

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

Marvin H. Dukes, III, Master-in-Equity

CASE NO. 2014-001747

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NOV 16 2015
SC Court of Appeals

JOSEPH C. SUN Appellant

v.

**MARSHALL L. HORTON Respondents
and RICHARD ULBRICH**

**APPELLANT'S RESPONSE TO RESPONDENTS' MOTION FOR
RECONSIDERATION AND MOTION TO FILE OUT OF TIME**

Appellant has always timely served the respondents every document he has filed in the case. There were times he had hand served copies of aforesaid documents on the defendants at the counsels' offices to eliminate the possibility of loss or delay in the mail and because both counsels were within walking distances from Appellant's home though in different directions.

Appellant had personally served the Record on Appeal and the Motion to File certain documents as is, on both counsels at their office addresses on record in the case. Ms. Goodman was in same office with Respondent Horton. The Record on Appeal was served on her paralegal Kirbi Poston (lady at front desk) who signed the cover letter and the certificate of service. At the time of personal service, Respondent Horton was standing next to her watching.

Mr. Greg Galvin was personally served at his office address on record in this case at 53 Persimmon Street, Suite 105, Bluffton, SC 29910 by leaving a copy with an adult employee. At his latest filing of the Motion for Reconsideration dated November 6, 2015, Appellant discovered that Mr. Galvin had moved (on unknown date) to 14 Westbury Parkway, Bluffton, SC without notification of change of address to the court or the Appellant. (See attached Exhibit A.) Rule 210(a), SCACR provides that “..... the appellant shall serve a copy of the Record on Appeal on each party who has served a brief.” The certificate of service and Respondents’ initial brief can show that only Ms. Goodman had served the initial brief, therefore, Mr. Galvin is not entitled to a service copy of the Record on Appeal.

In any event, both counsels’ claim that they had no knowledge of the filing of the Record on Appeal which “triggered the filing of respondents brief”, as their reason of not filing their brief on time. Albeit these counsels try to claim that they had not received the service copies, court record shows that on October 1, 2015, they were both served copies of letters notifying Appellant of his deficiency in his Record on Appeal. (See copy of letter attached as Exhibit B.) Therefore, both counsels were informed by the court that Appellant had filed his Record on Appeal before October 1, 2015, yet they waited until November 6, 2015 to file their motions claiming that they had no knowledge of Appellant’s filing of Record on Appeal.

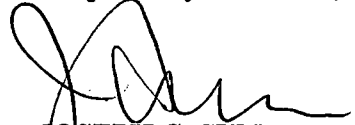
Respondents’ counsels claimed to have obtained copy of the Record on Appeal from the court’s website only after they were instructed to file their brief by the court. Respondents had mistakened that Appellant’s deficiency in his brief was a dispositive issue which would toll the time to file their brief, but they were wrong. When they were told that they had not filed their brief on time, they fabricated the excuse of lack of knowledge of the filing of Record on Appeal after

they had already been specifically informed by the court by copies of the aforesaid letter.

Respondents' motions should be denied.

This 12th day of November, 2015.

Respectfully submitted,


JOSEPH C. SUN, pro se
P. O. Box 151
Bluffton, SC 29910
843-226-8788

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SC Court of Appeals


PROOF OF SERVICE

I certify that I have this date served the Appellant's Response to Respondents' Motion for Reconsideration and Motion to File Out of Time, on Respondents Horton and Ulbrich by hand delivery or depositing a copy of same in the U.S. Mail postage prepaid, on November 12, 2015 addressed to their attorneys on record:

Gregory Michael Galvin, Esq.
Attorney for Marshall Horton
14 Westbury Parkway, #104
Bluffton, SC 29910

Lindsay Y. Goodman, Esq
49 Boundary Street, 2nd Fl.
P. O. Box 3766
Bluffton, SC 29910

This 12th day of November, 2015


JOSEPH SUN
P. O. Box 151
Bluffton, SC 29910



Galvin Law Group

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Licensed in District of Columbia, Ohio & South Carolina
Special Assistant Attorney General for the State of Georgia
Also licensed as a Patent Attorney before the United States Patent & Trademark Office

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November 6, 2015

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SC Court of Appeals

Via Federal Express

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29201

RE: Joseph Sun vs. Marshall Horton
Case No. 2014-001747

Enclosed please find for filing in connection with the above-mentioned matter:

An original and Fifteen (7) copies of the RESPONDENT'S MOTION FOR RECONSIDERATION AND NOTICE OF OBJECTION TO THE ORDER FILED ON OCTOBER 29, 2015 AND REQUEST FOR ORDER REQUIRING THE APPELLANT TO SERVE COUNSEL VIA A METHOD WITH A TRACKING METHOD.

Please file the original documents and provide me with one time-stamped copy of each document. By copying all parties, I am serving them with a copy of this letter.

Should you require any additional information in order to process this request, please do not hesitate to contact me.

Very truly yours,


Gregory Michael Galvin, Esq.

cc: Joseph Sun (via U.S. Mail)
Lindsay Goodman, Esq. (via U.S. Mail)
Marshall Horton, Esq. (via electronic mail)

 Galvin Law Group
Elder Law | Criminal Defense | Civil Litigation | Real Estate
GREGORY MICHAEL GALVIN, ESQ.
-Attorney-

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SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 01, 2015

Joseph C. Sun
Post Office Box 151
Bluffton SC 29910

Re: Joseph C. Sun v. Marshall L. Horton
Appellate Case No. 2014-001747

Dear Mr. Sun:

Upon reviewing your record on appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The binding does not comply with Rule 267(d), SCACR. All copies must be securely fastened on the left margin. If staples or clasps are used to bind the volumes, the spines of the volumes shall be bound with heavy tape.
- The cover is not in compliance with Rule 267(e), SCACR. Covers of the record on appeal shall be of a material not less than 50 pound weight.
- The number of copies provided is not in compliance with the SCACR. Please provide 14 properly-bound copies.
- The document is not accompanied by the required certificate of counsel as required by Rule 267(f), SCACR.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

-B-

Very truly yours,

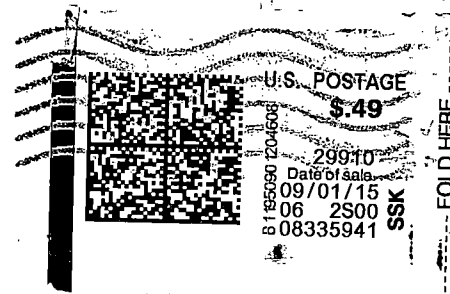
V. Claus Allen, Deputy

CLERK

cc: Gregory Michael Galvin, Esquire
Lindsay Yoas Goodman, Esquire

J. C. Sun
P. O. Box 151
Bluffton, SC 29910

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**Clerk of Court
Court of Appeals of South Carolina
P. O. Box 11629
Columbia, CS 29211**

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