

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Stonewall Jackson Kimball, Special Circuit Court Judge

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Case No. 2014-CP-46-1425  
Appellate Case No. 2014-002578

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Ryan Powell, ..... Appellant,

v.

Amy Boheler d/b/a York County Auditor,  
Beth Latham d/b/a York County Treasurer, and  
Robert Kiser d/b/a York County Delinquent Tax Collector,  
each in their individual and official capacities, ..... Respondents.

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RETURN TO RESPONDENTS' MOTION FOR  
EXTENTION OF TIME TO FILE THEIR INITIAL BRIEF

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Respondents are requesting equitable relief but coming to this court with "unclean hands". This court must deny their frivolous motion for the following reasons:

1. Respondents' attorney states in his motion that "Counsel would show" that he has a conflict in his schedule but then he failed to enter any evidence to support his allegations of a scheduling conflict.
2. No competent attorney would still be conducting full-time discovery during the couple weeks prior to a jury trial so Respondent's attorney's unsubstantiated assertion of such is dubious at best and probably false in light of the following evidence.


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**SC Court of Appeals**

3. This court is requested to take mandatory judicial notice that Daniel Joseph Ballou (a partner in Respondents' attorney's law firm) is listed as co-counsel for a jury trial beginning February 2, 2015. Respondent's attorney is NOT listed as an attorney of record for that case or for any other jury trial case schedule to take place in York County during that time frame. See the State's official court records web page for the referenced case [2013-CP-46-00246] that shows these indisputable facts:-  
<http://publicindex.sccourts.org/york/PublicIndex/CaseDetails.aspx?CourtAgency=46002&Casenum=2013CP4600246&CaseType=V&Org=CR>.
4. This court is requested to also take mandatory judicial notice that the above case (under the "actions" tab) shows NOT ONE SINGLE discovery motion have been made in that case in the last two years and in fact a summary judgment motion was filed April 20, 2014 and partially granted July, 17, 2014 so discovery on that case would have had to be completed before last July.
5. Accordingly, Respondents request for equitable relief is not only ungrounded but based entirely on unsubstantiated and, more probably than not, false allegations of their attorney who has chosen to assist his partner in his partner's case over defending his own clients. This court must deny their frivolous motion meant only for delay. Should this court grant Respondents' motion for an extension it should expedite the hearing and decision of this appeal so that Appellant is not wronged again by Respondents during this appeal which an extension will make possible.

January 27, 2015

  
Ryan Powell, Appellant  
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Certificate of Service

I certify that I have served on all Respondents Appellant's Return to their motion for an extension of time to serve their initial brief by and through their attorney of record by depositing the same in the United States Mail with proper postage affixed and addressed as follows:

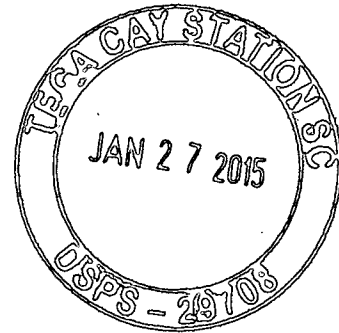
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January 27, 2015

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