

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

DEC 21 2016

SC Court of Appeals

M. Anderson Griffith, III, Master-In-Equity

Appellate Case No. 2016-002102

Canadian River Farms, Ltd., Colt Farms, Inc., B C Farms, Inc. n/k/a B C Farms
of South Carolina Inc., and Outback Farms, Ltd., Respondents/Appellants,

v.

Becky J. Gonshorowski, The South Carolina Department of Transportation,
and Aiken County South Carolina, a body politic and political subdivision of
the State of South Carolina, Respondents,

Ex Parte: Carolyn Barrett, Robert Barrett, and Save Windsor SC,
Proposed Intervenors Appellants/Respondents.

**RETURN TO APPELLANTS/RESPONDENTS' MOTION FOR SANCTIONS
AND TO ORDER THE RETURN TO THE STATUS QUO ANTE**

Pursuant to Rule 240(e), SCACR, Respondents/Appellants Canadian River Farms, Ltd., Colt Farms, Inc., B C Farms, Inc. n/k/a B C Farms of South Carolina Inc., and Outback Farms, Ltd (collectively, "the Farms") hereby respond to the Motion for Sanctions and to Order the Return to the Status Quo Ante filed by Appellants/Respondents Carolyn Barrett, Robert Barrett, and Save Windsor SC (collectively, "Proposed Intervenors"). The motion should be denied because the Farms have not violated the automatic stay, Proposed Intervenors have not established any harm, and Proposed Intervenors do not have a procedural basis for filing the motion.

BACKGROUND

This appeal relates to the closure of two dirt roads in Aiken County that run through a working farm owned by the Farms. The Farms own the roads as well as the surrounding farmland. The Farms sought to permanently close the roads pursuant to S.C. Code Ann. § 57-9-20 because of public safety concerns, vandalism, littering, and arson that was taking place on and around their property. None of the named defendants (Respondents), Aiken County, the South Carolina Department of Transportation, and the sole landowner with property abutting the roads, Becky Gonshorowski, objected to the roads being closed.

On June 27, 2016, the master-in-equity issued an order finding that it is in the best interest of all concerned that the roads be closed. *Id.* Although several “interested persons” attended the hearing, only three testified, one of whom was Carolyn Barrett.

On July 8, 2016, a group of 52 individuals, none of whom own property abutting the roads, filed a motion to reconsider the master’s order. On August 1, 2016, more than one month after the master issued his ruling, a newly formed entity called Save Windsor SC filed a motion to intervene in the case. On August 12, 2016, the circuit court conducted a hearing on the motion to reconsider and the motion to intervene. On September 15, 2016, the circuit issued two orders: one denying the motion to reconsider and one denying the motion to intervene. These are the orders on appeal.

ARGUMENT

1. The Farms have not violated the automatic stay.

First and foremost, the motion for sanctions should be denied because the Farms have not violated the automatic stay pursuant to Rule 241, SCACR.

The master's order dated June 27, 2016, finds that the roads are the private property of the Farms and grants the Farms permission to permanently close the roads. The Farms have not violated the automatic stay because the Farms have not permanently closed the roads. Instead, the Farms temporarily closed the roads on two separate occasions while work was being performed that required the operation of heavy machinery on or around the roads. (Ex. A., Aff. of Brandon Woody.)

The first temporary closure took place on October 20, 2016. This was done so that the Farms could construct passages to allow a pivot irrigation system to pass across the roads. *Id.* This process took approximately two weeks and involved employees of the Farms operating heavy machinery on the roads themselves and the property immediately adjacent to the roads. *Id.* The roads were reopened on November 3, 2016.

The second temporary closure took place on November 21, 2016. The roads were closed this time to allow for the operation of the pivot irrigation system, which crosses the road in numerous locations. *Id.* The roads were reopened on November 30, 2016.

By putting up barriers and gates to prohibit through traffic while work was being performed, the Farms have not violated the automatic stay of the June 27, 2016 order. Instead, the Farms have simply exercised their rights as property owners to use and enjoy their property. The construction and implementation of pivot irrigation systems on the farm property is necessary for the farming operation, particularly in times of limited rainfall. In order to safely construct and operate this system in such a way that protects both their equipment and members of the public, the Farms were required to temporarily close the roads.

