

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appellate Case No. 2025-001299

ATTIA ELBADAWY and LYNNE CHATLOS,

Appellants,

v.

D.R. HORTON, INC.,

Respondent,

and

DORCHESTER COUNTY,

Third-Party Respondent.

MOTION FOR RECONSIDERATION

BACKGROUND

On April 17, 2026, the Appellants filed a Motion to Recognize Respondent Dorchester County in the lawsuit and in Case No. 2025-001299, which is in the Court of Appeals.

On September 5, 2024, the Appellants filed a Summons, Complaint, and a Motion for Injunction against Respondent D.R. Horton, Inc.

On October 12, 2024, Respondent D.R. Horton, Inc. filed the Summons and Counterclaim against the Appellants and Respondent

Dorchester County. Therefore, Respondent Dorchester County became the third-party defendant. Respondent Dorchester County also became part of the lawsuit in lower court Case No. 2024-CP-18-01459.

The lower court scheduled a January 21, 2025 virtual hearing on the Motion for Injunction. Respondent Dorchester County's lawyer, Bradley Mitchell, attended the hearing in support of Respondent D.R. Horton, Inc. During the hearing, the Appellants contend that he was dishonest with the Honorable Judge Murphy. He attended the hearing as part of the lawsuit, not as an observer or as one of the people in the audience, but as part of the lawsuit. See Exhibit A, the transcript.

On June 17, 2025, Respondent Dorchester County's lawyer, Bradley Mitchell, replied to and answered Respondent D.R. Horton, Inc.'s Counterclaim, which was eight months late, again in support of Respondent D.R. Horton, Inc. Therefore, Respondent Dorchester County is part of the lawsuit. See Respondent Dorchester County's June 17, 2025 Answer to Respondent D.R. Horton, Inc.'s Counterclaim, filed eight months late, Exhibit B.

Also, on June 18, 2025, at the virtual hearing on Respondent D.R. Horton, Inc.'s motion, Bradley Mitchell attended the hearing as part of the lawsuit, not as an observer or a witness, but as part of the lawsuit. See

Exhibit C.

On June 27, 2025, when the Appellants filed the Notice of Appeal, Respondent Dorchester County was included on the Notice of Appeal. See Exhibit D.

The Appellants served Respondent Dorchester County. On June 12, 2026, Respondent D.R. Horton, Inc. filed its Initial Brief and its Designation of Matter to Be Included in the Record on Appeal. Respondent D.R. Horton, Inc. included Respondent Dorchester County's June 17, 2025 Answer in its designation. The January 21, 2025 hearing transcript also shows that Respondent Dorchester County supported Respondent D.R. Horton, Inc. against the Appellants.

When the Appellants asked the Court of Appeals to recognize Respondent Dorchester County and compel Dorchester County to file its Initial Brief, the Court of Appeals denied the Appellants' request without explanation.

Therefore, Respondent D.R. Horton, Inc. is effectively fighting on behalf of Respondent Dorchester County. If Respondent Dorchester County is not part of the lawsuit, why did Respondent Dorchester County's lawyer attend the hearings and reply to Respondent D.R. Horton, Inc.'s Counterclaim? Why did Respondent Dorchester County support

Respondent D.R. Horton, Inc. against the Appellants if the County is not part of the lawsuit?

The Appellants request that the Court recognize Respondent Dorchester County in the Appellants' case and compel Dorchester County to file its Initial Brief.

APPLICABLE RULES AND AUTHORITIES

Rule 221(a), SCACR, provides that a petition for rehearing must state with particularity the points of law or fact that the Court is alleged to have overlooked or misapprehended. The point presented here is specific: the Appellants contend the Court overlooked or misapprehended Dorchester County's documented participation as a third-party defendant in the lower court action and as a participant in the appeal.

Rule 221(c), SCACR, addresses rehearing of motions. It provides that the appellate court will not entertain rehearing of a motion unless the action on that motion has the effect of dismissing or finally deciding a party's appeal. The Appellants respectfully submit that the denial at issue finally determined Dorchester County's status in this appeal and therefore warrants reconsideration.

Rule 240(c), SCACR, governs written motions in the appellate courts. It requires the grounds for the motion to be stated, a supporting memorandum with citation to authority, consecutively numbered pages, and proof of service. This Motion states the grounds, cites controlling appellate rules and related South Carolina authority, numbers every page, and includes a separate Certificate of Service.

Rule 203, SCACR, governs the Notice of Appeal and service. The Appellants rely on the Notice of Appeal and service history as additional record evidence that Dorchester County was treated as a party connected to this appeal.

Rule 262(b) and (c), SCACR, require proof of service and provide that service upon a represented party is made upon that party's attorney. The Certificate of Service identifies counsel for D.R. Horton, Inc. and counsel for Dorchester County.

Herron v. Century BMW, 395 S.C. 461, 715 S.E.2d 640 (2011), explains that a petition for rehearing must particularly identify the point allegedly overlooked or misapprehended. The precise issue here is whether Dorchester County should be recognized in the appellate caption and required to address its own participation in the lower court proceedings and appeal.

Kennedy v. South Carolina Retirement System, 345 S.C. 339, 549 S.E.2d 243 (2001), explains that rehearing is not intended simply to retry a case. The Appellants are not attempting to present a new claim. They ask the Court to reconsider a particular procedural ruling in light of the existing record showing Dorchester County's participation.

Jones v. Lott, 387 S.C. 339, 346, 692 S.E.2d 900, 903 (2010), states that an appellate issue should be distinctly presented so the reviewing court can immediately understand the point being raised. This Motion distinctly presents one question: whether Dorchester County should be recognized as the third-party respondent in this appeal.

ARGUMENT

Dorchester County was not a stranger to the lower court action. According to the record identified by the Appellants, D.R. Horton, Inc. named Dorchester County in its Counterclaim; Dorchester County filed an Answer to that Counterclaim; Dorchester County's attorney appeared at the January 21, 2025 and June 18, 2025 hearings; Dorchester County appeared on the Notice of Appeal; and Dorchester County's filing was designated for inclusion in the Record on Appeal.

These actions are inconsistent with treating Dorchester County as an observer or nonparty. A party that answers a counterclaim, appears through

counsel at hearings, and participates in matters included in the appellate record has directly participated in the litigation.

The Appellants therefore respectfully submit that the Court overlooked or misapprehended material facts concerning Dorchester County's procedural status when it denied the request to recognize Dorchester County without explanation.

Recognizing Dorchester County would not create a new lawsuit or inject a new claim. It would accurately reflect the party structure and participation that already existed in the lower court action and would allow the Court to receive Dorchester County's own position rather than leaving D.R. Horton, Inc. to address matters involving Dorchester County.

PRAYER FOR RELIEF

WHEREFORE, the Appellants respectfully request that this Court reconsider its prior ruling; recognize Dorchester County as the Third-Party Respondent in Appellate Case No. 2025-001299; correct the appellate caption accordingly; direct Dorchester County to file its own Respondent's Initial Brief or other appropriate response; and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Appellants,

Attia Elbadawy Attia Elbadawy

Lynne Chatlos Lynne Chatlos

CERTIFICATE OF SERVICE

WE CERTIFY that on July 20th, 2026, we served a true

and correct copy of the foregoing Motion for Reconsideration by
depositing the same in the United States Mail, first-class postage prepaid,
addressed as follows:

Respondent,

Kenison, Dudley & Crawford, LLC/Mark Bible

325 W. McBee Avenue, Suite 301

Greenville, South Carolina 29601

Counsel for Respondent D.R. Horton, Inc.

