



**THE RICK HALL LAW FIRM, LLC**

301 Gibson Road • P.O. Box 1898 • Lexington, South Carolina 29071  
PHONE 803.957.5333 • FAX 803.957.7717

[sctrialattorneys.com](http://sctrialattorneys.com)

**Rick Hall**  
**Jennifer M. Cooper**

October 7, 2015  
VIA U.S. MAIL

Daniel E. Shearouse, Clerk of Court  
SC Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

RE: Charles E. Strickland, III, Latisha D. Strickland and Justin Dillon vs.  
Marjorie E. Temple, et al  
Appellate Case No. 2015-002048  
Lower Court Case No.: 2011-CP-32-01781

Dear Mr. Shearouse:

This letter will acknowledge receipt of your correspondence dated October 1, 2015 inquiring as to the State statute being challenged in this appeal and indicating when and how the constitutional challenge to the statute was raised to the trial court, and indicating the trial court's ruling on this challenge.

In response to your inquiry, this case does not involve a challenge to a state statute, and I do not understand Appellate Court Rule 203(d)(1)(A)(ii) to necessarily involve a challenge only to a state statute, but rather to a state law. It is my understanding that an order issued by a judge falls within the definition of law. Black's Law Dictionary defines law, in part, as follows:

The aggregate of legislation, judicial precedents, and accepted legal principles; the body of authoritative grounds of judicial and administrative action, especially, the body of rules, standards and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them."

See Black's Law Dictionary (10<sup>th</sup> Edition, 2014)

**RECEIVED**  
**OCT 13 2015**  
**SC SUPREME COURT**

In addition, Ballentine's Law Dictionary, 3<sup>rd</sup> Edition, 1969, defines law to be:

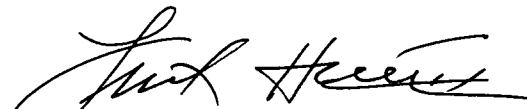
The whole body of rules of conduct applied and enforced under the authority of established government in determining that which is proper and should be permitted and that which should be denied, or even penalized, in respect of the relation between a person and the state, between him and society, or between him and another individual, including a provision of a constitution, a legislative enactment or statute, municipal ordinance, **a principal declared in an authoritative decision of a court**, a rule of practice prescribed by a legislature or promulgated by a court acting with authority, even, to some extent, a usage or custom. (Emphasis added)

Enclosed herewith is a copy of my motion for reconsideration raising the unconstitutionality of the court's ruling, which denied the appellant's contractual right to attorney's fees in the lower court. It was filed as a Motion for Reconsideration or to Alter or Amend the Judgment of the lower court which denied recovery of the contractual right to attorney's fees.

I understand that the court may differ and may decide to transfer this matter to the South Carolina Court of Appeals. The order denying the Rule 59(e) motion raising the constitutional question has been previously submitted to the court.

I hope this sufficiently responds to your inquiry and should you have any further questions, please feel free to contact me at my Lexington office.

Yours truly,



Frederick I. Hall, III

FIH,III/kaj

cc: S. Andrew Syrett, Esquire  
Rolland E. Greenburg, III, Esquire  
Mr. Jimmy Dillon

RECEIVED  
OCT 13 2015  
SC SUPREME COURT

COPY

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

FILED

2015 JUN 26 PM 4:08 )  
CASE NO.: 2011-CP-32-01781

Charles E. Strickland, III, Latisha D. Strickland  
and Justin R. Dillon )

MOTION AND ORDER INFORMATION

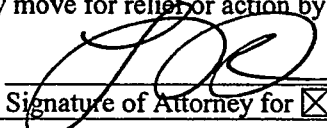
BETH A. CARRIGG

CLERK OF COURT FORM AND COVERSHEET  
LEXINGTON SC

vs. )

Marjorie E. Temple )

Defendant. )

Plaintiff's Attorney: <u>Frederick I. Hall, III, Bar No. 2591</u> Address: <u>301 Gibson Road, Lexington, SC 29072</u> Phone: <u>803-957-5333</u> Fax <u>803-957-7717</u> E-mail: <u>rick@sctrialattorneys.com</u> Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____									
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)										
<b>SECTION I: Hearing Information</b> Nature of Motion: <u>Motion to Alter or Amend Judgement</u> Estimated Time Needed: <u>1 hour</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO										
<b>SECTION II: Motion/Order Type</b> <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">             Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant         </div> <div style="text-align: center;"> <u>June 26<sup>th</sup>, 2015</u>            Date submitted         </div> </div>										
<b>SECTION III: Motion Fee</b> <input checked="" type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status    <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act    <input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication    <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td>Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> 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: _____	<input type="checkbox"/> Other: _____
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Name of Court Reporter: _____										
<input type="checkbox"/> Other: _____										
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____  Date: _____									
<b>CLERK'S VERIFICATION</b> Collected by: _____ Date Filed: _____ <input checked="" type="checkbox"/> MOTION FEE COLLECTED: \$ <u>25</u> <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____										

