

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

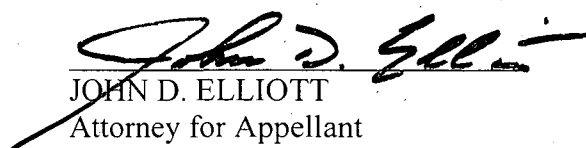
Sharon R. Seinar and Lisa Maseng.....Respondents,

APPELLANT'S DESIGNATION OF THE RECORD & CERTIFICATE OF SERVICE

The appellant proposes the following be included in the record on appeal:

1. Order Granting Summary Judgment, entered September 1st, 2011;
2. Memorandum Order (Form 4), entered December 4th, 2008
3. Complaint and Amended Complaint, excluding summons and cover sheets;
4. Answers and Counterclaims of Defendants
5. Plaintiff's Replies
6. Motions for Summary Judgment, including attachments;
7. Plaintiff's Answers to Interrogatories;
8. Affidavit of Cheryl Overturf;
9. Mark Mylott E-Mai;l
10. Arrest Warrants – Barking Dogs;
11. Respondents' Petition for Judicial Admission and Examiners' Findings;
12. Respondents' motion for restraining order – magistrate's court.

Counsel certifies that this designation contains no matter irrelevant to this appeal.


JOHN D. ELLIOTT

Attorney for Appellant

P.O. Box 607

Columbia, SC 29202

Phone: 803.252.9236

Fax: 803.799.2079

E-Mail: jayel@mindspring.com

Columbia, South Carolina

April 16th, 2012**CERTIFICATE OF SERVICE**

Counsel certifies he has served the forgoing Initial Brief and Designation of the Record on all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on this 16th day of April, 2012.

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260


JOHN D. ELLIOTT

Attorney for Ursula Pallares

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

April 16th, 2012

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

Enclosed please find the appellant's initial brief and designation of the record on appeal.

By copy of this letter I am serving opposing counsel with the brief and designation of the record.

Sincerely,



John D. (Jay) Elliott

JDE/

ENCL.

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

APR 18 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR ENLARGEMENT OF TIME

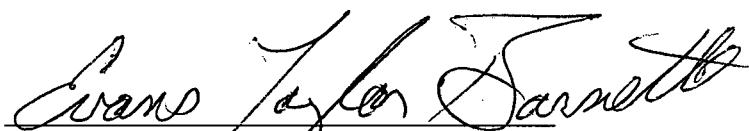
The undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an enlargement of time within which to file and serve the Respondent Lisa Maseng's Initial Brief and Designation of the Record on the following grounds:

The Respondent's (Lisa Maseng) Initial Brief and Designation of the Record is due on May 16, 2012. The undersigned attorney is currently involved in several litigation matters that have precluded him from completing the Respondent's Initial Brief and Designation of the Record as scheduled. In addition, the undersigned is scheduled to be on vacation the week the Respondent's Initial Brief and Designation of the Record is due.

Based upon the above, the undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an enlargement of time within which to file the Initial Brief

RECEIVED
MAY 14 2012
SC Court of Appeals

and Designation of the Record on behalf of the Respondent Lisa Maseng until Friday, June 15, 2012.



Evans Taylor Barnette
JOHNSON & BARNETTE, LLP
Post Office Drawer 11209
Columbia, South Carolina 29211
(803) 799-9791
(803) 253-6084 - Fax
Attorneys for the Respondent
Lisa Maseng

Columbia, South Carolina
May 14, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

CERTIFICATE OF SERVICE

I, the undersigned, of the law firm of Johnson & Barnette, LLP, certify that I have served counsel of record with a copy of the pleadings specified below by placing a copy of same in the United States Mail, postage prepaid to the following address:

Pleadings:

Motion for Enlargement of Time

Counsel Served

John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202

Tobias G. Ward, Jr., Esquire
Post Office Box 6138
Columbia, SC 29260

RECEIVED
MAY 14 2012
SC Court of Appeals


Susan J. Mordello

Columbia, SC
May 14, 2012

64194

LAW OFFICES
JOHNSON & BARNETTE, LLP
1230 RICHLAND STREET (29201)
POST OFFICE DRAWER 11209
COLUMBIA, SOUTH CAROLINA 29211-1209
TELEPHONE 803-799-9791
FAX 803-253-6084

EVANS TAYLOR BARNETTE

E-Mail: etbarnette@johnsonbarnette.com

May 14, 2012

(Via Hand Delivery)

The Honorable Jeanette Barber
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Ursula R. Pallares v. Sharon R. Seinar and
Lisa Maseng
Civil Action No. 2007-CP-40-6289

Dear Ms. Barber:

The undersigned as attorney for the Respondent Lisa Maseng respectfully requests an additional thirty (30) days within which to file and serve the Respondent Lisa Maseng's Initial Brief and Designation of the Record. The Respondent was served with the Appellant's Initial Brief and Designation of the Record on April 16, 2012. According to my calculation, the Respondent Lisa Maseng's Initial Brief and Designation of the Record would be due on May 16, 2012.

