

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

Appeal No. 2015-001820

Case No. 2013-CP-23-01715

Michael Stehney, Jr.,.....Respondent,

v.

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

Of whom Ronald J. Ferguson is theAppellant.

Case No. 2013-CP-23-03179

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

v.

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

**APPELLANT'S OBJECTION TO RESPONDENT'S MOTION FOR COSTS
TO BE PAID BY APELLANTS**

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

COMES NOW, Ronald J. Ferguson, pro-se, and herein duly objects to the Respondent's Motion for Costs to be paid by Appellants.

The grounds for this motion are as follows:

The appeal was taken from an order of the Master-in-Equity, County of Greenville, following the consolidation of three actions (2013CP2301715, 2013CP2301810 and 2013CP2303179) in contravention of 28 USC 1446(d).

In the underlying litigation Plaintiff in 2013CP2301715 is alleging the defendants are responsible for damages under the doctrine of respondeat superior.

Defendants in 2013CP2301715 sought discovery pursuant to SCRPC, Rules 26 and 45, and consistent with S.C. Code 15-38-15(d).

A party (Defendants, a state licensed contractor performing work pursuant to contract in 3179) liable under S.C. Code 15-38-15 objected to the discovery, and was joined in such by Plaintiffs in '1715'.

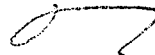
The South Carolina Supreme Court has ruled in multiple cases that when a lower court or counsel prevents a party from exercising due diligence in discovery renders such judgment invalid as preventing substantive due process. Thus, the matter is appropriate for review before the trial process.

The South Carolina Court of Appeals chose to render a judgment based on discovery without accurately addressing the fact any trial and judgment would be rendered a violation of substantive due process as determined by State Supreme Court and United States Court precedents.

Accordingly, the matter will be presented for further review pursuant to Rule 242 and as such an award of any fees would be premature. See RAP, Rule 222(d).

Wherefore, premises considered, the Court of Appeals should deny the respondent's motion for costs to be paid by appellants.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the Appellant's Objections to Respondent's Motion for Costs to be Paid by Appellants, dated 02/09/2016 on Plaintiff's 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 indicted by their counsel of record as follows:

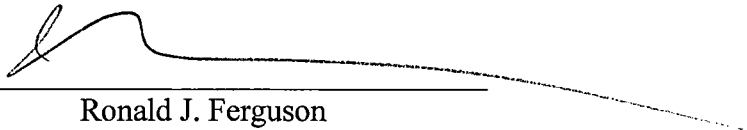
Nathan C. Farmer
Patterson & Associates, P.A.
1088 North Church Street
Greenville, SC 29601

Chace D. Campbell
Chace Campbell, P.A.
12 East Stone Avenue
Greenville, SC 29609

E. Zachary Horton
Brown, Massey, Evans, McLeod & Haynsworth, LLC
PO Box 2464
29602

Brent M. Boyd
Timothy J. Newton
PO Box 6648
Columbia, SC 29260

This the 9th day of February, 2016.

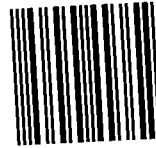


Ronald J. Ferguson

Ronald Ferguson
103 Mill Creek Road
Piedmont, SC 29673-8622



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SC Court of Appeals

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

