interrogatories 5, and 6: Defendant's objection regarding the terms "legally enforceable" and "enforce" on the grounds that these terms are vague and unduly burdensome. Plaintiffs request that Defendant supplement their response to Plaintiffs' interrogatories, specifically regarding the documents and information related to the encroachment permit for work on Wise Lane, based on the following: : Plaintiffs' defines, the term "legally enforceable" to whether the

encroachment permit is valid under applicable local and state laws and whether it can be enforced by the relevant authorities, such as Dorchester County or the Defendant. The request for information about a legally enforceable permit is directly relevant to the claims in this case and central to determining whether Defendant's work on Wise Lane was legally authorized. The documents provided by Defendant, including the encroachment application and email correspondence, fail to establish the existence of a valid, legally enforceable permit for work on Wise Lane. Specifically, the documents do not adequately reference Wise Lane, raising doubts as to whether the Defendant has a valid permit for the specific work conducted on that road. Defendant provided a permit approved by Dorchester County on February 16, 2023, which was valid for 12 months, expiring on February 16, 2024. However, the Defendant continued to present this expired permit and attempted to enter Plaintiffs' property on July 26, 2024. The Defendant also referenced a permit dated April 24, 2024, issued to Stantec Consulting Services, Inc.. However, Plaintiffs' review of the Dorchester County website revealed that the actual permit issued under permit number 202403578 is dated September 25, 2024, rather than April 24, 2024 as stated by the Defendant. The permit issued on September 25, 2024, was granted to DRH, Inc and Stantec Consulting Services, Inc., after Plaintiffs' lawsuit was filed on September 5, 2024. Plaintiffs request that Defendant supplement their responses to the following interrogatories by providing: A valid, legally enforceable encroachment permit for work on Wise Lane that was in effect on July 26, 2024. Any documentation or permits that clearly reference Wise Lane and the Defendant's legal authorization to perform work on that specific property. Updated or corrected documents that accurately reflect the permit information for the work conducted on Wise Lane, including proper dates and the correct permit number. A full and accurate explanation regarding the discrepancies between the dates of the permit referenced by the Defendant and the actual permit found on the Dorchester County website.

Interrogatory 8: Defendant objects to the interrogatory as vague, specifically as to "that day" and "why did they choose to do that". The term "that day" refers to July 26, 2024, the date when Defendant attempted to enter the property but left without taking any formal steps to resolve the situation. The question "why did they choose to do that" refers to the specific choice made by Defendant not to contact law enforcement or assert their legal rights to enter the property. This is a direct inquiry into Defendant's actions on that day and is well within the scope of information that should be readily available to Defendant, as it involves their own decision-making process. The term "enforceable permit" is clear, as it asks whether the Defendant possessed a valid, legally enforceable permit on July 26, 2024, which would have given them the legal right to access the property. Defendant claims that the request is unduly burdensome because it seeks information that is allegedly in the possession of other persons or entities. However, the information sought is directly related to the Defendant's own actions and decision-making process. The interrogatory asks for an explanation of Defendant's own conduct on a specific date, which is well within Defendant's knowledge and control. Plaintiffs are not requesting documents or records from other entities; they are asking for a clear explanation of Defendant's actions. Given that Defendant owns DV Timbers and is responsible for the development activities, including any actions on Wise Lane, the Defendant should be able to provide an explanation of why they chose not to involve law enforcement if they had a legally enforceable permit. If Defendant believes that the information is in the possession of third parties, they

should identify those parties and explain why this information cannot be provided directly by Defendant. Defendant further asserts that they do not self-perform development work, including sitework, and therefore, believes that the information sought is in the possession of other entities. While Plaintiffs understand that Defendant may rely on third-party contractors for sitework, the decision to leave the property without involving law enforcement is within Defendant's purview as the owner of DV Timbers. The reason for leaving the property without asserting their rights, if they had an enforceable permit, is a direct inquiry into Defendant's actions and judgment, not those of third-party contractors or entities. Plaintiffs respectfully object to Defendant's response to Interrogatory 8. The Defendant's statement that they "try to keep neighboring property owners at arm's length and attempt to amicably work through neighboring owners' concerns" as the reason for leaving the property on July 26, 2024, without contacting law enforcement is insufficient, evasive, and unsupported by the facts in this case. Plaintiffs assert that the true reason Defendant left the property without contacting law enforcement or Dorchester County taking formal action was because Defendant did not have a valid, legally enforceable permit at the time they attempted to enter Wise Lane. Plaintiffs believe that Defendant's actions on July 26, 2024, were inconsistent with having a valid permit to perform work on the property.

Specifically, Defendant provided an encroachment permit dated April 24, 2024, which they attached as an exhibit#E10-1 to their submission. However, Plaintiffs have reason to believe that this permit does not exist in the form represented by Defendant. Upon investigation, Plaintiffs found that the permit number provided by Defendant (Permit #202403578) actually corresponds to a permit issued on September 25, 2024, not on April 24, 2024, as Defendant claims. This discrepancy raises serious doubts about the legitimacy of the permit Defendant is relying upon.

Additionally, the encroachment permit contains a clause that requires Defendant to notify Dorchester County at least 24 hours in advance of any work to be performed on the property so that a Dorchester County employee can be present during the work. On July 26, 2024, Exhibit#E10-2 when Defendant attempted to enter the property, there was no Dorchester County employee present, which further supports the contention that Defendant's actions were unauthorized. If Defendant had a legally enforceable permit, there would have been no need for them to avoid formal channels of asserting their rights. If Defendant truly had such a permit, they could have

Simply contacted law enforcement to enforce their right to access the property or, Ensured that a Dorchester County employee was present to oversee the work, as required by the terms of the permit, particularly under the provision that mandates 24-hour advance notification to Dorchester County. Plaintiffs request that Defendant supplement their response to Interrogatory 8 to provide more specific and factual information regarding their actions on July 26, 2024, and the reasons for their failure to involve law enforcement. The Defendant should provide: A clear explanation of why they chose not to involve law enforcement, especially if they believed they had a valid permit. Any documentation or internal communications that support the Defendant's stated reasoning that they were trying to keep neighboring property owners at arm's length, and how this relates to their legal right to be on the property. A full explanation as to why they did not

assert their rights through appropriate legal channels if they believed they had a valid, legally enforceable permit at the time of the attempted entry.

Interrogatories 9 and 10: Plaintiffs question number 9 is whether the Defendant altered the map to include the Plaintiffs' private road, Wise Lane, as part of the subdivision. In response, the Defendant denies this, stating that the road was dedicated to the public by the AMI Plat and that a permit issued by Dorchester county allows for access within the Wise Lane right-of-way. The Plaintiffs have additional questions. They ask whether the Defendant extended Wise Lane, which was previously a dead-end road? Also as to question number 10, inquiring if the Defendant is aware that Wise Lane is a dirt road. The defendant's answer was yes and further noted that the road's condition is clear through physical observation. The Plaintiffs point out that Wise Lane has always been a dirt road that has never been maintained or constructed by the county. Given these facts, it is evident that Wise Lane is not a county road, and neither the South Carolina Department of Transportation (SCDOT) nor Dorchester County could issue an encroachment permit for any work to be performed on it. The Plaintiffs further question why Wise Lane has never been maintained by either Dorchester County or SCDOT?

