

77530

RECEIVED

OCT 13 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

J. Cordell Maddox, Jr, Circuit Court Judge

Case No. 2015-000593

Ronald J. Ferguson

Appellant,

v.

John D. Hatcher, Rachel Shaluly, James F. Gilbert,  
Molly A. Miller, and Michael Stehney, individually  
and as members of the Architectural Committee of  
Mill Creek Estates,

Appellees.

---

MOTION TO SUPPLEMENT THE RECORD ON APPEAL  
OR STRIKE THE INITIAL BRIEF OF RESPONDENT

---

Ronald J. Ferguson  
103 Mill Creek Rd  
Piedmont, SC 29673  
(864) 509-0169  
Appellant pro-se

Appellant, Ronald J. Ferguson, takes issue with the Statement of the Case, Arguments and Designation of Matters to be Included in the Record on Appeal as proffered by counsel in the Initial Brief of Respondent. SCRC, Rule 210(c) provides, in part, "The Record shall not, however, include matter which was not presented to the lower court or tribunal."

The record should duly reflect that the Respondents have introduced a statement of the case which is not supported by the transcript or exhibits available during the hearing which led to the Order currently on appeal. Further, the record should be developed to examine Counselor Brown's extensive and repeated actions in violating the Rules of Professional Conduct, such as Rule 3.3, among others in this pleading.

Among the notable items Appellant takes issue with or were not before the lower court are: Statement of the case claims "[T]he Respondents in April 2013 filed an action (2013-CP-23-01810) against Appalnt's father (subsequently his mother also) alleging a violation of the Restrictive Covenants in a house defendants built in Mill Creek Estates Subdivision." Respondents then seek to introduce the Complaint from 2013-CP-23-01810 which is shown as Complaint in John D. Hatcher, Rachel Shaluly, James F. Gilbert, Molly A. Miller and Michael Stehney, individually and as members of the Architectural Committee of Mill Creek Estates vs. Ronald J. Ferguson, Ronald E. Ferguson and Susan M. Ferguson.

It is a FACT the Complaint filed on April 1, 2013 by Respondents in 2013-CP-23-01810, is style as: John D. Hatcher, Rachel Shaluly, James F. Gilbert, Molly A. Miller and Michael Stehney, individually and as members of the Architectural Committee of Mill Creek Estates vs. Ron Ferguson. (See Attached A ) Moreover, there has been no Amended Complaint or judicial order naming either Ronald E. Ferguson and/or Susan M. Ferguson which would cause the styling or those parties be specifically named to the pleadings. The record in this action before Judge Verdin for the Default Judgment as well as 2013-CP-23-01810 also contains documentation from the South Carolina

Secretary of State that there is no such “person” or other entity authorized to conduct business in the State of South Carolina under the name of Architectural Committee of Mill Creek Estates (See Attached B ) along with the Restrictive Covenants lacking the specificity of such organization (See Attached C ). While Judge Verdin had these in her possession for the hearing on the Default Judgment, Judge Maddox outright refused to examine such under the Rule 24 hearing for intervention.

Respondents go on to claim “Subsequently, Mr. and Mrs. Ferguson, the Defendants in that case transferred an interest in the home to the Appellant herein so that he could be involved in the litigation.”

It is a FACT that a lower court addressed the property transfer and there is a record of those proceedings. Additionally, as a matter of record Appellant filed his own case against the respondents in this action (2013-CP-23-05102) which was consolidated by Order in 2013-CP-23-01810.

“The Respondents, herein, learned that the present action was pending regarding the same issue which is the Restrictive Covenants”

It is a FACT that South Carolina Rules of Civil Procedure, Rule 55, sets forth the process for the lower courts to follow and pursuant to such an Order of Default was issued against the Defendants in this action on December 16, 2014. (See Attached D ). The Respondents not only possessed knowledge of this action as their counsel contacted Master-in-Equity Judge Charles B. Simmons, Junior, ex parte in October, 2014 – more than forty-five (45) days prior to the hearing for Default Judgment. (See Attached E ).