Additionally, the first temporary closure took place before the Farms were notified that Proposed Interveners intended to appeal the order closing the road. It was not until October 17, 2016, when Proposed Interveners filed an amended notice of appeal, that it became clear that they were appealing the order denying the motion to reconsider the road closure order in addition to the order denying their motion to intervene. The amended notice was served by regular mail, and the Farms did not receive it until after the temporary closure had begun.

Prior to each closure, counsel for the Farms have notified counsel for Potential Interveners. On October 20, 2016, counsel for the Farms wrote a letter to counsel for Potential Interveners explaining that the roads were being temporarily closed so that the Farms could create passages to allow the pivot irrigation system to cross the roads. **Ex. B.** Counsel wrote a follow-up letter on October 26, confirming that the roads were being closed on a temporary basis so that work could be performed. **Ex. C.** Later, on November 17, 2016, counsel for the Farms emailed counsel for the Interveners informing them of the upcoming temporary closure, explaining the purpose of the closure, and giving an approximation for how long the roads would remain closed. **Ex. D.** Additionally, several emails have been exchanged, all in an effort to provide notice and to keep Proposed Interveners aware of what was happening on the property. **Ex. E.**

Finally, nothing in the trial court's order prevents the Farms from putting up "no trespassing signs" or video surveillance cameras on the property. Similarly, the order does not prevent the Farms from erecting metal barriers to be closed when work is being performed. Again, the Farms own the roads and the surrounding farmland and should be permitted to protect their property and ensure safety as needed.

Moreover, Proposed Intervenor have no basis for stating that the road closures are arbitrary. Even Ms. Barrett acknowledges in her affidavit that the decision to close the roads is driven by the Farms' "desire to continuously use the area of portions of the road to operate as a center pivot for large irrigators for [their] farming enterprise." Aff. of Carolyn Barrett ¶ 6.

In sum, because the Farms have not violated the automatic stay imposed by Rule 241, SCACR, the motion should be denied.

2. The Proposed Intervenor have not suffered any harm.

The motion should also be denied because Proposed Intervenor have failed to show how the temporary closures have caused them any harm. The motion itself says nothing about harm. Instead, it simply contends that the automatic stay rule has been violated, but does not say how this violation has harmed Proposed Intervenor.¹

The reason the motion does not mention harm is because Proposed Intervenor cannot show that they have suffered any harm as a result of the temporary closures. Proposed Intervenor do not own any property abutting the roads and the closure of the roads does not prevent them from accessing their property in any way.

Only one Proposed Intervenor, Carolyn Barrett, submitted an affidavit in support of the motion. Ms. Barrett states that "[a]s a result of the closing, she and other parties have to drive almost three miles further to get to her home in Windsor, South Carolina."² Ms. Barrett does not identify the "other parties" and does not say she has the authority to

¹ Indeed, Carolyn Barrett is the only Proposed Intervenor who arguably has standing to bring the motion for sanctions. Michael Barrett chose not to testify at the road closure hearing and Save Windsor did not exist at the time the road closure order was issued.

² At the hearing on May 31, 2016, Ms. Barrett testified that the additional difference in travel distance is 2.4 miles. **Ex. F.**

speak on behalf of other parties. The affidavit says nothing about how this distance is being measured, i.e., what is the starting point of her trip. Further, Ms. Barrett does not explain how often she uses the roads and how her inability to use the roads has caused her harm. At the hearing on the road closure, Barrett, who is the only Proposed Intervenor who testified at the hearing, testified that an alternate, paved route is available, with a posted speed limit of 55 miles per hour, compared to 35 miles per hour on the dirt roads. **Ex. F.** Accordingly, although Ms. Barrett may have to travel a greater distance, the alternate route may actually be faster.

Further, Ms. Barrett does not provide any support for the statement that the Farms are trying to intimidate neighboring residents, nor does she identify who those people are.