Interrogatory 11: Plaintiffs respectfully object to Defendant's objections to Interrogatory 11 regarding Chris Hill's meeting with Plaintiffs at the DR Horton site. Defendant's objections including that the interrogatory is overbroad, unduly burdensome, calls for a legal conclusion, and is vague as to the date, time, or reason for the meeting are unwarranted and should be overruled for the following reasons: Defendant objects on the grounds that the interrogatory is overbroad and unduly burdensome. However, the question is directly relevant to the dispute and pertains to the Defendant's actions in relation to the claim of having a legally enforceable permit. This is a reasonable request for information related to Defendant's actions and provides insight into whether Defendant's legal rights were being asserted. Defendant claims the interrogatory calls for a legal conclusion. Plaintiffs clarify that the question does not seek a legal conclusion but rather the factual basis for why Defendant's Chris Hill Land Development manager attempted to schedule a meeting at the site instead of the office. This information is relevant to understanding Defendant's intent and whether their actions align with the claim of having a valid, enforceable permit for the work on the property. Given Defendant's objection regarding vagueness, Plaintiffs have revised their Interrogatory 11 to clarify the following: The Defendant, as Land Development Manager, attempted to organize a meeting with the Plaintiffs, along with a contractor, law enforcement, and project manager, at the construction site. This meeting was not scheduled, so there is no specific day or time. Furthermore, The Plaintiffs seek clarification regarding why the Defendant, Chris Hill the Land Development Manager, tried to arrange a meeting in the woods instead of at his Charleston office. The Defendant claims to have a legal permit to perform work on Wise Lane. If that's the case why wouldn't they simply ask the police or Dorchester County to enforce it? This is especially relevant considering that he held a legally enforceable permit to access and work on the property at that time. In light of Defendant's objections and the revisions made to the interrogatory, Plaintiffs respectfully request that the

Defendant provide a complete response to the revised question. Plaintiffs believe that the reason for requesting a meeting at the construction site rather than in a formal office setting is significant in understanding whether Defendant was acting in accordance with a legally enforceable permit. Plaintiffs respectfully request that the Court overrule Defendant's objections and compel Defendant to provide a full and complete response to the revised Interrogatory 11, as the information sought is directly relevant to the claims in this case and will assist in resolving the factual disputes regarding the validity of Defendant's permit.

Interrogatory 13: The Plaintiff objects to Defendant's objection on the grounds of undue burden and relevance as stated in Defendant's response to Interrogatory No. 13, wherein Defendant refused to answer the question regarding whether Defendant attempted to purchase a utility easement from Plaintiff's neighbor Amanda Wise. Defendant's objection is not well-founded for the following reasons: The Plaintiff's interrogatory asking about the purchase of a utility easement from the neighbor Amanda Wise is directly relevant to this case. Specifically, Plaintiffs' claim is that Defendant lacks legal permission or proper entitlement to perform work on Wise Lane, which is at the center of the dispute. If Defendant attempted to purchase an easement from Plaintiffs' neighbor Amanda Wise, this could be probative of Defendant's understanding of its legal rights or lack thereof concerning Wise Lane and whether Defendant had a good faith belief it had a legal right to access Wise Lane. This question goes to whether Defendant had a valid permit or legal right to access Wise Lane without proper authority, which is essential to Plaintiffs' claims.

Plaintiffs' further objects to the Defendant's claim that the neighbor is not a party to the lawsuit and, therefore, the question is irrelevant. The neighbor Amanda Wise is a material witness for the Plaintiffs in this case. The neighbor's interactions with the Defendant, including the potential attempt to purchase a utility easement, are critical facts. These interactions provide insight into Defendant's actions, intentions, and potential acknowledgment of its lack of legal rights concerning Wise Lane. The fact that the neighbor is not a party does not diminish the importance of this information; rather, it enhances the relevance as it shows Defendant's conduct with a third party that may bear directly on Plaintiffs' claims. Defendant's claim that responding to the interrogatory is unduly burdensome is without merit. The inquiry is limited in scope, clear, and directly tied to the issues at hand. Defendant's attempt to characterize the question as burdensome or irrelevant fails to account for the significance of this issue to the litigation. Defendant can easily provide an answer to this question without significant effort or hardship, especially when the question concerns a specific transaction with a third party (the neighbor) which, upon information and belief, is within Defendant's knowledge.

Defendant also objects to the interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. This objection is insufficient and improper. Discovery under South Carolina Rule 26(b)(1) is broad, and evidence need not be admissible at this stage. Rather, the standard is that the discovery must be reasonably calculated to lead to the discovery of admissible evidence. The fact that Defendant sought to purchase an easement from Plaintiffs neighbor Amanda Wise is reasonably calculated to lead to the discovery of

admissible evidence related to Defendant's legal rights over Wise Lane, and may reveal Defendant's lack of good faith or knowledge of the absence of a legal permit. For these reasons, Plaintiff respectfully requests that the Court compel Defendant to provide a complete response to the interrogatory, as the question is clearly relevant, material, and properly calculated to lead to the discovery of evidence critical to Plaintiffs' claims. Defendant's objection is without merit and should be overruled.

Interrogatory 14: Plaintiffs object to Defendant's objection to Interrogatory No. 14 on the grounds that the Defendant claims the interrogatory seeks mental impressions and legal strategy of counsel, which would be protected by the attorney-client privilege or work product doctrine. The Plaintiffs argue that this interrogatory does not seek privileged information but rather seeks information that is relevant and material to the central issues in the case. Defendant's objection should be overruled for the following reasons: The Interrogatory does not seek privileged information: The Plaintiffs' question asks why, if Defendant claims to have a legal right to work on Wise Lane through a permit from Dorchester County, Defendant is nevertheless suing the County. This question does not delve into the Defendant's mental impressions or legal strategy regarding the lawsuit against Dorchester County. Rather, it seeks to understand the factual basis and logical reasoning behind Defendant's actions. Specifically, it seeks clarity on why Defendant would pursue a legal action against Dorchester County if they already claim to have a legal right to work on the road, which is an important and fundamental question regarding Defendant's legal standing. This question is directly relevant to the Plaintiffs' claim that Defendant does not have a valid legal right to access Wise Lane. If Defendant asserts that they have a valid permit from Dorchester County to access the road, the fact that Defendant is simultaneously suing the County calls into question the validity of that claim and may indicate that Defendant's permit is disputed, nonexistent, or insufficient. The answer could reveal that Defendant lacks the legal basis they claim for their actions. Understanding why Defendant is suing Dorchester County could potentially reveal inconsistencies in their position, which is critical to Plaintiffs' argument. This interrogatory is focused on facts and the relationship between the Defendant's actions and their claims. Defendant's decision to sue Dorchester County is a factual inquiry and not a request for insight into Defendant's legal reasoning or strategy. For the reasons stated above, Plaintiffs respectfully request that the Court overrule Defendant's objection that the interrogatory seeks privileged information and order Defendant to respond to the interrogatory fully and completely, providing the factual basis for why they are suing the County if they claim to already have a legal right to work on Wise Lane.

Interrogatory 15: Plaintiffs acknowledge that the exhibit was inadvertently omitted from the original interrogatory. As a result, Plaintiff now provides **Exhibit #E10-3**, which clearly shows the installation of water pipes and fire hydrants on Weir Street, the focus of the question. The interrogatory seeks to understand whether Defendant's installation of these utilities on Weir Street indicates an intention to turn left onto Wise Lane, who funded the work on Weir Street, and whether it was paid for with Defendant's private money or Dorchester County funds. Plaintiffs believe that this inquiry is crucial to understanding the legality of Defendant's activities, given the nature of the DV Timber subdivision and its funding structure. Defendant objects that the interrogatory is overbroad. Plaintiffs disagree. The question is narrowly focused on

Defendant's actions on Weir Street, including whether the installation of utilities such as water pipes and fire hydrants is indicative of an intent to turn left onto Wise Lane, who funded the work on Weir Street, and whether the work was financed with Defendant's private funds or Dorchester County funds. The question is highly relevant and specific to this case because it directly relates to the legality of Defendant's actions particularly in light of the potential conflict between public funding rules and Defendant's private status as an HOA subdivision. Defendant has also claimed that the question is unduly burdensome. Plaintiffs respectfully contend that the question is straightforward and does not impose an undue burden on Defendant. The information sought is factual, and it pertains to whether the installation of utilities on Weir Street suggests an intent to turn left onto Wise Lane, who funded the work, and whether it was financed by Defendant or County funds. This information should be within Defendant's knowledge or readily accessible through construction records, plans, or communications. It is a simple factual inquiry that should not require significant effort to answer. Defendant further objects that the interrogatory is vague because the exhibit was not initially attached for reference. As noted above, **Exhibit #E10-3** is now attached and provides the necessary context. The exhibit clearly shows the specific installations that are the subject of the inquiry. The reference to the exhibit should eliminate any vagueness, as it directly addresses the work that is the focus of the question. The question is now clear: Does the installation of these utilities on Weir Street suggest Defendant's intent to turn left onto Wise Lane? Who funded the work on Weir Street, and was it paid with Defendant's private money or Dorchester County funds?

