

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

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

Circuit Court Case No. 2017-CP-10-4112  
Appellate Case No.: 2018-000249

**RECEIVED**  
OCT 15 2018  
SC Court of Appeals

Chris Khamnei,.....Appellant,

v.

Columbus Street Holdings, LLC;  
Roy T. Willey, IV; and Eric M. Poulin,.....Respondents.

RESPONDENTS' RETURN IN OPPOSITION TO APPELLANT'S MOTION TO REINSTATE

October 11, 2018

Stefan B. Feidler  
S.C. Bar No.: 101918  
Anastopoulo Law Firm, LLC  
32 Ann Street  
Charleston, SC 29403  
(843) 614-8888

**ATTORNEY FOR RESPONDENTS**

**COME NOW**, the Respondents, who respectfully request that Appellant's Motion to Reinstatement be denied and that the Court issue the remittitur. In support of this position, Respondents would show as follows:

### **PROCEDURAL BACKGROUND**

Appellant served the Notice of Appeal in this matter on February 14, 2018, nearly 8 months ago. Appellant failed to Order the transcript within 10 days, as required by Rule 207, and this Court issued a deficiency letter on March 6, 2018. Appellant thereafter filed a Motion for Permission to Order Transcript Out of Time, which was granted. The record indicates that the transcript was ordered on or about March 7, 2018, making it due on or about May 7, 2018.

On August 13, 2018, this Court issued another deficiency letter to Appellant, noting that Appellant had neither filed his Initial Brief, notified the Court of his failure to receive the transcript, nor indicated that the court reporter had been granted an extension to complete the transcript. This letter required Appellant to advise the Court of the status of the transcript within 10 days, making such response due August 23, 2018.

Appellant failed to timely file such a response and, on August 28, 2018, the Court dismissed this appeal. The following day, on August 29, 2018, Appellant filed the requested transcript update letter.<sup>1</sup> Although Appellant did not specifically state that he intended this late status letter to serve as a Motion to Reinstatement, the Court interpreted it as a Motion to Reinstatement. However, as the Court noted, in order for it to be considered as such, Appellant had to cure certain deficiencies.

On September 26, 2018, the Court issued a deficiency letter requesting that Appellant file

---

<sup>1</sup> It is important to note that the letter was dated August 23, 2018. Presumably, Appellant dated the letter as such in order to make it appear timely. However, it is clear from the record that the letter was not actually mailed until August 29, 2018, as evidenced by the postal stamp on the envelope. Indeed, it does not even appear that the letter was drafted on August 23, 2018, since the letter contains a copy of an email that was not sent until August 24, 2018.

a proper proof of service and submit the \$25.00 filing fee within 10 days. As of the date of this Return, 15 days later, it does not appear that Appellant has corrected these deficiencies.

### ARGUMENT

This appeal is now just short of 8 months old and the Appellant still has yet to even file his initial brief. Appellant has missed at least 5 deadlines:

1. Appellant failed to timely order the transcript;
2. Appellant failed to timely respond to Respondents' Initial Motion to Dismiss;
3. Appellant failed to timely notify the Court when he did not receive the transcript;
4. Appellant failed to timely respond to the Courts request for a status update on the missing transcript, causing the case to be dismissed; and
5. Appellant failed to timely cure the deficiencies related to his Motion to Reinstate.

Moreover, as set forth above, it appears that, on at least one occasion, Appellant has backdated a letter in an attempt to make an untimely filing appear as timely.

It is also important to note, as demonstrated in Exhibit A, that Appellant received a copy of the long awaited transcript on September 3, 2018. Appellant neither notified the Court of this receipt, nor attempted to file his Initial Brief nor designation of matter within 30 days thereafter.

Respondents are cognizant of the fact that Appellant is acting *pro se* in this appeal and that, as such, the Court may be inclined to grant him some leeway in missing deadlines. However, this would not excuse his act of backdating a letter, if in fact he did so intentionally. Moreover, while Appellant is not an attorney, a review of the public records in both South Carolina and his home state of Vermont indicate that he has extensive experience acting in a *pro se* capacity. It appears that, from 2013 to the present, Appellant has been involved in at least 6 other lawsuits as a *pro se* Plaintiff. In Vermont, he has litigated lawsuits against Thrifty Car

Rental;<sup>2</sup> the Burlington Public Works Commission;<sup>3</sup> Vermont Mutual Group;<sup>4</sup> HSBC Card Services;<sup>5</sup> and his own mother.<sup>6</sup> Moreover, in or around 2007, Appellant filed a lawsuit against his neighbors, which he appealed *pro se*, all the way to the Vermont Supreme Court, which ruled against him in a written order.<sup>7</sup> Finally, in addition to the present matter, Appellant was recently involved as a *pro se* party in litigation with his brother and sister in the Charleston County Court of Common Pleas.<sup>8</sup> Appellant has also been involved as a party in a number of other actions, both in Vermont and South Carolina, in which he was represented by counsel.