Whether it has been the Farms' plan all along to seek a closure of the roads is irrelevant. The Farms purchased the property for the purpose of farming the land, and the Farms should be permitted to do so without interference from cars and other traffic on dirt roads owned by the Farms. Moreover, the Farms had every right to purchase and install pivots for purposes of watering crops, and to place the pivots at optimal locations. Whether there were other ways to do this, such as by using smaller irrigation systems, is not for Proposed Intervenors to decide.

The lack of harm is yet another reason the motion should be denied.

3. Proposed Intervenors lack a procedural basis for filing the motion.

Finally, Proposed Intervenors do not have a procedural basis for filing the motion.

The only appellate court rule that even mentions the word sanctions is Rule 269, SCACR, which allows the court to award sanctions against attorneys or parties for filing

motions or appeals that frivolous or filed solely for the purposes of delay. No other appellate court rules provide a procedural basis for awarding sanctions.

Here, Proposed Intervenors do not contend that any of the Farms' filings with the appellate court have been frivolous or used for purposes of delay. Additionally, Proposed Intervenors do not cite any controlling law, court rules, statutes, or case law, providing a procedural basis for pursuing the relief they seek in the motion.

Accordingly, the motion should be denied.

CONCLUSION

For the foregoing reasons, Proposed Intervenors' motion for sanctions should be denied. The Farms have not violated the automatic stay implemented under Rule 241, SCACR. The temporary closures were necessary to ensure the safety of the Farms' employees and equipment as well as the general public. The Farms have not harmed anyone in implementing these temporary measures.

The status quo has been preserved during this appeal. The Farms have not done anything to permanently alter or close down the roads. The roads are open and will remain open during the pendency of this appeal. They have not been and will not be permanently closed as permitted by the master's order. In the event this Court decides to reverse the master's order closing the roads, the roads will be open and available, as they are now, except for when work is being performed.

Respectfully submitted,



J. Calhoun Watson (S.C. Bar No. 10089)
Tina Cundari (S.C. Bar No. 71951)
SOWELL GRAY STEPP & LAFFITTE, LLC
1310 Gadsden Street (29201)
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
(803) 929-0300 Fax
cwatson@sowellgray.com
tcundari@sowellgray.com

Attorneys for Respondents/Appellants

Columbia, South Carolina
December 21, 2016

EXHIBIT A

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

M. Anderson Griffith, III, Master-In-Equity

Appellate Case No. 2016-002102

Canadian River Farms, Ltd., Colt Farms, Inc., B C Farms, Inc. n/k/a B C Farms
of South Carolina Inc., and Outback Farms, Ltd., Respondents/Appellants,

v.

Becky J. Gonshorowski, The South Carolina Department of Transportation,
and Aiken County South Carolina, a body politic and political subdivision of
the State of South Carolina, Respondents,

Ex Parte: Carolyn Barrett, Robert Barrett, and Save Windsor SC,
Proposed Intervenors Appellants/Respondents.

AFFIDAVIT

Personally appeared before Brandon Woody who first being duly sworn, deposes
and says as follows:

1. My name is Brandon Woody. I am over the age of eighteen (18) years,
and I submit this affidavit based upon my personal knowledge.

2. I am an owner of Canadian River Farms, Ltd., B C Farms, Inc. n/k/a B C
Farms of South Carolina Inc., and Outback Farms, Ltd. (together with Colt Farms, Inc.,
“the Farms”) and have the authority to speak on behalf of the Farms for purposes of this
litigation.

3. My family purchased property in Aiken County in February 2015 for use as a farm. The portions of Oak Ridge Road and Old Bell Road at issue are dirt roads that run across the fields we intend to use for planting crops.

4. Although portions of these roads have historically been maintained by Aiken County, the County has never held an easement for these roads and the Farms hold fee simple title.

5. During the pendency of this appeal, the Farms temporarily closed the roads on two separate occasions. The first time the roads were closed was from approximately October 20, 2016, through about November 3, 2016. The purpose of this closure was to allow the Farms to safely construct passages to allow a pivot irrigation system to pass over the roads.

6. At the time, the Farms did not have any other way to block off the roads while work was being performed, so the Farms dug trenches and placed dirt piles at each entrance to ensure that cars did not come through. The Farms used this method of blocking the road specifically because it was temporary in nature and could easily be removed.