Attached hereto is a Motion for the Respondent Lisa Maseng requesting an enlargement of time and this Firm's check for the motion fee in the amount of \$25.00.

Respectfully yours,



Evans Taylor Barnette

ETB/sjm
Enclosures

cc: State Farm Fire & Casualty Co.
John D. Elliott, Esquire
Tobias G. Ward, Esquire
Lisa Maseng

RECEIVED
MAY 14 2012
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

The Honorable Casey L. Manning

Civil Action No.: 2007-CP-40-6289

RECEIVED
MAY 15 2012
SC Court of Appeals

Ursula R. PallaresAppellant(s)

vs.

Sharon R. Seinar & Lisa A. MasengRespondent(s)

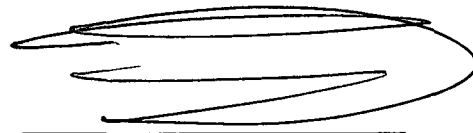
MOTION FOR ENLARGEMENT OF TIME

Counsel for the Respondent Sharon R. Seinar moves for an enlargement of time within which to file and serve the Respondent Sharon R. Seinar 's Initial Brief and Designation of Matter on the following grounds.

The Respondent Sharon R. Seinar 's initial brief and designation of matter is due May 16, 2012. Due to the complexity of this matter and an active trial and appellate practice, counsel for the Respondent Sharon R. Seinar finds himself in need of additional time within which to review the record, research the issues and adequately brief them for this court.

Counsel for Respondent Sharon R. Seinar therefore respectfully requests an enlargement of time within which to file and serve the Initial Brief and Designation of Matter, until June 15, 2012.

Counsel has consulted with opposing counsel who consents to the extension.



Tobias G. Ward, Jr.
J. Derrick Jackson
Todd & Ward, PC
Post Office Box 1549
Columbia, SC 29202
Attorneys for Resondent(s)
Sharon R. Seinar
(803) 779-4383

Other Counsel of Record:

John D. Elliot, Esquire
P.O. Box 607
Columbia, SC 29202
Attorney for Appellant

Evans Taylor Barnette, Esquire
P.O. Box 11209
Columbia, SC 29202
Respondent Lisa A. Maseng

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

The Honorable Casey L. Manning

Civil Action No.: 2007-CP-40-6289

Ursula R. PallaresAppellant(s)

vs.

Sharon R. Seinar & Lisa A. MasengRespondent(s)

PROOF OF SERVICE

I certify that I have served the Respondent Sharon R. Seinar's Motion for Enlargement of Time and Proof of Service and Proof of Service on the Appellant and Respondent Lisa A. Maseng by depositing a copy in the United States Mail, postage prepaid, on May 15, 2012, addressed to the attorneys of record:

John D. Elliot
P.O. Box 607
Columbia, SC 29202
Attorney for Appellant

Evans Taylor Barnette
P.O. Drawer 11209
Columbia, SC 29211
Attorney For Respondent Lisa Maseng



Tobias G. Ward, Jr.
J. Derrick Jackson
Todd & Ward, PC
Post Office Box 1549
Columbia, SC 29202
Attorneys for Resondent(s) Sharon R. Seinar
(803) 779-4383[

RECEIVED

MAY 15 2012

SC Court of Appeals

64219

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

May 15, 2012

HAND DELIVERED

The Honorable Jeanette Barber, Clerk
South Carolina Court of Appeals
Columbia, SC 29211

RE: Ursula R. Pallares v Sharon R. Seinar & Lisa A. Maseng
Case 2007-CP-40-6289

Dear Ms. Barber:

The respondent Sharon R. Seinar's initial brief and designation of the matter is due May 16, 2012.

On behalf of the appellant, I respectfully request a brief enlargement of time within which to file the initial brief and designation of the matter, until June 15, 2012.

Enclosed for filing are the original and one copy of a Motion for Enlargement of Time. Also enclosed is a check for the \$25 filing fee and proof of service on the Appellant and Respondent Lisa A. Maseng.

Please file this motion and return a clocked copy with our courier.

Respectfully,

TOBIAS G. WARD, JR., PA


J. Derrick Jackson

Enclosures

TGW,Jr.:wrc

cc: Sharon R. Seinar (w / enclosures)
John D. Elliot, Esquire (w / enclosures)
Evans Taylor Barnette, Esquire (w / enclosures)

RECEIVED
MAY 15 2012
SC COURT OF APPEALS

The South Carolina Court of Appeals

Ursula R. Pallares, Appellant,

v.

Sharon R. Seinar and Lisa Maseng, Respondents.

