

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

John M. English,

Appellant,

v.

Ellen Sexton and John E.
White, Jr.,

Respondents

RETURN TO APPELLANT'S MOTION TO REINSTATE

RECEIVED
DEC 21 2015
SC Court of Appeals

Respondent objects to the Appellant's Motion to Reinstate upon the grounds that:

- (a) Appellant was notified of the date the Record on Appeal would be due by letter from V. Claire Allen, Deputy Clerk of Court for the Court of Appeals dated August 28, 2015, a copy of which is attached hereto as Exhibit "A".
- (b) Considering the passage of time, Appellant could have inquired of the Court as to when the Record on Appeal was due and,
- (c) As to this Respondent, Appellant's appeal is frivolous and cites no law in his initial brief in support of Appellant's position with regard to this Respondent's award.

December 18, 2015



John Evander White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 28, 2015

Mr. David A. Collins, Esquire
PO Box 40578
Charleston SC 29423

Mr. G. Thomas Hill, Esquire
6209 Savannah Hwy.
Ravenel SC 29470

John Evander White, Jr., Esquire
5305 Sumters Run
N. Charleston SC 29418

Re: John M. English v. Ellen Sexton
Appellate Case No. 2014-002661

Dear Counsel and Mr. White:

Pursuant to the enclosed order, the title in the above matter has been changed to read as follows:

John M. English, Appellant,

v.

Ellen Sexton and John E. White, Jr., Respondents.

All future records in this matter should be changed to reflect this title.

Exhibit "A"

Furthermore, please be advised that the appeal in the above matter is no longer held in abeyance. The record on appeal must be served on all opposing parties and proof of service filed with this Court within thirty (30) days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

The South Carolina Court of Appeals

John M. English, Appellant,

v.

Ellen Sexton, Respondent.

Appellate Case No. 2014-002661

ORDER

After careful consideration, John E. White, Jr.'s motion to be added as a Respondent in this appeal is granted.

Furthermore, although it does not appear Mr. White is currently representing Appellant, to the extent that he is, his request to be relieved as counsel for Appellant is granted. Mr. David A. Collins shall continue as counsel for Appellant.


FOR THE COURT

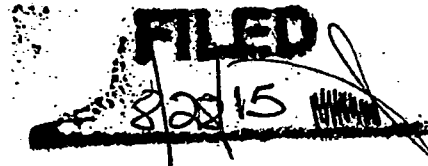
Columbia, South Carolina

cc:

David A. Collins, Esquire

G. Thomas Hill, Esquire

John Evander White, Jr., Esquire



THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

John M. English,

Appellant,

v.

Ellen Sexton and John E.
White, Jr.,

Respondents

MEMORANDUM OF AUTHORITIES

Appellant has made a motion to reinstate his appeal apparently on the grounds that "the procedural history of this matter is sufficiently convoluted that he [Appellant's counsel] was unaware that the action was fully ripe for the final stages of the appeal." However, Appellant was notified of the date the Record on Appeal would be due by letter from V. Claire Allen, Deputy Clerk of Court for the Court of Appeals dated August 28, 2015, a copy of which is attached hereto as Exhibit "A".

Apparently, Appellant's counsel either did not receive the letter attached as Exhibit "A" hereto or he received it and failed to read the second page of the letter. The undersigned presumes, unless presented with an affidavit he did not receive the letter, Appellant's counsel now asks for relief from his neglect.

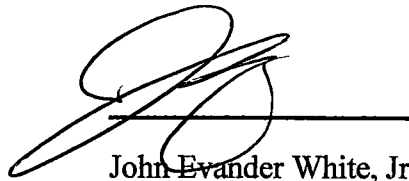
Even if failure to read the entire letter is excusable, considering the passage of time, Appellant could have inquired of the Court as to when the Record on Appeal was due. Motions by Respondent had stayed the time for service and filing of a Record on Appeal. The order ruling on Respondent's motions was served on August 28, 2015. The Court's letter clearly stated that the Record on Appeal was due 30 days after August 28, 2015. To date, Respondent has not been served with a Record on Appeal. One would presume that in the months following, it would be appropriate for counsel, not having read the letter, to have inquired as to the date a Record on Appeal would be due.

As to the issue of justice, this Respondent believes that Appellant's appeal of the Lower Court's award of this Respondent's fees is meritless. Such conviction influences Respondent to object to Appellant's motion. Respondent respectfully notes that Appellant's initial brief cited no legal authority to support the appeal as to the Lower Court's award of Respondent's fees. Accordingly, the appeal as to Respondent's fees should be dismissed as the issue was abandoned by failure to cite legal authority. See Bennett v. Investors Title Insurance Co., 370 S.C. 578, 599, 635 S.E.2d 649, 660 (Ct. App. 2006). This case was cited in SunTrust Bank v. Mcgarthy, 392, S.C. 264, 269, 708 S.E. 2d 821, 823 as "(holding that issues raised in a brief but not supported by authority are deemed abandoned and will not be considered on appeal)". Appellant failed to cite any authority as to the appealed issue involving Respondent.

It is uncomfortable for the undersigned to argue another attorney's neglect, but I do so in light of my conviction that there were no meritorious grounds for appealing the award of my fees.