Third Party Respondent,

Dorchester County,

Dorchester County Attorney's Office

Bradley Mitchell

201 Johnston Street

St. George, South Carolina 29477

Counsel for Third-Party Respondent Dorchester County

Appellants,

Attia Elbadawy Attia Elbadawy

Lynne Chatlos Lynne Chatlos

493 Wise Road

Summerville, SC 29483

ala_international@yahoo.com

Appellants, **USPS Tracking®**
Attia Elbadawy & Lynne Chatlos

v

Respondents,
D R Horton, Inc

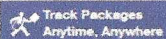
v

Third Party Respondents,
Dorchester County

South Carolina Court of Appeals CASE No: 2025-001299

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Served upon Dorchester County

- 1) Notice of Corrected Caption
- 2) Motion to Supplement the Record on Appeal.
- 3) Appellants Initial Brief

Respectfully submitted,

Appellants,
Attia Elbadawy *Attia Elbadawy*

and
Lynne Chatlos *Lynne Chatlos*
493 wise road
Summerville, SC 29483

ala_international@yahoo.com

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CHARLESTON SC PROCESSING CENTER
April 19, 2026, 4:35 pm

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EXHIBIT A

THE TRANSCRIPT

**FROM
JANUARY 21, 2025
HEARING**

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 1
COUNTY OF DORCHESTER) DOCKET NO. 2024-CP-18-01459

ATTIA ELBADAWY AND LYNNE CHATLOS,	)
Plaintiffs,	)
versus	)
	)
D.R. HORTON,	)
Defendant.	)

H E A R I N G
BEFORE THE HONORABLE MAITE MURPHY

DATE: JANUARY 21, 2025.
TIME: ***
LOCATION: South Carolina Circuit Court 1
TRANSCRIBED BY: Jackson Alexander

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
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APPEARANCES:

ATTIA ELBADAWY, PRO SE

LYNNE CHATLOS, PRO SE

Attorneys for the Plaintiffs,

MARK BIBLE, ESQUIRE

KENISON, DUDLEY & CRAWFORD, LLC

325 West Mcbee Avenue, Suite 301

Greenville, South Carolina 29601

Attorney for the Defendant.

ALSO ATTENDING:

BRAD MITCHELL, ESQUIRE

Deputy County Attorney for Dorchester County

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5

6 EXHIBITS

7 (None Marked)

8

9 EXAMINATION

10 (None)

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1 THE COURT: Next case.

2 THE CLERK: The next case up is case number
3 2024-CP-18-01458, Attia Elbadawy versus Dorchester County.
4 And there is also three motions on this case, Judge.

5 THE COURT: All right. Good afternoon. Who do we have
6 present for these matters?

7 MR. MITCHELL: Your Honor, this is Brad Mitchell, for
8 Dorchester County.

9 THE COURT: All right, Mr. Mitchell, can you turn on
10 your video?

11 MR. MITCHELL: I'm trying.

12 THE COURT: Okay.

13 MR. MITCHELL: It might be the snowstorm here in
14 St. George.

15 MR. BIBLE: Your Honor, I have -- this is Mark Bible on
16 behalf of D.R. Horton. There's actually two lawsuits filed
17 by the Plaintiffs. One against D.R. Horton, and one against
18 Dorchester County, both of which I think have motions for
19 temporary injunctions brought by the Plaintiffs.

20 THE COURT: Is the Plaintiff present?

21 MR. BIBLE: I see their names here, your Honor. Attia
22 and -- Attia Elbadawy and Lynne Chatlos.

23 MS. CHATLOS: Hello?

24 MR. ELBADAWY: Can you hear me?

25 THE COURT: It looks like you two have two different

1 lines going. We probably just need one to prevent the echo
2 from going. So make sure the other one is muted.

3 MS. CHATLOS: Come on now.

4 MR. ELBADAWY: Can you hear us?

5 THE COURT: Hello. Ma'am, is this the Plaintiff?

6 THE CLERK: Yes.

7 MR. ELBADAWY: Yes, I'm here. That's Attia.

8 THE COURT: I'm sorry. Can you identify yourself
9 again?

10 MR. ELBADAWY: Attia Elbadawy. Can you hear me?

11 THE COURT: Yes, I can.

12 MR. ELBADAWY: Okay. I'm the Plaintiff for this case
13 against the Dorchester County.

14 THE COURT: All right. And you've filed a motion for
15 an injunction; is that correct?

16 MR. ELBADAWY: Yes, that's correct, ma'am.

17 THE COURT: All right.

18 MR. MITCHELL: Your Honor, first, there's a motion to
19 dismiss because they failed to properly serve the county.
20 Pretty simple to Rule 4 for governmental subdivisions. You
21 have to serve the clerk or the chief administrative person of
22 the county. They served the planning director, and they
23 filed an affidavit state -- stating as much they actually
24 serve the assistant director at service upon administrator or
25 clerk of -- counsel or even the chairman was never made. We

1 ask that this case be dismissed for lack of service of
2 process.

3 THE COURT: Thank you, Mr. Mitchell.

4 Sir, did you hear that? What is your response as far
5 as --

6 MR. ELBADAWY: Yes.

7 THE COURT: -- the service of process?

8 MR. ELBADAWY: Well -- well, honestly, your Honor, when
9 we filed that, we don't know exactly where to send the -- the
10 motion. And we saw the planning and zoning, it's basically
11 the head of the Dorchester County because that's basically
12 what is the map -- alter the map there. And we don't know we
13 should send the -- the motion to the -- to the attorney or we
14 should send to the planning and zoning, you know,
15 commissioner. So the problem is they alter map, the -- the
16 -- they're changing my -- my driveway to a public
17 right-of-way.

18 THE COURT: Well, hold on a second, sir. First, we're
19 going to take these motions one at a time as far as --

20 MR. ELBADAWY: Sure.

21 THE COURT: -- they're listed on the docket. So the
22 first motion is the county's motion to dismiss for failing to
23 properly serve them pursuant to the rules of the South
24 Carolina rules of procedure. So what is your response as far
25 as just the proper service on the county?

1 MR. ELBADAWY: Okay. So is there any way we can, I
2 don't know, file -- because I don't have no lawyer, just do
3 not really know too much about the law. So is there any way
4 we can amendment (sic) and serve the right people? And also
5 I would like to join the two cases in one case: Horton and
6 Dorchester County.

7 THE COURT: All right. So -- so you've got a lot of
8 things going on here, and certainly you've chosen to
9 represent yourself at this stage. So you're held to the same
10 standard as if you were an attorney practicing law before the
11 court to --

12 MR. ELBADAWY: We couldn't find no lawyer. I'm -- I'm
13 sorry, ma'am. Yeah, we couldn't find a lawyer.

14 THE COURT: Okay. But I still must hold you to the
15 same standard --

16 MR. ELBADAWY: Right.

17 THE COURT: -- to follow the proper rules of procedure
18 and the rules of evidence. So as far as his motion to
19 dismiss, I'll have to look at the record. And if you did not
20 properly serve pursuant to the rules, then he likely is going
21 to win that motion. So, certainly, I would urge you to seek
22 legal counsel to look at your -- to look at your case so that
23 you properly have matters before the Court.

24 So I'll be happy to hear the arguments on the other
25 matters, though, just to prevent having to come back in case

1 something is missing from -- from the motion to dismiss based
2 on proper service. But, Mr. Mitchell, obviously, I'll take a
3 look at that, take that under advisement, but it appears that
4 at some point, I'll ask you to submit a proposed order.