Appellate Case No. 2011-201026

The Honorable L. Casey Manning
Richland County
Trial Court Case No. 2007CP4006289

ORDER

The time for serving and filing the respondent's initial brief and designation of matter on behalf of Lisa Maseng is hereby extended until June 29, 2012.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

John D. Elliott

Evans T. Barnette

Tobias Gavin Ward, Jr.

6/14/12
FILED

The South Carolina Court of Appeals

Ursula R. Pallares, Appellant,
v.
Sharon R. Seinar and Lisa Maseng, Respondents.

Appellate Case No. 2011-201026

The Honorable L. Casey Manning
Richland County
Trial Court Case No. 2007CP4006289

ORDER

The time for serving and filing the respondent's initial brief and designation of matter on behalf of Sharon R. Seinar is hereby extended until June 29, 2012.

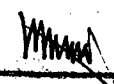
FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
John D. Elliott
Evans T. Barnette
Tobias Gavin Ward, Jr.

FILED

6/14/12 

64491 ✓

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUN 07 2012

SC Court of Appeals

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

AMENDED MOTION FOR ENLARGEMENT OF TIME

The undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an additional enlargement of time within which to file and serve the Respondent Lisa Maseng's Initial Brief and Designation of the Record on the following grounds:

The Initial Brief and Designation of Record of the Respondent Lisa Maseng was originally due on May 16, 2012. On May 14, 2012, the undersigned attorney filed a Motion for Enlargement of Time to file the Initial Brief and Designation of the Record until June 15, 2012, based upon the undersigned's trial scheduling and vacation schedule.

The undersigned attorney has now been notified to be ready for trial in the case of Anitra D. Watkins and Ricky Watkins v. Factory Outlet Desses, Inc. of Sumter d/b/a Clothing Factory Outlet, Civil Action No. 2011-CP-43-785, in Sumter County during the week of June 18, 2012. Accordingly, time originally allotted to the preparation of the Initial

Brief and Designation of the Record will now have to be devoted to preparation for trial.

Based upon the above, the undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an additional enlargement of time within which to file the Initial Brief and Designation of the Record on behalf of the Respondent Lisa Maseng until Friday, July 16, 2012.

The undersigned attorney certifies that he has communicated with the attorney for the Appellant herein and the attorney for the Co-Respondent Sharon R. Seinar and each attorney has verbally consented to the request for an enlargement of time as set forth herein.



Evans Taylor Barnette
JOHNSON & BARNETTE, LLP
Post Office Drawer 11209
Columbia, South Carolina 29211
(803) 799-9791
(803) 253-6084 - Fax
Attorneys for the Respondent
Lisa Maseng

Columbia, South Carolina
June 7, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUN 07 2012
SC Court of Appeals

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

CERTIFICATE OF SERVICE

I, the undersigned, of the law firm of Johnson & Barnette, LLP, certify that I have served counsel of record with a copy of the pleadings specified below by placing a copy of same in the United States Mail, postage prepaid to the following address:

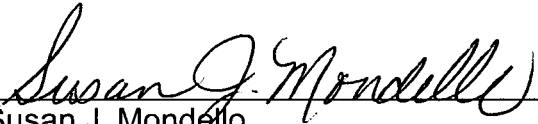
Pleadings:

Amended Motion for Enlargement of Time

Counsel Served

John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202

Tobias G. Ward, Jr., Esquire
Post Office Box 6138
Columbia, SC 29260


Susan J. Mondello

Columbia, SC
June 7, 2012

LAW OFFICES
JOHNSON & BARNETTE, LLP
1230 RICHLAND STREET (29201)
POST OFFICE DRAWER 11209
COLUMBIA, SOUTH CAROLINA 29211-1209
TELEPHONE 803-799-9791
FAX 803-253-6084

EVANS TAYLOR BARNETTE

E-Mail: etbarnette@johnsonbarnette.com

June 7, 2012

(Via Hand Delivery)

The Honorable Jeanette Barber
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Ursula R. Pallares v. Sharon R. Seinar and
Lisa Maseng
Civil Action No. 2007-CP-40-6289

Dear Ms. Barber:

The undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an additional thirty (30) days within which to file the Initial Brief and Designation of the Record on behalf of the Respondent Lisa Maseng. The Respondent was served with the Appellant's Initial Brief and Designation of the Record on April 16, 2012. The Respondent requested that the time to respond be extended from May 16, 2012, until June 15, 2012. Due to the fact that the attorney for the Respondent has been called for trial during the week of June 18, 2012, the Respondent Lisa Maseng now requests an additional enlargement of time for filing the Initial Brief and Designation of the Record until July 16, 2012.

Attached hereto is an Amended Motion for Enlargement of Time on behalf of the Respondent Lisa Maseng and this Firm's check for the motion fee in the amount of \$25.00.