7. The roads were closed for a second time on November 21, 2016. The purpose of this closure was to allow for the operation of the pivot irrigation systems, which cross the road in numerous locations. The roads were reopened on November 30, 2016.

8. Both of these temporary closures were conducted to protect our workers and farming equipment, as well as to ensure the safety of anyone who may be driving on the roads.

9. The visibility on the roads can be limited, especially when cars are traveling at a high rate of speed. We have been concerned that people driving on the roads would not be able to stop in time to miss the equipment.

10. Rather than continue using trenches and dirt piles to block the roads when work is being performed, the Farms have installed metal gates that can be easily opened and closed as needed. The gates are closed only when needed and do not effect a permanent closing of the roads.

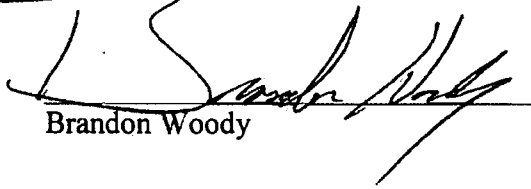
11. The Farms have also put up no trespassing signs and video surveillance cameras to monitor the activity on the property and to deter trespassers. As I explained in my testimony at the hearing, trash has been dumped onto on our property, a fire was set, vehicles drive travel on the roads at a high rate, and vehicles have driven into the fields themselves. I provided the court with police reports and photographs to support this testimony.

12. The road signs for Oak Ridge Road and Old Bell Road were removed by an unidentified person in the community. The Farms have not removed any road signs.

13. The Farms are well aware that the master's order closing the roads is on appeal and that the Farms are not allowed to permanently close the roads during the pendency of the appeal. Accordingly, the Farms have not done anything to destroy the integrity of the roads and have kept the roads open to the public even though the roads are privately owned.

14. The Farms are simply trying to run their farming operation as best they can, on property they own, without causing anyone any harm.

FURTHER AFFIANT SAYETH NOT.


Brandon Woody

SWORN to and subscribed before me

this 21 day of December, 2016

Angela S. McCreary (L.S.)

Notary Public for South Carolina

My Commission Expires: Sept 25, 2017

EXHIBIT B

October 20, 2016

Via Email

Bradford M. Owensby, Esq.
Banks & Owensby, LLC
319 Park Ave. SE
Aiken, SC 29801

Re: Canadian River Farms, Ltd., et al. v. Becky J. Gonshorowski et al.
Appellate Case No. 2016-002102
Civil Action No. 2016-CP-02-00511
Our File No. 6928/1500

Dear Brad:

I enjoyed speaking with you yesterday about this matter. As I mentioned, my clients have temporarily closed the roads so that they can create appropriate passages for their pivots to cross the roads. Once these passages have been completed, my clients will re-open the roads. In the future, my clients will temporarily close the roads when the pivots are in operation.

As you know, the roads were closed by order of the court on June 27, 2016. It is our position that the order closing the roads has not been appealed, nor has the September 15, 2016 order denying the motion to reconsider. Because these orders have not been appealed, the rulings contained in those orders are the law of the case. Accordingly, it is our position that our clients are fully within their rights to close the road.

Although my clients have the right to close the road, that is not what they have done. Instead, they have simply created a barrier on either end of the road so that they can work on the property without endangering the workers or anyone who may be using the road. The dirt pile was added to ensure that if the signs are removed, which can easily be done, cars or other vehicles cannot get through. (In fact, it is our understanding the signs at one entrance were removed by someone overnight.) These measures are temporary and can easily be undone.

To clear up any ambiguity that may exist regarding this issue, we intend to file a motion with the Court of Appeals later today regarding the amended notice of appeal we received yesterday. The amended notice of appeal improperly adds a third order to the appeal, which was not part of the original notice. This motion is being filed in addition to the motion to dismiss the appeal filed last week. Of course should the court dismiss the appeal, these issues will become moot.

Should you have any questions or wish to discuss any of this further, please do not hesitate to give me a call.

