

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Commons Pleas

RECEIVED
FEB 18 2014

R. Markley Dennis Jr., Circuit Court Judge

SC Court of Appeals

Case No. 2010-CP-10-9305

Cambridge Lakes HOA..... Respondent,

v.

Johnson Koola.....Appellant.

**RESPONDENT’S REPLY TO APPELLANT’S
RETURN TO MOTION TO STRIKE**

Respondent, by and through its undersigned counsel, hereby replies to Appellant’s Return to the Motion to Strike (the “Return”).

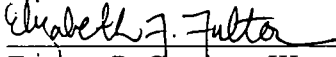
First, Appellant concedes in his Return that Items No. 7, No. 9, No. 21, No. 22, No. 23, and No. 24 were not provided to the lower court. Nonetheless, Appellants asks that Items No. 21 and No. 22 be included due to an “extraordinary situation.” Respondent is unaware of any such exception to Rule 210(c), SCACR. Material to be included in the record must have been presented to the lower court. *See generally, Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 23, 602 S.E. 2d 772, (2004) (noting that a great number of reported cases in South Carolina, the appellate court rules, and rules of civil procedure, have emphasized the importance

of ensuring that all issues and arguments are presented to the lower court for its consideration.)

Second, Appellant contends that Items No. 6 and No. 9 are pleadings properly before the lower court because (1) Case No. 2010-CP-10-6060 was consolidated with the case at issue; and (2) that Appellant's Reply in Opposition to Summary Judgment "makes reference" to these Items. While a motion to consolidate these lawsuits was filed with the lower court, it was not ruled upon as shown by the Form 4 Order issued by the trial court. (The Motion and Order are attached hereto as Exhibit 1). Further, although Appellant's Reply in Opposition to Summary Judgment merely "reference" these items, they simply do not appear in the lower court's file.

Therefore, Respondent respectfully asks that this Court grant its Motion to Strike and require Appellant to further amend their Initial Brief and Designation of Matter, omitting Items No. 6, No. 7, No. 9, No. 21, No. 22, No. 23, and No. 24.

Respectfully submitted,



Eugene P. Corrigan III
Elizabeth F. Fulton
CORRIGAN & CHANDLER LLC
PO Box 547
Charleston, SC 29402
Phone: (843) 577-5410
Fax: (843) 577-5650

ATTORNEYS FOR RESPONDENT
CAMBRIDGE LAKES HOA

February 10, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Commons Pleas

R. Markley Dennis Jr., Circuit Court Judge

Case No. 2010-CP-10-9305

Cambridge Lakes HOA..... Respondent,

v.

Johnson Koola.....Appellant.

PROOF OF SERVICE

I certify that I have served the foregoing **RESPONDENT'S REPLY TO APPELLANT'S RETURN TO MOTION TO STRIKE** on all parties of record by depositing a copy of it in the United States Mail, postage prepaid, on February 10, 2014, addressed to their attorneys of record as follows:

Johnson Koola, *pro se*
1587 Cambridge Lakes Drive
Mt. Pleasant, SC 29464

Lydia P. Brooks, Esquire
KRAWCHECK AND DAVIDSON, LLC
9 State Street
Charleston, SC 29401

Appellant pro se

*Attorneys for Respondent Cambridge Lakes
HOA*

[SIGNATURE PAGE TO FOLLOW]

Elizabeth F. Fulton

Elizabeth F. Fulton

CORRIGAN & CHANDLER LLC

PO Box 547

Charleston, SC 29402

Phone: (843) 577-5410

Fax: (843) 577-5650

ATTORNEYS FOR RESPONDENT
CAMBRIDGE LAKES HOA

EXHIBIT 1

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Cambridge Lakes HOA)
)
 Plaintiff,)
)
 vs.)
)
 Johnson Koola)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

CASE NO.: 2010-CP-10-9305

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Eugene P. Corrigan Bar No. Address: Corrigan & Chandler LLC 12 Exchange St., Charleston, SC 29401 Phone: (843) 577-5410 Fax: (843) 577-5650 E-mail: rick@corriganchandler.com	Defendant's Attorney: Johnson D. Koola Bar No. Address: 1587 Cambridge Lakes Dr. Mt. Pleasant, SC 29464 Phone: Fax: E-mail:
--	--

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

SECTION I: Hearing Information

Nature of Motion: Motion to Consolidate
 Estimated Time Needed: 15 mins Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

Henry V. P. [Signature] for Eugene P. Corrigan, III
 Signature of Attorney for Plaintiff / Defendant
 Date submitted: September 15, 2011

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00
 EXEMPT: w Cause in Child or Spousal Support
 (check reason) buse or Abuse and Neglect

Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter:

JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE Date: _____
--	--------------------------------------

CLERK'S VERIFICATION

Collected by: ___ Date Filed: ___

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
CAMBRIDGE LAKES HOA,)
)
Plaintiff,)
)
v.)
)
JOHNSON KOOLA,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO. 2010-CP-10-9305

MOTION TO CONSOLIDATE

FILED
2011 SEP 16 PM 12:31
JULIE ARMSTRONG
CLERK OF COURT
BY

TO: JOHNSON D. KOOLA, *PRO SE*:

You will please take notice that within ten (10) days or as soon thereafter as counsel may be heard, the Plaintiff, Cambridge Lakes HOA, will move to consolidate Case No. 2010-CP-10-9305, Cambridge Lakes HOA v. Johnson Koola, with Case No. 2010-CP-10-6060, BAC Home Loans Servicing LP v. Johnson D. Koola, et al.