Based on the foregoing, it appears that Appellant's repeated failure to timely move this case forward is due less to his lack of experience or knowledge of the rules, and more to his lack of desire to see this appeal through to completion. Appellant has been given multiple opportunities to correct the multiple deficiencies in this case and, at every turn, has failed to do so in a timely manner.

### CONCLUSION

For the foregoing reasons, Respondents respectfully seek dismissal of this appeal. Respondents further reserve the right to seek costs pursuant to SCACR 222 should this appeal be dismissed.

[signature on following page]

---

<sup>2</sup> Burlington, VT Docket Number 1234-11-14 Cncv

<sup>3</sup> Burlington, VT Docket Number 1261-12-14 Cncv

<sup>4</sup> Burlington, VT Docket Number 885-8-13 Cncv

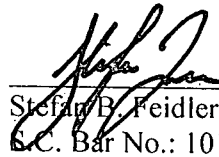
<sup>5</sup> Burlington, VT Docket Number 896-8-13 Cncv

<sup>6</sup> Burlington, VT Docket Number 10-1-18 Cncv

<sup>7</sup> Vermont Supreme Court Docket No. 2007-200

<sup>8</sup> 2014-CP-10-7315

Respectfully Submitted,



---

Stefan B. Feidler  
S.C. Bar No.: 101918  
Anastopoulo Law Firm, LLC  
32 Ann Street  
Charleston, SC 29403  
(843) 614-8888

**ATTORNEY FOR RESPONDENTS**

Dated at Charleston, SC  
This 11 day of 10, 2018.

Appellant:

Chris Khamnei  
82 Overlake Park  
Burlington, VT 05401

***PRO SE APPELLANT***

**ALERT: USPS SERVICES ARE DISRUPTED IN SOME FLORIDA PANHANDLE AREAS IMPACTED BY H...**



[FAQs > \(https://www.usps.com/faqs/uspstracking-faqs.htm\)](https://www.usps.com/faqs/uspstracking-faqs.htm)

**Track Another Package +**

**Tracking Number:** 9505511760668242147335

Remove X

Your item was delivered in or at the mailbox at 4:32 pm on September 3, 2018 in BURLINGTON, VT 05401.

**✓ Delivered**

September 3, 2018 at 4:32 pm  
Delivered, In/At Mailbox  
BURLINGTON, VT 05401

Get Updates

Feedback

**Text & Email Updates**

**Tracking History**

**September 3, 2018, 4:32 pm**

Delivered, In/At Mailbox  
BURLINGTON, VT 05401

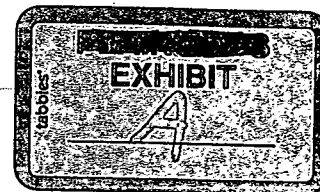
Your item was delivered in or at the mailbox at 4:32 pm on September 3, 2018 in BURLINGTON, VT 05401.

**September 2, 2018, 12:47 pm**

Arrived at Hub  
BURLINGTON, VT 05401

**September 2, 2018, 6:20 am**

Departed USPS Regional Facility  
BURLINGTON VT DISTRIBUTION CENTER



**September 2, 2018, 5:11 am**

Arrived at USPS Regional Facility  
BURLINGTON VT DISTRIBUTION CENTER

**September 2, 2018, 2:10 am**

Departed USPS Regional Facility  
NASHUA NH DISTRIBUTION CENTER

**September 1, 2018, 6:38 pm**

Arrived at USPS Regional Destination Facility  
NASHUA NH DISTRIBUTION CENTER

**September 1, 2018**

In Transit to Next Facility

**August 30, 2018, 8:53 pm**

Arrived at USPS Regional Origin Facility  
CHARLESTON SC PROCESSING CENTER

**August 30, 2018, 12:01 pm**

USPS in possession of item  
CHARLESTON, SC 29401

Feedback

**Product Information**



**See Less** ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

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

Circuit Court Case No. 2017-CP-10-4112  
Appellate Case No.: 2018-000249

RECEIVED  
OCT 15 2018  
SC Court of Appeals

Chris Khamnei,.....Appellant,

v.

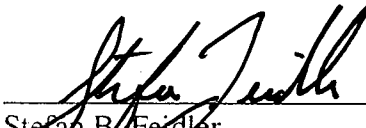
Columbus Street Holdings, LLC;  
Roy T. Willey, IV; and Eric M. Poulin,.....Respondents.

PROOF OF SERVICE

I certify that I have served Respondents' Return in Opposition to Appellant's Motion to Reinstatement on Appellant by depositing a copy of it in the United States Mail, postage prepaid, on October 11, 2018, addressed to him, as a *pro se* party at:

Chris Khamnei  
82 Overlake Park  
Burlington, VT 05401

October 11, 2018

  
Stefan B. Feidler  
S.C. Bar No.: 101918  
Anastopoulo Law Firm, LLC  
32 Ann Street  
Charleston, SC 29403  
(843) 614-8888

ATTORNEY FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

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

Circuit Court Case No. 2017-CP-10-4112  
Appellate Case No.: 2018-000249

RECEIVED  
OCT 15 2018  
SC Court of Appeals

Chris Khamnei,.....Appellant,

v.