Very truly yours,



J. Calhoun Watson
JCW:cls

cc: **By Electronic Mail**

James D. Mosteller, III, Esq.
James M. Holly, Esq. (Aiken County Attorney)
Linda C. McDonald, Esq. (SCDOT)
Natalie Jean Moore, Esq. (SCDOT)
Mary O. Guynn, Esq.
Tina M. Cundari, Esq.

By U.S. Mail

Ms. Becky J. Gonshorowski

EXHIBIT C

October 26, 2016

Via Email

James D. Mosteller, III, Esquire
The Mosteller Law Firm, LLC
Post Office Drawer 328
Aiken, SC 29801

Re: Canadian River Farms, Ltd., et al. v. Becky J. Gonshorowski et al.
Appellate Case No. 2016-002102
Civil Action No. 2016-CP-02-00511
Our File No. 6928/1500

Dear James:

I enjoyed speaking with you this morning. As I explained in my letter dated October 20, 2016, my clients will re-open the roads when they complete the passages for the pivots to cross the roads. We anticipate that the work will be completed next week, and the roads will be re-opened shortly thereafter.

As I explained, we believe our clients are fully within their rights to close the roads completely because the June 17, 2016 and September 15, 2016 orders were not timely appealed. By agreeing, at least for the time being, to re-open the roads when the work is completed, my clients are simply extending your clients a courtesy. Please do not view my clients' actions as a waiver of their right to close the roads or to do anything else on the property, given that they own the property and the court has ordered the roads closed.

As we also discussed, my clients plan to temporarily close the roads in the future when the pivots are in operation. The timing and duration of the temporary closings will depend on irrigation needs, rainfall, and weather.

Should you have any questions or wish to discuss any of this further, please do not hesitate to give me a call.

Very truly yours,



J. Calhoun Watson
JCW:cls

cc: By Electronic Mail
Bradford M. Owensby, Esquire
James M. Holly, Esquire (Aiken County Attorney)

Linda C. McDonald, Esquire (SCDOT)
Natalie Jean Moore, Esquire (SCDOT)
Mary O. Guynn, Esquire
Tina M. Cundari, Esquire

By U.S. Mail

Ms. Becky J. Gonshorowski

EXHIBIT D

From: Cal Watson

Sent: Thursday, November 17, 2016 5:29 PM

To: Bradford Owenby <bmowensby@gmail.com>; James Mosteller <jdmosteller@gmail.com>

Cc: Jim Holly <JHolly@aikencountysc.gov>; Tina Cundari <tcundari@sowellgray.com>; Mary Guynn <mguynn@smbgm.com>; Christine Skalamera <CSkalamera@sowellgray.com>

Subject: Canadian River Farms v. Becky Gonshorowski et al (Appellate Case No. 2016-002102)

All: As I indicated in previous correspondence, there will be certain times when my clients will temporarily close the roads when the pivots are in operation. One of these times will be next week, beginning Monday or so. For safety purposes, my clients will install gates with an arm which will close and lock when the pivots are in operation.

I send this email to avoid any misunderstandings, but I don't plan to send an email each time the pivots are operating. Hopefully, the closed arm will be sufficient to let people know that the roads are temporarily closed for this purpose.

Thanks, and I hope you all have a great Thanksgiving. Cal



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CAL WATSON MEMBER VCARD

1310 Gadsden Street | Columbia, SC 29201 | 803.231.7839
sowellgray.com

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SUPPORTING GREEN. PLEASE PRINT WISELY.

EXHIBIT E

From: Cal Watson
Sent: Monday, November 21, 2016 7:55 PM
To: Bradford Owenby <bmowensby@gmail.com>
Cc: James Mosteller <jdmosteller@gmail.com>
Subject: Re: Canadian River Farms v. Becky Gonshorowski et al (Appellate Case No. 2016-002102)

It depends on what is being done and where the pivots are located. In this case, probably the rest of the week. Sorry for the delay. I was out of the office in depositions all day.

Sent from my iPad

On Nov 21, 2016, at 9:18 AM, Bradford Owenby <bmowensby@gmail.com> wrote:

Cal:
Please be more specific - how long with the road be closed "when the pivots are in operation?"