Respectfully yours,


Evans Taylor Barnette

ETB/sjm
Enclosures

cc: State Farm Fire & Casualty Co.
John D. Elliott, Esquire
Tobias G. Ward, Esquire
Lisa Maseng

RECEIVED

JUN 07 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares

Appellant,

v.

Sharon R. Seinar and Lisa Maseng

Respondents,

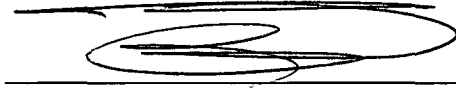
**RESPONDENT SEINAR'S
DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL**

The Respondent Sharon Seinar, designates the following to be included in the
Record on Appeal:

1. All matters designated by the Appellant;
2. All incident reports concerning the barking dogs;
3. All Notices of Violation from City of Columbia;
4. Notice of Complaint from City of Columbia dated April 5, 2005;
5. Summons issued by City of Columbia; and
6. Letter dated November 2, 2006 from City Attorney declining to prosecute

RECEIVED
JUN 18 2012
SC Court of Appeals

Counsel hereby certifies that this designation does not include any matters which are not relevant to this appeal.



Tobias G. Ward, Jr.
J. Derrick Jackson
Post Office Box 6138
Columbia, SC 29260
Phone: (803) 708-4200
Fax: (803) 403-8754
E-Mail: tw@tobywardlaw.com
Attorneys for Respondent
Sharon Seinar

Dated: June 15, 2012

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares

Appellant,

v.

Sharon R. Seinar and Lisa Maseng

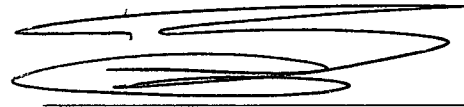
Respondents,

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent Sharon Seinar and Designation of Matter on John D. Elliot, Esquire and Evans Taylor Barnette, Esquire by depositing a copy in the United States Mail, postage prepaid, on June 15, 2012, addressed to the attorneys of record:

John D. Elliot
P.O. Box 607
Columbia, SC 29202
Attorney for Appellant

Evans Taylor Barnette
P.O. Drawer 11209
Columbia, SC 29202
Attorney for Respondent for Lisa Maseng



Tobias G. Ward, Jr.
J. Derrick Jackson
Post Office Box 6138
Columbia, SC 29260
Phone: (803) 708-4200
Fax: (803) 403-8754
E-Mail: tw@tobywardlaw.com
Attorneys for Respondent Sharon Seinar

RECEIVED
JUN 18 2012
SC COURT OF APPEALS

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

June 15, 2012

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

RE: Ursula R. Pallares v Sharon R. Seinar & Lisa A. Maseng
Case 2007-CP-40-6289

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of the Initial Brief of Respondent Sharon Seinar, Designation of Matter, and Proof of Service on the Appellant and Respondent Lisa A. Maseng.

Please file the Brief and Designation of Matter, and return a clocked copy in the provided envelope.

Respectfully,

TOBIAS G. WARD, JR., PA



J. Derick Jackson

Enclosures

TGW,Jr.:wrc

cc: Sharon R. Seinar (w / enclosures)
John D. Elliot, Esquire (w / enclosures)
Evans Taylor Barnette, Esquire (w / enclosures)

RECEIVED
JUN 18 2012
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

RECEIVED

JUN 29 2012

SC Court of Appeals

Ursula R. Pallares.....Appellant,

vs.

Sharon R. Seinar and Lisa Maseng.....Respondents,

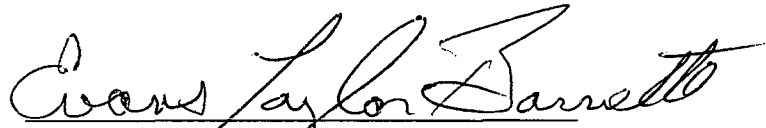
**RESPONDENT LISA MASENG'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent Maseng proposes the following be included in the Record on Appeal:

1. Amended Complaint.
2. Amended Answer by Respondent Maseng
3. Motion for Summary Judgment and Memorandum with Attachments by Respondent Seinar, June 2, 2008
4. Motion for Summary Judgment by Respondent Maseng, October 2, 2008
5. Second Amended Answer by Respondent Maseng, June 22, 2011
6. Second Motion for Summary Judgment by Respondent Maseng, June 22, 2011
7. Second Motion for Summary Judgment by Respondent Seinar, July 13, 2011
8. Order Granting Partial Motion for Summary Judgment, August 31, 2011

9. Affidavit of Cheryl Overturf
10. Notice of Violations from City of Columbia
11. Notice of Complaint from City of Columbia dated April 5, 2005
12. Email from Marc Mylott dated April 27, 2006

Counsel hereby certifies that this Designation of Matter to be Included in the Record on Appeal does not include any matters which are not relevant to this appeal.