STATE OF SOUTH CAROLINA )  
 COUNTY OF LEXINGTON )  
 Charles E. Strickland, III, Latisha D. Strickland and Justin R. Dillon, )  
 Plaintiffs, )  
 vs. )  
 Marjorie E. Temple, )  
 Defendant )  
 \_\_\_\_\_ )  
 Marjorie E. Temple, )  
 Third-Party Plaintiff, )  
 vs. )  
 Russell Koivu, ERA Wilder Realty, Inc., )  
 Gary A. Pickren, Rex Casterline, and )  
 Harvey Casterline & Vallini, LLP, )  
 \_\_\_\_\_ )  
 Third-Party Defendants. )

) IN THE COURT OF COMMON PLEAS  
 ) FOR THE ELEVENTH JUDICIAL CIRCUIT  
 )  
 ) CIVIL ACITON NO.: 2011-CP-32-01781  
 )

**NOTICE OF MOTION AND  
 MOTION TO ALTER  
 JUDGEMENT OF THE  
 COURT'S DENYING OF  
 ATTORNEY'S FEES AND  
 RULE 11 SANCTIONS**

BETH A. CARRIGG  
 CLERK OF COURT  
 LEXINGTON SC

2015 JUN 26 PM 4: 08

FILED

TO: RONALD GREENBURG AND SPENCER ANDREW SYRETT, ATTORNEYS FOR THE DEFENDANT AND THE HONORABLE JAMES O. SPENCE, MASTER IN EQUITY FOR LEXINGTON COUNTY:

YOU WILL PLEASE TAKE NOTICE THAT ON THE TENTH DAY AFTER THE SERVICE THEREOF, or as soon as the matter can be held, the undersigned counsel for the plaintiffs will move before the Honorable James O. Spence, Master in Equity for Lexington County, for an Order pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure altering and amending the judgement of the Court, which was entered on June 15<sup>th</sup>, 2015, and written notice thereof received on June 16<sup>th</sup>, 2015, in the following particulars:

That the order denying attorney's fees and Rule 11 sanction fails to make specific findings of fact and conclusions of law as to what the good grounds were for the defendant and

her counsel to bring counterclaims for fraud, breach of contract accompanied by fraud, negligent misrepresentation, and unfair trade practices in the first place and to continue to prosecute the same after being requested to withdraw them.

In addition, the Court's Order denying attorney's fees violates both the South Carolina Constitution and the United States Federal Constitution, which prohibits the impairment of a valid legal contract. Although the Court indicates that the plaintiffs are entitled to attorney's fees under the contract, it fails to award them, citing no other authority than what "other masters in equity have done" and includes no written citation to an order of any court, or any published decision of the State of South Carolina. For these reasons, the plaintiffs, by and through their undersigned counsel, request that the Court amend its judgement by awarding attorney's fees in the amount prayed for and by making specific findings of fact and conclusions of law as to what the good grounds were for bringing the counterclaims alleged by the defendants.

This motion will be based upon the South Carolina Rules of Civil Procedure and any memorandum(s) handed up at the time of the hearing and such other and further matters that may be properly considered by the Court.

Respectfully Submitted,

By:



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Frederick I. Hall, III  
The Rick Hall Law Firm, LLC  
301 Gibson Rd.  
Lexington, SC 29072  
Tel: (803) 957-5333  
Fax: (803) 957-7717  
[rick@sctrilattorneys.com](mailto:rick@sctrilattorneys.com)

*Attorney for the plaintiffs Charles E. Strickland,  
Laticia D. Strickland, and Justin R. Dillon*

Lexington, South Carolina  
June 26, 2015

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

) IN THE COURT OF COMMON PLEAS  
) FOR THE ELEVENTH JUDICIAL CIRCUIT  
)  
) CIVIL ACTION NO.: 2011-CP-32-01781  
)

Charles E. Strickland, III, Latisha D.  
Strickland and Justin R. Dillon,

Plaintiffs,

vs.

Marjorie E. Temple,

Defendant

CERTIFICATE OF SERVICE

Marjorie E. Temple,

Third-Party Plaintiff,

vs.

Russell Koivu, ERA Wilder Realty, Inc.,  
Gary A. Pickren, Rex Casterline, and  
Harvey Casterline & Vallini, LLP,

Third-Party Defendants.

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

2015 JUN 26 PM 4: 08

FILED

The undersigned legal assistant to The Rick Hall Law Firm, LLC does hereby certify that she has on the 26<sup>th</sup> day of June, served a copy of **Plaintiff's Motion** by placing a copy via electronic mail and via U. S. Mail, postage prepaid, to the person(s) at the address(es) listed below:

S. Andrew Syrett, Esquire  
712 Richland Street, Suite E  
PO Box 7403  
Columbia, SC 29202

Rolland E. Greenburg, III, Esquire  
712 Calhoun Street, Suite D  
Columbia, S.C. 29201

Kate A. Johnson  
Kate A. Johnson  
Legal assistant to Frederick I. Hall, III

Lexington, South Carolina