

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Court of Common Pleas
L. Casey Manning, Circuit Court Judge

RECEIVED
AUG 14 2019
SC Court of Appeals

2018-CP-40-5641

Appellate Case No. 2019-001224

Ronald I. Paul Appellant,

v.

South Carolina Department of Transportation; Paul D. de Holczer, individually and as a partner of the law firm of Moses, Koon & Brackett, PC; Michael H. Quinn, individually and as senior lawyer of Quinn Law Firm, LLC; J. Charles Ormand, Jr., individually and as partner of the law Firm of Holler, Dennis, Corbett, Ormand, Plant & Garner; Oscar K. Rucker, in his individual capacity as Director Rights of Way South Carolina Department of Transportation; Macie M. Gresham, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; Natalie J. Moore, in her individual capacity as assistant chief counsel South Carolina Department of Transportation; Respondents.

Moses & Brackett, PC's f/k/a Moses, Koon & Brackett, PC,
Reply to Appellant's Response (Return)

Appellant filed a Rule 59(e) motion on June 14, 2019. As detailed in the Motion to Dismiss Appeal filed August 2, 2019, Appellant's Rule 59 (e) motion for reconsideration (Exhibit D, Motion to Dismiss Appeal), by its own terms, related solely to the Rucker/Gresham/Quinn Order

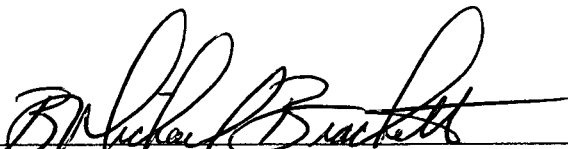
and did not include any reference to the MKB Order. In his Response to the Motion to Dismiss Appeal, Appellant claims that Judge Manning's Order Denying Plaintiff's Motion for Reconsideration "referred to, raised and discussed both orders filed on June 7, 2019."¹ Not so because:

1. The Order Denying Appellant's Motion for Reconsideration could not have referred to, raised, discussed or decided a motion that had not been made and that was not before the Court, to wit, a motion for reconsideration of the MKB Order; and

2. The Order Denying Appellant's Motion for Reconsideration, dated June 27, 2019, referred to the Rucker/Gresham/Quinn Order in which motions/cross motions involving parties other than MKB were decided. See pages 1-2 of the Order Denying Motion for Reconsideration for a list of the pre-trial motions included in the motion for reconsideration. C-track records show that Appellant also filed a motion for entry of default and for default judgment against Rucker and Gresham, and it was the trial court order denying that motion that was the subject of the reconsideration order.

The Motion to Dismiss Appeal as to Moses & Brackett, PC should be granted.

August 13, 2019


B. Michael Brackett, Bar No. 838
Moses & Brackett, PC
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Columbia, SC 29223
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¹ The Rucker/Gresham/Quinn Order and the MKB Order.

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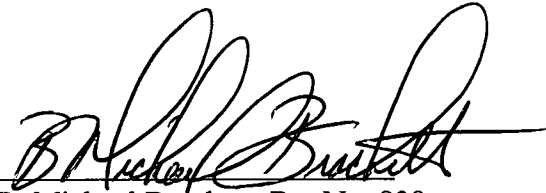
Certificate of Service

The undersigned, as attorney for Moses & Brackett, PC, formerly known as Moses, Koon & Brackett, PC, hereby certifies that I have served the below-named persons by mail with a copy of the foregoing Reply to Appellant's Response (Return), postage prepaid and return address clearly indicated on said envelope, on this 13th day of August, 2019, at the following addresses:

Ronald I. Paul
P.O. Box 4353
Columbia, SC 29240

Andrew F. Lindemann, Esquire
P.O. Box 6923
Columbia, SC 29260

Michael H. Quinn, Esquire
P.O. Box 6903
Columbia, SC 29260

A handwritten signature in black ink, appearing to read "B. Michael Brackett". The signature is written in a cursive style with large, looping letters.

B. Michael Brackett, Bar No. 838
133 Brookspring Road
Columbia, SC 29223
Attorney for Moses & Brackett, PC

Moses & Brackett, PC
133 Brookspring Road
Columbia, SC 29223

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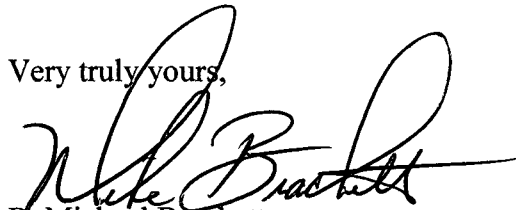
The Honorable Jenny Abbot Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Paul v. SCDOT, et al.
Appellate Case No. 2019-001224

Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Respondent Moses & Brackett, PC's (formerly known as Moses, Koon & Brackett, PC) Reply to Appellant's Response (Return). By copy of this letter, a copy of the enclosed Reply has been served on Appellant and other attorneys appearing in the appeal as identified below. A certificate of service is enclosed.

Very truly yours,



B. Michael Brackett

cc. Michael H. Quinn, Esquire
Andrew F. Lindemann, Esquire
Ronald I. Paul



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Mike Brackett, Esq.
133 Brookspring Rd.
Columbia, SC 29223

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