Evans Taylor Barnette
JOHNSON & BARNETTE, LLP
Post Office Drawer 11209
Columbia, South Carolina 29211
(803) 799-9791
(803) 253-6084 - Fax
Attorneys for the Respondent
Lisa Maseng

Columbia, South Carolina
June 29, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

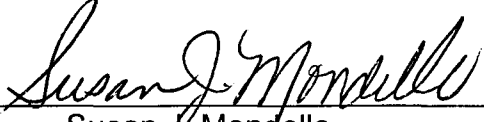
Ursula R. Pallares Appellant

vs.

Sharon R. Seinar and Lisa Maseng Respondents

PROOF OF SERVICE

I, Susan J. Mondello, of Johnson & Barnette, LLP, hereby certify that I have served the Respondent Lisa Maseng's Designation of Matter to be Included in the Record on Appeal by mailing a copy of same, postage prepaid and return address clearly indicated, to the attorney for the Appellant, John D. Elliott, Law Offices of J Elliott, P.O. Box 607, Columbia, SC 29202 and to the attorney for the Co-Respondent Sharon R. Seinar, Tobias G. Ward, Jr., Tobias G. Ward, Jr., PA, P.O. Box 6138, Columbia, SC 29260 on the 29th day of June, 2012.



Susan J. Mondello

LAW OFFICES
JOHNSON & BARNETTE, LLP
1230 RICHLAND STREET (29201)
POST OFFICE DRAWER 11209
COLUMBIA, SOUTH CAROLINA 29211-1209
TELEPHONE 803-799-9791
FAX 803-253-6084

EVANS TAYLOR BARNETTE

E-Mail: etbarnette@johnsonbarnette.com

June 29, 2012

(Via Hand Delivery)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED
JUN 29 2012
SC Court of Appeals

Re: Ursula R. Pallares v. Sharon R. Seinar and
Lisa Maseng
Civil Action No. 2007-CP-40-6289

Dear Ms. Kitchings:

Enclosed are the original and a copy of the **Initial Brief of Respondent Lisa Maseng and Respondent Lisa Maseng's Designation of Matter to be Included in the Record on Appeal** regarding the above-referenced action. Please file the originals and clock and return the additional copy of each to me in the self-addressed envelope provided.

With a copy of this letter to John D. Elliott, attorney for the Appellant, and Tobias G. Ward, Jr., attorney for Co-Respondent Sharon Seinar, I am serving a copy of the Initial Brief of Respondent Lisa Maseng and Designation of Matter upon them.

Yours truly,


Evans Taylor Barnette
Attorney for Respondent Lisa Maseng

ETB/sjm
Enclosures

cc: State Farm Fire & Casualty Co.
Lisa Maseng
John D. Elliott, Esquire
Tobias G. Ward, Jr., Esquire

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

RECEIVED
JUL 09 2012
SC Court of Appeals

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR LEAVE TO FILE JOINT REPLY BRIEF

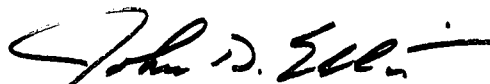
Counsel for the appellant moves for leave to file a brief in reply to both respondents, on the following grounds.

Respondent Sharon R. Seinar served her responsive brief by U.S. Mail on June 15th, 2012. Respondent Lisa A. Maseng obtained an enlargement of time within which to serve her brief and did so on June 29th, 2012. The appellant's brief in response is due today, July 9th, 2012.

Both respondents have jointly raised an additional sustaining ground. The appellant's reply addresses that issue and is filed contemporaneous with this motion. While this would have the effect of a brief in reply to respondent Seinar out-of-time, counsel for that respondent has no objection to the service of the reply to his brief.

In the interest of judicial economy, the appellant respectfully requests leave of this court to file and serve a joint reply to both respondents' briefs this date.

Respectfully submitted,



JOHN D. (JAY) ELLIOTT

Attorney for Appellant

Post Office Box 607

1122 Lady Street - Fifth Floor

Columbia, South Carolina 29202

Phone: (803) 252-9236

Fax: (803) 799-2079

E-Mail: jayel@mindspring.com

Columbia, South Carolina

July 9th, 2012

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

July 9th, 2012

HAND DELIVERED

Clerk, South Carolina Court of Appeals
Edgar Brown Building
Columbia, South Carolina

RECEIVED

JUL 09 2012

SC Court of Appeals

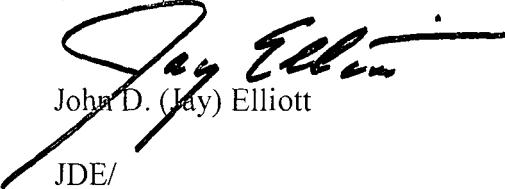
RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

Enclosed please find the appellant's brief in reply, together with a motion to file and serve a reply jointly on the respondents, and the motion fee of \$25.00.

Please let me know if the request presented by the motion is a reasonable one.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

The South Carolina Court of Appeals

Ursula R. Pallares, Appellant,

v.

