

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

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Charles B. Simmons, Jr., Master-in-Equity

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Appellate Case No. 2018-000985

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**RECEIVED**  
JAN 08 2019  
SC Court of Appeals

John D. Hatcher, Rachel Shaluly, James Gilbert, Molly Miller  
and Michael Stehney, individually and as members of the  
Architectural Committee of Mill Creek Estates,

Respondents

vs.

Ron Ferguson and Ronald J. Ferguson, Real One, LLC, and  
Susan M. Ferguson,

Defendants

Of whom Ron Ferguson, Ronald J. Ferguson and Susan  
M. Ferguson are the Appellants.

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**MEMORANDUM IN OPPOSITION TO THE  
MOTION TO REINSTATE**

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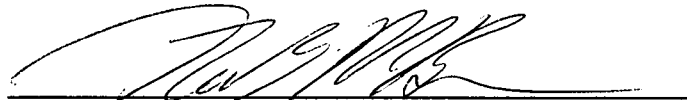
The Respondents come before the Court requesting that the Court refuse to reinstate this appeal. In fact, the Respondents were going to move this Court to dismiss this appeal. This is the second time the Appellant has appealed a discovery Order. In Appellate Case Number 2017-001379, this Court dismissed the appeal as being interlocutory. The case was remanded to the Trial Court where the parties had another hearing on the Defendant's failure to comply with the discovery requests. This is an appeal from that Order.

This Court of Appeals originally determined that Judge Simmons Order regarding discovery was interlocutory and dismissed the appeal in that case. Herein the Appellants filed a motion regarding Judge Simmons' supplemental discovery Order. It is the exact same issue and should have the exact same outcome.

Accordingly, the Respondents respectfully request the Court to refuse to reinstate the case procedurally because the Appellants have failed to comply with the rules of this Court and because the appeal has no merit and is a repeat of the previous interlocutory appeal. The Appellants have appealed another case involving these parties for five (5) years and prohibited the Respondents from getting to trial. They have not even been allowed to complete discovery. The Appellants have created a travesty of justice and in all cases manipulating the Court system.

Herein the Court of Appeals has a chance to short cut the Appellants continued attempts at delay. The Respondents request the Court to failure to reinstate for the procedural grounds as well as the meritorious grounds. The Appellants should know from previous cases that this is an interlocutory appeal and should be dismissed.

Respectfully submitted.



Rodney M. Brown, #953  
Attorney for Respondents  
210 S. Main Street  
Fountain Inn, SC 29644  
(864) 862-2528

January 2, 2019

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CERTIFICATE OF SERVICE

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The undersigned employee of Rodney M. Brown, P.A., counsel for John D. Hatcher, Rachel Shaluly, James F. Gilbert, Molly A. Miller and Michael Stehney, individually and as members of the Architectural committee of Mill Creek Estates, does hereby certify that service of the Memorandum in Opposition to the Motion to Reinstate was made upon Appellants by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this 3rd day of January, 2018.

Ron Ferguson Ronald J Ferguson and  
Susan M Ferguson  
103 Mill Creek Road  
Piedmont SC 29673

  
Annette M. Lay

RODNEY M. BROWN PA  
ATTORNEY AT LAW

January 2, 2019

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

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JAN 08 2019

SC Court of Appeals

RE: Appellate Case No. 2018-000985  
John D. Hatcher, et al. vs. Ron Ferguson, et al.

Dear Sir or Madam:

Enclosed herein please find an original and 6 copies of my Memorandum in Opposition to the Motion to Reinstate on the above-referenced case. I am providing a copy to the Appellants by Certificate of Service enclosed herein.

If you should have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

  
Rodney M. Brown

aml

Enclosures

cc: Ron Ferguson, Ronald J. Fergsuon and  
Susan M. Ferguson

RODNEY M. BROWN PA  
ATTORNEY AT LAW

210 S. Main Street • Fountain Inn, South Carolina 29644

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