

RECEIVED

JAN 17 2017

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2016-001194

Allenwood Owners Association, Inc., Stephen Seefeld,
John Kovich, Yvette Smith, Everett Butler, and
Amanda Johansson, Plaintiffs,

Of Whom Allenwood Owners Association, Inc., isAppellant,

v.

Mike Prince, Stacy Keller, Jeff Miller, Debra Reed,
Fran Stevens, Meredith Florencio, and Jacques Talbot.....Respondents.

SUPPLEMENTAL RECORD ON APPEAL

Krista M. McGuire, SC Bar #72021
kristamcguire@parkerpoe.com
A. Smith Podris, SC Bar #78051
smithpodris@parkerpoe.com
Parker Poe Adams & Bernstein LLP
200 Meeting Street, Suite 301 (29401)
Post Office Box 160
Charleston, SC 29402
Telephone: (843) 727-2650
Facsimile: (843) 727-2680

Attorneys for the Respondents Mike Prince,
Stacy Keller, Jeff Miller, Debra Reed,
Fran Stevens, Meredith Florencio, and
Jacques Talbot

Bonum S. Wilson III
bwilson@wilsonheyward.com
Brandon T. Reeser
breeser@wilsonheyward.com
Wilson & Heyward, LLC
Post Office Box 13177
Charleston, SC 29412
Telephone: (843) 762-4567
Facsimile: (843) 762-2345

Harvey W. McCormick, III
harvey@mccormicklawsc.com
McCormick Law Firm
95 Sam's Point Road
Post Office Box 1126
Beaufort, SC 29901
Telephone: (843) 525-0004
Facsimile: (843) 524-7339

Attorneys for Appellant

INDEX

Transcript of Hearing held on August 4, 2015 (selected pages).....1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE COURT OF COMMON PLEAS IN AND FOR
BEAUFORT COUNTY SOUTH CAROLINA

ALLENWOOD HOMEOWNERS ASSOCIATION,
Plaintiff,

vs.

CASE NO. 2014CP0700968.

MIKE PRINCE, et al.
Defendants.

_____ /

* * *

MOTION HEARING

DATE:	August 4, 2015
TIME:	Commenced at 2:00 p.m. Concluded at 4:15 p.m.
PLACE:	Beaufort County
Courthouse	Beaufort, South Carolina
29901	
REPORTED BY:	Mona Manley, Court
Reporter	
BEFORE:	Honorable Judge Carmen
Mullen	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

REPRESENTING THE PLAINTIFF:

Christopher W. Lempesis, Jr, Esquire
P.O. Box 43
Beaufort, SC 29901

and

Kirby Darr Shealy, III, Esquire
P.O. Box 2285
Columbia, SC 29202

REPRESENTING THE DEFENDANTS:

Krista M. McGuire, Esquire
200 Meeting Street, Suite 301
Charleston, SC 29412

* * *

1 notice was sent Mr. Seefeld, in his capacity as
2 the purported president of the board, sent what we
3 would characterize as a competing meeting notice
4 to hold a meeting for an election on February
5 28th, the day before what we would consider to be
6 an already-scheduled meeting.

7 He, in fact, held his meeting, during which
8 five members were purportedly elected to the
9 board. The persons elected at the February 28th
10 meeting do not reside in the community. They
11 don't own property in the community. They all
12 live in either Florida or New York. And as we
13 understand it, based on the allegations of the
14 complaint, have some relationship to Mr. Seefeld's
15 entities, LRS and K Holdings.

16 LRS and K Holdings own, at last count,
17 approximately 56 of the properties within the
18 neighborhood. And that is how Mr. Seefeld came to
19 serve on the board. And then during his meeting
20 on February 28th five persons who are now
21 involuntary Plaintiffs in the lawsuit were
22 purportedly elected to the board.

23 My clients held a meeting on March 1st that
24 was supervised by the McNair law firm and the
25 management company, ASI. My clients were, we

1 compel then from 2012 to whenever you all --

2 MS. MCGUIRE: Your Honor, for Number 15, we
3 request all lots in Allenwood owned by
4 Stephen Seefeld or any entity managed by him.

5 The response is, Plaintiff cannot produce
6 what it does not have. But yet Plaintiff purports
7 to operate through its president, Stephen Seefeld.
8 So we would contend that the information is
9 certainly within the control of Allenwood.

10 THE COURT: And you said you think that it's
11 roughly -- how many properties do you think that
12 either he or one of his entities own? You said
13 50-something; is that what I heard you say?