Sharon R. Seinar and Lisa Maseng, Respondents.

Appellate Case No. 2011-201026

ORDER

Respondent Lisa Maseng filed a motion for an extension to serve and file her Respondent's Initial Brief and Designation of Matter. This Court has now received the brief, and accordingly, the motion is granted.

Appellant filed a motion for leave to file a joint reply brief addressing both Respondents' briefs. Appellant's motion is granted and the conditionally-filed brief is accepted.


FOR THE COURT

Columbia, South Carolina

cc:

John D. Elliott

Evans T. Barnette

Tobias Gavin Ward, Jr.

FILED

8/10/12 AS

65140
-25

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR ENLARGEMENT OF TIME

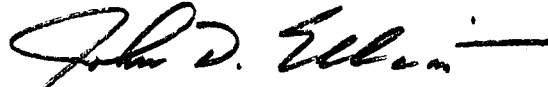
Counsel for the appellant moves for modest enlargement of time within which to file and serve the Record on Appeal, on the following grounds.

The Record on Appeal is due this date, August 8th, 2012. Counsel is a sole practitioner with an active trial and appellate practice. Counsel finds himself in need of additional time within which to assemble the record and arrange for printing.

Counsel for appellant therefore respectfully requests a modest enlargement of time within which to file and serve the initial brief and designation of the record, until Wednesday, August 22nd, 2012.

RECEIVED
AUG 09 2012
SC Court of Appeals

Counsel certifies that consultation with opposing counsel could not be timely made.
Counsel is informed and believes there will be no objection to the enlargement sought.



JOHN D. (JAY) ELLIOTT
Attorney for Appellant
Post Office Box 607
1122 Lady Street - Fifth Floor
Columbia, South Carolina 29202
Phone: (803) 252-9236
Fax: (803) 799-2079
E-Mail: jayel@mindspring.com

Columbia, South Carolina

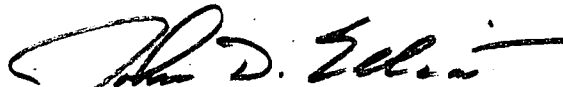
August 8th, 2012

CERTIFICATE OF SERVICE

Counsel certifies that the foregoing Motion was served on counsel for all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on the 8th day of August, 2012:

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260



JOHN D. (JAY) ELLIOTT
Attorney for Appellant

RECEIVED
AUG 09 2012
SC Court of Appeals

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

August 8th, 2012

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289

Dear Honorable Clerk:

Enclosed please find a motion for a modest enlargement of time within which to file and serve the record on appeal in this case.

On behalf of the appellant, I respectfully request a fourteen (14) day enlargement of time, until August 22nd, 2012. I have enclosed the motion fee of \$25.00.

Please let me know if this request is an unreasonable one.

Sincerely,



John D. (Jay) Elliott

JDE/

ENCL.

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED
AUG 09 2012
SC Court of Appeals

The South Carolina Court of Appeals

Ursula R. Pallares, Appellant,

v.

Sharon R. Seinar and Lisa Maseng, Respondents.

Appellate Case No. 2011-201026

ORDER

The motion for enlargement of time for serving the record on appeal and filing proof of service with the Court is hereby granted. The proof of service for the record on appeal has been received and is accepted as filed. The record on appeal should be filed and all final briefs served and filed on or before September 12, 2012.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

John D. Elliott

Evans T. Barnette

Tobias Gavin Ward, Jr.

FILED

8/24/12 AS

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

August 22nd, 2012

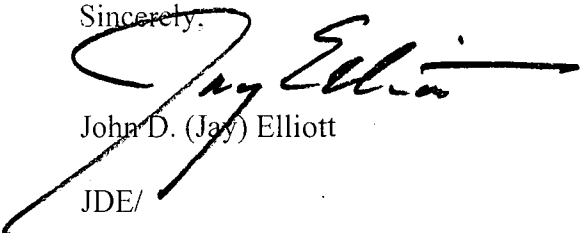
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211

RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

Enclosed please find a certificate of service reflecting delivery of the Record on Appeal in this case to respondents' counsel, by United States Mail.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

AUG 23 2012

SC Court of Appeals

LAW OFFICES
JOHNSON & BARNETTE, LLP
1230 RICHLAND STREET (29201)
POST OFFICE DRAWER 11209
COLUMBIA, SOUTH CAROLINA 29211-1209
TELEPHONE 803-799-9791
FAX 803-253-6084

EVANS TAYLOR BARNETTE

E-Mail: etbarnette@johnsonbarnette.com

September 6, 2012

(Via Hand Delivery)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Ursula R. Pallares v. Sharon R. Seinar and
Lisa Maseng
Civil Action No. 2007-CP-40-6289

Dear Ms. Kitchings:

The undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an additional ten (10) days after receipt of the amended Record on Appeal within which to file the Final Brief of the Respondent Lisa Maseng.

