

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE )

2013-CP-23-01810

John D. Hatcher, Rachel Shaluly,  
James F. Gilbert, Molly A. Miller  
and Michael Stehney, individually  
and as members of the  
Architectural Committee of Mill  
Creek Estates,

DEFENDANT'S RESPONSE  
TO NOTICE OF INSPECTION

Plaintiff(s),

vs.

Ron Ferguson

Defendant(s).

FILED - CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSJMER  
2014 JAN 2 PM 4 24

**Defendant's Response to Notice of Inspection**

COMES NOW, the Defendant, Ron Ferguson, in proper person, and hereby responds to the Plaintiff's Notice of Inspection and would make known for the record:

Defendant Ron Ferguson received via United States Postal Service a Notice of Inspection Pursuant to Rule 34 of SCRCP and states that Defendant is required to seek a Protective Order if there is an Objection.

The previous Court Order in this case alleged to permit Discovery in this case by Judge Mark Hayes is before the South Carolina Court of Appeals; Appellate No. 2013-002360.

South Carolina Court of Appeals, Rule 205 states, in part, "Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241."

Rodney Brown received a copy of the Notice of Appeal on or about November 8, 2013.

Consequently, Mr. Brown lacks authority to proceed with any Discovery or Notice of Inspection pursuant to Rule 34, SCRCP, and the Court of Common Pleas lacks standing to act on a Motion for a Protective Order for the Defendant.

Mr. Brown's sole option is a Motion pursuant to Rule 241, Stay and Supersedeas in Civil

**RECEIVED**

JAN 07 2014

SC Court of Appeals

Actions, which provides “(a) **General Rule.** As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court.”

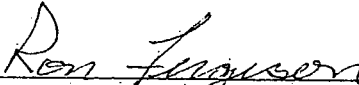
In order to accomplish that the Court will have to address several facts required by United States Supreme Court and South Carolina Supreme Court precedents, including, but not limited to,:

Whether Plaintiff's exist and have standing to bring the cause;  
What damages, if any, Plaintiff's suffered at the time of the case being filed; and,  
Since the claims involve a property dispute surrounding restrictive covenants,  
Whether those covenants are legally enforceable; and,  
Whether an Order against one of multiple property owners is enforceable against the property as a whole.

It is my understanding that another of the property owners is pursuing litigation in this matter as well and none of the other property owners have been notified of Mr. Brown's flagrant attempts to violate the law.

Whereas there are multiple property owners not subject to the Court's jurisdiction or prior Orders not before the Appellate Court, and whereas the Order of Judge Mark Hayes is pending before the Court of Appeals and Stayed, Rodney M. Brown, and any person with him, is subject to arrest for trespassing should he attempt such action.

Dated this 2<sup>ND</sup> day of JANUARY, 2014.

  
\_\_\_\_\_  
Ron Ferguson, Pro Se  
103 Mill Creek Rd  
Piedmont, SC 29673  
864-509-0169

<sup>1</sup> Defendant would note that despite the Appeal and this Court lacking standing to address such Brown has also filed another Motion to Compel on November 8, 2013, with a hearing scheduled for January 27, 2014.

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Plaintiff(s), )  
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CERTIFICATE OF SERVICE

FILED - CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2014 JAN 2 PM 4:24

I certify, that on this date, I served a copy of the Defendant's Response to Notice of Inspection in this action, dated January 2, 2014 on Plaintiff's Attorney of record by

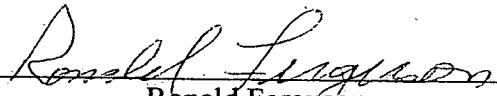
\_\_\_\_\_ delivering it to him/her personally; or,

\_\_\_\_\_ mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

X mailing it to the address indicted by their counsel of record in the Summons as follows:

Rodney M. Brown  
PO Box 549  
Fountain Inn, SC 29644

This the 3rd day of January, 2014.

  
\_\_\_\_\_  
Ronald Ferguson

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JAN 07 2014  
SC Court of Appeals

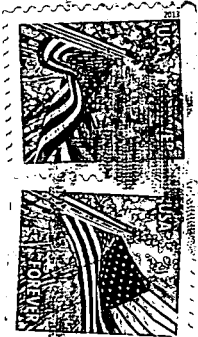
Ronald Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

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JAN 06 2014

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211



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JAN 07 2014

**SC Court of Appeals**

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