

**RECEIVED**

**May 13 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

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Hon. Maite Murphy, Circuit Court Judge  
Appellate Case No.: 2025-001299

Attia Eldabawy and Lynne Chatlos,

Petitioners/Appellants,

v.

D.R. Horton, Inc.,

Respondent

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MOTION TO VACATE TEMPORARY INJUNCTION

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Respondent D.R. Horton, Inc. hereby moves to vacate the temporary injunction described by the Court of Appeals in its Order filed August 13, 2025, attached hereto as Exhibit "A". The motion should be granted because the condition required by the Court of Appeals has been fulfilled by the circuit court in its Order filed December 17, 2025, attached hereto as Exhibit "B". Accordingly, the temporary injunction imposed by the Court of Appeals should be

vacated and the circuit court's May 6, 2025 and June 23, 2025 Orders should be accorded full force and effect pending decision of the Court of Appeals on the issues under appeal.

May 13, 2026

s/Mark A. Bible, Jr.

Mark A. Bible, Jr. SC Bar 101624

John T. Crawford, Jr., SC Bar 69682

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Attorneys for Respondent, D.R. Horton, Inc.

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v.

D.R. Horton, Inc.,

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Proof of Service

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The undersigned does hereby certify that on May 13, 2026, a copy of the Motion to Vacate Temporary Injunction was served by email and United States Postal Service on Petitioners/Appellants, and filed by electronic email with the Clerk of Court for the South Carolina Court of Appeals.

May 13, 2026

s/Mark A. Bible, Jr.

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Attorneys for Respondent, D.R. Horton, Inc.

# The South Carolina Court of Appeals

Attia Elbadawy and Lynne Chatlos, Appellants,

v.

D.R. Horton, Inc., Respondent.

Appellate Case No. 2025-001299

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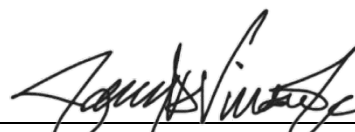
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## ORDER

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On July 18, 2025, Appellants filed a motion to stay the circuit court's May 6, 2025 and June 23, 2025 orders, which respectively denied Appellants' motion for a temporary injunction and/or preliminary injunction and denied Appellants' motion to reconsider the circuit court's order denying Appellant's motion for temporary injunction and/or preliminary injunction. On July 30, 2025, we construed Appellants' motion as a petition for a writ of supersedeas pursuant to Rule 241 of the South Carolina Appellate Court Rules requesting a temporary injunction, to which no return had been filed. The order imposed a temporary injunction and ordered Respondent to file a return and Appellants to file a reply, explaining the request for a writ of supersedeas would be considered upon receipt of the requested filings, which the court has now received.

After careful consideration, we continue the temporary injunction and remand to the circuit court to allow the circuit court to expeditiously review the petition for a writ of supersedeas, return, and reply, and determine whether the exhibits provided in those filings were part of the record before the court at its January 21, 2025 hearing. Appellants shall provide this court with a copy of the circuit court's written order making this determination within ten days of receipt. Following the circuit court's written order making this ruling, this court will consider the petition for a writ of supersedeas.

  
\_\_\_\_\_  
FOR THE COURT

J.

**FILED**  
**Aug 13 2025**

Columbia, South Carolina

cc:

Attia Elbadawy

Lynne Chatlos

Mark Anthony Bible, Jr., Esquire

John T. Crawford, Jr., Esquire

The Honorable Maite Murphy

The Honorable Cheryl L. Graham

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

C.A. NO. 2024-CP-18-01459

**RECEIVED**

**May 13 2026**

**SC Court of Appeals**

**ORDER**

This matter comes before the Court based upon the South Carolina Court of Appeals remand order with instructions to this Court entered in Appellate Case No. 2025-001299 (the “Appeal”) on August 13, 2025. The Court of Appeals has requested this Court “expeditiously review the petition for a writ of supersedeas, return, and reply, and determine whether the exhibits provided in those filings were part of the record before the court at its January 21, 2025 hearing.” The following sets forth details of this Court’s review and findings.