Plaintiffs believe that Defendant's installation of water pipes and fire hydrants on Weir Street is highly relevant because Defendant's actions may not comply with laws governing public roads, particularly those that require public taxpayer funding for any work performed on county roads. Since Defendant is a private HOA subdivision, not a public entity like Dorchester County, Plaintiffs are entitled to investigate whether Defendant's actions and permits are consistent with these legal requirements. This inquiry is vital for determining whether Defendant has unlawfully performed work on a public road or attempted to access private roads (such as Wise Lane) without proper legal rights or permits. The question is necessary to challenge the legality of Defendant's permits and to determine whether Defendant's actions are consistent with the law, which restricts private entities from performing work on county roads unless funded by taxpayer money. For the reasons stated above, Plaintiffs respectfully request that the Court overrule Defendant's objections regarding overbreadth, undue burden, and vagueness, and order Defendant to fully respond to Interrogatory No. 15.

Interrogatory 16: Plaintiffs respectfully object to Defendant's objections regarding the request for information concerning whether Defendant holds a legally enforceable permit to work on Weir Street and who signed the application for such a permit. Plaintiffs assert that the objection is without merit for the following reasons: The information sought is not unduly burdensome. Plaintiffs are simply requesting confirmation as to whether Defendant holds a legally enforceable permit for the work performed on Weir Street and the identity of the individual who signed the application for such a permit. This is a basic factual inquiry that should be easily accessible to Defendant through their records, plans, or communications. Defendant's objection that the term "legally enforceable" is vague is misplaced. Plaintiffs are referring to an official permit that would have been issued by the relevant local or county authority allowing Defendant to perform work

on Weir Street. This is a straightforward inquiry into whether Defendant has a valid permit for the work, and the use of the term "legally enforceable" is simply to ensure that the permit in question is valid and properly issued, as opposed to a potentially informal or improperly issued permit. Plaintiffs believe that Defendant does not possess a valid permit for the work done on Weir Street. The inquiry regarding Defendant's permit is relevant because it is directly related to whether Defendant's actions are lawful. If Defendant lacks a valid permit for Weir Street, it may constitute a violation of local, county, or state laws. The absence of such a permit would be highly significant in understanding the legality of Defendant's actions, especially given that Plaintiffs have already requested, through a request for production, that Defendant produce any permits for Weir Street. Defendant's failure to provide such a permit further supports Plaintiffs' concerns that Defendant may not have obtained the proper legal authorization to perform work on Weir Street. The request is reasonably calculated to lead to the discovery of admissible evidence. Permits for work performed on public or private property are typically considered public records, and confirming the existence or lack thereof of a permit can lead to the discovery of critical evidence regarding the legality of Defendant's actions. If Defendant does not possess the required permit, this information could have significant implications for the claims at hand. While Defendant asserts that property surrounding Weir Street or permits obtained from Defendant are not at issue in the case, the issue of whether Defendant holds a valid permit for work on Weir Street is directly relevant. This is not a matter of surrounding property but rather the specific work performed by Defendant, which may involve violations of laws governing permits and encroachments on public or private roads. As such, the request is entirely within the scope of discovery and directly related to the matter at hand. For the reasons stated above, Plaintiffs respectfully request that Defendant's objections be overruled and that Defendant be compelled to fully respond to the request, specifically providing information regarding the existence of a permit for the work on Weir Street and the identity of the person who signed the application.

Interrogatory 17: Plaintiffs acknowledge that the US Army Corps of Engineers application was not initially attached to the interrogatory. Plaintiff now provides **Exhibit E10-4**, which is the US Army Corps of Engineers application. Plaintiffs respectfully object to Defendant's objections regarding Interrogatory No. 17, which seeks clarification regarding the streets listed in the US Army Corps of Engineers application. Specifically, Plaintiffs request that Defendant fully respond to the interrogatory and provide details about which streets are listed in the application, particularly in regard to whether Weir Street and Wise Lane were excluded from the application. Plaintiffs assert that this information is highly relevant to the case for the following reasons: Plaintiffs believe that the omission of Weir Street and Wise Lane from the US Army Corps of Engineers application is directly relevant to the legality of Defendant's actions. If these streets were not included in the application, it raises serious questions about whether Defendant followed proper legal procedures and obtained the necessary approvals to perform work on those roads. This omission could suggest that Defendant's work on Weir Street and Wise Lane was unauthorized under the application or that the application itself may be incomplete or inaccurate. Plaintiffs contend that Weir Street and Wise Lane are located within a wetland area, and therefore, work performed on these streets would likely require specific approval from the

US Army Corps of Engineers. If Weir Street and Wise Lane were excluded from the US Army Corps of Engineers application, it would raise further concerns about whether Defendant has complied with the necessary environmental regulations for work in such sensitive areas. The permits for Helms Drive and Trinity Drive, which are located to the north of Wise Lane, are provided by the US Army Corps of Engineers, suggesting that Defendant's work should be limited to these areas and not extend south to Wise Lane and Weir Street. Clarifying which streets are listed in the application helps Plaintiffs assess whether Defendant's actions are compliant with applicable permits and legal requirements. Plaintiffs believe that some of the permits granted to Defendant may be illegal, incomplete, or nonexistent, especially in relation to Weir Street and Wise Lane. Therefore, identifying whether these streets were excluded from the application is crucial in determining whether Defendant has violated any applicable laws or permits in relation to their DV Timber subdivision project. Plaintiffs respectfully disagree with Defendant's objections of overbreadth and vagueness. The request is narrowly focused on identifying which streets were included in the US Army Corps of Engineers application and whether Weir Street and Wise Lane were excluded. This is a clear and specific inquiry that directly relates to the legitimacy of Defendant's actions in performing work on these streets. Defendant further objects that the interrogatory is vague because the exhibit was not initially attached for reference. As noted above, **Exhibit E10-4** is now attached and provides the necessary context. The request for this information is not unduly burdensome. The relevant details regarding which streets were listed in the application and the reasons for any exclusions should be readily accessible to Defendant, either through their records or communications with the US Army Corps of Engineers. This is a straightforward factual inquiry that should not require significant effort to answer. For the reasons stated above, Plaintiffs respectfully request that the Court overrule Defendant's objections regarding overbreadth, undue burden, and vagueness, and order Defendant to fully respond to Interrogatory No. 17, confirming which streets are listed in the US Army Corps of Engineers application and providing any relevant details regarding the exclusion of Weir Street and Wise Lane from the application.

Interrogatory 18: Plaintiffs respectfully object to Defendant's objections regarding the interrogatory asking whether Defendant's attorney Thomas Harper, in an email attached as **Exhibit E10-5**, explicitly stated to Plaintiffs' former attorney Landon Brock that Wise Lane would only be used for the installation of water and sewer pipes and that there would never be any allowance for vehicle travel. Defendant objects on the grounds that no exhibit was enclosed and that the interrogatory is patently vague. Plaintiffs assert that Defendant's objections are without merit for the following reasons: While **Exhibit E10-5** was not initially attached in the original question, Plaintiffs acknowledge this oversight and provide the exhibit here for clarity. The reference to the email of Defendant's attorney Thomas Harper and Plaintiffs' former attorney Landon Brock should now provide the necessary context for the question, and there should be no ambiguity regarding the statement in question. The inquiry is specific and is focused on confirming whether Defendant's attorney Thomas Harper made the explicit statement regarding the use of Wise Lane only for water and sewer installation with no future allowance for vehicle travel. The question is highly relevant to the case. Plaintiffs seek to understand whether Defendant's actions align with the representations made by Defendant's attorney Thomas Harper to Plaintiffs' former attorney Landon Brock. If Wise Lane is truly intended only for water

and sewer installation, Plaintiffs question why Defendant is not using Helms Drive & Trinity Drive that is the deeded access and the deeded address for the D V Timbers HOA private subdivision for the installation, especially if Plaintiffs believe that Defendant has a valid permit for Helms Drive and was approved by the US Army Corps. The statement made in the email may be crucial to understanding Defendant's intentions and whether they are attempting to use Wise Lane for purposes beyond the scope of the originally stated plans, potentially without a valid permit. Plaintiffs do not believe that Defendant intends to limit the use of Wise Lane solely to water and sewer installations. Plaintiffs believe Defendant may be attempting to use Wise Lane for additional purposes specifically, vehicle travel which would contradict the statement made by Defendant's attorney Thomas Harper. Additionally, Plaintiffs are concerned that Defendant may be attempting to access Wise Lane without a legal permit because using Helms Drive would create a landlocked situation for the DV Timber subdivision. The inquiry seeks to confirm Defendant's actions in relation to the representations made by its attorney Thomas Harper and whether those actions are consistent with applicable laws and permits. Defendant's objection that the interrogatory is vague is without merit. The question clearly seeks to confirm whether Defendant's attorney Thomas Harper made the statement regarding Wise Lane and its intended use. The reference to **Exhibit#E10-5** provides the necessary context, and the question is straightforward. There is no vagueness regarding the intent of the inquiry. The question is not unduly burdensome. Defendant should have access to this communication from their own attorney Thomas Harper, and it should be a simple matter to confirm whether the statement in the email is accurate. For the reasons stated above, Plaintiffs respectfully request that Defendant's objections be overruled, and that Defendant be compelled to fully respond to this interrogatory, confirming whether the statement made by Defendant's attorney Thomas Harper in the email to former Plaintiffs attorney Landon Brock is accurate and providing any relevant details surrounding Defendant's plans for Wise Lane.

