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RECEIVED

DEC 11 2019

SC Court of Appeals

FACSIMILE
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DIRECT DIAL
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MARK L. WILHELMI, SC Also

December 11, 2019

South Carolina Court of Appeals
Jennie Abbott Kitchings, Clerk of Court
P.O. Box 11629
Columbia, SC 29211
Attn: Sierra Richie

Via US Mail
Fax 803-734-1839

RE: Sohail Abdulla v. Southern Bank
Appeal from Aiken County Court of Common Pleas
Trial Case No. 2017-CP-02-00283
Appellate Case No. 2019-001142

Dear Ms. Richie:

We have just received Appellant's Initial Brief in regard to the above referenced matter. The stamp date shows it was received by the Court December 5, 2019.

As a point of clarification, you will recall that I filed a Response in Opposition to Motion for Extension of Time on November 8, 2019. Appellant was previously granted an extension to November 6, 2019. To date, we have not received a ruling from the Court of Appeals as to whether or not another extension was granted to Appellant. Nevertheless, Appellant has now filed his Initial Brief as of December 5, 2019, even though the Brief was technically due November 6, 2019.

This letter is to request confirmation from the Court as to whether or not this late filed Initial Brief is considered timely by the Court of Appeals even though no additional extension was granted to Appellant.

Thank you for your kind consideration of this matter.

Sincerely,



Mark L. Wilhelmi

MLW/dmw
ENC: Response in Opposition by Respondent
CC: Southern Bank
Tucker Player, Esq.

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From:

12/11/2019 17:06

#008 P.003/006

From:

11/08/2019 15:59

#007 P.002/006

THE SOUTH CAROLINA COURT OF APPEALS

SOHAIL ABDULLA, Appellant

v.

SOUTHERN BANK, Respondent

APPELLATE CASE NO. 2019-001142

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SC Court of Appeals

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

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SC Court of Appeals

RESPONSE IN OPPOSITION TO MOTION FOR EXTENSION OF TIME

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, 2nd 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

Mark L. Wilhelmi
SC State Bar Number 006103
Attorney for Southern Bank

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THE SOUTH CAROLINA COURT OF APPEALS

SOHAIL ABDULLA, Appellant

v.

SOUTHERN BANK, Respondent

APPELLATE CASE NO. 2019-001142

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

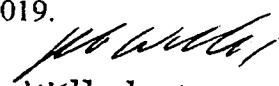
CERTIFICATE OF SERVICE

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

MAILED
11/9/19

This 8th day of November, 2019.


/s/ Mark L. Wilhelmi

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SC State Bar Number 006103
Attorney for Southern Bank

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FAXDate: 12/11/19

To: Sierra Richie Fax: (803) 734-1839
From: _____ Pages: 6 (including cover sheet)
Re: Abdulla v. Southern Bank CC: _____

(If you do not receive all pages, please call the number listed above)

Comments:

letter plus
previously sent Response in Opposition

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