**SCOPE OF LOWER COURT REVIEW**

In response and as directed by the South Carolina Court of Appeals, this Court has reviewed: (i) the Plaintiffs’/Appellants’, Attia Elbadawy and Lynne Chatlos (“Appellants”), Motion to Stay Pending Appeal or petition for a writ of supersedeas entered on July 18, 2025 (the “Writ of Supersedeas”); (ii) Defendant’s/Respondent’s, D.R. Horton, Inc. (“Respondent”), return to

Appellants' petition for a writ of supersedeas entered on August 7, 2025 (the "Return"); (iii) Appellants Reply to Respondent's Return to Petition for Writ of Supersedeas entered on August 11, 2025 (the "Reply"); and (iv) the pleadings, memoranda, exhibits, and affidavits (collectively the "Motion Papers") having been filed, introduced into evidence, and/or relied upon by the parties regarding the Appellants Motion for Injunction heard on January 21, 2025, Circuit Court Judge, the Honorable Maite Murphy, presiding.

**RECORDS AND DOCUMENTS HAVING BEEN FILED OR PRESENTED TO THE  
LOWER COURT AS OF JANUARY 21, 2025**

By the time of this Court presided over the January 21, 2025 hearing on Appellants Motion for Injunction (the "Motion"), the following documents had been filed by Appellants and Respondent:

1. The Appellants' summons and complaint (the "Complaint") and Motion filed September 5, 2024. No exhibits were filed with the Motion, however, the Appellants did file Exhibits A-C with their Complaint. Exhibits A-C to the Complaint include (a) a letter from Dorchester County to Attia Elbadawy verifying the address to the Appellants' property; (b) a copy of a portion of an older plat showing the Appellants' property; and (c) a copy of what appears to be Dorchester County GIS imagery of the Appellants' property and/or adjacent property owned by Respondent;
2. The Respondent's answer, counterclaims and third-party complaint ("Answer") filed October 11, 2024 with Exhibits A-H thereto. Exhibits A-H to the Answer include: (a) a marked-up copy of the Complaint; (b) a recorded copy of Appellants deed; (c) a recorded copy of the 1967 Plat of American Mortgage and Investment Co. (the "Plat") showing the Appellants' property and the adjacent roadway (Wise Road a/k/a Wise Lane) which is the

subject of the underlying dispute (the “Road”); **(d)** applications for and approvals for encroachment permits for construction of new sewer force main extension and water main extensions on the Road; **(e)** a recorded copy of Respondent’s deed to its property; **(f)** portions of Respondent’s subdivision development plans; **(g)** screenshots of Dorchester County GIS imagery showing the Appellants’ and Respondent’s respective properties in relation to the Road; and **(h)** a copy of engineering and/or design documents from Stantec Consulting with a photograph showing the Road and a gate constructed across the Road by Appellants;

3. Appellants’ reply to Respondent’s Answer with “Exhibit 4” including subparts. “Exhibit 4” and subparts to the Appellants reply to the Answer includes approximately forty-three pages of “Exhibits” as follows: **(a)** a copy of a July 22, 2022 email from Wendy Creel (Dorchester County employee) (Exhibit 4.1); **(b)** a September 3, 2024 email from Derek McCoy (Dorchester County employee) evidencing the Road is a public right of way (Exhibit 4.2); **(c)** an August 22, 2024 email chain from Landon Brock (Appellants’ former counsel) conveying to Appellants communications between Mr. Brock and Dorchester County employees including Derek McCoy (Exhibits 4.3-4.6); **(d)** a September 29, 1987 letter from Dorchester County planning board to Marcia Wise naming the Road “Wise Lane” (Exhibit 4.7); **(e)** a copy of a survey or plat of unknown origin (Exhibit 4.8); **(f)** a copy of an email chain between Appellant (Attia Elbadawy) and Christopher Hill (Respondent Employee) from June 16, 2024 (Exhibit 4.9-4.10); **(g)** a copy of a November 1, 2024 e-mail from Attorney Christian Wall to Appellant (Attia Elbadawy) evidencing legal opinions which conflict with Appellants’ claims and position (Exhibit 4.11); **(h)** an August 30, 2024 email chain from Landon Brock (Appellants’ former counsel) stating legal