Interrogatory 19: Defendant objects that the term "legal encroachment permit" is vague. Plaintiffs' respectfully clarifies that the inquiry refers to the permit issued to Defendant for Helms Drive/Trinity Drive for their subdivision improvements, which Plaintiffs believe may be the only legitimate permit Defendant has for constructing infrastructure in the area. The question is not vague; it is asking a straightforward inquiry about why Defendant is not using the roads as required by the permit. The question is relevant to this case because Helms Drive/Trinity Drive appears to be the approved route for infrastructure installation based on the encroachment permit. Plaintiffs believe that this permit is the only legitimate basis for Defendant's actions. By not using these roads, Defendant may be violating the terms of the permit or acting outside the scope of their legal authorization. This is a direct factual inquiry regarding Defendant's actions in relation to the permitted project sites, particularly Helms Drive/Trinity Drive. Plaintiffs' believes that this question is highly relevant because the encroachment permit could be the only legitimate basis for Defendant's infrastructure improvements, and the failure to use the designated roads raises significant concerns. The Plaintiffs seek to understand why Defendant is not following the terms of what appears to be a legitimate encroachment permit for their subdivision improvements. Defendant argues that the question is overbroad. Plaintiffs' respectfully contends that the question is narrow and specific. It asks why Defendant is not using Helms Drive/Trinity Drive as stated in the permit, not about any other unrelated matter.

The inquiry is directly tied to Defendant's adherence to the encroachment permit and whether they are using the approved route for their construction activities. This is a targeted question about the implementation of the permit terms and is not overly broad. Defendant claims that the question is unduly burdensome. Plaintiffs' argue that this objection is without merit. The inquiry is about Defendant's reasoning for not following the terms of the permit, which should be within their knowledge and easily answered. The question does not require Defendant to review large volumes of documents or conduct significant research, but instead simply asks for an explanation of their actions. Defendant is in the best position to know and explain why they have chosen to deviate from the terms of the permit. Understanding why Defendant is not following the permit is crucial to determining whether Defendant's actions are lawful and consistent with the requirements of their encroachment permit. This could have significant implications for the legality of the work being done in the DV Timber subdivision, particularly if the only legitimate permit Defendant has does not allow for work on any other roads. For the reasons stated above, Plaintiffs respectfully request that the Court overrule Defendant's objections regarding overbreadth, undue burden, and vagueness and order Defendant to fully respond to Interrogatory No. 19, explaining why they are not using Helms Drive/Trinity Drive as the permit requires for the installation of water and sewer infrastructure.

Interrogatory 20: Plaintiffs respectfully object to Defendant's objections regarding the question of why Defendant opted to remove their sanitary sewerage pump station in the major modification plan after receiving approval for the engineering design plan and obtaining all legally enforceable permits to proceed with the project on Helms Drive/Trinity Drive. Defendant has objected on the grounds that the question is overbroad, unduly burdensome, vague as to "legally enforceable encroachment permit," and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs assert that Defendant's objections are without merit for the following reasons: Plaintiffs' question is clear and specific. It seeks to understand why Defendant removed the sanitary sewerage pump station from the original plan after receiving approval for Helms Drive/Trinity Drive and why Defendant made the significant decision to alter the plan, despite already having legally enforceable permits for the original plan. Additionally, Plaintiffs are asking why Defendant did not continue with Helms Drive/Trinity Drive, which was part of the original plan rather than making the major modification and shifting the project focus south to include Weir Street and Wise Lane, which introduced further complications and land disturbance. The removal of the sanitary sewerage pump station and the decision to add more land disturbance suggest significant changes to the approved plans, which raises concerns about the legality and justification for these changes. The original plan for DV Timber HOA private subdivision was under the previous owner, BRD Land & Investments, and included a sanitary sewerage pump station. BRD Land & Investments were issued a permit under that original plan, including a U.S. Army Corps of Engineers permit and a Dorchester County encroachment permit to do work on Helms Drive, Trinity Drive, and Scotch Range Road. This is reflected in the permit application with the applicant name Kevin Burreli dated 07/05/2022, as shown in **Exhibit #E10-6**. After Defendant took over BRD Land & Investments in August 2023, Defendant filed for a Major Modification Plan. At this point, Defendant shifted their focus from the northern portion of the project, which included Helms Drive, Trinity Drive, and Scotch Range Road, to the southern portion, adding Weir Street and Wise Lane to the project scope.

Additionally, Defendant removed the sanitary sewerage pump station and added 7.5 more acres of land disturbance to the modified plan. Plaintiffs seek to understand why Defendant made these significant changes. Specifically, why did Defendant remove the sanitary sewerage pump station when the original plan already included such infrastructure? Why did Defendant not proceed with the original plan, especially when Helms Drive and other roads had already been approved with the necessary permits? The changes introduced by Defendant such as the shift to Weir Street and Wise Lane and the added land disturbance raise important questions about whether these actions were justified, and if they were in violation of the permits granted under the original plan. The inquiry is highly relevant to the case because it directly questions the legality of Defendant's actions in modifying the original plan. The changes may indicate an attempt to circumvent the legal process or work outside the scope of the originally approved permits. Plaintiffs respectfully disagree with Defendant's objections of overbreadth and undue burden. The question is clear and focused on understanding the reasoning behind Defendant's decision to alter the original plans. Given that Defendant is in possession of the plans and approvals for the project, this information should be readily accessible and should not impose an undue burden on Defendant. Plaintiffs assert that the term "legally enforceable encroachment permit" is clear in context. Plaintiffs are referring to the permits for Helms Drive/Trinity Drive, which Plaintiffs believe are the only valid and legally enforceable permits for Defendant's project. The term is consistent with the inquiry's focus on the original plan that was approved by relevant authorities. The information sought is highly relevant and is calculated to lead to the discovery of admissible evidence. Understanding why Defendant altered their original plans and removed key components, such as the sanitary sewerage pump station, is crucial to determining whether Defendant's actions were in compliance with the law, including whether Defendant is attempting to circumvent necessary permits or alter their project inappropriately. For the reasons stated above, Plaintiffs respectfully request that the Court overrule Defendant's objections regarding overbreadth, undue burden, vagueness, and the reasonableness of the request, and order Defendant to fully respond to the interrogatory regarding why they opted to remove the sanitary sewerage pump station from the major modification plan, why they did not continue with Helms Drive & Trinity Drive, and why they pursued a major modification with additional land disturbance and changes in access when the original plan had already been approved and permits were in place.

Interrogatory 22: Plaintiffs object to Defendant's response that the information regarding the construction of a public road or the potential use of Wise Lane for access to the Defendant's landlocked wetland parcel may be derived from Defendant's business records or public records maintained by Dorchester County. Plaintiffs assert that the Defendant has not provided a direct and clear response to the specific inquiry regarding whether a public road will be constructed to provide access to the 10-acre wetland area or if such access will involve the Plaintiff's driveway, specifically Wise Lane. The Plaintiff further objects to the suggestion that the inquiry may be resolved through public records or Defendant's business records, as this does not provide the clarity or specificity required for addressing the Plaintiff's concerns about potential future access to their driveway on Wise Lane. Plaintiffs respectfully request that the Defendant provide a direct and unequivocal response to the question of whether a public road will be constructed or whether the Defendant intends to utilize Wise Lane for access to the Defendant's property, and

that this response be recorded for the record. Plaintiff seeks this clarification in order to resolve this matter promptly and definitively.