Attached hereto is a Motion for Enlargement of Time on behalf of the Respondent Lisa Maseng and this Firm's check for the motion fee in the amount of \$25.00.

Respectfully yours,



Evans Taylor Barnette

ETB/sjm
Enclosures

cc: State Farm Fire & Casualty Co.
John D. Elliott, Esquire
Tobias G. Ward, Esquire
Lisa Maseng

RECEIVED
SEP 06 2012
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

CERTIFICATE OF SERVICE

I, the undersigned, of the law firm of Johnson & Barnette, LLP, certify that I have served counsel of record with a copy of the pleadings specified below by placing a copy of same in the United States Mail, postage prepaid to the following address:

Pleadings:

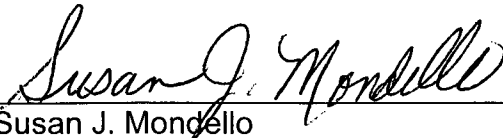
Motion for Enlargement of Time

Counsel Served

John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202

Tobias G. Ward, Jr., Esquire
Post Office Box 6138
Columbia, SC 29260

RECEIVED
SEP 06 2012
SC Court of Appeals


Susan J. Mondello

Columbia, SC
September 6, 2012

65468

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
SEP 06 2012
SC Court of Appeals

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR ENLARGEMENT OF TIME

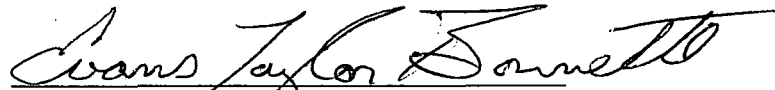
The undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an enlargement of time within which to file and serve the Respondent Lisa Maseng's Final Brief on the following grounds:

The Respondent's (Lisa Maseng) Final Brief is due on September 12, 2012. The undersigned attorney has discovered that the Record on Appeal as submitted by the Appellant does not contain documents included by the Respondent Lisa Maseng in her Designation of Matter for the Record. The undersigned attorney has contacted the attorney for the Appellant to call his attention to this oversight and request an amended Record on Appeal.

Based upon the above, the undersigned, as attorney for the Respondent Lisa Maseng, respectfully requests an enlargement of time within which to file the Final Brief

CYB

on behalf of the Respondent Lisa Maseng until ten (10) days after receipt of the amended Record on Appeal as provided by the Appellant.



Evans Taylor Barnette
JOHNSON & BARNETTE, LLP
Post Office Drawer 11209
Columbia, South Carolina 29211
(803) 799-9791
(803) 253-6084 - Fax
Attorneys for the Respondent
Lisa Maseng

Columbia, South Carolina
September 6, 2012

65525
TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

September 11, 2012

HAND DELIVERED

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC

RE: Ursula R. Pallares v Sharon R. Seinar & Lisa A. Maseng
Case 2007-CP-40-6289

Dear Ms. Kitchings:

Enclosed for filing are the original and seven copies of a Motion for Enlargement of Time. Also enclosed is a check for the \$25 filing fee and proof of service on the Appellant and Respondent Lisa A. Maseng.

Please file this motion and return a clocked copy with our courier.

Respectfully,

TOBIAS G. WARD, JR., PA



J. Derick Jackson

Enclosures

TGW,Jr.:wrc

cc: Sharon R. Seinar (w / enclosures)
John D. Elliot, Esquire (w / enclosures)
Evans Taylor Barnette, Esquire (w / enclosures)

RECEIVED
SEP 11 2012
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

RECEIVED
SEP 11 2012
SC Court of Appeals

Ursula R. Pallares

Appellant,

v.

Sharon R. Seinar and Lisa Maseng

Respondents,

PROOF OF SERVICE

I certify that I have served the Motion for Enlargement of Time by Respondent Sharon Seinar on John D. Elliot, Esquire and Evans Taylor Barnette, Esquire by depositing a copy in the United States Mail, postage prepaid, on September 11, 2012, addressed to the attorneys of record:

John D. Elliot
P.O. Box 607
Columbia, SC 29202
Attorney for Appellant

Evans Taylor Barnette
P.O. Drawer 11209
Columbia, SC 29202
Attorney for Respondent for Lisa
Maseng



Tobias C. Ward, Jr.