5 MR. ELBADAWY: That's what I mean. Is -- that's what I
6 mean, is any way we can just resend the -- to the right
7 people in the county? It would be --

8 THE COURT: Again, I can't -- I can't give you legal
9 advice. I'm prohibited from doing that. What I can tell you
10 is I would urge you to seek legal counsel and, you know, the
11 South Carolina bar does have some contact information for
12 attorneys that could help you with these types of cases. And
13 that certainly might be a good resource for you to start with
14 and -- and starting to institute a legal action. Because it
15 -- it's very difficult if you're not an attorney because you
16 do have to know all the rules and follow them accordingly or
17 your case can -- can be dismissed for not following the
18 rules.

19 MR. ELBADAWY: Yeah. And just because it -- it's a lot
20 of stuff in this case, we -- we really would like to discuss
21 some with Mr. Mitchell, but, you know, to solve that problem.
22 But if -- if we're going to hit with, you know, rules and
23 stuff like that, I guess we have to redo the whole thing over
24 again or something, I guess.

25 THE COURT: I know it can be frustrating, sir, but

1 obviously I'm sworn to uphold the law and follow the rules,
2 and if they weren't followed, I -- I've got to do -- do what
3 the rules require me to do.

4 MR. ELBADAWY: Can you hear that?

5 MS. CHATLOS: Yes, I hear that.

6 MR. ELBADAWY: So what -- I'm sorry, ma'am, I can't
7 hear.

8 MS. CHATLOS: Thank you, ma'am.

9 MR. ELBADAWY: Okay. Yeah.

10 MS. CHATLOS: Go on to the next motion.

11 THE COURT: So, Mr. Mitchell, would that move the other
12 motions? (Inaudible).

13 MR. MITCHELL: So there's the two other motions. One
14 was injunction motion against the county, and that dismissal
15 would moot that one. The second one with Mr. Bible, that
16 one, I think, is a separate case under -- I think the last
17 two is 59 instead of 58.

18 MR. BIBLE: That's correct, your Honor.

19 THE COURT: All right, Mr. Bible.

20 MR. BIBLE: And it is -- in -- in this case, it's --
21 it's the Plaintiffs' motion against D.R. Horton, who I
22 represent.

23 THE COURT: All right, sir. So Mr. Attia, tell me your
24 issues regarding the --

25 MR. ELBADAWY: Yes.

EXHIBIT A

THE TRANSCRIPT

**FROM
JANUARY 21,2025
HEARING**

1 that. On the top of that, that's -- the area we live here,
2 it's a wetland. In the middle of that subdivision there's a
3 big sign saying "The end of the state maintenance," meaning
4 there is no public allowed beyond that point, and no
5 maintenance beyond that point, except just for the local
6 people. I don't know how Dorchester County gave them the
7 permit. I don't know how South Carolina even gave them the
8 permit.

9 Now, when they came here on the 26th, on July, 2024,
10 they harassed my wife. I wasn't here. So the -- the five
11 men around my wife here by herself, crying. She was crying -
12 - I mean, horrible thing. Doing some sexual remark. And she
13 put the guy on the phone. I told him, "You have to leave my
14 property right now. That's my driveway."

15 And he told me, "That's an easement. And that easement
16 belonged to Dorchester County." I told him, "Fine, go get
17 Dorchester County, and who you work for?" He told me, "I
18 work for Horton." I told him -- I told him, "You work for --
19 for Chris Hill then. I'm going to call Chris Hill, and I'm
20 going to let him know because we agree before anything, we
21 have to have a contract signed. And liability contract means
22 if somebody get hurt on that road, I am not responsible. And
23 that gate, it got to go back after the work done."

24 And we agree on that and is still sending the people.
25 After that, he apologized on and on and on, all the stuff

1 written on the emails. Then he keeps threatening me by the
2 law enforcement. If we're not going to intent (sic) that law
3 enforcement, some bad going to happen to me (sic) --
4 something bad. And that's recorded in one of the emails
5 there, I believe Exhibit 4 or Exhibit 5. He threatened me by
6 the law enforcement.

7 I told him, "Mr. -- Mr. Chris, I -- I'm willing to go
8 to your office in your downtown there, I'm meeting you there,
9 but I'm not going to meet you in the middle of the wood. And
10 the -- I know you don't have no permit. So that means the
11 cops know that, the law enforcement know you don't have a
12 permit, so you're going to bring me there. You don't afraid
13 to get arresting there? (Sic).

14 And he keeps threatening me that people will threaten
15 them on the phone. They will revenge. I told him -- maybe I
16 say some comment, but that comment I say to the -- the -- the
17 guy on the phone when he harassing my wife, I told him, "Hey,
18 listen, are you going to be happy if somebody can get shot by
19 -- by trespassing my -- my road like this? You're going to
20 be happy?"

21 And he told me, "Hey, when you cool off a little bit,
22 I'll call you back." I told, "Fine, when I cool off, you can
23 call me back, but I'm going to call Chris Hill." I did some
24 -- my -- just a habit. I used some F word, you know, I was
25 really mad from what happened. The guy broke the trust

1 -- broke the agreement. Then he told me, "Hey, listen, if
2 you not going to come to that meeting, something bad going to
3 happen to you." And I told him, "Listen Chris, I have to
4 work maybe on Monday, that's when? 29. Call me tomorrow and
5 let me know. I'll call you tomorrow." But I didn't call
6 him, but I send him an email.

7 I told him, "I'm not going to go to the -- meet you
8 with the law enforcement in the middle of the woods there.
9 That mean, you are going to terrify me and he's going to
10 force me to sign the contract. And if I not -- if -- if I
11 did not sign the contract, probably one of the law
12 enforcement will shoot me, kill me, and threw me (sic) in the
13 ditch there. But I will meet you and in your -- in your
14 office if you want to." And he said, "No need, we got to
15 meet there." I told him, "Listen, here is the two choices
16 you have" --

17 THE COURT: Mr. Attia, I -- I understand this has been
18 a frustrating process for you, but you filed a motion for an
19 injunction. You need to -- you know, stick your argument to
20 the basis for the -- for the release.

21 MR. ELBADAWY: The basis. Yes -- yes. The basis is --
22 I'm sorry, ma'am, for interrupting you. The -- I just didn't
23 know too much about the rules. I'm just, you know -- I never
24 even studied the law. They're forcing me to study the law
25 because all -- all this, I -- you have a -- an Exhibit 4, you

1 see at least eight lawyers scaring us. Two of them I can
2 prove through the email. You will read that through the
3 email. The -- this -- how they terrified us.

4 How he terrified us by the law enforcement also. And
5 I'm telling Mr. Mitchell, he's there. If you are aware of
6 that, if you know that, you should sue Horton because that's
7 your reputation of the law enforcement. But if you do not
8 suing (sic) them, so you know about, I'm sorry, that's the
9 feeling I have. And that's the kind of corruption. Again,
10 back to the point, D.R. Horton never secured a -- a -- an --
11 a contract with us. Keep telling us that the county
12 right-of-way. I told him, "Why you left if you have a permit
13 on the 26th then?"

14 MS. CHATLOS: Can I speak?

15 MR. ELBADAWY: If you have an -- my wife, she want to
16 speak a little bit, ma'am.

17 MS. CHATLOS: On July 26th, that was -- That's fine.
18 On the July 26th, that was a morning about eight o'clock of
19 Friday morning, it was raining and I was just going out to
20 the store. And I see a excavator on the property, a big
21 machine and a man, and he's starting to rip trees. And I
22 called my husband right away and I said, "There's somebody on
23 the property here, and they're starting to rip the trees down
24 our driveway."

25 And then I went out there and I told the guy, "You have

1 to stop what you're doing. You're not supposed to be here."
2 And because of the contract and everything -- you'll read
3 that through the emails. But he said he needed to call his
4 supervisor. And I'm on the phone with my husband. And then
5 over the other way, the entrance into D.H. (sic) Horton, four
6 guys came here, the supervisor and three other guys on one of
7 those golf cart eight -- you know, four-wheeler things. And
8 he got off, the one guy and the other three walked around my
9 house. I'm the only one out here. We're in the woods. I
10 really was threatened. It was a horrible day for me.