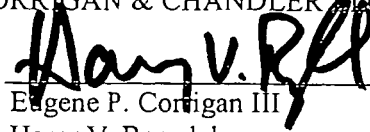
The basis for this motion is that both cases involve the same set of facts between the parties, and the same witnesses will most likely be questioned at trial. In the interest of judicial economy, it would be proper to join these two actions so that the jury may decide them both in a single trial.

I certify that communicating with Defendant regarding this Motion is not required under Rule 11 as Defendant is a *pro se* litigant.

Please be present to defend if so minded.

[SIGNATURE PAGE TO FOLLOW]

CORRIGAN & CHANDLER LLC



Eugene P. Corrigan III

Harry V. Ragsdale

12 Exchange Street

Charleston, South Carolina 29401

(843) 577-5450 (phone)

(843) 577-5650 (fax)

rick@corriganhandler.com

ATTORNEYS FOR THE COUNTER-
DEFENDANT CAMBRIDGE LAKES HOA ON
COUNTER-CLAIMS

Charleston, South Carolina
September 15, 2011

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
CAMBRIDGE LAKES HOA,)
)
Plaintiff,)
)
v.)
)
JOHNSON KOOLA,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2010-CP-10-9305

CERTIFICATE OF SERVICE

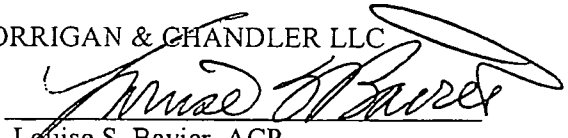
FILED
2011 SEP 16 PM 12:31
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This is to certify that the undersigned served the **MOTION TO CONSOLIDATE** upon the parties listed below by mailing a copy of the same to the address listed below this 15th day of September 2011, postage prepaid.

Mr. Johnson Koola
1587 Cambridge Lakes Drive
Mt. Pleasant SC 29464

Lydia P. Brooks, Esq.
Krawcheck & Davidson, LLC
9 State Street
Charleston, SC 29401

CORRIGAN & CHANDLER LLC



Louise S. Bavie, ACP
Advanced Certified Paralegal
12 Exchange Street
Charleston, South Carolina 29401
(843) 577-5410 (phone)
(843) 577-5650 (fax)
louise@corriganhandler.com

Charleston, South Carolina
September 15, 2011

STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2010-CP-10-9305 NJ # 21

Cambridge Lakes Home Owners Association

Johnson Koola

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: Plaintiff's Motion to Consolidate with 2010-CP-10-6060 filed September 26, 2011 came before the Court on December 5, 2011. The Court is advised the motion is RESOLVED.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk : _____

FILED
 DEC - 8 AM 10:08
 CLERK OF COURT
 J. ARNSTRONG

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A	N/A	N/A
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

A. L. J. J. J.
 Circuit Court Judge

2128
 Judge Code

12/6/11
 Date

CORRIGAN & CHANDLER LLC

ATTORNEYS AT LAW

Eugene P. Corrigan III
(843) 577-5450 (direct)
rick@corriganhandler.com

REPLY TO:
P.O. Box 547
Charleston, SC 29402

February 10, 2014

VIA U.S. MAIL

The Honorable Jennie Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
1015 Sumter St.
Columbia, SC 29211

RECEIVED

FEB 18 2014

SC Court of Appeals

Re: *Cambridge Lakes HOA, Respondent, v. Johnson Koola, Appellant*
Case No. 2010-CP-10-9305
Appellate Case No. 2013-001632

Dear Ms. Kitchings:

We represent Respondent Cambridge Lakes HOA in the above-referenced case. Enclosed, please find one (1) original and seven (7) copies of *Respondent's Reply to Appellant's Return to Motion to Strike*. Please file the original and required copies and return one of the file-stamped copies in the enclosed self-addressed stamped envelope.

By copy of this letter, we are serving all counsel of record and *pro se* Appellant with a copy of the motion.

Should you have any questions, please do not hesitate to contact me.

With highest professional regards, I am

Sincerely yours,

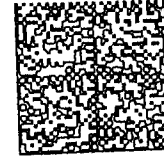


Eugene P. Corrigan III

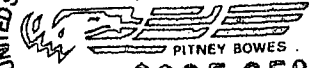
Enclosures (as noted)

cc: Johnson Koola, *pro se*
Lydia P. Brooks, Esquire

Priority Mail
ComBasPrice



UNITED STATES POSTAGE



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0002963286 FEB 10 2014
MAILED FROM ZIP CODE 29403

\$005.05⁰

CORRIGAN & CHANDLER LLC

ATTORNEYS AT LAW

P.O. BOX 547
CHARLESTON, SOUTH CAROLINA 29402

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
1015 Sumter St.
Columbia, SC 29211