This Respondent believes it unjust for payment of his fees to be further delayed by reason of neglect by Appellant's attorney. Rule 260(a), SCRAP appears intended precisely to address the issue before the Court in Appellant's motion and requires "good cause shown". It is respectfully submitted that Appellant has not shown good cause to reinstate his appeal.

December 17, 2015

A handwritten signature in black ink, appearing to read "John Evander White, Jr.", is written over a horizontal line. The signature is stylized and cursive.

John Evander White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 28, 2015

Mr. David A. Collins, Esquire
PO Box 40578
Charleston SC 29423

Mr. G. Thomas Hill, Esquire
6209 Savannah Hwy.
Ravenel SC 29470

John Evander White, Jr., Esquire
5305 Sumters Run
N. Charleston SC 29418

Re: John M. English v. Ellen Sexton
Appellate Case No. 2014-002661

Dear Counsel and Mr. White:

Pursuant to the enclosed order, the title in the above matter has been changed to read as follows:

John M. English, Appellant,

v.

Ellen Sexton and John E. White, Jr., Respondents.

All future records in this matter should be changed to reflect this title.

Exhibit "A"

Furthermore, please be advised that the appeal in the above matter is no longer held in abeyance. The record on appeal must be served on all opposing parties and proof of service filed with this Court within thirty (30) days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

The South Carolina Court of Appeals

John M. English, Appellant,

v.

Ellen Sexton, Respondent.

Appellate Case No. 2014-002661

ORDER

After careful consideration, John E. White, Jr.'s motion to be added as a Respondent in this appeal is granted.

Furthermore, although it does not appear Mr. White is currently representing Appellant, to the extent that he is, his request to be relieved as counsel for Appellant is granted. Mr. David A. Collins shall continue as counsel for Appellant.


FOR THE COURT

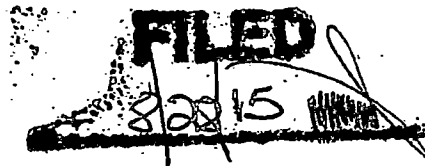
Columbia, South Carolina

cc:

David A. Collins, Esquire

G. Thomas Hill, Esquire

John Evander White, Jr., Esquire



STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

DEC 21 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

Case Number 2010-CP-10-7241

John M. English,

Appellant

v.

Ellen Sexton and John E. White, Jr.,

Respondents

PROOF OF SERVICE

I certify that I served the Respondent's RETURN TO APPELLANT'S MOTION TO REINSTATE and MEMORANDUM OF AUTHORITIES upon all other counsel of record by depositing a copy thereof in the United States mail, postage prepaid, on December 18, 2015, addressed as follows:

David A. Collins, Esquire

Post Office Box 40978

North Charleston, SC 29423

G. Thomas Hill, Esquire

6209 Savannah Highway

Ravenel, SC 29470



John E. White, Jr.

SWORN TO BEFORE ME THIS

18th Day of December, 2015

Misty M Church

Notary Public for South Carolina

MY COMMISSION EXPIRES
MAY 22, 2016

THE WHITE LAW FIRM, LLC

5305 Sumters Run
North Charleston, South Carolina 29418
Phone (843) 327-0850 / e-Fax (864) 751-4197
Email: vanwhitelaw@live.com

December 18, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1013 Sumter Street
Columbia, South Carolina 29201

RECEIVED

DEC 21 2015

SC Court of Appeals

RE: John M. English v. Ellen Sexton
Case No. 2014-002661
Lower Court Case No. 2010-CP-10-7241

Dear Ms. Kitchings:

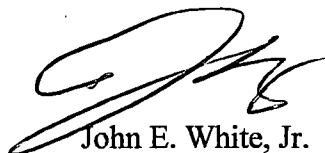
Please find enclosed herewith the original and 7 copies of the following:

1. Return to Appellant's Motion to Reinstate;
2. Memorandum of Authorities; and,
3. Proof of service.

Please file the original and 6 copies of each and please return one copy to me in the self-addressed, stamped envelope provided. Should you have any questions or concerns, please do not hesitate to contact me..

Thank you.

Sincerely,




John E. White, Jr.

cc: David A. Collins, Esq.
G. Thomas Hill, Esq.

1024

\$5.75
R2304H107806-08

PRIORITY[®] ★ MAIL ★

 DATE OF DELIVERY SPECIFIED*

 USPS TRACKING™ INCLUDED*

 INSURANCE INCLUDED*

 PICKUP AVAILABLE

* Domestic only

FROM

PRIORITY[®] ★ MAIL ★

 UNITED STATES
POSTAL SERVICE[®]

VISIT US AT USPS.COM[®]
ORDER FREE SUPPLIES ONLINE

The White Law Firm, LLC
5305 Sumters Run
N. Charleston, SC 29418

RECEIVED

DEC 21 2015

SC Court of Appeals

TO: The Honorable Jenny Abbott Kitchin
Clerk of Court SC Court of Appeals
1013 Sumter Street
Columbia SC 29201

Label 228, July 2013

FOR DOMESTIC AND INTERNATIONAL USE

WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.

Expected Delivery Day: 12/21/2015

USPS TRACKING NUMBER