Respondent(s) were also present in the lower court in November 2014 for the roll call and setting of the date for the hearing on default judgment as well as at the hearing for default judgment in December 2014. South Carolina Rules of Civil Procedure sets forth the Rule(s) and standards to be addressed in vacating an Order of Default. Two of the fundamental elements in vacating an Order are 1) you must have standing and 2) when you knew of the action. Neither of these having been

addressed by Judge Maddox in the Rule 24 motion but part of the more developed record among the multiple actions.

Counsel for Respondents alleges that the Order granting intervention is an interlocutory order not subject to appeal. If taken as an interlocutory order, this Court is vested with authority pursuant to S.C. Code 14-3-330(2) "An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;" Again, the lower court's Order on appeal as well as the Respondent's Initial Brief on Appeal fails to develop the record up to and including Judge Verdin's Order of Default as the lower court acted pursuant to Rule 24 instead of the correct Rule 59 or 60. As a matter of the Respondents intervening the defendants become subject to arbitrary actions whereby the lower court is acting based on allegations and evidence of competing parties actions which occurred decades subsequent to the defendants actions.

Respondents allege on remand the court will have to determine whether the case should proceed as an individual action, consolidate it or dismiss it pursuant to SCRPC, Rule 13 and 12(b)(8).

It is a fact that Respondent Michael Stehney, represented by Counselor Brown in this action, is the same party in Michael Stehney, Jr. v. Ronald E. Ferguson and Susan M. Ferguson, 2013-CP-23-01715 (See Attached F ), filed March 25, 2013, and represented by Chace Campbell, P.A. - which also alleges violations of Restrictive Covenants. Consequently, the same argument for SCRPC, Rule 13 Respondent makes would apply to same. While Counsel for Respondents has refused to consent to an Order of Reference for 2013-CP-23-01810 to be heard by Special Referee, he has contacted the Judge Simmons seeking this case be transferred (Attached E; which has not been granted) but an Order requiring the parties in '1810' be consolidating with two other cases before the Special Referee (2013-CP-23-01715 and 2013-CP-23-3179) for purposes of discovery. (See Attached G )

Counselor Brown claims he needs to intervene in this action to protect his clients civil litigation interests in 1810. South Carolina Rules of Civil Procedure, Rule 24, allows intervention in certain instances. There is no statutory authority granting them intervention nor is it permitted under South Carolina laws or Rules of Civil Procedure. The Respondents nor their counsel are a lawful defendant in this action and readily admit they are not. They had no personal involvement or knowledge of defendant Mill Creek, LP's creation and filing of the Restrictive Covenants in 1974. They are not situated that the matter will impede or impair any practical interest.

Rule 407, 3.1: "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law."

According to the more developed record, Brown claims in 1810 that his clients are empowered to act based on the Restrictive Covenants created by the developers and the people they appointed who subsequently appointed others. Admittedly, they lack any documentation of the defendant, Mill Creek, LP or the partners thereto taking such action. It of no moment, South Carolina law is quite clear: Restrictive Covenants are contractual in nature. The Restrictive Covenants were filed by an officer of Mill Creek, LP. All parties concur, Mill Creek, LP officers nor the company owns any property in Mill Creek Estates and has not for years. State precedent is well settled – once the developer ceases to own property they no longer possess interest or standing to maintain restrictive covenants under the developer's rights or alter such. There has been no establishment of a Homeowners Association.

Counselor Brown has stated that his clients were appointed by Mill Creek, LP, and as members left the remaining persons chose a replacement to act on their behalf (even though they are not partners or employees). The alleged committee is self funded. And the community in general has no input or knowledge of who the members are as the Restrictive Covenants do not require it. There are volumes of case precedent across the country on the notice requirements involving HOA and Architectural

Committees.

Looking further, "These covenants are to run with the land and shall be binding on all persons claiming under them for a period of thirty-five years, at which time said covenants shall be automatically extended for successive periods of twenty years..." This violates the South Carolina Rule of Perpetuity in itself. Counselor Brown seeks to further the violation by arguing his self appointed and funded clients are not required to be known by the community – but do have a right to tell property owners what is legal to do on their own property.