opinions which conflict with Appellants' claims and position (Exhibit 4.12); **(i)** a September 10, 2024 email chain between Appellant (Attia Elbadawy) and Attorney Thomas Harper (an outside counsel for Respondent) discussing the dispute over access and use of the Road by Respondent (Exhibit 4.13); **(j)** undated and unconfirmed citations to §38-21, §38-22, §38-23, §38-24, §38-25, §38-26, §38-27, §38-28, §38-29, §38-30, and §38-31 of the Dorchester County code of ordinances (Exhibit 4.14-4.25); **(k)** a citation to S.C. Code of Laws §56-5-450 (2012) (Exhibit 4.26); **(l)** a citation to S.C. Code of Laws §6-29-1170 (2019) (Exhibit 4.27); **(m)** undated and unconfirmed citations to §38-225 of the Dorchester County code of ordinances (Exhibit 4.28-4.30); **(n)** an undated photograph of the Road and the gate or fencing blocking access to the Road with a posted "No Trespassing" sign (Exhibit 4.31); **(o)** a copy of a September 5, 2024 and September 18, 2024 Dorchester County Sheriff's Office Incident Report (Exhibit 4.32-4.40); **(p)** an undated photograph of a prescription medication bottle (Exhibit 4.41); and **(q)** a compilation of several photographs showing heavy equipment and hand written notes by Appellants (Exhibit 4.42-4.43);

4. Appellants "Notice of Filing" filed January 10, 2025 containing Appellants Exhibit 5 (including subparts) without any description or reference to a motion or other pleadings such exhibit was submitted in support of or in opposition to any pending motion. Appellants' "Exhibit 5" includes approximately twenty-one (21) pages of "Exhibits" as follows: **(a)** a copy of an April 24, 2019 email chain between Dorchester County Public Works Department and Appellant (Attia Elbadawy) (Exhibit 5.1); **(b)** a purported copy of an January 31, 2019 email chain between Dorchester County Public Works Department and Appellant (Attia Elbadawy) (Exhibit 5.2); **(c)** a purported copy of a November 19,

2021 email between Kacy Byrd (purported Dorchester County employee) and Appellant (Attia Elbadawy) (Exhibit 5.3); **(d)** a purported citation S.C. Code of Laws §56-5-450 (2012) (Exhibit 5.4); **(e)** a copy of a July 22, 2022 email from Wendy Creel (Dorchester County employee) (Exhibit 5.5; same as Exhibit 4.1); **(f)** a purported November 19, 2021 email chain between Appellant (Attia Elbadawy) and Kacy Byrd (Exhibit 5.6); **(g)** a copy of an October 10, 2023 Coastal Zone Consistency Certification Request For executed by Stantec Consulting (Exhibit 5.7); **(h)** A copy of a October 10, 2023 Notice of Intent to develop letter from Stantec Consulting (Exhibit 5.8); **(i)** a copy of an August 30, 2024 email chain from Landon Brock (Appellants' former counsel) stating legal opinions which conflict with Appellants' claims and position (Exhibit 5.9; same as Exhibit 4.12); **(j)** an unverified recitation of purported law on expanding an easement (Exhibit 5.10); **(k)** a copy of a January 6, 2025 email between Appellant (Attia Elbadawy) and SCDOT customer support (Exhibit 5.11); **(l)** an undated, incomplete, and unverified portion of engineering designs with handwritten notes of Appellant (Exhibit 5.12); **(m)** unofficial citations to purported ordinance §9.6 of Dorchester County ordinances (Exhibit 5.13); **(n)** a copy of a letter dated February 17, 2023 verify Appellants' property address (Exhibit 5-14; same as Appellants' Reply to Respondent's Answer Exhibit A); **(o)** a purported copy of a January 10, 2023 permit for construction of an engineered septic system for Appellants' property (Exhibit 5.15); **(p)** arguments written by Appellants in support of Appellants' claims (Exhibit 5.16-5.18); **(q)** imagery or mapping details purporting to show locations of Appellants' property and neighboring properties including Respondent's property (Exhibit 5.19); and **(r)** a partial copy of the 1967 plat or survey of American Mortgage & Investment Co. (Exhibit 5.20);

