

THE THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

**RECEIVED**  
OCT 07 2019  
SC Court of Appeals

Case No. 2009-CP-26-05915  
Appeal No. 2019-001119

Plantation Federal Bank ..... Respondent,

v.

Chester A. Crocket ..... Appellant

and

C&C Development, LLC; Michael Chaffin; Bruce J. Ahmes;  
S&D General Contractors, LLC; Col-Cor Industries, Inc.  
d/b/a Active Glass and Mirror; First Electric, Inc.; Wallcraft  
Construction, Inc. and Carolina Dirt Works, LLC..... Other Defendants.

**RESPONDENT’S RETURN TO THE PETITION FOR REHEARING**

J. René Josey, Esquire  
Jeffrey L. Payne, Esquire  
TURNER, PADGET, GRAHAM & LANEY, P. A.  
319 S. Irby Street  
Post Office Box 5478 (29502)  
Florence, South Carolina 29501

ATTORNEYS FOR THE RESPONDENT

Other Counsel of Record:  
Robert S. Shelton, Esq.  
P.O. Box 357  
Myrtle Beach, SC 29578  
(843) 448-2400

*Attorney for Appellant*

## ARGUMENT

This Court has properly dismissed this appeal for lack of immediate appealability. Citing the controlling statute, S.C. Code § 14-3-330 and applicable case law, the concise order of the Court appropriately denies the appealability of an Order of Reference and implicitly reaches the proper conclusion that Respondent is not entitled to a jury trial.

Respondent's suggestion that he is entitled to discovery and a jury trial on a specious counterclaim ("Bad Banking Made Me Do It") was fully briefed by the parties before the Court's decision and Respondent's current petition raises nothing new. Respondent's nearly decade long delay in raising his creative counterclaim is still suspect in light of the past available public reports and documents cited in support of his claim and in light of his own communications with the bank after succession of South State Bank. Moreover, the flexible and well-thought framework provided by the South Carolina Rules of Civil Procedure, which protect and promote disposition of matters on their merits in accord with due process, make no room in Rules 12, 13, 59, or 60 for such tactical efforts that have no merit.

Consequently, this Court should deny the Petition and reaffirm its dismissal of the matter.

Florence, South Carolina

October 4, 2019

TURNER, PADGET, GRAHAM & LANEY, P. A.

By: 

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ATTORNEYS FOR THE RESPONDENT

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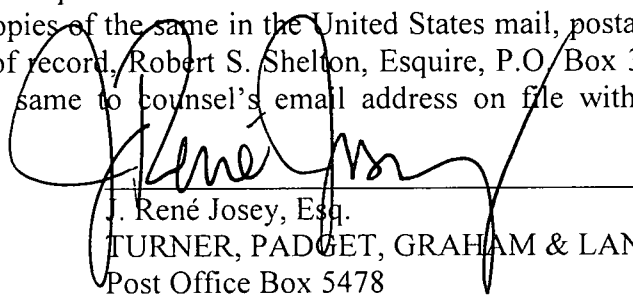
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d/b/a Active Glass and Mirror; First Electric, Inc.; Wallcraft  
Construction, Inc. and Carolina Dirt Works, LLC..... Other Defendants.

**PROOF OF SERVICE**

I certify that I have served Respondent's **Return to the Petition for Rehearing** on Chester A. Crocket, by depositing copies of the same in the United States mail, postage prepaid, on October 4, 2019, to its attorney of record, Robert S. Shelton, Esquire, P.O. Box 357, Myrtle Beach, SC 29578 and by emailing same to counsel's email address on file with the South Carolina Bar.



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**ATTORNEYS FOR RESPONDENT**

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October 4, 2019

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

**RECEIVED**  
OCT 07 2019  
SC Court of Appeals

Re: Plantation Federal Bank vs. C&C Development LLC  
Case No.: 2009-CP-26-05915  
Tracking No.: 2019-001119  
TPGL File No.: 05930.00465

Dear Ms. Kitchings:

Pursuant to Rule 240(e) SCACR, enclosed for filing is a Respondent's Return to Appellant's Petition for Rehearing presently pending in your court. In accordance with SCACR 240, I am enclosing the original (unbound) and 7 copies of our Return; I ask that one copy be stamped as filed and returned to us in the self-addressed, stamped envelope.

Also enclosed you will find an original Certificate of Service and one additional copy; again I ask that the copy be stamped as filed and returned to us in the self-addressed, stamped envelope.

By copy of this letter to attorney Robert S. Shelton, we are serving Appellant's counsel with this Return and the certificate of service.

*Again, because the underlying judgment in this matter is over 9 years old, we would ask the court to consider the pending Petition at its earliest convenience.*

If anything additional is needed, please let us know.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

J. René Josey

JRJ:lp

Enclosures

Cc: Robert S. Shelton, Esquire (w/enclosures)

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The Honorable Jenny Abbott Kitchens  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
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