11 MR. ELBADAWY: Yeah -- yeah.

12 MS. CHATLOS: Sorry, I'd like you to talk.

13 MR. ELBADAWY: You -- you all right.

14 Yes, ma'am. So -- so -- so -- so --

15 THE COURT: And so I --

16 MR. ELBADAWY: Go ahead.

17 THE COURT: -- I'll certainly -- I'm going to take the
18 time to read everything that you have filed, but again --

19 MR. ELBADAWY: Please -- please.

20 THE COURT: -- I have to consider the legal parameters
21 of what you're asking for based upon your arguments. But
22 I'll take a look at everything you've filed, but I'm going to
23 ask Mr. Bible to please --

24 MR. ELBADAWY: Just if you --

25 THE COURT: -- let me know what --

1 MR. ELBADAWY: -- give me one more point.

2 THE COURT: -- his response is. Sir?

3 MR. ELBADAWY: One more point, I want to mention.

4 THE COURT: Yes, sir.

5 MR. ELBADAWY: The me -- they don't have no permit from
6 South Carolina DOT or -- or Dorchester County encroachment
7 permit. They send me some fake permit and also that area,
8 it's a flood area. They should have a permit from the Army
9 Corps Engineering, which they never have that permit from the
10 Army Corps Engineering. And a lot of violation going on.
11 The -- they alter the map, the changing -- the -- the -- the
12 rule of the easement, the county or -- or both of them. And
13 that's violation against 161310, which I believe it's a
14 crime.

15 THE COURT: Thank you, sir.

16 Mr. Bible, your response.

17 MR. ELBADAWY: Are -- are you talking to me or Mr. --

18 MS. CHATLOS: Mr. Bible.

19 MR. ELBADAWY: Oh.

20 MR. BIBLE: Yes, your Honor.

21 THE COURT: Mr. Bible. Yes, sir.

22 MR. BIBLE: My -- my apologies. My -- my computer
23 just, like, shut down during the middle of the -- the
24 Plaintiffs' discussion. But I -- I'll call it the back end
25 of it. But I'm happy to articulate D.R. Horton's position on

1 the matter to the degree that the Court allows me to.

2 Your Honor, just from a 30,000-foot view, the
3 Plaintiffs filed a motion for temporary injunction,
4 presumably, based on the premise of trespass. Your Honor,
5 there's a lot in that filing that really doesn't make much
6 sense to me, but I -- I pick up on the trespass portion
7 largely as it relates to what the Plaintiffs may have
8 referred to as "Wise Road and/or Wise Lane." I filed
9 responsive memorandum and opposition together with exhibits
10 and affidavits, all of which were served on the Plaintiffs,
11 well in advance of this hearing.

12 The important parts that I'd like to show the Court,
13 and I think it might be helpful actually if I share my -- my
14 screen with you, your Honor, so you can get a better
15 depiction of what's going on. And of course, these -- the
16 images that I'll show you are -- are also a part of the --
17 the filings in this matter. So I'm going to share my screen
18 real quick.

19 THE COURT: Yes, sir.

20 MR. BIBLE: Okay. Your Honor, can you see the imagery
21 -- GIS imagery on the screen?

22 THE COURT: Yes, sir, I can.

23 MR. BIBLE: Okay. All right. Just to give you a lay
24 of the land, you could see the Plaintiffs' properties are --
25 are right here where my cursor is. And then the D.R. Horton

1 track, my client's property, is adjacent to one of the
2 Plaintiffs' properties right here. The subject road, as I
3 refer to it in the memoranda, is Wise Road. It is right
4 here. It runs -- connects to Weir Street and runs all the
5 way over, terminating at the entry point to my client's
6 property.

7 Of course, the -- the Plaintiffs are largely alleging
8 that we have no rights or entitlements to be on this
9 particular road. And they've claimed many times over. And
10 -- and you'll see through their several filings that they're
11 contending that this is a private road such that they're able
12 to exclude others from it. So that -- that gives you a -- a
13 depiction of -- of the property that we're talking about.

14 And I'll move on now to show you, your Honor, a part of
15 the filings here, included an encroachment permit issued to
16 my client from Dorchester County. Myself and Mr. Mitchell
17 have had ample discussions regarding this matter, and I think
18 we're largely in -- in alignment with one another that Wise
19 Road, that runs beside the Plaintiffs' property, is a public
20 road that is privately maintained.

21 In other words, the county doesn't go on and pave the
22 road. It's a dirt road. It is -- the -- the property owners
23 around it that would typically maintain it, but it is a
24 public road, to be accessed by the public at large. Stemming
25 from that, the county issued an encroachment permit for the

1 construction of infrastructure that's associated with my
2 client's property. They're developing that chunk of land for
3 a single family residential subdivision. And part of that,
4 it needs necessary water and sewer infrastructure.

5 A portion of that sewer and water infrastructure
6 already lies next to Wise Road, along Weir Lane. The -- the
7 -- where it comes into a T. There is already infrastructure
8 there. So the premise for the application (inaudible).

9 MR. ELBADAWY: Do we have to (inaudible) to him? Do we
10 have to (inaudible) to him?

11 MS. CHATLOS: We'd like to object to this. This is not
12 realistic.

13 THE COURT: Mr. Attia, I gave you an opportunity to put
14 your matters --

15 MR. ELBADAWY: Yes. Okay. I see.

16 THE COURT: -- on the record. All right. And I'm
17 going to ask Mr. Bible to place his side on the record, and
18 then what I'm going to do is I'm going to take a look at all
19 of the filings and make a decision.

20 MS. CHATLOS: All right. Thank you.

21 THE COURT: But both sides will have an opportunity to
22 put -- put their matters on -- on the record. You may
23 continue, Mr. Bible.

24 MR. BIBLE: Thank you, your Honor. May it please the
25 Court? As I was alluding to the -- the premise behind

EXHIBIT A

THE TRANSCRIPT

**FROM
JANUARY 21, 2025
HEARING**

1 along Wise Road until the Plaintiffs constructed a gate that
2 blocked access to Wise Road. And that's where we ended up
3 here.

4 You can see through the communications that I've
5 included in the memoranda, as well as the affidavits that
6 were submitted with the Court, that the county's been in
7 several communications with the Plaintiff, indicating that
8 this road is a public road, although it is privately
9 maintained, and that they've issued an encroachment permit to
10 D.R. Horton for the purposes of constructing the water and
11 sewer infrastructure.

12 In fact, there's communications attached in the
13 memoranda dealing with how the county goes about, or how one
14 will go about removal of the Plaintiffs' gate that blocks
15 access, and blocks ingress and egress from the D.R. Horton
16 property for the purposes of installation of these necessary
17 improvements.

18 And to take this a step further, your Honor, the
19 Plaintiff, it appears -- I have attached the Plaintiffs' deed
20 in -- in the -- in -- in the answer to the complaint as well
21 as a part of the affidavit of Chris Hill. And what you find,
22 your Honor, is the Plaintiffs never -- when they acquired
23 their property in 2018, never had a boundary survey done.
24 Instead, what is in their chain of title is lacking -- as far
25 as updated documents and surveys.

1 Instead, their -- their -- their deed expressly
2 references a 1967 plat, where the original owner, the common
3 grantor of -- of the lands that the Plaintiffs own, and I
4 have them here highlighted on my screen. You can see Wise
5 Road is what I've highlighted in red, and then in yellow
6 here, that's the Plaintiffs' first property. And it is that
7 corner property. It -- it mirrors the GIS imagery that I
8 showed you earlier.