On Thu, Nov 17, 2016 at 5:28 PM, Cal Watson <cwatson@sowellgray.com> wrote:

All: As I indicated in previous correspondence, there will be certain times when my clients will temporarily close the roads when the pivots are in operation. One of these times will be next week, beginning Monday or so. For safety purposes, my clients will install gates with an arm which will close and lock when the pivots are in operation.

I send this email to avoid any misunderstandings, but I don't plan to send an email each time the pivots are operating. Hopefully, the closed arm will be sufficient to let people know that the roads are temporarily closed for this purpose.

Thanks, and I hope you all have a great Thanksgiving. Cal



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--

Brad Owensby
Banks & Owensby, LLC
319 Park Ave. S.E.
Aiken, S.C. 29801
803.648.5777 (ph)
803.648.5227 (fax)

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From: Cal Watson
Sent: Wednesday, November 30, 2016 11:10 AM
To: Bradford Owenby <bmowensby@gmail.com>
Cc: James Mosteller <jdmosteller@gmail.com>
Subject: Canadian Farms

Brad: In response to your inquiry yesterday, my client expects to reopen the road later this afternoon. Depending on amount of rainfall in the next couple of days (1/2 inch or more), he may have to use the pivots again later this week. Thanks. Cal



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EXHIBIT F

STATE OF SOUTH CAROLINA

AIKEN COUNTY

IN THE COURT OF
COMMON PLEAS

CANADIAN RIVER FARMS, LTD.,
COLT FARMS, INC., BC FARMS,
INC. n/k/a BC FARMS OF
SOUTH CAROLINA, INC., and
OUTBACK FARMS, LTD.,

Plaintiffs,

-VS-

BECKY J. GONSHOROWSKI, THE
SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION and AIKEN
COUNTY, SOUTH CAROLINA, a
body politic and political
subdivision of the State
of South Carolina,

Defendants.

CASE NO:
2016-CP-02-00511

HEARING

BEFORE: Honorable M. Anderson Griffith
DATE: Tuesday, May 31, 2016
LOCATION: Aiken County Courthouse
109 Park Avenue
Aiken, South Carolina
BEGINNING AT: 10:03 a.m.

1 A. I don't know.

2 THE COURT: You can walk around there, ma'am.

3 Q. So here's Weyerhaeuser. Could you point to where
4 you live? And here's Ms. Gonshorowski's house and
5 this is the field where the Plaintiff's have
6 recently cleared.

7 A. Okay. Well, I don't know the plat number of our
8 property, but we've got two plats of land and I'm
9 thinking it's right here.

10 Q. Yes, ma'am.

11 A. That's it right there, because that's our shop
12 building. You know, we own that and we own this
13 strip over here. We own two lots.

14 Q. So for the record you're saying the tax parcels are
15 190-0009001 and 190-0009003?

16 A. Yes.

17 Q. Thank you. And -- that's all with regard this.

18 THE COURT: You can have a seat, ma'am.

19 Q. And is Old Bell in front of your house paved?

20 A. Yes.

21 Q. And the Plaintiff's have not petitioned to close the
22 road in front of your house, correct?

23 A. No.

24 Q. And if the road is closed you will not be
25 landlocked, correct?

1 A. No, personally as far as our property, no. We will
2 not be landlocked because we have a driveway off of
3 Old Bell Road, but where the problem would come in
4 is we can't go the other way to Windsor, which we do
5 on a daily basis. And fire trucks and emergency's
6 and people like that will not be able to get to us
7 fast.

8 Q. And you previously mentioned if Old Bell were
9 closed, I think you said the difference for the fire
10 department would be 7.5 miles versus 5.1, did I
11 accurately state that?

12 A. 7.4, I think. So basically they'd have to come 2.4
13 miles further to get to us in an emergency
14 situation.

15 Q. And how would -- if Old Bell is closed, would they
16 travel down Highway 78 to Hatchaway to Old Bell to
17 get to your home? And are all of those paved roads?

