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JUL 28 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Dale E. Van Slambrook, Master-in-Equity

Appellate Case No. 2016-002234

PrimeLending, A PlainsCapital Company ..... Plaintiff/ Respondent,

v.

Ronnell Demar Walker a/k/a Ronnell  
D. Walker; South Pointe Homeowners  
Association..... Defendants,

Of Whom Ronnell Demar Walker a/k/a  
Ronnell D. Walker is the .....Appellant.

**RESPONDENT’S MOTION TO STRIKE APPELLANT’S “RESPONSE” BRIEF**

Respondent, Primelending, A Plains Capital Company, hereby moves this Court for an order striking Appellant’s “Response” Brief for failing to file in a timely manner and for raising new issues not previously addressed in his Amended Initial Brief.

Pursuant to South Carolina Appellate Court Rule 208(a)(3), “[a]n appellant may file and serve a brief in reply to the brief of respondent ... within ten (10) days after service of respondent’s brief.” Respondent’s Initial Brief in this matter was filed and served on July 3, 2017. As such, Appellant had until July 13, 2017, to file and serve a reply brief. Appellant’s “Response” Brief is dated July 18, 2017. As a result of the Appellant’s Response Brief being untimely, it should be stricken and not considered by the Court.

Further, Appellant raises new issues for the first time in his Response Brief. A reply brief should not be used as a mechanism for an Appellant to raise new issues or argue issues for the first time. *See McClurg v. Deaton*, 395 S.C. 85, 716 S.E.2d 887 (2011); *see also Divine v. Robbins*, 385 S.C. 23, 683 S.E.2d 286 (Ct. App. 2011). To the extent that this Court does not strike the reply brief in its entirety for filing it outside of the prescribed time period, Respondent moves that those portions of the “Response” Brief of Appellant which raise new issues for the first time be stricken. Those portions are as follows:

- (1) Appellant raises an issue of the Master in Equity being allegedly “unfairly impartial [sic] and biased in his judgments” for the first time in the “Statement of Facts” portion of his Response Brief.
- (2) Appellant raises an issue regarding liberally construing *pro se* documents and holding them to a less stringent standard for the first time in Paragraph 1 of the “Arguments” portion of his Response Brief.
- (3) Appellant raises an issue regarding standing for the first time in Paragraph 2 of the “Arguments” portion of his Response Brief.
- (4) Appellant raises an issue regarding relevance of evidence in relation to rebuttal evidence for the first time in the “Conclusion” portion of his Response Brief.

To the extent the court declines to strike the Response Brief in full, the above-described arguments and issues should not be considered by the Court and deemed abandoned as they were all raised for the first time in the Response Brief.

WHEREFORE, Respondent prays for an Order striking Appellants Response Brief filed on July 21, 2017.

Respectfully submitted,



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Erica G. Lybrand (SC Bar # 79052)  
ROGERS TOWNSEND & THOMAS, PC  
Post Office Box 100200(29202)  
1221 Main Street, 14<sup>th</sup> Floor  
Columbia, South Carolina 29201  
(803)771-7900  
Attorney for the Respondent  
*Rogers Townsend & Thomas, PC and its staff are debt collectors*

July 28, 2017

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
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Dale Van Slambrook, Master in Equity

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Case No. 2016-002234

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Primelending, A Plains Capital Company .....Respondent,

vs.

Ronnell Demar Walker a/k/a Ronnell D. Walker; and South Pointe Homeowners  
Association..... Defendants.

Of whom Ronnell Demar Walker a/k/a Ronnell D. Walker .....Appellant.

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**PROOF OF SERVICE**

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I HEREBY CERTIFY that I have served the **RESPONDENT'S MOTION TO STRIKE APPELLANT'S "RESPONSE" BRIEF** on Appellant Ronnell Demar Walker by depositing copies of it in the United States Mail, postage prepaid, on July 28, 2017, addressed to Appellant Ronnell Demar Walker at 412 Eastover Circle, Summerville, SC 29483.



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Karissa Richardson  
Paralegal for Erica G. Lybrand  
*Rogers Townsend & Thomas, PC and its staff are debt collectors*

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**SC Court of Appeals**

ROGERS TOWNSEND & THOMAS, PC  
POST OFFICE BOX 100200(29202)  
1221 MAIN STREET, 14<sup>TH</sup> FLOOR  
COLUMBIA, SOUTH CAROLINA 29201  
P 803.771.7900 F 803.343-7017  
W RTT-LAW.COM

Erica G. Lybrand  
Erica.Lybrand@RTT-LAW.COM  
P 803.744-5289  
LICENSED IN SOUTH CAROLINA  
  
Karissa Richardson  
Paralegal for Erica G. Lybrand  
Karissa.Richardson@RTT-LAW.COM  
P: 803-744-5323



July 28, 2017

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals Clerk of Court  
1015 Sumter Street  
Columbia, SC 29201

RE: *PrimeLending, A PlainsCapital Company v. Ronnell Demar Walker a/k/a  
Ronnell D. Walker; South Pointe Homeowners Association*  
C/A # 2015-CP-08-00965  
RTT File # 506951.00925

Dear Ms. Kitchings:

Please find enclosed an Original and 7 copies of the Respondent's Motion to Strike Appellant's "Response" Brief and Proof of Service for the above referenced matter. Also enclosed is a check in the amount of \$25.00 representing the Motion filing fee. Please file the original and return a clocked copy to our courier.

With kind regards, I remain

Cordially yours,

A handwritten signature in black ink, appearing to read "KR", is written over the typed name.

Karissa Richardson  
Paralegal for Erica G. Lybrand

Enclosures

cc:  
Ronnell Demar Bey  
412 Eastover Circle  
Summerville, SC 29483

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JUL 28 2017

**SC Court of Appeals**