9 This is the only plat that's referenced in the
10 Plaintiffs' chain of title. And as you go down to the bottom
11 here, the common grantor, American Mortgage & Investment
12 Corp, hereby dedicates all roads, streets, and easements as
13 shown, to the public for their use forever. There is nothing
14 in the record, there's no evidence whatsoever that I've seen
15 -- and I've done a fair amount of research on this, to
16 evidence to me that there's ever been an abandonment of this
17 road. There's never been a statutory abandonment of this
18 road in accordance with 57-9-10, and there's never been any
19 actions to fight title or to dispute title related to the
20 road.

21 It has always been maintained as a public road since
22 its creation back in 1967, by virtue of this plat. Again, I
23 encourage if Mr. Mitchell wanted to speak up -- not holding
24 him to it, but I believe that the county agrees that this is
25 a -- a public road that is privately maintained.

1 So, your Honor, that's -- that's kind of the synopsis
2 in a nutshell. But as it pertains specifically to the -- to
3 the Plaintiffs' motion, they have an obligation to show unto
4 the Court to the extent that they're going to get any relief
5 -- injunctive relief. They have to show that there's been an
6 irreparable harm. There's been -- there's no adequate remedy
7 at law, and they're going to -- they have a likelihood of
8 success on the merits of the case.

9 And I don't believe -- based on the information that
10 I've presented to the Court, that they're going to be able to
11 satisfy any of those elements. And -- and just to -- to
12 briefly mention on irreparable harm, I -- I -- I think that
13 there's been no evidence submitted to the Court that there's
14 been a continued or an interrupted use of the road for the
15 Plaintiffs such that they're unable to access their property.
16 There's no allegations that we've damaged the road or the
17 Plaintiffs' property.

18 There's no evidence that the Plaintiffs actually own
19 the road. Because I have contrary evidence here that I've
20 presented to the Court that the road is dedicated, that the
21 boundaries of the Plaintiffs' property doesn't -- does not
22 extend into Wise Road. And in fact, it stops short of Wise
23 Road. All of the evidence thus far has been that the
24 Plaintiff -- that the Defendant -- D.R. Horton, have acted in
25 accordance with the county issue permit and encroached upon

1 THE COURT: All right. If we're just going to take,
2 like, a brief -- like, two-minute break, and then we'll be
3 right back up. Thank you.

4 (Off the record.)

5 THE CLERK: Hello, everyone. Are we ready to get
6 started here again?

7 MR. ELBADAWY: Yes.

8 MS. CHATLOS: Yes, I'm here. Thank you, your Honor.

9 THE CLERK: The last hearing is -- is finished. So
10 Judge is going to go ahead and take that under advisement and
11 -- and review the record. So we're going to go ahead and
12 proceed with the next one.

13 MS. CHATLOS: So what happens now, can I ask?

14 THE CLERK: So Judge is going to make a decision based
15 on what's on the record and -- and let you know her opinion.

16 MR. ELBADAWY: I -- I just kind of --

17 MS. CHATLOS: How do we find out?

18 MR. ELBADAWY: If any way, can I -- can I add
19 something, or...?

20 MS. CHATLOS: I mean...

21 MR. ELBADAWY: Can we add something? Just tell
22 something to -- I mean, talk to the judge, or...?

23 MS. CHATLOS: I mean; we have proof that Mr. Mitchell
24 --

25 THE CLERK: So -- so that -- that hearing -- Judge did

1 it because it has not been taxed since 1967, as far as I can
2 go back into records and talk to the assessor.

3 Also the other issue that -- that the Plaintiffs
4 brought up, is they come into the county last week and
5 dropped off an informal appeal form in our assessor's office,
6 and with the gate across the end of the roadway, they state,
7 and -- and I haven't had a chance to file this yet, that
8 they're unable to receive any fire EMS and police protection,
9 which concerns the county greatly because if there is an
10 event down there, we can't get a fire truck down there, we
11 can't get an ambulance down there. And that is a -- that is
12 a plat road, and that's the way we consider it.

13 MS. CHATLOS: Wow.

14 MR. ELBADAWY: I need -- I need to ask some question,
15 ma'am. Is it okay to ask?

16 MS. CHATLOS: I need to speak because (crosstalk).

17 MR. ELBADAWY: I need to ask some -- can I ask you some
18 question?

19 THE COURT: We're going to take the matter under
20 advisement. I've heard from each -- each party, I'm going to
21 take the matter under advisement and issue an opinion. Thank
22 you, everyone.

23 MR. BIBLE: Thank you, Judge.

24 MR. ELBADAWY: Can I ask now?

25 THE CLERK: Here, your Honor.

1 render the development fiscally irresponsible or just not
2 pragmatic from a cost standpoint.

3 So we would ask that the Court take that in
4 consideration to the extent it was inclined to grant the
5 injunction and -- and require a bond posting that -- that
6 takes into those -- to account those issues that D.R. Horton
7 expects to face were it stalled in -- in further development
8 activity has been approved by county plans and permits.

9 So I -- I -- I -- I defer to the Court after that. I'm
10 happy to fill in any gaps, but again, I think I've
11 articulated it well enough in writing understanding of the
12 Court wants to use its time efficiently.

13 THE COURT: All right. Thank you to both parties.
14 I'll take the time to review all the matters that have been
15 submitted to the Court, and I will issue an opinion. Thank
16 you.

17 MR. BIBLE: Thank you.

18 MR. MITCHELL: Your Honor, this is Brad Mitchell for
19 Dorchester County. Real quick.

20 THE COURT: Yes.

21 MR. MITCHELL: We were brought in as a third-party
22 Defendant by D.R. Horton. And just quickly, to add what
23 Mr. Bible was saying. In general, we agree that this is not
24 -- this is a -- this is not a private road. This is a road
25 that's set aside in a plat. There have been no taxes paid on

1 decide that that hearing is -- is concluded for now. So we
2 are going to go ahead and proceed with the next matters.

3 MS. CHATLOS: And how do we find out the results?

4 THE CLERK: So whatever the -- the clerk of court has
5 on record as contact, we're going to go ahead and use that.

6 MS. CHATLOS: All right. Thank you, ma'am.

7 THE CLERK: Thank you very much. Have a good day.

8 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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1 As to the likelihood of successful in the merits, I --
2 I think that largely, I would beg the Court to -- to look at
3 the -- the written documents that have been submitted, just
4 because that goes through the analysis of -- of who owns
5 what. And I think if -- if it's shown that the Plaintiffs do
6 not have title or an interest in the road, then it is very
7 difficult for them to maintain the causes of action, much
8 less enjoin D.R. Horton from its operations that have been
9 permitted by the county.

10 Further, your Honor, to the extent the Court were
11 inclined over our objection to grant a temporary injunction,
12 the Plaintiffs would be required under Rule 65(c), the South
13 Carolina rule of civil procedure, to post a bond. Were it
14 found that we, D.R. Horton, were wrongfully enjoined in this
15 process. And to -- at this point, I -- I can't tell you that
16 -- that D.R. Horton has the measure of damages other than the
17 fact that this project is going to be significantly delayed.
18 We'll have to go through the entire subdivision planning
19 process to change the design.

20 We're going to have to go through several thousands, if
21 not hundreds of thousands of dollars, in engineering to
22 redevelop a plan and then resubmit it to the county, and
23 hoping that it gets approved. I mean, for all intents and
24 purposes, him stopping this -- this county-permitted work,
25 it's going to substantially impair any development and may

CERTIFICATE OF TRANSCRIBER

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I, JACKSON ALEXANDER, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 1 of Dorchester County, South Carolina, on January 21, 2025.