18 A. Yes.

19 Q. And are you familiar with the speed limits that are
20 posted on those roads?

21 A. It's 55 on Highway 78 and 35 on Old Bell and it's 50
22 on Hatchaway Bridge.

23 Q. Okay. And then on Old Bell, the dirt portion that's
24 proposed to be closed, do you have an estimate of
25 the safe speed on that piece of property?

1 A. Thirty-five.

2 Q. And have you had an opportunity to do the math and
3 see whether 5.1 miles at 35 versus 7.4 at 55 would
4 be faster or slower?

5 A. It -- it will make a difference of how quick they
6 get to us, yes. Because they're literally two
7 blocks away from us.

8 Q. Does the math support that or is that your opinion?

9 A. That's my opinion.

10 Q. Thank you. With regard to the plat that you pulled
11 out that I walked up and looked at, what was the
12 language on the plat regarding the roads? Did it
13 say to be relocated?

14 A. Yes.

15 Q. It did not say to be closed?

16 A. It said to be relocated.

17 Q. It did not say to be abandoned, correct?

18 A. No.

19 Q. Okay. And then you made reference to some Argos
20 trucks driving at a high rate of speed. Where did
21 you -- were you at your home when you saw them
22 driving at a high rate of speed? And it's paved in
23 front of your home, correct?

24 A. (Nods head).

25 THE COURT: You need to say yes or no --

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v.

Becky J. Gonshorowski, The South Carolina Department of Transportation, and
Aiken County South Carolina, a body politic and political subdivision of the State of
South Carolina, Respondents,

Ex Parte: Carolyn Barrett, Robert Barrett, and Save Windsor SC,
Proposed Interveners.....Appellants/Respondents.

PROOF OF SERVICE

I, the undersigned, of the law offices of Sowell Gray Stepp & Laffitte, LLC, attorneys for Respondents/Appellants, certify that I have served all counsel of record in this action with a copy of the Return to Appellants/Respondents' Motion for Sanctions and to Order the Return to the Status Quo Ante by placing a copy of same by U.S. Mail and electronic mail, on December 21, 2016, to:

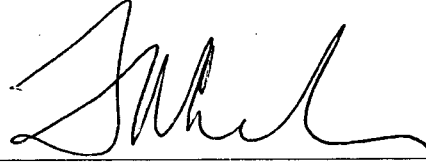
James D. Mosteller, III, Esquire
The Mosteller Law Firm, LLC
Post Office Drawer 328
Aiken, SC 29801

Bradford M. Owensby, Esquire
Banks & Owensby, LLC
319 Park Ave. SE
Aiken, SC 29801

Becky J. Gonshorowski
183 Old Bell Road
Aiken, South Carolina 29801

Linda C. McDonald, Esquire
Natalie Jean Moore, Esquire
SCDOT
Post Office Box 191
Columbia, South Carolina 29201

James M. Holly
Aiken County Attorney
1930 University Parkway, Suite 3600
Aiken, SC 29801

A handwritten signature in black ink, appearing to read 'Tina M. Cundari', written in a cursive style. The signature is positioned above a horizontal line.

Tina M. Cundari

December 21, 2016

By Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

DEC 21 2016

SC Court of Appeals

Re: Canadian River Farms Ltd. et al. v. Becky J. Gonshorowski et al.
Appellate Case No. 2016-002102
Civil Action No. 2016-CP-02-00511
Our File No. 6928/1500

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter are the original and seven copies of a Return to Appellants/Respondents' Motion for Sanctions and to Order the Return to the Status Quo Ante by Respondent-Appellants, along with a Proof of Service. Please file the original and return a filed copy to me through our courier.

By copy of this letter and as evidenced by the Proof of Service, I am serving all counsel of record with a copy of same.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,



Tina Cundari

TMC:cls
Enclosures

cc: Ms. Becky J. Gonshorowski (by U.S. mail)
Linda C. McDonald, Esq. (by U.S. mail and email)
Natalie Jean Moore, Esq. (by U.S. mail and email)
James M. Holly, Esq. (by U.S. mail and email)
Bradford M. Owensby, Esq. (by U.S. mail and email)
James D. Mosteller, III, Esq. (by U.S. mail and email)