5. Respondent's January 17, 2025 memorandum in opposition to Plaintiffs' Motion for Injunction including Exhibits ("Respondent's Memorandum in Opposition"). The Exhibits to Respondent's Memorandum in Opposition include the following: **(a)** Exhibit 1(a) – May 30, 2024 through June 3, 2024 email communications between Stantec Consulting and employees of Dorchester County regarding removal of Appellants' gate blocking access to the Road and Exhibit 1(b) a September 3, 2024 email between Appellant (Attia Elbadawy) and Dereck McCoy (Dorchester County Employee) stating, *inter alia*, the Road is a public right of way and not a privately owned road; **(b)** the January 17, 2025 Affidavit of Chris Hill (Respondent employee) with Exhibit 1 (Appellants' deed), Exhibit 2 (a recorded copy of the 1967 American Mortgage & Investment Co. Plat), Exhibit 3 (July 16, 2024 meeting minutes for meeting held between Stantec Consulting, Dorchester County, and Respondent's employees), and Exhibit 4 (a copy of engineering and/or design documents from Stantec Consulting with a photograph showing the Road and a gate constructed across the Road by Appellants); **(c)** the January 17, 2025 Affidavit of Kelsey Harper (Respondent employee) with Exhibit 1 (Dorchester County encroachment permit with April 24, 2024 issued date with application records) and Exhibit 2 (a recorded copy of the 1967 American Mortgage & Investment Co. Plat).

No additional Motion Papers were filed prior to or during the January 21, 2025 hearing of Appellants' Motion for Injunction. Notwithstanding the fact the above-referenced records were filed before the January 21, 2025 hearing, the Appellants did not introduce any exhibits or evidence during the January 21, 2025 motion hearing. Furthermore, Appellants did not seek leave of this Court to supplement its filings nor did the Appellants request this Court to consider filings made

after the January 21, 2025 Motion hearing in issuing its Order on the Appellants' Motion for Injunction.

Despite the Appellants not seeking leave to supplement the Court's record for consideration in the Court's analysis of Appellants' Motion for Injunction, and although this Court did not request supplemental records from the Appellants, after the January 21, 2024 Motion hearing Appellants made several filings including purported affidavits of Amanda Wise (dated January 24, 2025; filed January 24, 2025) and Steve Meyer (undated but filed February 6, 2025). Additionally, the Appellants made several post-hearing filings titled "Adding More Evidence" and "Plaintiffs Adding Additional Evidence", none of which having been referred to or entered into evidence by Appellants before or at the time of the January 21, 2025 Motion hearing.

**LOWER COURT'S REVIEW OF APPELLANTS' POST HEARING FILINGS IN  
SUPPORT OF MOTION TO RECONSIDER**

On May 6, 2025, this Court entered its order denying the Appellants' Motion for Injunction, heard by this Court on January 21, 2025. Thereafter, the Appellants, Lynne Chatlos and Attia Elbadawy made the following filings (insomuch as they are germane to the instant matter):

1. The purported affidavit of Lynne Chatlos dated May 14, 2025;
2. The purported affidavit of Attia Elbadawy dated May 14, 2025;
3. Appellants' "Motion to Reconsider Plaintiff for Temporary Injunction and/or Preliminary Injunction" filed May 14, 2025 (the "Motion to Reconsider"). Accompanying the Motion to Reconsider were several exhibits or documents which were not relied on or presented to the Court at the time of the January 21, 2025 Motion hearing. The Motion to Reconsider exhibits include the following: (a) a copy of a February 11, 2023 through February 18, 2023 email chain between Appellant (Lynne Chatlos) and Kyle Smith of Clayton Homes

