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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable J.C. Nicholson, Jr.
Circuit Court Judge

Appellate Case No. 2018-516
Case No. 2015-CP-10-3891

RECEIVED

JUN 22 2018

SC Court of Appeals

Athan Fokas,

Respondent,

v.

Philip Ferderigos and Spiro Ferderigos,

Appellants.

Appellate Case No. 2017-2032
Case No. 2015-CP-10-3919
Case No. 2015-CP-10-3891

Athan Fokas,

Respondent/Appellant,

v.

Philip Ferderigos, Spiros Ferderigos,
and Jacob Ferderigos, Defendants,

Of whom Spiros Ferderigos and
Philip Ferderigos are the

*Appellants/
Respondents,*

And

Jacob Ferderigos is the Respondent.

**ATHAN FOKAS' MOTION TO REORGANIZE/
RECONSOLIDATE APPEALS**

1. As indicated in the above captions, there are multiple cases on appeal to the South Carolina Court of Appeals, all of which are in the briefing stage at present and all of which involve similar parties. Moving party Athan Fokas ("Fokas") is a party in all of the actions. Spiros and Phillip Ferderigos are also parties in all of the actions.

2. Civil Action No. 2015-CP-10-3919 is referred to by the parties as the "Breach of Contract" case. As part of this case, Spiros and Phillip Ferderigos filed counterclaims, including a counterclaim for defamation against Fokas.

3. Civil Action No. 2015-CP-10-3891 is referred to by the parties as the "Defamation" case. As part of this case, Spiros and Phillip Ferderigos filed similar counterclaims, including a counterclaim for defamation against Fokas.

4. Spiros and Phillip Ferderigos appealed the grant of summary judgment on their counterclaim for defamation in the Breach of Contract case (Civil Action No. 2015-CP-10-3919) by Notices of Appeal filed on October 2, 2017. Fokas appealed the grant of summary judgment in the Breach of Contract case (Civil Action No. 2015-CP-10-3919) by Notice of Appeal filed on November 8, 2017. Initially, each appeal received its own appellate case number. By Order dated February 9, 2018, the Court of Appeals consolidated these appeals and assigned them Appellate Case No. 2017-002032. Currently, all parties have

served their Initial Appellant Briefs in this appeal, and each parties' Initial Respondent Brief is due on July 5, 2018.

5. In 2018, Fokas appealed the grant of summary judgment in the Defamation case (Civil Action No. 2015-CP-10-3891) but used the incorrect Civil Action No. of 2015-CP-10-3819. The Court of Appeals believed this case number to be an error and received this as a "Subsequent Notice of Appeal" and consolidated Fokas' appeal in the Defamation case into Appellate Case No. 2017-002032, which involves the parties' claims in the Breach of Contract case (Civil Action No. 2015-CP-10-3919). See Letter Dated March 20, 2018, from the Court of Appeals. On March 21, 2018, Fokas filed an Amended Notice of Appeal using the correct civil action number.

6. Shortly thereafter, Phillip Ferderigos and Spiros Ferderigos appealed the Order granting summary judgment in Fokas' favor with respect to the Ferderigos' respective counterclaims in the Defamation action (Civil Action No. 2015-CP-10-3891). That appeal was given Appellate Case No. 2018-000516. Spiros and Phillip Ferderigos have served Initial Appellant Briefs in this appellate case. Fokas served an Initial Appellant Brief using this appellate case for his appeal in the Defamation case, as well.

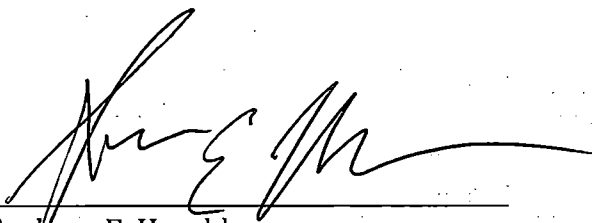
7. The practical effect is that the parties' cross-appeals in the Defamation case currently are split into two Appellate Court cases, making technical compliance with the various briefing schedules at best unwieldy.

8. Fokas respectfully requests that the Court move Fokas' appeal in the Defamation Case (filed by Notice of Appeal on March 19, 2018, and corrected with an Amended Notice of Appeal filed on March 20, 2018) into Appellate Case No. 2018-000516.

Counsel for Fokas has conferred with counsel for Phillip and Spiros Ferderigos, and counsel for Phillip and Spiros Ferderigos consent to this request.

9. In the less attractive alternative, Fokas would request that Appellate Case No. 2017-002032 and Appellate Case No. 2018-000516 be merged or consolidated such that there is only one (1) appellate case before the Court.

Respectfully submitted,



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June 20, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2015-CP-10-3919
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and Spiros Ferderigos,

Respondents.

PROOF OF SERVICE

I hereby certify that pursuant to Rules 262(b) and 263(b), SCACR, I have served Athan Fokas' Motion to Reorganize/Reconsolidate Appeals in this matter on all counsel of record by delivering a copy or mailing a copy, United States Mail, postage prepaid, on June 20, 2018, to the following addresses:

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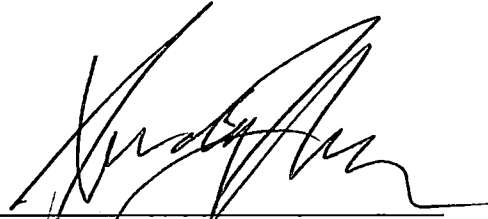
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June 20, 2018

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June 20, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
JUN 22 2018
SC Court of Appeals

RE: **Athan Fokas v. Phillip Ferderigos, Jacob Ferderigos and Spiros Ferderigos**
Case No.: 2015-CP-10-3919
Appellate Case Nos.: 2017-002032

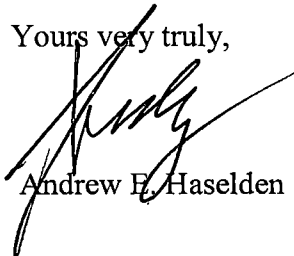
Dear Ms. Kitchings:

Please find enclosed for filing an original and six copies of a ***Athan Fokas' Motion to Reorganize/Reconsolidate Appeals*** in the above-referenced matter. Also enclosed is our firm's check in the amount of Twenty-five (\$25.00) Dollars representing the required filing fee. Please file the original and return the clocked-in copy in the self-addressed, stamped envelope provided. By copy of this letter, I am serving all counsel of record with the same.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

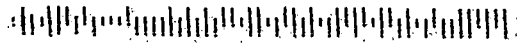
With kind regards, I am

Yours very truly,


Andrew E. Haselden

AEH/khm
Enclosures

cc: All Counsel of Record (w/encls.)



HNB


**HOWSER, NEWMAN
& BESLEY, LLC**

Attorneys and Counselors at Law

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The Honorable Jenny Abbott Kitchings
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