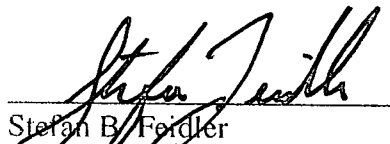
Columbus Street Holdings, LLC;  
Roy T. Willey, IV; and Eric M. Poulin,.....Respondents.

PROOF OF SERVICE

I certify that I have served Respondents' Return in Opposition to Appellant's Motion to Reinstatement on Appellant by depositing a copy of it in the United States Mail, postage prepaid, on October 11, 2018, addressed to him, as a *pro se* party at:

Chris Khamnei  
82 Overlake Park  
Burlington, VT 05401

October 11, 2018

  
Stefan B. Feidler  
S.C. Bar No.: 101918  
Anastopoulo Law Firm, LLC  
32 Ann Street  
Charleston, SC 29403  
(843) 614-8888

ATTORNEY FOR RESPONDENTS

TOLL FREE: 1 (800) 313-2546  
FACSIMILE: (843) 494-5536

REPLY TO ANN STREET OFFICE  
STEFAN@AKIMLAWFIRM.COM

# ANASTOPOULO

---

## LAW FIRM

AKIM A. ANASTOPOULO (SC)

JONATHAN N. ALKIS (SC)  
CONSTANCE ANASTOPOULO (SC)\*  
GARRETT L. BROWN (SC)  
KENNETH T. DAVID (SC)  
STEFAN B. FEIDLER (SC)(GA)  
HERB F. GLASS (SC)  
MARLEY N. GRIM (SC)  
J. CAMDEN HODGE (SC)  
LANE D. JEFFERIES (SC)  
THOMAS D. KANDLER, II (NC)  
BYRON V. LEARY, II (SC)  
BENJAMIN W. LEE (SC)  
MATTHEW L. NALL (SC)  
ERIC M. POULIN (SC)(NC)(GA)(CA)  
SAMANTHA SUTTON (SC)(NC)  
CASEY VAN VALKENBURGH (SC)(IL)  
P. HEATH WARD (SC)  
DANNY LEE WILLARD, JR. (SC)  
ROY T. WILLEY, IV (SC)  
L. CRAYTON WILLIAMS (SC)

\*OF COUNSEL

October 11, 2018

**Via U.S. Mail**

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: *Chris Khamnei v. Columbus Street Holdings, et al.*  
*Appellate Case No.: 2018-000249*

RECEIVED  
OCT 15 2018  
SC Court of Appeals

Dear Sir/Madame:

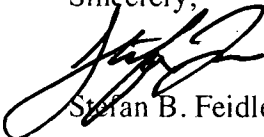
Enclosed, please find the original and seven (7) copies of Respondents' Return in Opposition to Appellant's Motion to Reinstate in the above referenced matter. We would appreciate it if you would file and return one (1) copy to our office in the enclosed self-address envelope.

Additionally, enclosed please find the original and one (1) copy of the Proof of Service. We would appreciate it if you would file and return the copy to our office in the enclosed self-address envelope.

If you should have any questions, please do not hesitate to contact me/us directly.

Thank you for your assistance in this matter.

Sincerely,

  
Stefan B. Feidler

Cc: Chris Khamnei (via U.S. Mail)

Enclosures

**MAILING: 32 Ann Street, Charleston, South Carolina 29403**

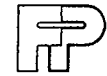
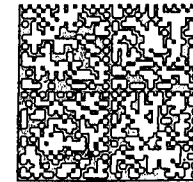
**North Charleston:** 2170 Ashley Phosphate Road, 3<sup>rd</sup> Floor, North Charleston, South Carolina 29406 \* **Greenville:** 418 River Street, Greenville, SC 29601

**Florence:** 150 W. Evans Street, Florence, South Carolina 29501 \* **Myrtle Beach:** 2411 N. Oak Street, Suite 407, Myrtle Beach, South Carolina 29577

**Columbia:** 1201 Main Street, Suite 1100, Columbia, South Carolina 29201 \* **Raleigh, NC:** 8801 Fast Park Drive, Suite 301, Raleigh, NC 27617

**Wilmington, NC:** Appointment Only

Anastopoulos Law Firm  
Stefan B. Feidler  
32 Ann Street  
Charleston, SC 29403



US POSTAGE

\$02.68<sup>2</sup>

First-Class

Mailed From 29403

10/11/2018

032A 0061821351

Clerk of Court  
South Carolina Court of Appeals  
P.O Box 11629  
Columbia, SC 29211

**RECEIVED**

OCT 15 2018

SC Court of Appeals

