

STATE OF SOUTH CAROLINA
The South Carolina Court of Appeals

RECEIVED

May 13 2020

APPEAL FROM GREENVILLE COUNTY
The Honorable Robin B. Stilwell, Judge of Circuit Court

SC Court of Appeals

Civil Action No. 2019-CP-23-00269
Appellate Case No. 2020-000438

Raymond A. Wedlake, as a Member of Woodington Homeowners' Association, Inc., Appellant,

v.

Christopher Edwards, Charles Koshis, Denis Esteve, Michael Keels and William Craigo in their capacity as Board of Directors of Woodington Homeowners' Association, Inc., Respondents.

MOTION REQUESTING AN ORDER GRANTING DEFAULT JUDGMENT

COMES NOW Raymond A. Wedlake, Appellant (*Pro Se*), presenting his Motion pursuant to Rule 208, SCACR, which shows (excerpted to relevant part):

(a) Time for Serving and Filing Initial Briefs.

(2) Brief of Respondent. Within thirty (30) days after service of appellant's brief, respondent shall serve one copy of his brief on all parties to the appeal and file with the clerk of the appellate court one copy of the brief with proof of service.

(4) Failure to File. ... Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.

No service of "Brief of Respondents" is known to Appellant. Notice of Appellant's Brief was served to Respondents electronically on April 6, 2020 (Exhibit 1). Thirty days after service of Appellant's Brief was marked on May 6, 2020. No request was made by Respondents for an extension of time to file.

Appellant is aware of the March 20, 2020, Supreme Court Order: “RE: Operation of the Appellate Courts During the Coronavirus Emergency”, but believes this Order has been superseded by recent Executive Orders (governor.sc.gov/executive-branch/executive-orders):

- a) 2020-34 - Authorization of Limited Indoor Dining Services & Rescission of Boating Restrictions
- b) 2020-31 - Modification of Home or Work Order & Authorization of Outdoor Dining Services
- c) 2020-30 - Rescinding Self-Quarantine, Lodging, & Travel Restrictions for Individuals Entering S.C. from High-Risk Areas

all of which are consistent with rescission of restrictions, and authorizations consistent with the Federal Mandate to “Reopen America” of April 26, 2020. Personal-services businesses (*i.e.* barbershops) were ordered to reopen on May 18, 2020. Appellant contends the Court Order of 03/20/2020 is outdated, and needs to be rescinded immediately and retroactively to May 9, 2020, which marked 50 days after the Order was issued. South Carolina’s stay-at-home order was the first to end on April 20, 2020. On this date, Gov. Henry McMaster allowed beaches and parks to reopen, and retail stores could allow a limited amount of customers.

THEREFORE, Appellant prays for the Court to Order **default judgment** against Respondents resulting from their failure: "... to timely file a brief ...", asks the court to: "... take such action as it deems proper", and to **grant** prayers found in Appellant's Initial Brief, which was received and filed by the Court on April 8, 2020:

... reversal, vacating of the Order granting Summary Judgment, and to remand with instruction to fully adjudicate Appellant's-Declaratory-Judgment questions of law.



Raymond A. Wedlake, Appellant (*Pro Se*)
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EXHIBIT 1

From: "Ray Wedlake" <wedlakera@mail.com>
To: rstilwellc@sccourts.org
Cc: emily@campbellteague.com
Subject: Record on Appeal for Appellant's Initial Brief
Date: Mon, 6 Apr 2020 22:43:18

RE: 2020-000438 (2019-CP-23-00269)

Dear Ms. Fayall:

Please be informed if you may have interest, of my "Record on Appeal" sent today: 6 Apr 2020, to the Clerk of COA, which appeals the granting of Summary Judgment per Order of 25 Nov 2019 signed by Judge Stilwell. Here is a link to the (~13 MB) file:

<https://c.mail.com/@651507007647393314/-knkpddESr6oZP44wRCeIA>

Please be sure to inform Judge Stilwell if he may have interest. Thank you.

Cheers wedlakera@mail.com
Support "wilderness" - conserve nature !
Be American - buy "Made in USA" !!
GO ORANGE - Syracuse University ORANGE !!
Never let failure get to your heart !!
Stop organized crime. Re-elect no one !

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of "Motion Requesting an Order Granting Default Judgment", was served upon the following:

Emily O'Brian (SC Bar #101824)

Campbell Teague LLC

16 W. North St.

Greenville, South Carolina 29601

Attorney for Respondents

via US Priority Mail, Tracking Number: 9505 5265 1566 0134 2965 30

on May 13, 2020.



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