

**THE SOUTH CAROLINA COURT OF APPEALS**

SOHAIL ABDULLA, Appellant

v.

SOUTHERN BANK, Respondent

APPELLATE CASE NO. 2019-001142

**RECEIVED**

NOV 08 2019

SC Court of Appeals

THE HONORABLE MAITE MURPHY  
AIKEN COUNTY  
TRIAL COURT CASE NO. 2017CP0200283

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**RESPONSE IN OPPOSITION TO MOTION FOR EXTENSION OF TIME**

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NOW COMES Respondent, SOUTHERN BANK, and files this Response in Opposition to Appellant's Motion for Extension of Time, and respectfully shows as follows:

1. On July 11, 2019, Appellant filed a Notice of Appeal of two (2) Orders previously issued by the Honorable Maite Murphy. The first Order was issued May 11, 2018. This Order dismissed Appellant's case, for lack of Long Arm Jurisdiction in the State of South Carolina. Appellant then filed a Motion to Reconsider the entry of that Judgment to which Respondent replied in opposition. The Court denied this Motion to Reconsider by Order entered June 13, 2019. During that one year period, there was no follow-up by Appellant with Judge Murphy requesting that the Motion to Reconsider be ruled upon. It was not until Respondent, Southern Bank, by and through its attorney, informed the Court that a final Order on this motion had not been entered.

2. Upon entry of the Order Denying Motion to Reconsider, Appellant filed his Notice of Appeal July 11, 2019. Under the South Carolina Court of Appeals Rules (Rule 208), Appellant is to file his Brief within thirty (30) days after receiving the transcript. As so admitted in Appellant's letter of October 3, 2019, his office did, in fact, receive the transcript timely on September 5, 2019, but apparently did not properly docket its receipt in his law office. Accordingly, Appellant then requested a thirty (30) day extension to file the initial Brief. The Court graciously granted this request on October 4, 2019. The Order specifically provided "the time for serving and filing the appellant's initial brief and designation of matter is hereby extended until November 6, 2019."
3. Respondent herein checked the Docket with the Court of Appeals on November 6, 2019 and discovered that no Brief had been filed of record with the Court. Further follow-up on the Court Docket then revealed that on November 7, 2019, Appellant's Motion for Extension of Time, dated November 6, 2019, was docketed of record with the Court. Appellant's excuse for not timely filing the initial Brief was "counsel for Appellant is currently under a heavy schedule of hearings, jury trials and mediation during the months of October and November."
4. Respondent would show that Appellant has had more than sufficient time to address any issues of appeal given that the original Order Dismissing the case for lack of jurisdiction was entered May 11, 2018. Judge Murphy's Order of May 11, 2018 is very specific as to the reasons why jurisdiction was not conferred upon Appellant in the State of South Carolina. Furthermore, Respondent would inform this Court, that Appellant has now filed a second suit, Case No. 2018-CP-02-02912, Court of Common Pleas, 2<sup>nd</sup> Judicial Circuit, Aiken County, South Carolina, against Southern Bank involving the same underlying loan transactions that last took place between the parties in the year 2007 in the State of Georgia. This Complaint was filed even though the previous Court ruled there was no jurisdiction in South Carolina and while his Motion to Reconsider was technically still open and pending before Judge Murphy.
5. Respondent takes exception with Appellant's statement that "no party will be prejudiced by this extension of time and it is not requested for purposes of harassment or delay." To the contrary, this is *exactly* why Appellant continues to file suits against Southern Bank in the State of South Carolina.

*Abdulla v. Southern Bank 2019 001142*

Respectfully, Respondent, Southern Bank, requests that Appellant's Second Motion for Extension of Time to file initial Briefs be denied and the Appeal be dismissed.

This 8th day of November, 2019.

/s/ Mark L. Wilhelmi

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**CERTIFICATE OF SERVICE**

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This is to certify that a copy of Respondent's **RESPONSE IN OPPOSITION TO MOTION FOR EXTENSION OF TIME** has been served upon the following via US Mail:

Tucker S. Player  
Player Law Firm, LLC  
P.O. Box 21005  
Columbia, SC 29221

This 8<sup>th</sup> day of November, 2019.

/s/ Mark L. Wilhelmi

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