14 MR. LEMPESIS: Yes. Yes, ma'am, but I can
15 get you a better count.

16 THE COURT: Is there any reason why you can't
17 list what they are? I mean, I'm sure your client
18 knows.

19 MR. LEMPESIS: The problem -- the problem
20 that we're having, Your Honor, is that it doesn't
21 go both ways. You know, requests to Allenwood
22 that Mr. Seefeld can answer about Allenwood, sure.
23 But Allenwood can't then go to Mr. Seefeld and
24 say, Listen, I need to know everything about you.
25 You know, I want to go fish, show me all your

1 MR. SHEALY: We've already conducted
2 mediation.

3 THE COURT: Who was your mediator?

4 MS. MCGUIRE: Karl Folkens.

5 MR. LEMPESIS: That predates my
6 participation, so ...

7 THE COURT: What happened?

8 MR. SHEALY: It didn't go anywhere.

9 THE COURT: It didn't go anywhere?

10 MS. MCGUIRE: It did not, Your Honor.

11 Unfortunately, as we understand it, Mr. Seefeld
12 and Mr. Eric Emmett, the Florida attorney,
13 encountered flight problems the morning of the
14 mediation, so they ultimately participated by
15 telephone. It just --

16 THE COURT: They can't do that.

17 MS. MCGUIRE: It wasn't a productive process.

18 THE COURT: They can't do that. They can't
19 attend by phone anyway. So it doesn't matter.

20 And, Mr. Lempesis, you weren't even in it
21 then?

22 MR. LEMPESIS: No, ma'am.

23 THE COURT: Who are the attorneys in Columbia
24 that originally had the case?

25 MR. SHEALY: Your Honor, it was a lawyer that

1 is with Gaffney, Lewis and Edwards that is no
2 longer with that firm. And I don't -- his last
3 name is Strom.

4 MR. LEMPESIS: John Strom, he's with indigent
5 defense now. So he's gone on to greener pastures.

6 MS. MCGUIRE: Gaffney took over their
7 representation, and at some point withdrew, and
8 Mr. Lempesis got involved.

9 THE COURT: Okay.

10 (Discussion off the record.)

11 THE COURT: I think we've resolved all these
12 issues other than we need to talk about -- you had
13 a Motion for a Status Conference to try to figure
14 out where we're going from here.

15 Well, I can tell you what my thoughts are.
16 My thoughts are we have a mediation, it could be
17 court ordered, even if its CJ action.

18 I don't even know if the rules require it, so
19 I can also at my discretion order it. So I'm
20 going to, in my discretion, order it.

21 Of course, all players have to be there in
22 person.

23 Mr. Shealy, I know what that does with all
24 your people. All your involuntary Plaintiffs. I
25 will say that it has complicated things a bit in

1 not concerned that their absence --

2 THE COURT: Matters because --

3 MR. SHEALY: Correct. I mean, there are
4 issues that need to be mediated that really don't
5 have -- don't concern --

6 THE COURT: Them.

7 MR. SHEALY: Yeah.

8 MR. LEMPESIS: I think there are facts beyond
9 change that are static, and those are the
10 discussion points that we need to address. So I
11 would -- I mean, my thought process is we have a
12 representative that is empowered to represent
13 Allenwood, my client, as we claim to be, and if we
14 have a representative or so for the individual
15 Defendant -- individual Plaintiffs, I'm sorry --
16 and then I don't want to speak for Ms. McGuire,
17 but, you know, depending on what she feels about
18 the individual Defendants, as long as she has
19 settlement authority and we clear that up
20 initially in the discussion, then I don't see why
21 mediation couldn't go forward on that basis.

22 THE COURT: But I can tell you, Mr. Seefeld
23 needs to be here. He's the player, he needs to be
24 here. He seems to be the one to have the greatest
25 interest in it.

1 MR. LEMPESIS: If that's part of Your Honor's
2 order, then there's obviously --

3 THE COURT: And, of course, I'm going to
4 order that he be here. So ...

5 MS. MCGUIRE: Your Honor, I just feel
6 compelled to ask this: At our last mediation, of
7 course, everyone signed a confidentiality
8 agreement, and it's got rules, ADR rules. And
9 approximately two weeks ago Mr. Seefeld sent a
10 letter to the membership specifically
11 indicating -- I'm not going to say the statement,
12 because we're on the record -- but as part of the
13 mediation that occurred in this ongoing lawsuit.
14 And then he went on to talk about discussions at
15 the mediation. And that was circulated to the
16 membership.

17 I set for filing today a Motion for Sanctions
18 on that for the breach of the confidentiality
19 provision. But I'm just concerned about the
20 mediation discussions being protected at this next
21 mediation. And we want that made clear that --

22 THE COURT: Okay. What I'm going to do is,
23 for that motion, I'm going to just continue that.
24 We'll hold it in abeyance, and it'll just be out
25 there. But we'll just remind everybody that we