South Carolina courts are vested by statute to examine contracts which contravene public policy. Even when the person or entity is no longer operating or represented. It is also precedent that Courts not grant intervention to permit a party to pursue groundless litigation.

Existing South Carolina precedent finds that when counsel has knowledge of facts or documents and withholds knowledge of such in an effort to secure a judgment, that party is acting as an officer of the court and the failure to fully disclose the record is tantamount to fraud. "Relief is granted for extrinsic but not intrinsic fraud on theory that the latter deceptions should be discovered during the litigation itself, and to permit such relief undermines the stability of of all judgments." Mr. G. v. Mrs. G., 320 S.C. 305, 308, 465 S.E.2d 101, 103 (Ct. App. 1995). The subornation of perjury by an attorney and/or intentional concealment of documents by an attorney are actions which constitute extrinsic fraud. Contrary to perjury by a witness or party's failure to disclose requested materials, conduct which constitutes intrinsic fraud, where an attorney – an officer of the court – suborns perjury or intentionally conceals documents, he or she effectively precludes the opposing party from having his day in court. These actions by an attorney constitute extrinsic fraud. In the Matter of Goodwin, 279 S.C. 274, 305 S.E.2d 578 (1983).

#### SUMMARY

The Respondents in this action are involved in multiple other cases, including 2013-CP-23-1715, 2013-

CP-23-01810 and 2013-CP-23-03179. And while they knew of this action, have contacted the lower court to seek it being consolidated, and were present at multiple hearings where they said nothing – only after a judgement was issued, which they deem harmful to their other litigation, did they seek to intervene in this case. Through the lower court's failure to recognize the requirements to vacate the Order of Default and the deliberate actions by Respondent's counsel in misrepresenting facts and evidence to that court and in their brief to this court, Brown has perpetuated two years of fraud and seeks to continue such activities under the guise of being a court official.

Accordingly, pursuant to South Carolina Rules of Appellate Procedure, Rule 212(b) the Appellant would request leave to supplement the record on appeal to accurately show the patently fraudulent representations made before the lower court and the initial brief of the respondents by their counsel. Appellant would further submit this honorable Court is duty bound to pursuant to Rule 407 to examine such conduct and has its own authority pursuant to Rule 212(a) to require such record and materials as justice may require.

October 6, 2015

Respectfully submitted,



Ronald J. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673  
(864) 509-0169

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

J. Cordell Maddox, Jr, Circuit Court Judge

Case No. 2015-000593

Ronald J. Ferguson

Appellant,

v.

John D. Hatcher, Rachel Shaluly, James F. Gilbert,  
Molly A. Miller, and Michael Stehney, individually  
and as members of the Architectural Committee of  
Mill Creek Estates,

Appellees.

CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the Initial Brief of Appellant, dated 10/06/2015 on Appellees' Attorney of record by

       delivering it to him/her personally; or,

       mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

  X   mailing it to the address indicated by their counsel of record in the Summons as follows:

Rodney M. Brown  
210 S Main St  
Fountain Inn, SC 29644

This the 6<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Ronald J. Ferguson

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

John D. Hatcher, Rachel Shaluly, James F. Gilbert, Molly A. Miller and Michael Stehney, individually and as members of the Architectural Committee of Mill Creek Estates, Plaintiff(s)

vs.

Ron Ferguson, Defendant(s)

(Please Print)

Submitted By: Rodney M. Brown

Address: 210 S. Main Street Fountain Inn, SC 29644

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP-23-01810

SC Bar #: 000953

Telephone #: 864-862-2528

Fax #: 864-862-2500

Other:

E-mail:

FILED CLERK OF COURT GREENVILLE COUNTY SOUTH CAROLINA APR 1 11:46

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint. This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules. This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules. This case is exempt from ADR (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20-CP-, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499) Violation of Restrictive Covenants
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Other (799)
Administrative Law/Relief: Reinstate Driver's License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Commission (990), Employment Security Comm (991), Other (999)
Special/Complex/Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (670)

Submitting Party Signature:

Date: 3-27-2013

A

# *The State of South Carolina*



*Office of Secretary of State Mark Hammond*

## **Certificate of No Record**

**I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:**

At this time, this office can find no record of a corporation using the name:  
**Architectural Committee of Mill Creek Estates**

Given under my Hand and the Great  
Seal of the State of South Carolina this  
31st day of October, 2013.

