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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

SEP 14 2015

APPEAL FROM DORCHESTER COUNTY OF COMMON PLEAS **SG Court of Appeals**

The Hon. Diane S. Goodstein, Circuit Court Judge

Appellate Case No.: 2015-000599

Live Oak Village Homeowners Association, Inc., Jennifer McFarland, Carlton Holcombe and Ute Holcombe, Plaintiffs,

Of whom Live Oak Village Homeowners Association, Inc., Jennifer McFarland and Carlton Holcombe are the Appellants,

v.

Thomas Morris, David Hannemann, Sofia Mazell and Michael Mazell, Respondents.

Sofia Mazell and Michael Mazell, Third Party Plaintiffs,

v.

William McFarland, Third Party Defendant.

REPLY OF RESPONDENTS SOFIA MAZELL AND MICHAEL MAZELL TO MOTION TO DISMISS FILED BY RESPONDENTS DAVID HANNEMANN AND THOMAS MORRIS

WILLIAM B. JUNG, ESQ.
1156 Bowman Road, Ste. 200
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(843) 576-4200
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Attorney for the Respondents
Sofia and Michael Mazell

Preliminary Statement

Respondents Sofia and Michael Mazell ("Mazell") submit this Memorandum in reply to the September 10, 2015 Motion by co-respondents David Hannemann and Thomas Morris ("Hannemann and Morris") to dismiss this appeal filed by the appellants. For the following reasons, Mazell joins in the Motion to Dismiss this appeal.

Argument

As discussed by Morris and Hannemann, the appellants first sought two extensions to file their Initial Brief and Designation of the Matter. Appellants sought and obtained Respondents' consent to the first extension and obtained relief from this Court for the second extension by Motion where Respondents did not file opposition. After filing no Brief within the time extended by this Court, Appellants filed a third motion for an extension but did not seek or obtain Respondents' consent to such relief. After missing the September 8, 2015 date that Respondent's themselves represented to this Court in their third extension motion that they would file their Initial Brief, Respondent's filed a fourth motion to for an extension – again without seeking or obtaining consent from Respondents.

Respondents Mazell have previously advised Appellants' new appellate counsel that they would not consent to further extensions after Appellants obtained this Court's leave for a second extension. Mazell opposes further extensions and respectfully submits for the reasons discussed at length in Hannemann and Morris's September 10, 2015 Motion to Dismiss that this appeal should be properly dismissed on account of the Appellants' failure to prosecute this Appeal and for their repeated violations of the time

requirements set forth in Rule 208 and 209 of the Rules of Appellate Procedure.

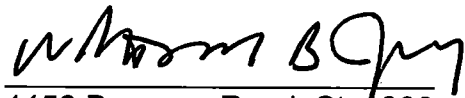
Conclusion

For reasons set forth above, Respondents Mazell joins in the Hannemann and Morris Motion to Dismiss and respectfully request that Appellants' Appeal be dismissed for failure to prosecute in accordance with the Rules of Appellant Procedure.

Dated: September 11, 2015

Respectfully submitted,

WILLIAM B. JUNG, ESQ.



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Attorney for the Respondents
Sofia and Michael Mazell

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SC Court of Appeals

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Carlton Holcombe are the Appellants,

v.

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Sofia Mazell and Michael Mazell, Third Party Plaintiffs,

v.

William McFarland, Third Party Defendant.

PROOF OF SERVICE OF MOTION TO TAX COSTS

I, William B. Jung, Esq., counsel for respondents Mazell, certify under penalty of perjury that on September 11, 2015 I served a copy of Mazells' Reply to Respondents Hannemann and Morris's Motion to Dismiss this Appeal by mailing a true copies thereof to counsel for the appellant in an envelope, first class postage paid, addressed to:


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Summerville, S.C. 29483

Dated: September 11, 2015


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SC Court of Appeals

September 11, 2015

The Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: Live Oak Village Homeowners Association, Inc., et al. v. Morris, et al.
Appellate Case No.: 2015-000599

Dear Madame Clerk:

I represent the Respondents Sofia and Michael Mazell on the above appeal.

I am writing to file Mazell's Reply to the Motion to Dismiss this Appeal filed by co-respondents Morris and Hannemann. An original and six copies are enclosed. A proof of service is attached, and I am mailing a copy of this letter and its enclosed Memorandum to all counsel of record.

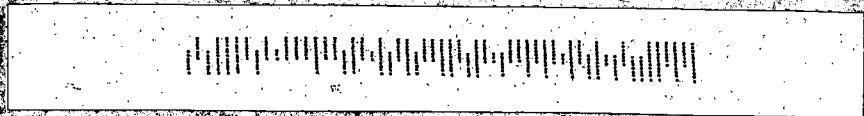
Thank you for your courtesy.

Sincerely yours,



William B. Jung

WBJ:wbj
Encl.
cc. All Counsel of Record



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