(marked Exhibit 9/40, E9-37A, and E9-34A); **(b)** a copy of an application for encroachment permit associated with the Respondent's development activities, dated October 4, 2023; **(c)** a copy of an application for encroachment permit associated with the Respondent's predecessors' development activities, dated July 5, 2022 and approved by Dorchester County on February 16, 2023; **(d)** a copy of an issued encroachment permit associated with the Respondent's development activities, bearing issued date of April 24, 2024; **(e)** a copy of an undated purported e-mail between Appellant (Attia Elbadawy) and Chris Hill (Respondent employee) (marked Exhibit E7/9); **(f)** an incomplete copy of a May 15, 1970 resolution of American Mortgage & Investment Co. (marked Exhibit E9/21); **(g)** a purported citation to S.C. Code of Laws §6-29-1170 (2019); **(h)** a copy of a Dorchester County Address Notification Form (filed following an Exhibit "N" cover page, but marked as Exhibit E6-20); **(i)** a copy of a Dorchester County Planning Department letter dated September 29, 1987 to Marcia H. Wise in regard to naming the Road (marked Exhibit E6-21); **(j)** a copy of a Dorchester County Planning Department letter dated July 23, 1990 to in regard to naming the Road (marked Exhibit E6-19); **(k)** a copy of several purported, converted or copied communications between Appellants and Dorchester County attorney's office (date range November 8, 2024 through January 7, 2025); **(l)** a copy of a purported e-mail chain between Appellant (Attia Elbadawy) and neighboring property owner, Amanda Wise with purported communications with Dorchester County and Appellants handwritten notes (marked Exhibit E24, E6-15, E6-16, E6-17, and E6-18); **(m)** copies of several purported text message communications (marked Exhibit E6-1, E6-2, E6-3, E6-4, E6-5, E6-6, E6-7, E6-8, E6-9, and E6-10); **(n)** copies of Dorchester County probate records from the estate of Marcia H. Wise, deed to the property of Steven Meyer, deed to

Appellants' property including immediate predecessors in title, a deed to Sylvie Sirois, and a deed to Christopher Brown (filed following an Exhibit "D" cover page, but marked as Exhibits E9-18 A, B, and C); **(o)** the January 17, 2025 Affidavit of Kelsey Harper (filed following an Exhibit "C" cover page; filed in support of Respondent's Memorandum in Opposition to Motion for Injunction); **(p)** the January 17, 2025 Affidavit of Chris Hill (filed following an Exhibit "C" cover page; filed in support of Respondent's Memorandum in Opposition to Motion for Injunction); **(q)** copies of several partial plats, surveys, subdivision plans, and Google Maps imagery with Appellants' handwritten notes (filed following an Exhibit "H" cover page but marked Exhibits E19, E20); **(r)** copies of Dorchester County communications verifying Appellants' property address (dated February 17, 2023), a purported undated Tax Proration Agreement and Dorchester County Assessor billing (dated August 9, 2019), and select portions of Appellants' property closing file (filed following an Exhibit "M" cover page but marked Exhibits E6-24, E16, E3-9, E15, and E17); **(s)** a copy of a purported April 24, 2019 email between Appellant (Attia Elbadawy) and Dorchester County Public Works and a Prisma Health outpatient summary for Appellant (Lynne Chatlos) (filed following an Exhibit "W-2" cover page but marked Exhibits E5-1 and E10); **(t)** a copy of a January 24, 2025 Affidavit of Amanda Wise, February 14, 2025 Affidavit of Christopher Brown, an undated Affidavit of Steve Meyer, and a March 14, 2025 Affidavit of Mark Wapshare (filed following an Exhibit "W" cover page but marked Exhibits E11, E12, E13, and E14); and **(u)** copies of several photographs with handwritten notes and partial copies of miscellaneous surveys or plats (filed following an Exhibit "L" cover page but marked Exhibits E8, E5, E2, E1, and E23).

