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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

OCT 19 2015
SC Court of Appeals

Roger L. Couch, Circuit Court Judge

Case No. 2014-CP-10-4445

Jacob Greenspan,

Plaintiff/Appellant,

v.

Brothers Property
Corporation; Brothers
Property Management
Corporation; Victor Fuller,
Individually, and in his
official capacity; Ana Reina,
Individually, and in her
official capacity; and Oliver
Rooskens, Individually, and in
his official capacity.

Defendants/Respondents.

MOTION FOR LEAVE OF COURT OF APPEALS TO FILE MOTION
SEEKING RELIEF UNDER RULE 60(B), SCRCP

Jacob Greenspan, proceeding pro se, respectfully moves for leave of the Court to file a motion with the Circuit Court seeking relief under Rule 60(b), SCRCP, from the order of the Honorable Roger L. Couch dated August 24, 2015, in which the Circuit Court granted Defendants' Motion to Dismiss Plaintiff's First Amended Complaint pursuant to Rule 12(b)(6), SCRCP, and dismissed Plaintiff's First Amended Complaint in its entirety with prejudice.

With all due respect, Plaintiff contends that the Circuit Court's order was issued in an abuse of discretion in that it is merely a recitation, often verbatim, of the facts as set forth within

Defendants' Motion to Dismiss and the arguments contained therein.

Plaintiff contends that the Circuit Court's order was controlled by an error of law in that the Circuit Court failed to apply the appropriate standard of review required under Rule 12(b)(6), SCRCPP, by presuming that all statements made within Defendants' Motion to Dismiss were truthful, factually accurate, and representative of the pleadings provided within Plaintiff's First Amended Complaint, and by adopting the corresponding arguments and legal conclusions set forth within Defendants' Motion to Dismiss as its own. Thus, Plaintiff contends that the Circuit Court failed to properly exercise its function to find the facts and apply the law thereto.

Moreover, Plaintiff contends that Defendants' Motion to Dismiss neither accurately represents the factual allegations made within Plaintiff's First Amended Complaint, nor disputes any of the factual allegations made within Plaintiff's First Amended Complaint. As such, Plaintiff contends that the arguments and legal conclusions set forth within Defendants' Motion to Dismiss are predominantly baseless and without any merit.

Furthermore, Plaintiff contends that the Circuit Court failed to identify any conflicting facts or to resolve any doubts altogether, and that the Circuit Court's failure to properly exercise its duties resulted in the issuance of an order that is not representative of the factual allegations made by Plaintiff within his First Amended Complaint and one in which the Circuit Court's factual conclusions are without evidentiary support.

Accordingly, Plaintiff contends that the Circuit Court's order was taken against him by mistake, inadvertence, surprise or excusable neglect, and that relief is appropriate under Rule 60(b)(1), SCRCPP, on the grounds that the order was controlled by an error of law and based upon factual conclusions that are without evidentiary support.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave during the

pendency of his appeal in order to file a motion with the Circuit Court seeking relief under Rule 60(b), SCRCF, affording him the opportunity to address the overlooked factual allegations made within his First Amended Complaint and allowing the Circuit Court to correct its error in the interest of judicial economy.



October 14, 2015

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Appellant, Pro Se

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ATTORNEYS FOR BROTHERS PROPERTY
CORPORATION AND BROTHERS PROPERTY
MANAGEMENT CORPORATION

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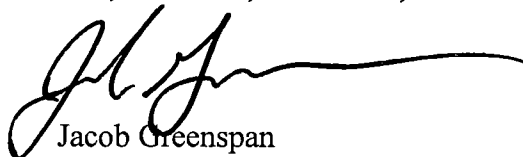
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Defendants/Respondents.

PROOF OF SERVICE

I certify that I have served the Motion for Leave on BROTHERS PROPERTY CORPORATION and BROTHERS PROPERTY MANAGEMENT CORPORATION by way of the USPS, Certified Mail, on October 14, 2015, addressed to the attorney of record, Wendy L. Furhang, JACKSON LEWIS P.C., 15 South Main Street, Suite 700, Greenville, SC 29601.

October 14, 2015



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MANAGEMENT CORPORATION

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OCT 19 2015
SC Court of Appeals

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