

THE SOUTH CAROLINA COURT OF APPEALS

Shemuel Nahum Ben Yisrael and Plantation  
Yisrael, Appellants,

v.

Roy Hughes, Sr.; Margaret Hughes; Hughes  
General Merchandise; Town of Yemassee;  
Yemassee Police Department; Gregory  
Alexander, Police Chief; Law Office of  
Darrell Thomas Johnson, Jr., LLC; Mills  
Lane Morrison, Jr., Attorney; Fulcher Hagler,  
LLP; Elizabeth McLeod, Attorney; Peters,  
Murdaugh, Parker, Eltzroth & Detrick;  
Randolph Murdaugh, III, Attorney; Duffy  
Stone Law Firm, LLC; Duffy Stone,  
Attorney; Vaux & Marscher Law Firm, LLC;  
Roberts Vaux; Republic Services; F & ME  
Consultants; CSX Transportation, Inc.;  
David Poston, Road Master; Kirby Peeples;  
Ross Gregorie Estate; Joseph L. Goodwin,  
Former Mayor; Beaufort County 911  
Emergency Dispatch; Hampton County 911  
Emergency Dispatch; Jerry's Auto Parts;  
Jerry Cook; Colin Morre; Jackie Moore; and  
Jerry Thompson, Respondents.

And

Shemuel Nahum Ben Yisrael, Appellant,

v.

Judge Griffith, Town of Yemassee, Darrell  
Thomas Johnson, Jr. LLC, Peters,  
Murdaugh, Parker, Eltzroth & Detrick,  
Griffith Freeman & Liipfert, LLC, Vaux &  
Marscher Law Firm, LLC, Vaux Marscher  
Berglind, P.A., Respondents.

Appellate Case No: 2019-001108

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MAR 17 2020

SC Court of Appeals

**Respondents Duffy Stone, Judge Griffith,  
Griffith, Freeman & Liipfert, LLC, and  
Beaufort County 911 Emergency Motion  
to File Their Return to Plaintiff's Motion  
to Reinstate Appeal Outside of Time**

**TO: SHEMUEL NAHUM BEN YISRAEL, PRO-SE APPELLANT, AND  
ATTORNEYS FOR PARTIES ABOVE-NAMED:**

The Respondents Beaufort County 911 Emergency Dispatch, Duffy Stone, Judge

Griffith, and Griffith, Freeman & Liipfert, LLC (collectively “Respondents”), by and through undersigned counsel, hereby move to file their return to Plaintiff’s motion to reinstate his appeal outside of time pursuant to Rule 240(e), SCRAP. The grounds for this motion are as follows:

Pursuant to Rule 240(e), a party opposing a motion has ten (10) days from the date of service thereof to file its return to the motion. On October 21, 2019, the Plaintiff’s appeal was administratively dismissed by the Clerk of Court because the Plaintiff failed to timely request copies of the transcripts for the hearings on the various Defendants’ motions the granting of which the Plaintiff is appealing. The Plaintiff filed his motion to reinstate the appeal on October 31, 2019. On November 7, 2019, the Clerk of Court sent Mr. Yisrael a letter requiring him to file proof of service. Defendants’ counsel received the proof of service on November 15, 2019, but the proof of service is dated October 31, 2019. Unfortunately, Defendants’ counsel failed to calendar the deadline to respond to the motion to reinstate because of the confusion about the motion and proof of service. Pursuant to Rule 240(e), “the court may in its discretion enlarge...the time for filing the return.” The Defendants respectfully request that the Court enlarge the time for filing the return and allow the Defendants to file their return now.

No prejudice to the Plaintiff will result by allowing the Defendants to file their return to the motion outside of time. Nothing has taken place since the motion has been pending that would impact the Plaintiff’s ability to have his appeal reinstated. The Court has not yet ruled upon the motion to reinstate, so the case remains in precisely the same posture as when the Plaintiff initially filed his motion to reinstate.

Therefore, as the Court may enlarge the time to file a return at its discretion, and as no prejudice will result to the Plaintiff by allowing the Defendants to file their return now, the Defendants respectfully request that the Court enlarge the time for the Defendants to file the return and allow accept the return filed contemporaneously herewith.

GRIFFITH, FREEMAN & LIIPFERT, LLC

By:   
O. Edworth Liipfert, III  
600 Monson Street  
PO Drawer 570  
Beaufort, SC 29901  
843-521-4242  
843-521-4247 (fax)  
worth@griffithfreeman.com

ATTORNEYS FOR BEAUFORT COUNTY  
911 EMERGENCY DISPATCH, DUFFY  
STONE, JUDGE GRIFFITH, AND  
GRIFFITH, FREEMAN & LIIPFERT, LLC

March 13, 2020  
Beaufort, South Carolina

**CERTIFICATE OF SERVICE**

On March 13, 2020, I served *Respondents Duffy Stone, Judge Griffith, Griffith, Freeman & Liipfert, LLC, and Beaufort County 911 Emergency Dispatches' Memorandum Supporting Their Motion to Dismiss Appeal* pursuant to Rule 5, SCRCP by depositing it in the United States mail, with postage prepaid, and addressed as follows:

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Shemuel Nahum Ben Yisrael  
PO Box 2603  
Beaufort, SC 29902

Neil E. Alger and Daniel E. Henderson  
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA  
P.O. Box 2500  
Ridgeland, SC 29936

Roberts "Tabor" Vaux, Jr. and Mark S. Berglind  
Vaux Marscher Berglind, PA  
Post Office Box 769  
Bluffton, SC 29910

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**MAR 17 2020**

Michael Nicholas Loebel  
Fulcher Hagler LLP  
PO Box 1477  
Augusta, GA 30903

**SC Court of Appeals**

Darrell Thomas Johnson, Jr. and Mills L. Morrison, Jr.  
Law Offices of Darrell Thomas Johnson, Jr., LLC  
PO Box 1125  
Hardeeville, SC 29927

***Re: Yisrael, S. v Beaufort Co. 911 Emergency Dispatch  
2019-001108***



O. Edworth Liipfert, III

Beaufort, South Carolina

March 13, 2020

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

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SC Court of Appeals

RE: Yisrael v. Beaufort Co. 911 Emergency Dispatch, et al.  
Civil Action No: 2019-001108  
GF&L File No: 1011-135

Dear Madam Clerk:

Please find enclosed the original and six (6) copies of *Respondents Duffy Stone, Judge Griffith, Griffith, Freeman & Liipfert, LLC, and Beaufort County 911 Emergency Motion to File Their Return to Plaintiff's Motion to Reinstate Appeal Outside of Time* and *Respondents Duffy Stone, Judge Griffith, Griffith, Freeman & Liipfert, LLC, and Beaufort County 911 Emergency Dispatches' Return to Appellant's Motion to Reinstate Appeal* in this case. Also enclosed is our \$25.00 check for the filing fee. I would appreciate you filing the originals and returning a clocked copy of each to me in the enclosed envelope.

Thank you for your assistance. Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,



O. Edworth Liipfert, III

OEL/rdp

Enclosures

cc: Shemuel Nahum Ben Yisrael  
Neil E. Alger and Daniel E. Henderson, Peters, Murdaugh, Parker, Eltzroth & Detrick, PA  
Roberts "Tabor" Vaux, Jr. and Mark S. Berglind, Vaux Marscher Berglind, PA  
Michael Nicholas Loebel, Fulcher Hagler LLP  
Darrell Thomas Johnson, Jr. and Mills L. Morrison, Jr., Law Offices of Darrell Thomas Johnson, Jr., LLC