

SOUTH CAROLINA COURT OF APPEALS

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Appellate Case No. 2025-001299

Jun 22 2026

SC Court of Appeals

Attia Elbadawy and Lynne Chatlos, Appellants

v.

D.R. Horton, Inc., Respondent

and

Dorchester County, Third-Party Respondent

EMERGENCY MOTION TO CONSOLIDATE APPEALS

Seeking Consolidation of Appellate Case No. 2026-001187 into Appellate

Case No. 2025-001299 and Designation of Appellate Case No.

2025-001299 as the Lead Appeal.

EMERGENCY MOTION

COMES NOW Appellant Attia Elbadawy, appearing pro se, and respectfully moves this Honorable Court for an Emergency Order consolidating Appellate Case No. 2026-001187 into Appellate Case No. 2025-001299 and designating Appellate Case No. 2025-001299 as the lead appeal, and in support thereof would respectfully show the Court as follows:

1. Appellate Case No. 2025-001299 and Appellate Case No. 2026-001187 arise from the same, Appellants, driveway Wise Lane property dispute.
2. Both appeals involve substantially overlapping parties.
3. Both appeals involve substantially overlapping witnesses.
4. Both appeals involve substantially overlapping exhibits, plats, deeds, easement records, county records, affidavits, photographs, and documentary evidence.
5. Both appeals concern ownership rights, access rights, easement rights, property interests, and the legal status of the Appellants driveway Wise Lane.
6. The ownership issues presented in Appellate Case No. 2026-001187 are inseparably intertwined with the issues presently pending before this Court in Appellate Case No. 2025-001299.

FACTUAL BASIS FOR CONSOLIDATION

7. Resolution of ownership issues in the quiet title appeal may directly affect and potentially resolve issues presently pending in the injunction appeal.

8. If the appeals proceed separately, the Court may be required to review substantially the same evidence and legal questions in separate proceedings

9. Separate proceedings create a risk of inconsistent rulings concerning ownership, access rights, easement rights, and property interests associated with the Appellants, driveway Wise Lane.

10. Consolidation would permit coordinated review of all issues relating to the Appellants, driveway Wise Lane by a single appellate panel.

11. Consolidation would promote judicial economy, reduce duplication of effort, conserve judicial resources, and avoid unnecessary expense and delay.

12. Because Appellate Case No. 2025-001299 was filed first and has already generated substantial appellate proceedings, Appellant respectfully requests that it remain the lead appeal.

AUTHORITY FOR CONSOLIDATION

Rule 42(a), South Carolina Rules of Civil Procedure, permits consolidation when actions involve common questions of law or fact.

These rules are intended to avoid duplication, unnecessary expense, delay, and inconsistent results. Because both appeals arise from the same, Appellants driveway Wise Lane dispute and involve overlapping legal and factual issues, consolidation is appropriate.

Rule 214, SCACR, provides that where the same questions are involved in two or more appeals, the appellate court may order the appeals consolidated. Consolidation is particularly appropriate where the appeals arise from the same underlying facts, involve overlapping parties, concern the same property, and present substantially similar legal issues. The United States Supreme Court has likewise recognized that courts possess broad authority to consolidate related proceedings in order to promote judicial economy, avoid duplication, and ensure consistent results. See *Johnson v. Manhattan Railway Co.*

Although *Johnson* involved federal practice, the same principles support consolidation where separate proceedings arise from a common controversy.

In the present matter, Appeal No. 2025-001299 and Appeal No. 2026-001187 both arise from the same Wise Lane dispute, involve substantially the same parties,

concern the same property rights and access issues, and require review of overlapping facts and legal questions. Consolidation will conserve judicial resources, eliminate duplicative briefing and reduce the risk of inconsistent rulings . The same property and underlying controversy. Accordingly, consolidation appropriate pursuant to Rule 214, SCACR.

EMERGENCY GROUNDS AND PRAYER FOR RELIEF

Emergency consideration is requested because both appeals are presently pending before the Court of Appeals. Consolidation now will avoid duplicative proceedings and reduce the risk of inconsistent appellate rulings.

WHEREFORE, Appellant respectfully requests that the Court consolidate Appellate Case No. 2026-001187 into Appellate Case No. 2025-001299, designate Appellate Case No. 2025-001299 as the lead appeal, permit coordinated review and briefing, and grant such additional relief as the Court deems just and proper.

Appellant,

Attia Elbadawy

attia elbadawy

And

Lynne Chatlos

Lynne Chatlos

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June 22, 2026

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Emergency Motion to Consolidate Appeals by depositing same in the United States Mail, postage prepaid, addressed as follows:

Dorchester County Attorney's Office

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Third-Party Respondent

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Counsel for Respondent D.R. Horton, Inc.

This 22nd day of June, 2026.

Appellants,

Attia Elbadawy attia elbadawy.

And

Lynne Chatlos Lynne Chatlos

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