

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

RECEIVED

Jan 13 2021

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

SC Court of Appeals

**Mikell Scarborough
Master-in-Equity**

Appellate Case No. 2019-001838

SRP 2011-6, LLC..... Respondent,

v.

**Alluette K. Jones, South Carolina Federal Credit Union,
Synovus Bank, and Historic Charleston Foundation.....Defendants,**

Of whom Alluette K. Jones is the.....Appellant.

**RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR
EXTENSION OF TIME TO COMPLETE RECORD OF APPEAL**

Respondent SRP 2011-6, LLC (“Respondent”) hereby responds to the Motion for Extension of Time to Complete Record of Appeal (“Motion”) filed by Appellant Alluette K. Jones (“Appellant”). Respondent respectfully requests that the Court deny this Motion on the following grounds:

1. Appellant claims in the first paragraph of her Motion that the Record of Appeal [sic] was due on Monday, December 14, 2020. This position is incorrect and not supported by the South Carolina Appellate Court Rules (“SCACR”) and procedural history of this appeal. “Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be

immediately filed with the clerk of the appellate court.” Rule 210, SCACR. The last brief in this matter was served by the Respondent on October 17, 2020. Thus, Appellant was required to serve the Record on Appeal (the “ROA”) on the Respondent on or about November 16, 2020. Appellant failed to serve the ROA by the time specified in Rule 210, SCACR, and, to date, still has not served the ROA on the Respondent.

2. On December 4, 2020, the Clerk of Court for South Carolina Court of Appeals sent a letter to the Appellant advising her that the time for serving the ROA had expired. Further, Appellant was provided ten days to serve the ROA along with a motion requesting permission to serve the ROA outside the filing deadlines set by Rule 210, SCACR.

3. On December 17, 2020, the Appellant apparently filed a motion for an extension for fifteen days which was not served on the Respondent. Appellant conveniently alleged in her motion that she did not receive the December 4th letter from the Clerk of Court until December 14, 2020, the date of the deadline for submission of the ROA and a required motion to permit the late filing. Again, Respondent had no knowledge of the initial motion for extension, was not served with the same as required under Rules 240 and 262, SCACR, and would have opposed the same had it known. No proof of service was or has ever been filed by the Appellant for the December 17, 2020 motion for extension.

4. On December 30, 2020, the Appellant apparently filed the Motion (to which this return is being submitted) requesting thirty (30) days from December 14, 2020 to serve the ROA. Appellant also did not serve this Motion on the Respondent at the time same was filed in violation of Rules 240 and 262, SCACR.

5. Aside from the issue already addressed in paragraph 1 above, in which Appellant incorrectly references that the ROA was due December 14, 2020, Appellant provides no other

legitimate basis for her failure to timely file the ROA by the original deadline (i.e., on or about November 16, 2020).

6. In paragraph II of the Motion, Appellant claims that she did not receive the mail until December 14, 2020 due to the World Health Organization (WHO) declaring COVID-19 a pandemic. Respectfully, while the Respondent is aware that the pandemic has caused unprecedented damage to individual lives in this state and beyond, Appellant fails to make an exact correlation between the ongoing pandemic and how this specifically impacted her ability to timely serve the ROA. Respondent would submit that the Appellant is required to make a further showing to this Court rather than simply referencing the words “pandemic” or “COVID-19” as though that in and of itself is justification for her failure to follow the Rules of this Court. It is axiomatic that a *pro se* litigant who elects herself assumes the full responsibility for complying with substantive and procedural requirements of law.

7. Appellant additionally references a letter or a communication of some sort sent to the Court informing it of her multiple difficulties. Again, Respondent is not aware of and did not receive any such letter or correspondence from the Appellant. Appellant is required to provide notice to (including service on) the Respondent of any other letters or communications to which it did not previously receive.

8. Perhaps the most remarkable statement made in the Appellant’s Motion is that the Motion “is not opposed by defense counsel” as though Respondent is perfectly ok with the relief she is seeking from this Court. *See* Motion ¶ III(2). Appellant did not communicate with, consult with, or otherwise contact the undersigned counsel for Respondent prior to filing her Motion. In fact, Respondent had absolutely zero knowledge of the Motion (or the initial motion for extension) until it received a deficiency letter from the Clerk of Court on January 5, 2021

indicating that the Appellant had failed to provide a proof of service for the Motion. It is patently misleading on the part of the Appellant to say that the Respondent does not oppose the Motion. Respondent does not consent to the extension being sought by the Appellant and unequivocally opposes her desire to file the ROA beyond the time prescribed in the SCACR.

9. Appellant should not be rewarded by being allowed to file the ROA out of time as a consequence of her failure to follow the Rules. *Pro se* litigants are bound by the same requirements to comply with the substantive and procedural requirements of law as attorneys and this Court should hold the Appellant to that standard.

CONCLUSION

For these reasons set forth above, the relief requested in the Appellant's Motion for Extension of Time to Complete Record of Appeal should be denied and the Appeal dismissed.

CLAWSON and STAUBES, LLC



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Attorney for Respondent

January 13, 2021

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Of whom Alluette K. Jones is the.....Appellant.

PROOF OF SERVICE

I certify that I have served the *Respondent's Return to Appellant's Motion for Extension of Time to Complete Record of Appeal* by depositing a copy of it in the United States Mail, postage prepaid, on January 13, 2021 to the Appellant as follows:

Alluette K. Jones
142 Coming St.
Charleston, SC 29403-6104

CLAWSON and STAUBES, LLC



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January 13, 2021

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January 13, 2021

File No.: 20140012.007

VIA EMAIL ONLY

Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RECEIVED

Jan 13 2021

SC Court of Appeals

Re: *SRP 2011-6, LLC v. Alluette K. Jones*
Appellate Case No.: 2019-001838

Dear Ms. Kitchings:

Please find enclosed the *Respondent's Return to Appellant's Motion for Extension of Time to Complete Record of Appeal* and the accompanying *Proof of Service*.

Please do not hesitate to contact me with any questions or concerns.

Very truly yours,

CLAWSON and STAUBES, LLC

A handwritten signature in blue ink, appearing to read "ASullivan", is written over the printed name of Andrew M. Sullivan.

Andrew M. Sullivan

AMS/AMS

cc: Alluette Karen Jones