I do further certify that I am neither of kin, Counsel, nor interest to any party hereto.

April 16, 2025

A handwritten signature in blue ink, appearing to read "Alexander", is written on a small, rectangular piece of yellowed paper.

JACKSON ALEXANDER
Transcriber

EXHIBIT B

**JUNE 17, 2025
THE ANSWER**

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
CASE No.: 2024-CP-18-01459

Attia Elbadawy and Lynne Chatlos,)
Plaintiffs,)

v.)

D.R. Horton, Inc.,)
Defendant.)

**ANSWER OF THIRD-PARTY
DEFENDANT DORCHESTER
COUNTY TO**

D.R. Horton, Inc.,)
Third-Party Plaintiff,)

v.)

Dorchester County,)
Third-Party Defendant.)

Third-Party Defendant Dorchester County ("County") hereby respectfully answers
Defendant/Third-Party Plaintiff's Third-Party Complaint of D.R. Horton, Inc. ("DRH")
as follows. The County reserves all rights and defenses and does not waive any of them.
The County denies each and every allegation of the Third-Party Complaint that is not
specifically admitted, qualified, or explained, and demands strict proof thereof.

1. Each and every allegation not specifically admitted or modified below is hereby denied.

ANSWER TO THIRD-PARTY COMPLAINT

2. Paragraphs 1 through 38 are Defendant/Third-Party Plaintiff DRH's Answer to
Plaintiff's Complaint and do not contain allegations against County, and therefore, no response
is required. To the extent allegations affecting or against County may be contained therein,

they are denied.

**AS TO FOURTEENTH DEFENSE BY WAY OF
VERIFIED COUNTERCLAIMS AND THIRD-PARTY
COMPLAINT(S) PARTIES, JURISDICTION, AND VENUE**

3. County repeats and reiterates the responses contained in the above-paragraphs as if fully set forth herein in response to Paragraph 39 of Defendant/Third-Party Plaintiff's Third-Party Complaint.

4. County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40, and therefore, denies the same.

5. County is without knowledge or information sufficient to form a belief as to the truth of the portion of the allegations contained in Paragraph 41 that the Plaintiffs are residents of Dorchester County, South Carolina and reside on the real property described in the Plaintiffs' deed, and therefore, denies the same. County denies the portion of the allegation that Plaintiff Lynne Chatlos is a record owner of the real property in the Title to Real Estate recorded in Book RB1162, at Page 298-302, and re-recorded in Book 1134, at Page 21-24, and further shown as "Exhibit B" in DRH's Answer, Counterclaims, and Third-Party Complaint.

6. Paragraph 42 is admitted.

7. Paragraph 43 contains conclusions of law to which no response is required. To the extent a response is required. County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43, and therefore, denies the same.

8. Paragraph 44 is admitted.

AS TO THE FACTUAL BACKGROUND

9. The allegations contained in Paragraph 45 contain conclusions of law to which no response is required. To the extent a response is required, County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45, and therefore, denies the same.
10. The allegations contained in Paragraph 46 contain conclusions of law and no response is required. If a response is required, the Subdivision Plat was stamped and signed by the designated authority pursuant to Section 6-29-1140, Code of Laws of South Carolina, 1976, as amended and that the "stamp of approval" and signature of the "designated authority" is only regarding compliance with Dorchester County's land development regulations.
11. Paragraphs 46, 47, 48, 49, and 50, are admitted.
12. County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 51 and 52, and therefore, denies the same.
13. Paragraphs 53 and 54 are admitted.
14. County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 and, therefore, denies the same.
15. County admits only that portion of the allegations contained in Paragraph 56 to the extent that access through/across Wise Road a/k/a Wise Lane was unlawfully denied by Plaintiffs; County is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 56, and therefore, denies the same.
16. Paragraphs 57 through 61 are admitted.
17. The allegations contained in Paragraph 62 contain conclusions of law to which no response is required. To the extent a response is required, County is without knowledge or

information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62, and therefore, denies the same.

18. County admits only that portion of the allegations contained in Paragraph 63 that Dorchester County has constructed and currently maintains existing sewer lines and manholes to access such lines on Wise Road a/k/a Wise Lane. County denies that portion of the allegations which states that Dorchester County had approved a special purpose district that constructed water lines. As to the remaining allegations, County is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 63, and therefore, denies the same.

19. Paragraph 64 is admitted.

20. The allegations contained in Paragraph 65 contain conclusions of law to which no response is required. To the extent a response is required, County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65, and therefore, denies the same.

21. County denies only that portion of the allegations contained in Paragraph 66 that Dorchester County's acts, omissions, and/or conduct caused damages to DRH.

AS TO THE FIRST CAUSE OF ACTION - BYWAY OF COUNTERCLAIM
AND THIRD- PARTY COMPLAINT
(Declaratory Judgment)

22. County repeats and reiterates the responses contained in the above-paragraphs as if fully set forth herein in response to Paragraph 67.

23. The allegations contained in Paragraphs 68 and 69, and subparts, contain conclusions of law to which no response is required. To the extent a response is required. County is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained in Paragraphs 68 and 69, and subparts, and therefore, denies the same.

24. Paragraphs 70 through 72 are admitted.

25. The allegations contained in Paragraph 73 contain conclusions of law to which no response is required. To the extent a response is required, County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73, and therefore, denies the same.

26. County states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 74 through 78, and therefore, denies the same.

AS TO A SECOND CAUSE OF ACTION – BY WAY OF COUNTERCLAIM
(Permanent Injunction as to Plaintiffs)

27. County repeats and reiterates the responses contained in the above-paragraphs as if fully set forth herein in response to Paragraph 79.

28. Paragraphs 80 through 86 pertain to the Counterclaim by Defendant/Third-Party Plaintiff DRH against Plaintiffs, and not Third-Party Defendant Dorchester County, requiring no answers or responses. If response is required, County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 80 through 86, and therefore, denies the same.

AFFIRMATIVE DEFENSES
FOR A FIRST AFFIRMATIVE DEFENSE
(Claims barred by unclean hands)

29. County would repeat and reiterate all of the allegations set forth above as fully as if set forth herein verbatim.

30. County alleges that Defendant DRH's complaints are barred under the equitable doctrine of unclean hands.

FOR A SECOND DEFENSE

(Waiver/Estoppel)

31. County would repeat and reiterate all of the allegations set forth above as fully as if set forth herein verbatim.
32. Defendant DRH's claims are barred by the doctrine of waiver and/or estoppel.

FOR A THIRD DEFENSE

(Right to add additional affirmative defenses)

33. County would repeat and reiterate all of the allegations set forth above as fully as if set forth herein verbatim.
34. County reserves the right to incorporate any defenses asserted by other parties to this lawsuit.

FOR A FOURTH DEFENSE

(Sovereign Immunity-Tort Claims Act)

35. Defendant/Third-Party Plaintiff DRH's claims are barred by S.C. Code Ann. § 15-78-60(4) which provides that the County is not liable for a loss resulting from the "adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies." County asserts it is a governmental entity, and its employees were acting in and about the official business of the County and performing official duties. Therefore, the claims asserted in Defendant/Third-Party Plaintiff DRH's Third-Party Complaint are barred by sovereign immunity.
36. Defendant/Third-Party Plaintiff DRH's claims are barred by S.C. Code Ann. § 15-78-60(5) which provides that the County is not liable for a loss resulting from the "exercise of discretion or judgment by the governmental entity or employee or the performance or failure

to perform any act or service which is in the discretion or judgment of the governmental entity or employee.” County asserts it is a governmental entity and its actions constituted the exercise of discretion or judgment by the County or its directors and/or employees, or the performance or failure to perform any act or service which is in the discretion or judgment of the County or its directors and/or employees. Therefore, the claims asserted in Defendant/Third-Party Plaintiff DRH's Third-Party Complaint are barred by sovereign immunity.

