

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )  
Isaac Noyes Smith V, )  
Plaintiff, )  
vs. )  
Stuart Lewis Smith, )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO: 2016-CP-26-6640

RECEIVED  
OCT 10 2017  
SC Court of Appeals

ORDER

This matter came before me on motion of the Defendant to compel the Plaintiff to respond to the Defendant's first interrogatories and first request for production of documents. The hearing was held before the undersigned at 1:00 p.m. on June 19, 2017, in the Horry County Government and Justice Center in Conway, South Carolina. Present at that time were both parties and William A. Bryan, the attorney for the Defendant. The Plaintiff is pro se.

The Defendant served her first interrogatories and request for production of documents on the Plaintiff on February 16, 2017. The Plaintiff's only response to either of Defendant's discovery requests was received by Defendant's attorney on April 25, 2017. The Plaintiff provided a photocopy of the Defendant's first interrogatories and first request for production of documents and made scant notations thereon and provided a few documents. The "responses" of the Plaintiff were not signed as required by Rules of Civil Procedure.

**The Interrogatories**

Upon review of the Plaintiff's "responses" to the Defendant's interrogatories which were attached to the Defendant's motion to compel, the Court finds Plaintiff's responses are not in compliance with the Rules of Civil Procedure. The Plaintiff shall respond to each interrogatory by providing all information requested responsive to each interrogatory. If the Plaintiff does not

have any information responsive to a particular interrogatory, then the Plaintiff shall clearly state. Plaintiff's responses to the Defendant's interrogatories must be in writing and must be signed by the Plaintiff. The Defendant's interrogatories contained explanations in items A, B, C and D of what is to be provided in response to each interrogatory. The Court finds those instructions to be reasonable. The Plaintiff shall provide the information responsive to each interrogatory as described in those instructions A, B, C and D.

In response to Interrogatories 5 and 9, Plaintiff wrote "5, 6, 7". Interrogatory 5 requires that the Defendant state all facts upon which the Plaintiff contends he has an equitable lien on the property which is the subject of the litigation. Plaintiff shall respond in full stating all such facts. If and to the extent the Plaintiff wishes to incorporate by reference any documentation, the Plaintiff shall specifically identify the documentation and provide copies clearly marked as such.

Interrogatory 9 requires the Plaintiff to identify any documentation, correspondence, notes and emails which Plaintiff contends supports the Plaintiff's claim for an equitable lien on the property, as well as the Plaintiff's claim for a commission on the sale of the property. In responding to Interrogatory 9 Plaintiff shall provide the information contained in the preliminary instructions labeled A, B, C and D in the Defendant's first interrogatories.

### **The Request for Production of Documents**

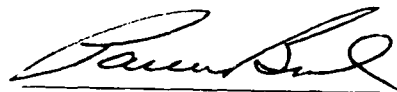
The Plaintiff's response to the Defendant's first request for production of documents are not complete. The Plaintiff's use of responses "N/A", "in file" and "in case file" is not consistent with the requirements of the South Carolina Rules of Civil Procedure. The Court has reviewed all of the requests to produce made by the Defendant and finds them to be relevant and straight forward. The Plaintiff shall provide all documentation he has or has access to for each of the nine requests for production of documents. If the Plaintiff has no documentation responsive

to specific request, he shall so state. If Plaintiff refers to any documentation responsive to each of the nine specific requests for production of documents, he shall identify each document and provide a clearly identified copy of the document.

IT IS ORDERED that the Plaintiff shall serve his answers to the Defendant's interrogatories and request for production of documents within thirty days of the date of this Order. Plaintiff's responses shall be served on Mr. Bryan as counsel for the Defendant.

AND IT IS SO ORDERED.

August 10, 2017  
Conway, South Carolina

  
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Paul M. Burch, Presiding Judge  
Fifteenth Judicial Circuit