Upon this Court's review of the Appellants' filings in support of their Motion to Reconsider, it is undeniable that the Appellants presented multiple records which were not properly before this Court at the time of the January 21, 2025 Motion hearing.

**LOWER COURT'S REVIEW OF APPELLANTS' WRIT OF SUPERSEDEAS FILINGS,**

**RESPONDENT'S RETURN AND APPELLANTS' REPLY TO RESPONDENT'S**

**RETURN**

Upon the Lower Court's review of: (i) the Plaintiffs'/Appellants', Attia Elbadawy and Lynne Chatlos ("Appellants"), Motion to Stay Pending Appeal or petition for a writ of supersedeas entered on July 18, 2025 (the "Writ of Supersedeas"); (ii) Defendant's/Respondent's, D.R. Horton, Inc. ("Respondent"), return to Appellants' petition for a writ of supersedeas entered on August 7, 2025 (the "Return"); and (iii) Appellants Reply to Respondent's Return to Petition for Writ of Supersedeas entered on August 11, 2025 (the "Reply") in comparison to the filings made by Appellants as of the January 21, 2025 Motion hearing, it is abundantly clear that the Appellants have submitted or otherwise filed documents with the Court of Appeals which were not properly before the this Court for consideration as of the January 21, 2025 Motion hearing.

Appellants have filed documents, records or have otherwise entered "Exhibits" with the Court of Appeals that were: (i) not introduced in support of the Appellants' Motion for Injunction; (ii) not expressly referenced or relied upon during Appellants' oral arguments at the January 21, 2025 Motion hearing; and (iii) not moved into evidence by the Appellants during the January 21, 2025 Motion hearing. The Appellants' Writ of Supersedeas contains four hundred ninety-three (493) pages of exhibits or records presumably, upon which the Appellants' rely in support of the Writ of Supersedeas; at the time of the January 21, 2025 Motion hearing only approximately sixty-four (64) pages of "Exhibits" had been filed in the Lower Court by Appellants. An overwhelming

majority of the documents or “Exhibits” filed in support of the Appellants’ Writ of Supersedeas were not introduced or relied upon by the Appellants at the time of the January 21, 2025 Motion hearing. Further, the Appellants’ Reply contains multiple case law references and/or citations which were neither presented nor argued at the January 21, 2025 Motion hearing or the Appellants’ subsequently filed Motion for Reconsideration. The Appellants’ Reply also contains approximately nine (9) pages of “Exhibits” which include purported communications between the Appellants and representative or employees of Respondent and Dorchester County, some of which were filed with the Lower Court as of January 21, 2025, but were either not introduced into evidence and/or were not or expressly relied upon by the Appellants in support of their Motion.

### **CONCLUSION**

In conclusion, it is this Court’s finding that the Appellants (Attia Elbadawy and Lynne Chatlos) did not introduce into evidence any exhibits during their Motion for Injunction, held via Webex on January 21, 2025. However, the Appellants did verbally reference an “Exhibit”, but the Plaintiff was unsure as to its number and stated it was either Four or Five. There were some documents filed prior to the hearing of the Motion including: “Exhibit/Filings of Exhibits 1-3” and “Plaintiff’s notice of filing exhibit five”. These “Exhibits” were not properly moved into evidence. Upon review of the “Exhibits”, even if they were timely or properly moved into evidence, they would not have altered the Lower Court’s decision.

AND IT IS SO ORDERED.

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The Honorable Maite Murphy  
Presiding Judge

*[ELECTRONIC SIGNATURE PAGE FOLLOWS]*



Dorchester Common Pleas

**Case Caption:** Attia Elbadawy , plaintiff, et al VS D R Horton , defendant, et al

**Case Number:** 2024CP1801459

**Type:** Order/Other

So Ordered

s/ Maite Murphy 2166