WHEREFORE, Plaintiffs respectfully request that this Court enter an order compelling Defendant to provide full and complete responses to Interrogatories No. 1, 2, 3, 4, 5,6,8,9,10, 11,13,14,15,16,17,18,19,20,and 22 and grant such further relief as the Court deems just and proper. **Exhibit A:** Attached Plaintiffs' First Set of Interrogatories

Exhibit B: Attached is Defendant's Response to Plaintiffs' Interrogatories,

Respectfully Submitted,
Attia Elbadawy and Lynne Chatlos
Plaintiffs pro se
493 Wise Lane
Summerville, SC 29483
843-641-8556
email: ala_international@yahoo.com



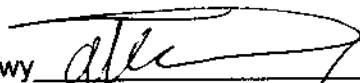
CERTIFICATE OF SERVICE

This is to certify that we have served a true copy of this Motion to Compel Interrogatories along with **Exhibit A** Plaintiffs' First Set of Interrogatories and **Exhibit B** Defendant's Response to Plaintiffs' First Set of Interrogatories to the Defendant D.R. Horton, Inc. this 7th day of April, 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
bmittchell@dorchestercountysc.gov
843.563.0097

Plaintiffs

Attia Elbadawy  04/07/2025

Lynne Chatlos  04/07/2025

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
)
)
 Attia Elbadawy and Lynne Chatlos,)
 Plaintiffs)
)
 v.)
)
 D.R. Horton, Inc.,)
 Defendant.)
 _____)
)
 D.R. Horton, Inc.,)
)
 Third-Party Plaintiff,)
 v.)
)
 Dorchester County,)
)
 _____)
 Third Party Defendant.)

IN THE COURT OF COMMON PLEAS

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

CERTIFICATE OF SERVICE

This is to certify that we have served a true copy of this Motion to Compel Interrogatories along with Exhibit A Plaintiffs' First Set of Interrogatories and Exhibit B Defendant's Response to Plaintiffs' First Set of Interrogatories to the Defendant D.R. Horton, Inc. this 7th day of April, 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 APR -7 PM 4: 11

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, INC)
Defendants)


CERIFICATE OF SERVICE

D.R. Horton
Third-Party Plaintiffs,
v
Dorchester County
Third-Party Defendants

This is to certify that I have served a true Copy to the Defendants listed below, 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

Attia Elbadawy 

Lynne Chatlos 
Date: April 7, 2025
493 Wise Road
Summerville, SC 29483
Ph#: 843-641-8556
ala_international@yahoo.com

2025 APR -7 PM 4: 11

CLAUDE GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

EXHIBIT # 10



Dorchester County

ENCROACHMENT PERMIT

Permit # 202403578
Issued Date 04/24/2024

Category Encroachment Contact Jacob Lemus
Business STANTEC

E10
-1

Permit Details

Job Address DV Timbers Scope Other
TMS Number Work Start Date 04/03/2023

Description

New 73 lot subdivision connecting to Helms Drive and Trinity Drive and establishing two new County Roads within the subdivision that have associated curb and gutter and drainage systems. New water and sewer utilities throughout the development. A new sewer forcemain extension on Wise Lane. New water main extensions on Helms Drive, Range Drive, Wise Lane, Weir Street, and Twin Lakes Drive.

Conditions

In compliance with your request and subject to all the provisions, terms, conditions, and restrictions stated in the application and special provisions below or attached hereto, the County approves the request. This permit is valid for a period of twelve (12) months from the date of approval.

The undersigned hereby makes application for a permit to complete the above described work on the stated premises, and agrees, in consideration of issuance of this permit, to do only the work specified herein and to faithfully comply with all applicable codes and ordinances as set forth by the State of South Carolina and Dorchester County. I have read and understand the aforementioned

Applicant Jacob Lemus Date 04/24/2024

Contractor / Agent / Owner

Address 4969 Centre Pointe Drive Suite 200 Telephone 8034638242 Email jacob.lemus@stantec.com
North Charleston SC 29418

2025 APR -7 PM 4:11
CLERK OF COURT
DORCHESTER COUNTY

APPLICATION FOR ENCROACHMENT PERMIT

E10-2
B

Encroachment Permit General Provisions

2025 APR -7 PM 4:11

1. **NOTICE PRIOR TO STARTING WORK:** Before starting the work contemplated, the County shall be notified 24 hours in advance so that a representative may be present while the work is underway.

CREATE GRAPHIC
CHECKS OF COURT
DO NOT SIGN

2. **PERMIT SUBJECT TO INSPECTION:** This permit shall be kept at the site of the work at all times while said work is underway and must be shown to any representative of the County or law enforcement office upon request.

3. **PROTECTION OF PUBLIC:** Adequate provisions shall be made for the protection of the public at all times. Where applicable, necessary detours, barricades, warning signs, and flagmen shall be provided by and at the expense of the permittee and shall be in accordance with the South Carolina Manual on Uniform Traffic Control Devices. The work shall be planned and carried out so that there will be the least possible inconvenience to the public. The permittee agrees to observe all rules and regulations of the County while carrying on the work contemplated herein and take all other precautions that circumstances warrant.

4. **STANDARDS OF CONSTRUCTION:** All work shall conform to approved plans and recognized standards of construction and shall be performed in a workmanlike manner. Adequate provisions shall be made for maintaining proper drainage. All work shall be subject to the supervision and satisfaction of the County.

5. **PAVEMENT CUTS AND ROADWAY SURFACE:** No pavement shall be cut unless specifically authorized herein. When pavement cuts are approved the following standards must be followed unless stated otherwise. After excavation of pavement cut, ditch is to be completed with flow-able fill or compacted to 95% density in layers not exceeding eight inches (8"), the last eight inches (8") of fill material shall be suitable aggregate base per SCDOT standard specifications latest edition, or three inches (3") asphaltic base material. A suitable surface treatment of two inches (2") of Plant Mix Asphalt shall be placed on surface of said excavation within fourteen (14) days after finishing work.

6. **EXCAVATION:** There shall be no excavation of soil nearer than two feet of any public utility line or appurtenant facility except with the consent of the owner thereof, or except upon special permissions of the County after an opportunity to be heard is given the owner of such line or appurtenant facility.

7. UTILITY WORK:

- a) Work shall be performed in accordance with the SCDO's "A Policy for Accommodating Utilities on Highway Rights-of-Way."
- b) Pole(s) and/or Post(s) shall be placed at the distance from the centerline of the right-of-way or easement as specifically stipulated herein.
- c) All tunneling, boring, or jacking shall be done in such a way as not to disturb the roadway surfacing and maintain a minimum depth of two feet (2') under ditch lines.
- d) No pavement shall be cut unless specifically authorized herein.
- e) No excavation shall be nearer than three feet to the edge of pavement unless specifically authorized herein.
- f) Underground facilities will be located at minimum depths as defined in the Utility Accommodations Manual for the surfaces - thirty inches (30") minimum for communication lines and thirty-six inches (36") for all other facilities.
- g) Service and other small diameter pipes shall be jacked, driven, or otherwise forced underneath the pavement.
- h) Warning tape shall be placed directly over all water lines, sewer lines, mains, power lines, and fiber optic lines at a depth of eighteen inches (18") below the finish surface grade.
- i) No road may be closed unless specifically authorized herein.

DRH 000005

Elo-2
C

APPLICATION FOR ENCROACHMENT PERMIT

8. **MAINTENANCE PERIOD:** The applicant of this permit is responsible for maintaining the excavation for a period of one (1) year after the issuance of this permit. The permittee will be released after one (1) year of satisfactory performance work upon approval of the Public Works Director.

9. **BEAUTIFICATION WORK**

- a) All trees, plants, flowers, etc., shall be placed in accordance with the provisions specifically stipulated herein.
- b) All trees, plants, flowers, etc., shall be cared for by and at the expense of the permittee and the provisions of this permit shall become null and void if and when the permittee ceases to properly care for said trees, plants, flowers, etc...