37. Defendant/Third-Party Plaintiff DRH's claims are barred by S.C. Code Ann. § 15-78-60(13) which provides that the County and its employees are not liable for a loss resulting from “regulatory inspection powers or functions, including failure to make an inspection, or making an inadequate or negligent inspection, of any property to determine whether the property complies with or violates any law, regulation, code, or ordinance or contains a hazard to health or safety.” County asserts it is a governmental entity, and its actions constituted the exercise of regulatory inspection powers or functions by the County or its directors and/or employees. Therefore, the claims asserted in Defendant/Third-Party Plaintiff DRH's Third-Party Complaint are barred by sovereign immunity.

WHEREFORE, having fully answered the Defendant/Third-Party Plaintiff DRH's Answer, Counterclaims, and Third-Party Complaint, the Third-Party Defendant would pray that the Court inquire as to the matters alleged and enter an appropriate Order denying the relief sought by Defendant/Third-Party Plaintiff DRH against Third-Party Defendant, and for any such other and further relief this Court may deem just and proper.

DORCHESTER COUNTY

s/Bradley A. Mitchell

Bradley A. Mitchell, Deputy County Attorney

DORCHESTER COUNTY ATTORNEY'S OFFICE

201 Johnston Street

St. George, South Carolina 29477

bmittell@dorchestercountysc.gov

843.563.0097

SC Bar No.: 78228

Attorney for Third-Party Defendant

June 17, 2025

St. George, South Carolina

EXHIBIT C

MOTION FOR INVESTIGATION DENIAL

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Attia Elbadawy and Lynne Chatlos,

Plaintiffs,

v.

D.R. Horton, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

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

**ORDER DENYING PLAINTIFFS'
MOTION FOR INTERNAL
INVESTIGATION**

D.R. Horton, Inc.,

Third-Party Plaintiff,

v.

Dorchester County,

Third-Party Defendant.

This matter comes before the Court based on Plaintiffs', Attia Elbadawy and Lynne Chatlos (collectively "Plaintiffs"), Motion for Internal Investigation regarding the actions of Defendant D.R. Horton, Inc., filed on April 7, 2025 ("Motion"). The Motion was argued before the Honorable Maite Murphy on June 18, 2025.¹ Present at the Motion hearing were Plaintiffs (pro se litigants), counsel for Defendant, D.R. Horton, Inc. ("DRH"), Mark A. Bible, Jr., Esq., and counsel for Third-Party Defendant, Dorchester County ("County"), Bradley A. Mitchell, Esq. On June 12, 2025, Plaintiff caused to be filed a "Memorandum and Documents to Support Plaintiffs Motion for Internal Investigation, Motion to Produce Documents and Motion to Compel" (the "Plaintiffs' Memoranda"). Additionally, the Parties made oral arguments during the Motion hearing.

¹ The subject hearing was conducted through the Court's virtual courtroom hosted via Webex. All parties and/or, to the extent represented by counsel, their attorneys appeared for the hearing.

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Attia Elbadawy and Lynne Chatlos,

Plaintiffs,

v.

D.R. Horton, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

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

**ORDER DENYING PLAINTIFFS'
MOTION FOR INTERNAL
INVESTIGATION**

D.R. Horton, Inc.,

Third-Party Plaintiff,

v.

Dorchester County,

Third-Party Defendant.

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¹ The subject hearing was conducted through the Court's virtual courtroom hosted via Webex. All parties and/or, to the extent represented by counsel, their attorneys appeared for the hearing.

In accordance with the oral arguments of the parties, those materials, documents, records, evidence, and pleadings introduced and/or properly before this Court at the time of the June 18, 2025 Motion hearing, and for the following reasons, the Plaintiffs' Motion for Internal Investigation into the conduct of DRH and the County is hereby **DENIED**.

BACKGROUND

This case was brought by the Plaintiffs as a dispute arose over the ownership, rights and use of an unpaved road, street, and/or thoroughfare referred to as "Wise Road" a/k/a "Wise Lane" ("Road"). Plaintiffs are the owners and/or residents of 493 Wise Road, Summerville, SC 29483 ("Plaintiffs' Property"). DRH is the owner of real property bearing Dorchester County Tax Map No. 134-00-00-039 located adjacent to and in the vicinity of the Plaintiffs' Property and the Road ("DRH Tract"). Prior to acquisition of the DRH Tract, a land development company caused engineering and land planning to be performed and approved by County government officials as necessary to subdivide and develop the DRH Tract, including using the Road to facilitate such development. Plaintiffs filed a Motion for Injunction Against DRH and Summons and Complaint alleging DRH should be enjoined from (i) trespassing on the Plaintiffs' property, (ii) performance of work in accordance with the permits issued by the County and (iii) performance of work on or along the Road. Plaintiffs' Motion for Injunction was denied; such Order having been entered on May 6, 2025.

Subsequently, on April 7, 2025, Plaintiffs moved this Court to open an "internal investigation" into the conduct of DRH and the County without reference to any South Carolina precedent or law allowing for such intervention by this Court. The Motion generally alleges that misconduct on the part of DRH warrants an internal investigation being opened and arrest warrants being issued by this Court; the Plaintiffs' requested relief seeks this Court sit in the capacity of a

quasi-criminal court despite the civil nature of the Plaintiffs' complaint and the jurisdiction over the Parties being with the Court of Common Pleas for Dorchester County. Specifically, the Plaintiffs requested this Court:

- (i) immediately open an internal investigation into the ongoing actions of DRH;
- (ii) issue arrest warrants for all individuals involved in the fraud alleged by Plaintiffs to have been perpetrated by DRH and the County employees;
- (iii) designate an executive authority to arrest the accused parties;
- (iv) inform the South Carolina state prosecutor about the violations and crimes committed, and initiate a comprehensive investigation into "troubling cases of corruption";
- (v) notify the FBI about all allegations raised by the Plaintiffs regarding the misuse of power and influence in Dorchester County;
- (vi) lift any and all immunity that County Employees involved in the alleged corruption may have;
- (vii) align the Court's actions with the laws of South Carolina specifically requesting the public be called upon to assist in the requested internal investigation; and
- (viii) Utilize social media and television to encourage public participation, allowing individuals to present any information to the court panel... a dedicated hotline could be established for this purpose.

APPLICABLE LAW

The South Carolina Constitution, under Article V, Section 20, provides circuit court judges with the power to issue various writs and orders, including those necessary to address issues arising in the course of judicial proceedings, whether in open court or chambers. S.C. Const. Ann. Art. V, §

20. This constitutional provision underscores the broad authority of circuit courts to act in matters necessary to uphold justice and maintain the integrity of their proceedings. The jurisdiction of the Court of Common Pleas is primarily limited to civil matters, as established under S.C. Const. Art. V, § 15, which grants the court jurisdiction in all civil cases and equitable matters but does not extend to criminal matters or the initiation of criminal proceedings. *See Fidelity Fire Ins. Co. v. Windham*, 134 S.C. 373, *Bush v. Aldrich*, 110 S.C. 491.

The authority to prosecute criminal cases and enforce criminal laws in South Carolina is vested in the Attorney General and solicitors as outlined in S.C. Const. Ann. Art. V, § 24. The Attorney General is designated as the chief prosecuting officer of the state, with the authority to supervise the prosecution of all criminal cases in courts of record. Additionally, solicitors are elected officials responsible for prosecuting criminal cases within their respective judicial circuits. Furthermore, S.C. Code Ann. § 39-5-130 specifies that it is the duty of solicitors or the Attorney General to initiate criminal proceedings upon receiving violations from designated authorities. However, this statute does not grant the Court of Common Pleas the authority to report or initiate such investigations or criminal proceedings. The Courts of this State have clarified that civil proceedings are separate and distinct from criminal actions, and even when they arise from related circumstances, the Court of Common Pleas retains jurisdiction over civil matters, but criminal prosecutions are not within its purview. *See Bettis v. Busbee*, 283 S.C. 502.