*Mark Hammond*  
Mark Hammond, Secretary of State

B

FORM 4

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

JUDGMENT IN A CIVIL CASE  
FILED-CLERK OF COURT CASE NUMBER 2013CP2305102  
GREENVILLE CO. S.C.

Ronald J Ferguson

PAUL B. WICKERSHAM  
Mill Creek LP

2014 DEC 30 PM 2 43

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 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.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  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:

This matter came before the Court on December 16, 2014 for a hearing on Plaintiff's Motion for Summary Judgment. During the hearing, Plaintiff moved for an entry of default against Defendant pursuant to Rule 55, SCRPC.

Defendant has been properly served in this matter. Furthermore, Defendant has failed to appear or otherwise respond to the Complaint, and the time for doing so has elapsed. Therefore, this Court orders that the Clerk of Court enter default against Defendant Mill Creek, LP pursuant to Rule 55(a), SCRPC.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT 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)

*[Handwritten signature]*

*[Handwritten mark]*

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.**

  
Circuit Court Judge

2162  
Judge Code

12/16/14  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on <sup>12/30/14</sup> and a copy mailed first class or placed in the appropriate attorney's box on <sup>12/30/14</sup>, to attorneys of record or to parties (when appearing pro se) as follows:

Ronald J Ferguson 103 Mill Creek Rd Piedmont, SC 29673

ATTORNEY(S) FOR THE PLAINTIFF(S)

Rodney M Brown

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of  
Court - Clerk of Court

Court Reporter

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Ronald J. Ferguson vs. Mill Creek, LP; 2013-CP-23-05102**

Monday, October 27, 2014 9:52 AM

From: "Annette Butts" <aprdaisy36@yahoo.com>

To: csimmons@greenvillecounty.org

Cc: jdh\_1@att.net

Judge Simmons-

I just wanted to let you know that there is another Ronald Ferguson case that is pending in Greenville County Common Pleas Court. I am not sure there is an actual Defendant or if it has ever been served. However, it was found when one of my clients were looking at the docket. The case is entitled Ronald J. Ferguson vs. Mill Creek, LP; 2013-CP-23-05102. It is supposedly on the trial roster for the week of November 3rd.

I would ask that this case be joined with the rest of the cases in your Court so you can have all the cases and the total picture of what Mr. Ferguson is attempting to do.

Therefore, I request that this case be joined with the other cases with jurisdiction being in your Court.

I am providing Mr. Ferguson with a copy of this letter and ask that he provide whatever information he has about this case to you.

Your time and consideration is appreciated.

Rodney M. Brown  
210 S. Main Street  
Fountain Inn, South Carolina 29644  
(864) 862-2528

E

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Stehney, Jr.

Plaintiff(s)

vs.

Ronald E. Ferguson and Susan M. Ferguson,

Defendant(s)

(Please Print)

Submitted By: Chace D. Campbell/Ruth F. Hindman

Address: 12 East Stone Avenue  
Greenville, SC 29609

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP - 23- 1715

FILED  
MAR 25 PM 4:26

FILED  
MAR 25 PM 4:26

SC Bar #: 13624/100121

Telephone #: 864-268-8244

Fax #: 864-239-3815

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- |   |  |  |   |  |  |
|---|--|--|---|--|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> Employment (120)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Other (199)</li> </ul>  | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/>20 <u>-CP-</u> -</li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>   | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Slander/Libel (300)</li> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input checked="" type="checkbox"/> Other (399) Trespass &amp; Nuisance</li> </ul> | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>   |  |  |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>  | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Driver's License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul>   | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Commission (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |  |  |
| <p><b>Special/Complex /Other</b></p> <table border="0"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> </ul> </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> </ul> </td> </tr> </table> |  |  |   | <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> </ul> |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> </ul>  | <ul style="list-style-type: none"> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> </ul>   |  |   |  |  |