10. **FUTURE MOVING OF PHYSICAL APPURTENANCES:** If, in the opinion of the Public Works Director or his/her appointee, it should ever become necessary to move or remove the physical appurtenances, or any part thereof contemplated herein, on account of repair of drainage facilities, change in location of the roadway, widening of the roadway, or for any other sufficient reason, such relocation shall be done on demand of the County at the expense of the permittee.

11. **RESTORATION OF ROADWAY AND/OR FACILITIES UPON MOVING OR REMOVING PHYSICAL APPURTENANCES:** If, and when, the physical appurtenances contemplated herein shall be moved or removed, either on the demand of the County or at the option of the permittee, the roadway and/or facilities shall immediately be restored to their original condition at the expense of the permittee.

12. **COSTS:** All work in connection with the construction, maintenance, moving, or removing of the physical appurtenances contemplated herein shall be done by and at the expense of the permittee.

13. **PERMITTEE:** The work "Permittee" used herein shall mean the name of the person, firm, corporation, or public utility to which this permit is addressed, as well as his/her/its, heirs, successors, and assigns.

14. **COUNTY:** For the purpose of this permit, the work "Department" and/or "County" shall mean Dorchester County Public Works and the Transportation Department.

15. **ACCESS:** Permittee is responsible for maintaining reasonable access to private driveways during construction.

16. **PERMISSION OF ABUTTING PROPERTY OWNERS:** It is distinctly understood that this permit does not in any wise grant or release any rights lawfully possessed by the abutting property owner(s). Any such rights necessary shall be secured from said abutting property owners by the permittee.

17. **APPROVALS:** The permittee shall be responsible for obtaining any other approvals or permits necessary for installation

DRH_000002

Elo-2
D

Prorock, John

From: mgoldston@dorchestercountysc.gov
Sent: 2025 APR -7 PM 11:11 AM Thursday, February 16, 2023 4:12 PM
To: Prorock, John
Cc: alyrd@dorchestercountysc.gov; alett@dorchestercountysc.gov
Subject: CLERK OF COURT - Dorchester County Encroachment Permit for Helms Drive
Attachments: DORCHESTER COUNTY 230741_0.pdf

Permit Number: Issued

Permit Type: Encroachment

Address: Helms Drive

Description: New 73 lot subdivision connecting to Helms Drive and Trinity Drive and establishing two new County Roads within the subdivision that have associated curb and gutter and drainage systems. New water and sewer utilities throughout the development. A new sewer forcemain extension on Wise Lane. New water main extensions on Helms Drive, Range Drive, Wise Lane, Weir Street, and Twin Lakes Drive.

Mike Goldston, PE
Engineering Manager
Dorchester County Public Works
mgoldston@dorchestercountysc.gov

Caution: This email originated from outside of Stantec. Please take extra precaution.

Attention: Ce courriel provient de l'extérieur de Stantec. Veuillez prendre des précautions supplémentaires.

Atención: Este correo electrónico proviene de fuera de Stantec. Por favor, tome precauciones adicionales.





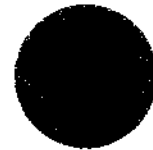
Installing water pipes/Hydrants on Weir St

WILMINGTON
MAGISTRATE COURT
DORCHESTER COUNTY

Defendants stopped at Wise Lane.

Why Is That?" INTENT" to take over

My private Driveway-Wise Lane



ASKING DORCHESTER
COUNTY ATTORNEY

REMOVE all Water Pipes/ Hydrants
Immediately,
REFUND BACK
Dorchester County
Taxpayers Account Funds.



2025 APR -7 PM 10:11

CLERK OF COURT
DORCHESTER COUNTY



DHEC OCRM State Coastal Zone Consistency (CZC) Certification Request Form

Project Name:
DV Timbers Subdivision

Applicant Information:
Contact Name Michael Condon
Address ~~1000 W. ...~~
Phone # 843-530-0147
E-mail bmcondon@drhorton.com

Agent/Engineer Information:
Contact Name Bryan Kizer P.E. - Stantec
Address 4969 Centre Pointe Dr, North Charleston, SC 29418
Phone # 843-740-6328
E-mail Bryan.Kizer@stantec.com

Site details:
Location/Address ~~SE of ... Dr. and ...~~
~~Intersection~~

County: Dorchester County

TMS: ~~134-00-00-000~~

Type of Permit Requested:
(ex. Landfills, Mining, Wastwater, etc.)
NPDES Stormwater (Land Disturbance), Water PTC, Wastewater PTC, USACOE NWP

Name of Permitting Authority(s):
(ex. DHEC Bureau of Water)
DHEC Bureau of Water, OCRM, USACOE

Description of Proposed Activity(s):
● including total disturbed area, name of and distance to nearest water body, and onsite non-jurisdictional wetland impacts and acreage.
This application is for the DV Timbers Subdivision. The project is to include site development for 73 single family residential lots and necessary utility extensions to service said lots. New infrastructure includes storm drainage, water supply, ~~and sanitary sewer~~. The total area of the proposed site is 57.4 acres, while the total disturbed area is 45.1 acres. Impervious area to be added to the site is 7.0 acres. There will be jurisdictional wetlands located within the site area. All wetland disturbance is permitted under the USACOE Nationwide Fill Permit. All wetland impacts are reflected on the Notice of Intent (NOI) copied on this submittal. This is a NON-MS4 project, thus the stormwater technical review will be done by SCDHEC. Dorchester County Engineering will also be providing a stormwater technical review as the project will go through their TRC review process.

The site is about 321 feet away from Cypress Swamp and around 690 feet from Hurricane Branch.

All applicable Project Policy Checklist(s) that apply to the proposed project must be submitted with this request form. (See www.scdhec.gov/environment/ocrm/czc for available Policy Checklists)

Submitted By: Bryan Kizer P.E. - Stantec Consulting Services Date: 10/10/2023

From: Landon Brock
Sent: Friday, August 30, 2024 12:24 PM
To: Andy Garsea <ala_international@yahoo.com>
Subject: RE: Evolve Project 9306: DV Timbers Subdivision - Wise Road(Lane)
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
' 843-851-9900
7 843-851-9044
lbrock@wiggerlawfirm.com

2025 APR -7 PM 1:11
CLERK OF COURT
DORCHESTER COUNTY

APPLICATION FOR ENCROACHMENT PERMIT



Dorchester County Public Works
Transportation Department
2120 East Main Street, Dorchester, SC 29437
(843) 832-0070 office - (843) 832-0064 fax
(843) 563-0070 office - (843) 563-0064 fax



Applicant Name: BBD Land & Investment
Address: 234 Kingsley Park Drive, Suite 110
City, State & Zip: Fort Mill, SC 29715
Contact Number: 843-593-7950
Road Name: Scotch Range Rd, Helms Dr, Trinity Dr
Subdivision: Helms Dr.
Nearest Int. Rd:
Email Address: mark@chsland.com

1 The undersigned applicant hereby applies to Dorchester County Public Works and the Transportation Department for a permit to encroach on the County right-of-way or easement as shown and described herein:

2 Encroachment Type: [] Driveway [X] Other

3 Description and details of proposed encroachment and installation (attach drawings showing the encroachment on the right-of-way or easement).

4 The undersigned applicant hereby requests Dorchester County Public Works and the Transportation Department to permit encroachment on the County's right-of-way or easement as described herein. It is expressly understood that the encroachment shall be installed in accordance with the description and details attached hereto and made a part hereof, including the General Provisions and Special Provisions. The applicant agrees to assume any and all liability that may be caused by the construction, maintenance, use, moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify Dorchester County from any liability incurred or injury or damage sustained by reason of the past, present, or future existence of said appurtenances.

Applicant Printed Name & Date: Kevin Burrell 7-5-22

Applicant(s) Signature & Title: [Signature] GP

Area Below For County Use Only:

In compliance with your request and subject to all the provisions, terms, conditions, and restrictions stated in the application and special provisions below or attached hereto, the County approves the request. This permit is valid for a period of twelve (12) months from the date of approval.