South Carolina Code of Laws Ann. §14-5-10 *et. seq.*, establishes the roles of circuit courts in the State of South Carolina. Pursuant to South Carolina Code of Laws Ann. §15-17-10 *et. seq.*, “no person shall be arrested in a civil action except as prescribed by this Code...” Except as may be warranted in the event of contempt of court or failure to comply with an order or notice issued by the Court of Common Pleas, S.C. Code of Laws Ann. §15-17-20 specifies the actions which may permit

or allow a Court of Common Pleas, as is the case here, to exercise authority to arrest a party. “An order for the arrest of a defendant must be obtained from a judge, magistrate or clerk of court before whom the action is brought” and such order “may be made when it shall appear to the proper officer by the affidavit of Plaintiff or any other person that a sufficient cause of action exists and that the case, from the facts stated is one of those mentioned in Section 15-17-20.” *See* S.C. Code of Laws Ann. 15-17-40; *see also* S.C. Code of Laws Ann. 15-17-50.

FINDINGS AND CONCLUSIONS

The Court has carefully reviewed the pleadings in this case including the Motion, memoranda, and affidavits submitted by the parties in advance of the hearing. This Court has further considered the arguments presented at the hearing on June 18, 2025. This Court **DENIES** the Plaintiffs’ Motion.

The Plaintiffs have cited no binding authority or legal precedent compelling this Court or otherwise requiring this Court to issue any order opening an “internal investigation” or requiring this Court to report the Plaintiffs’ allegations or claims to state or county prosecutors or the Federal Bureau of Investigation. Moreover, the Plaintiffs offered no authority, applicable law, or credible evidence which requires this Court or otherwise vests authority in this Court to issue arrest warrants for, or to cause the arrests of, the Defendants or their employees. The Plaintiffs’ claims primarily rest on allegations that: (i) the subject Road is private property rather than a public thoroughfare; (ii) DRH and/or the County were participants in fraudulent or other illicit conduct by the issuance of certain permits for infrastructure improvements along or beneath the Road; and (iii) DRH and/or County employees participated in unsubstantiated claims of fraud, claiming that one or more encroachment permits presented by DRH were forgeries or are otherwise inauthentic. The underlying basis of the Plaintiffs’ claims and allegations are largely questions of fact that have

been refuted and/or called into question by the records, affidavits, and memoranda submitted to this Court by the Defendants.

Notwithstanding the fact that this Court is not the appropriate forum through which the relief sought in the Plaintiffs' Motion may be granted, the Plaintiffs have offered nothing more than conclusory allegations in support of their position and affidavits of third-parties which do not support the relief sought in Plaintiffs' Motion. This Court lacks authority and evidentiary support to order an "internal investigation", to order the arrests of DRH, the County, and/or their respective employees, and/or to order the setting aside any immunity from criminal prosecution afforded to those Defendants and their employees, if any.

CONCLUSION

Based upon the record, the filed memoranda, and oral arguments of the Parties and their representatives, Plaintiffs' Motion for Internal Investigation is **DENIED**. The Plaintiffs' requested relief was not supported by any rule, law, or legal precedent presented, cited, or argued by the Plaintiffs as of the June 18, 2025 Motion hearing.

THEREFORE, IT IS HEREBY ORDERED, that the Plaintiffs' Motion for Internal Investigation is **DENIED**.

IT IS SO ORDERED.

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

EXHIBIT D

**JUNE 27, 2025
NOTICE OF APPEAL**

SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

CASE No: 2024-CP-1801459

Attia Elbadawy and Lynne Chatlos
Plaintiffs,
v
D.R. Horton, Inc.
Defendants,
AND DORCHESTER COUNTY

CERTIFICATE OF SERVICE
NOTICE OF APPEAL
PLAINTIFFS MOTION
FOR INJUNCTION

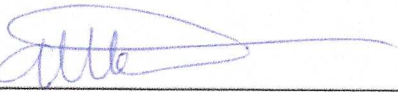
RECEIVED

JUL 01 2025

SC Court of Appeals

We hereby certify that I have on this day of June 30, 2025,
We, the plaintiffs, have served a copy of the foregoing:
NOTICE OF APPEAL PLAINTIFFS MOTION FOR INJUNCTION
Upon the following party by placing a true and correct copy thereof in the
United States Mail, proper postage prepaid, addressed as follows:

Dorchester County Attorney
Bradley Mitchell
201 Johnson Street
St. George, SC 29477

Attia Elbadawy 
493 Wise Road
Summerville, SC 29483
843-641-8556
alal_international@yahoo.com

Lynne Chatlos 
493 Wise Road
Summerville, SC 29483
843-641-8556
ala_international@yahoo.com

STATE OF SOUTH CAROLINA
DORCHESTER COUNTY

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

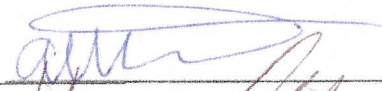
RECEIVED
JUL 01 2025
SC Court of Appeals

ATTIA ELBADAWY & LYNNE CHATLOS,
Plaintiffs,
v.
D.R. HORTON, INC.
& DORCHESTER COUNTY,
Defendants.

**NOTICE OF APPEAL
PLAINTIFFS ,MOTION
FOR INJUNCTION,**

PLEASE TAKE NOTICE that the Plaintiff, Attia Elbadawy, hereby appeals to the South Carolina Court of Appeals
from the Order of the Honorable Judge Mattie Murphy denying Plaintiff's Motion for Injunction,
which was entered
in the Dorchester County Court of Common Pleas. This appeal is taken pursuant to Rule 203(b),
SCACR.

Respectfully submitted,

Attia Elbadawy, 

Lynne Chatlos, 
493 Wise Road
Summerville, SC 29483
843-641-8556
ala_international@yahoo.com

Dated: June 30, 2025

SOUTH CAROLINA
DORCHESTER COUNTY

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

Attia Elbadawy & Lynne Chatlos
v.
D.R. Horton, Inc. and
Dorchester County

Judge: Hon. Mattie Murphy

Date of Order Appealed: June 2025 (Order denying Motion for Injunction)

Nature of Appeal: Interlocutory Appeal - Denial of Motion for Injunction

Appellant:

Attia Elbadawy, and Lynne Chatlos, Pro Se
493 Wise Road, Summerville, SC 29483
843-641-8556

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JUL 01 2025

SC Court of Appeals

Appellees:

Kenison, Dudley & Crawford, LLC
Mark Bible, Esq.
Counsel for D.R. Horton
325 W. McBee Ave., Suite 301,
Greenville, SC 29601

Bradley Mitchell
Dorchester County Attorney
201 Johnson Street
St. George, SC 29477

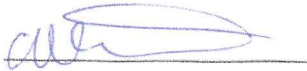
Appeal Fee: Not applicable (Filed with County Clerk)

PROOF OF SERVICE

I, Attia Elbadawy, affirm under penalty of perjury that on June 30, 2025,

I mailed true and correct copies of the attached Notice of Appeal Package via U.S. Mail to:

1. Dorchester County Clerk of Court (if local filing)
2. South Carolina Court of Appeals (if Columbia filing)
3. Bradley Mitchell, County Attorney
4. Mark Bible, Attorney for D.R. Horton



Attia Elbadawy

493 Wise Road, Summerville, SC 29483