Submitting Party Signature:

Ruth F. Hindman

Date: 03/22/13

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

F

original in 13-01715  
copy in 13-3179

FILED-CLERK OF COURT  
STATE OF SOUTH CAROLINA GREENVILLE CO. S.C. IN THE COURT OF COMMON PLEAS  
PAUL B. WICKENSIMMER  
COUNTY OF GREENVILLE CIVIL ACTION NO.: 2013-CP-23-01715 ✓

2014 NOV 6 AM 11 23

Michael Stehney, Jr.,  
Plaintiff,

vs.

Ronald E. Ferguson, Susan M. Ferguson and  
Ronald J. Ferguson,  
Defendants.

**ORDER**

Ronald E. Ferguson and Susan M. Ferguson,  
Plaintiffs,

CIVIL ACTION NO.: 2013-CP-23-03179

vs.

Christopher Todd Usher, Addison Corporation  
and Addison Homes, LLC,  
Defendants.

This matter comes before me for a status conference in the above-captioned case of Stehney v. Ferguson, et al., Civil Action No.: 2013-CP-23-01715 on Monday, October 6, 2014. In conjunction with this case, the Court requested appearance by counsel and parties on all pending matters involving the subject property owned by Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson. Accordingly, counsel and parties in the case of Ferguson et al. v. Usher et al., Civil Action No. 2013-CP-23-03179, appeared before the Court. Both of these matters are pending in the Master-In-Equity Court and assigned to me for handling.



ENTERED COMPUTER




In addition, parties in the following additional cases, which are not before this Court, were also requested to appear for the status conference: Hatcher v. Ferguson, Civil Action No. 2013-CP-23-01810 and Ferguson v. County of Greenville, Civil Action No.: 6:14-CV-1213-GRA-KFM.

Attorneys present at the hearing were Chace Campbell, Camden Shealy, John Devlin, Zachary Horton, Brent Boyd and Rodney Brown. Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson were also in attendance. In addition, three of the Plaintiffs in the Hatcher matter were also present.

The Court requested this hearing to discuss and develop a plan to expedite these matters and to assist in the efficient handling and resolution of all matters involving the subject property and all related claims. Accordingly, it is hereby so ordered that the following be done to carry out this intent.

1. Two of the cases, namely Hatcher v. Ferguson, Civil Action No. 2013-CP-23 01810 and Ferguson v. County of Greenville, Civil Action No.: 6:14-CV-1213-GRA-KFM are currently pending in the Federal Court (the Hatcher case was recently removed to Federal Court and is pending now as Civil Action No.: 6:14-CV-3820-GRA-KFM). In the event the Hatcher case is remanded to State Court, then the Hatcher case will also be consolidated with the other pending actions before this Court *for purposes of discovery only*. The Federal Case pending against the County of Greenville is not subject to this Court's Order.

2. All of the referenced cases, except for the one pending against the County of Greenville, will be consolidated for purposes of discovery. The Court will enter a scheduling order setting deadlines for the exchange of written discovery and deadlines for taking depositions of the parties in these actions.

2 

3. After the initial exchange of written discovery and the initial round of depositions are completed, the parties in all of the referenced cases herein will participate in a joint mediation utilizing one of the following mediators. Frank Gibbes, Esquire of Gibbes Burton, LLC, Robert Hassold, Jr. of Robert W. Hassold, Jr., LLC or Thomas L. Stephenson of Stephenson & Murphy. If the parties cannot agree upon one of these mediators, then the court will select one of the three to conduct mediation.

4. If any matters subject to this Court's jurisdiction remain unsettled after mediation, the parties to these cases will appear before this Court for an additional status conference setting forth the remaining deadlines for the cases(s) including trial dates.

IT IS HEREBY SO ORDERED:

Dated: 10/29, 2014

  
\_\_\_\_\_  
The Honorable Charles B. Simmons, Jr.  
*Special Circuit Judge/Master in Equity*

Ronald Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673



RECEIVED  
OCT 13 2015  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211