Special Provisions:

Approved by & Date: Mike Goldston 2/16/2023

Print Name & Title: Mike Goldston, Engineering Manager

2025 APR -7 PM 4: 12

CLERK OF COURT
DORCHESTER COUNTY

EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

2025 APR 10 - 7 PM 1:12
CLERK OF COURT
DORCHESTER COUNTY

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2024-CP-18-01459

Attia Elbadawy and Lynne Chatlos,

Plaintiffs,

v.

D. R. Horton, Inc.,

Defendant.

**DEFENDANT D.R. HORTON, INC'S
ANSWERS TO ATTIA ELBADAWY AND
LYNNE CHATLOS' FIRST SET OF
INTERROGATORIES**

D.R. Horton, Inc.,

Third-Party Plaintiff,

v.

Dorchester County,

Third-Party Defendant.

TO: ATTIA ELBADAWY AND LYNNE CHATLOS:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure (hereinafter "SCRCP"), the undersigned attorney for D.R. Horton, Inc. (hereinafter "Defendant" or "DRH"), hereby responds to Plaintiffs Attia Elbadawy and Lynne Chatlos' (hereinafter "Plaintiffs") First Set of Interrogatories as follows:

GENERAL OBJECTIONS TO INTERROGATORIES

1. Defendant objects to the Interrogatories to the extent that they purport to impose obligations beyond those imposed by the SCRCP.
2. Defendant objects to the Interrogatories to the extent that they request information which is protected by the attorney-client privilege and/or the work product doctrine and/or any other applicable law, rule, or privilege.

3. Defendant objects to the Interrogatories to the extent that the requested information is equally available to Plaintiffs, on the grounds that producing such information is unnecessary, unduly burdensome, and harassing.

4. Defendant objects to the Interrogatories to the extent Defendant seeks information which is in the possession of Plaintiffs or persons or entities other than Defendant.

5. Defendant objects to the Interrogatories to the extent that they seek information which is not relevant to issues in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that they are overbroad, oppressive, vague, and unduly burdensome and would impose upon Defendant an unreasonable burden of inquiry.

6. Defendant objects to the Interrogatories to the extent that they seek information without regard to any time period limitation and are therefore not reasonably calculated to lead to the discovery of admissible evidence.

7. Defendant objects to the Interrogatories to the extent that they seek information which calls for a legal conclusion by Defendant.

ANSWERS TO 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?

ANSWER: Defendant objects to Interrogatory No. 1 to the extent that it seeks information which is protected by attorney-client privilege and/or work product doctrine and/or any other applicable law, rule, or privilege under South Carolina law. Subject to and without waiving the foregoing objections, the undersigned counsel prepared responses to these interrogatories and submitted the same to Plaintiff based on information from one or more

employees and/or agents of DRH. The undersigned attorney's address is included in the signature block below. All communication related to this matter shall be made with the undersigned. DRH reserves the right to supplement these responses at a later date.

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.

ANSWER: Defendant is not aware of any written or recorded statements at this time. Additionally, all parties named in this action may be witnesses concerning the facts of this case. Defendant identifies the following witnesses:

a) Plaintiff Attia Elbadawy, located at 493 Wise Road, Summerville, South Carolina 29483.

~~---b) Plaintiff Lynne Chatlos, located at 493 Wise Road, Summerville, South Carolina 29483.~~

c) One or more representatives of D.R. Horton, Inc., to be contacted through the undersigned counsel, who may be called to testify concerning matters, including but not limited to, permits received by DRH from Dorchester County for construction of DV Timbers tract of land adjacent to Plaintiffs' property, and efforts to address the concerns raised by Plaintiffs. An appropriate representative(s) will be provided upon request for a Rule 30(b)(6) deposition.

d) One or more representatives of Dorchester County, to be contacted through its counsel, who may be called to testify concerning matters, including but not limited to, permits granted to DRH by way of assignment for construction of DV Timbers Subdivision.

e) **One or more representatives of Stantec Consulting Services, Inc. ("Stantec"), to be contacted through its counsel. DRH is under information and belief that Stantec was responsible for preparing the planning and zoning documents for Dorchester County, stormwater analysis for South Carolina Department of Environmental Control, and sewer and water testing along with providing engineering services to Dorchester County.**

Defendant reserves the right to call as a witness at the trial of this case any and all parties to this case and/or their representatives, any and all persons identified in discovery in this action by any other party, and any and all persons identified or referenced in any document production produced by any party in this action. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

--- 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?

ANSWER: Defendant objects to Interrogatory No. 3 on the grounds that it requests information which is in the possession of persons/entities other than DRH. Subject to and without waiving the foregoing objections, DRH is the owner of DV Timbers tract located adjacent to Plaintiffs' property and does not self-perform work including any site work, the installation of new water lines, and sewer improvements. Therefore, this information is in possession of persons and/or entities other than DRH. DRH is aware that during efforts to develop its property as permitted by applicable governmental bodies, Plaintiffs constructed a gate across Wise Road to prevent public use of and access over/across/through Wise Road; such gate and road not being located on Plaintiffs' property and D.R. Horton contends

installation of the "gate" is neither lawful or prope under the circumstances. Such installation of the gate was an obstacle and/or encumbrances that prevent DRH and the public access to a public road dedicated for such access and use. Defendant craves reference to documents bates numbered DRH_ 000001 to DRH_ 000159, being produced in response to Plaintiffs' Rule 34 Requests for Production. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to Interrogatory No. 4 on the grounds that it requests information, which is in possession of Third-Party Defendant Dorchester County, therefore this Interrogatory should be directed towards Dorchester County. Subject to and without waiving the foregoing objections, the gate constructed by Plaintiffs across Wise Road was not on Plaintiffs' Property and was preventing access to Wise Road (also commonly referred to by Plaintiffs for unknown reasons as "Wise Lane"). Defendant craves reference to documents bates numbered DRH_ 000001 to DRH_ 000095, being produced in response to Plaintiffs' Rule 34 Requests for Production. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 5 on the grounds that it is unduly burdensome and is vague as to "legally enforceable" encroachment. Subject to and without waiving the foregoing objections, Wise Road is identified in the AMI Plat. The AMI Plat includes a declaration that, "American Mortgage & Investment, Co. hereby dedicates all

roads, streets, and easements, as shown, to the public for their use forever.” This declaration affects the Plaintiffs’ Property. Additionally, Dorchester County granted DRH encroachment permits pertaining to *inter alia*, Wise Road, for the purpose of construction or otherwise installing new water and sewer improvement. Further, Defendant craves reference to the Pleadings in this case which contain such records. Reference may also be made to documents bates numbered DRH_000001 to DRH_000095, being produced in response to Plaintiffs’ Rule 34 Requests for Production. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 6 on the grounds that it is unduly burdensome and is vague as to “legally enforceable” encroachment permit and DRH ability to “enforce” said permit. Subject to and without waving the foregoing objections, please refer to Defendant’s answer to Interrogatory No. 5. Further responding, DRH contends all permits germane to this matter were lawfully obtained and are enforceable hence the claims asserted by DRH against Plaintiffs and Dorchester County in its pleadings. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 7 on the grounds that the first sentence of the same is not a question that can be or permits response of DRH. Further

objecting, the scope of this interrogatory is vague and/or otherwise unclear and asks DRH to provide legal opinions. Without further specificity from Plaintiffs, DRH is unable to ascertain as to what permitting Plaintiffs inquire about. Subject to and without waiving the foregoing objections, DRH generally contends all permits that it or its subcontractors and/or consultants have obtained related to the DV Timbers tract development are lawfully issued by applicable governing bodies/agencies. Please also refer to Defendant's answer to Interrogatory No. 5. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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.

ANSWER: Defendant objects to this Interrogatory No. 8 on the grounds that it is unduly burdensome, vague as to "that day" and "Why did they choose to do that" and "enforceable permit," and seeks information which is in the possession of persons/entities other than DRH. Subject to and without waiving the foregoing objections, DRH is the owner of DV Timbers tract and does not self-perform development work including sitework, the installing of new water lines and sewer improvement. Therefore, DRH is upon information and/or belief the information sought is in the possession of persons and/or entities other than DRH. Subject to the foregoing, as a general statement DRH attempts to keep neighboring property owners at arm's length and attempt to amicably work through neighboring owners concerns. Further, Defendant craves reference to documents bates numbered DRH_000098 to DRH_000159, being produced in response to Plaintiffs' Rule 34 Requests for Production.

DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: No. The road now commonly known as "Wise Road" is identified in the AMI Plat. The AMI Plat includes a declaration that, "American Mortgage & Investment, Co. hereby dedicates all roads, streets, and easements, as shown, to the public for their use forever." To DRH's current knowledge, and without intending any admission of fact or liability, the permits lawfully obtained thus far allow access within the Wise Road rights of way for installation of essential infrastructure, provided the disturbed area is reasonably repaired/restored. Further, Defendant craves reference to documents bates numbered DRH_000007 to DRH_000095, being produced in response to Plaintiffs' Rule 34 Requests for Production. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

10. Did Defendant, D.R. Horton, Inc. know that Wise Lane was a dirt road?

ANSWER: Yes. Defendant craves reference to documents bates numbered DRH_000007 to DRH_000095, being produced in response to Plaintiffs' Rule 34 Requests for Production. The road condition is made abundantly clear through physical observation. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 11 on the grounds that it is overbroad, unduly burdensome, calls for a legal conclusion, and is vague as to date, time or reason for which the alleged meeting took place. Further responding, DRH is upon information and belief Mr. Chris Hill is not a project manager. DRH further denies and objects to any implication created by this Interrogatory. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

12. If Defendant, D.R. Horton, Inc. had the legal right to work on Wise Lane, then why does EXHIBIT I-1 clearly indicate that Chris Hill accepted an agreement to compensate the Plaintiffs, as demonstrated in the email?

ANSWER: Defendant objects to this Interrogatory No. 12 on the grounds that it is unduly burdensome, vague as to “legal right” and “agreement” and calls for a legal conclusion. Subject to and without waiving the forgoing objections, in Plaintiffs’ Exhibit I-1, Mr. Hill does not accept an agreement for compensation the Plaintiffs, but informs the Plaintiffs that Wise Road is a public road, no damages were seen in the pictures provided by Plaintiffs (as the photos taken are within the Dorchester County Public Right of Way), and DRH had the right and approval to clear and complete construction activity in Dorchester County’s public right of way. The referenced communication inquires about potential avenues to resolve Plaintiffs’ disputes and position (although DRH does not admit to any liability to Plaintiffs and contends Plaintiffs’ position is contrary to South Carolina law). DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 13 on the grounds that it is unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence as Amanda Wise is not a party to this lawsuit, nor is property owned by Ms. Wise a subject of issue in this case. Further responding, subject to the foregoing objections, despite any attempts to amicably resolve this matter, DRH maintains that all permits were issued to DRH and/or others by applicable governing bodies/agencies. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: DRH objects to this interrogatory to the extent the same seeks mental impressions and legal strategy of counsel, the same being protected or otherwise privileged. As a part of DRH Counterclaims against Plaintiffs, DRH has filed for a Declaratory Judgement to be made as to (1) the validity and enforceability of AMI's dedication of Wise Road and the extent of rights associated therewith as they pertains to the parties to this case as well as the public at large, (2) Dorchester County properly issued permits to DRH, (3) DRH's conduct was in accordance with the permits, and (4) the Plaintiffs blocked or otherwise preventing access and use of Wise Road was a legal interference with DRH legal and just use and access of Wise Road. Additionally, DRH requested an order enjoining the Plaintiffs from performing any further construction on Wise Road, requiring the Plaintiffs to remove the encumbrances that prevent DRH and the public access to the use of Wise Road, and forbidding the Plaintiffs from unlawful interference with DRH's lawful and just operations with respect to development of the DV Timbers Subdivision. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 15 on the grounds that it is overbroad, unduly burdensome, and vague as "Exhibit #" was not attached for reference. As such, DRH cannot ascertain the information sought by the Plaintiff. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

16. Does D.R. Horton possess a legally enforceable encroachment permit to work on Weir Street and who signed the application?

ANSWER: Defendant objects to this Interrogatory No. 16 on the grounds that it is unduly burdensome, vague as to "legally enforceable" encroachment permits, and is not reasonable calculated to lead to the discovery of admissible evidence, as property surrounding Weir Street or permits obtain by DRH regarding Weir Street are not at issue in this case. Subject to and without waiving the foregoing objections, DRH contends the permits that were issued related to the DV Timbers tract are public records available to Plaintiffs upon request, the scope of which are contained therein and the extent of use for such permits dictated or approved by governmental authorities. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 17 on the grounds that it is overbroad, unduly burdensome, and vague as "U.S. Army Corps of Engineers Application" which was not attached for reference. As such, DRH cannot ascertain the information sought

by the Plaintiffs. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

18. In the emails found in EXHIBIT#J.1, 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?

ANSWER: DRH objects to this interrogatory on the grounds that no Exhibit "#J.1" was enclosed for DRH's reference in response. Accordingly, this interrogatory is patently vague such that DRH is unable to respond given presented information. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 19 on the grounds that it is overbroad, unduly burdensome, vague as to "legal" encroachment permits and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, DRH received approval for the engineering plans and permits from Dorchester County prior to the attempted installation of new water lines and sewer improvement near Wise Road. Further, Defendant craves reference to documents bates numbered DRH_000007 to DRH_000088, being produced in response to Plaintiffs' Rule 34 Requests for Production. Further responding, if such a permit exists as Plaintiffs elude or allege, the same does not mandate the only legally permitted manner or methods for installation of infrastructure improvements. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 20 on the grounds that it is overbroad, unduly burdensome, vague as to "legally enforceable" encroachment permits and is not reasonably calculated to lead to the discovery of admissible evidence. Further objecting, DRH objects to and disputes any implication that any road or lane is privately owned by Plaintiffs. Subject to and without waiving the foregoing objections, please refer to Defendant's answer to Interrogatories Nos. 5 and 19. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Defendant objects to this Interrogatory No. 21 on the grounds that it is overbroad, unduly burdensome, vague as to "preferential treatment" and "what is the real issue here" and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, please refer to Defendant's answer to Interrogatories Nos. 5 and 19. DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

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?

ANSWER: Answer to this Interrogatory may be derived or ascertained from DRH's business records produced in response to Plaintiff's requests for production. Defendant craves reference to documents bates numbered DRH_000007 to DRH_000097, being produced in response to Plaintiffs' Rule 34 Requests for Production. Specific reference may be made to subdivision plans. Further inquiry may be made by Plaintiffs reviewing public records maintained by Dorchester County (such documents/records not being in the possession of DRH). Further responding, DRH objects and disputes any contention by Plaintiffs that any portion of Wise Road is a private driveway owned by Plaintiffs (as is well supported by document submitted in DRH's pleadings in this matter). DRH reserves the right to supplement and/or amend its response(s) hereto at a later date.

Defendant expressly reserves the right to supplement, clarify, revise, or correct any and all answers and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental answer(s) up to and through the date of trial and/or as provided by any scheduling order.

(Signature Page as Follows)

KENISON, DUDLEY & CRAWFORD, LLC

s/Kathryn L. Harden

John T. Crawford, Jr. (SC Bar # 69682)

Mark A. Bible, Jr. (SC Bar #101624)

Kathryn L. Harden (SC Bar #103217)

325 W. McBee Avenue, Suite 301

Greenville, SC 29601

Telephone: (864) 242-4899

Facsimile: (864) 242-4844

crawford@conlaw.com

bible@conlaw.com

harden@conlaw.com

Attorneys for Defendant D.R. Horton, Inc.

March 14, 2025
Greenville, South Carolina

2025 APR -7 PM 4:12

CLERK OF COURT
DORCHESTER COUNTY

EXHIBIT A

STATE OF SOUTH CAROLINA)
 COUNTY OF DORCHESTER)
 CIVIL ACTION No.: 2024-CP-18-01459
 CHESTER COUNTY
 DORCHESTER COUNTY

Attia Elbadawy and Lynne Chatlos,
 Plaintiffs

v.

D.R. Horton

Defendant.

D.R. Horton

Third-Party Plaintiff,

v.

Dorchester County,

Third Party Defendant.

2025 FEB 14 PM 11:12
 CIVIL ACTION
 CHESTER COUNTY
 DORCHESTER COUNTY

INTERROGATORIES TO 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 #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 #12, 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