J. Derrick Jackson
Post Office Box 6138
Columbia, SC 29260
Phone: (803) 708-4200
Fax: (803) 403-8754
E-Mail: tw@tobywardlaw.com
Attorneys for Respondent Sharon Seinar

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

September 5, 2012

J. DERRICK JACKSON
dj@tobywardlaw.com

John D. Elliott, Esquire
P.O. Box 607
Columbia, SC 29202

RE: Ursula R. Pallares v Sharon R. Seinar & Lisa A. Maseng
CA No. 07-CP-40-6289

Dear Jay:

In reviewing the Record on Appeal, it appears the following documents (enclosed) which were designated by Respondent Seinar (See Item No.) were omitted:

1. Summons issued by City of Columbia (Item 5);
2. 1-26-05 Notice of Violation (Item 3);
3. April 5, 2005 Notice of Complaint (Item 4);
4. 4-5-05 Incident Report (Item 2);
5. 8-2-06 Incident Report (Item 2); and
6. 11-2-06 Letter by City Attorney declining to prosecute (Item 6).

I would appreciate you making arrangements to correct the Record on Appeal either by filing an Amended Record on Appeal or Supplemental Record, as the court may permit. I have no preference.

I will be filing a motion for enlargement of time to file Respondent Seinar's Final Brief pending receipt of the a corrected Record on Appeal which includes the enclosed items which were designated.

Sincerely,

TOBIAS G. WARD, JR., PA

J. Derrick Jackson

Enclosure

cc: Sharon R. Seinar
Evans Taylor Barnette, Esquire

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

Joy A. Kitching
Granted

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

RECEIVED

SEP 11 2012

SC Court of Appeals

Ursula R. Pallares

Appellant,

v.

Sharon R. Seinar and Lisa Maseng

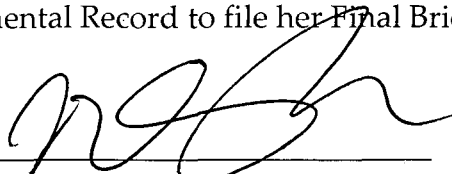
Respondents,

**RESPONDENT SHARON SEINAR'S MOTION
FOR ENLARGEMENT OF TIME TO FILE RESPONDENT'S
FINAL BRIEF AND CERTIFICATE OF COUNSEL**

Respondent Sharon Seinar hereby moves this court for an order pursuant to Rule 263 SCACR enlarging the time to file Respondent's Final Brief and Certificate of Counsel. The grounds for this motion are that upon reviewing the Record on Appeal, Respondent's counsel discovered some documents which were designated by Respondent that were inadvertently omitted by Appellant's counsel from the Record. Respondent contacted Appellant's counsel by letter (Exhibit A) attaching the omitted documents and referring to their designation in Respondent's Designation of Matter.

Appellant's counsel indicated in a telephone call that he would file an Appendix or Supplemental Record on Appeal. Accordingly, Respondent Seinar cannot file her Final Brief with references to the Record on Appeal until this Appendix or Supplemental Record is filed and served. Therefore, Respondent Seinar request she be allowed ten(10) day from

Appellant's filing and service of the Supplemental Record to file her Final Brief and Certificate of Counsel.



Tobias G. Ward, Jr.

J. Derrick Jackson

Post Office Box 6138

Columbia, SC 29260

Phone: (803) 708-4200

Fax: (803) 403-8754

E-Mail: tw@tobywardlaw.com

Attorneys for Respondent Sharon Seinar

Dated: 9-11-12

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

September 10th, 2012

HAND DELIVERED

Clerk, South Carolina Court of Appeals
Edgar Brown Building
Columbia, South Carolina

RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

Enclosed please find the original and fourteen (14) copies of the appellant's briefs and the record on appeal.

I understand from opposing counsel that a couple of documents have been omitted from the record, however inadvertently, and counsel is asking for an enlargement of time within which to complete the record and file opposing briefs.

I have no objection to any enlargement sought by counsel, and will shortly forward a supplemental record with the omitted material, and the certificate required by Rule 210(g) of the South Carolina Rules of Appellate Procedure.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

SEP 10 2012

SC Court of Appeals

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

October 24th, 2012

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211

RECEIVED
OCT 25 2012
SC Court of Appeals

RE: Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

I have conferred with Derrick Jackson who is on the brief with Mr. Ward on behalf of the respondent Sharon Seinar, about the need for a supplemental record. Mr. Jackson needs this supplemental record in order to file his brief. Mr. Barnette has already done so on behalf of respondent Maseng.

As I am going out of the country tomorrow for seven days, Mr. Jackson has graciously agreed to allow me to file and serve a supplemental appendix by Wednesday, November 7th, 2012.

Please let me know if this agreement is an unreasonable one.

Sincerely,


John D. (Jay) Elliott

JDE/

CC: TOBIAS G. WARD, ESQUIRE
DERRICK JACKSON, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 30, 2012

Mr. Evans T. Barnette
PO Drawer 11209
Columbia SC 29211

Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

The following order has been endorsed on your motion for enlargement of time in the above matter.

"Granted.

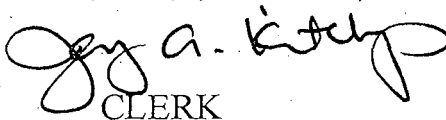
FOR THE COURT

By s/ JENNY ABBOTT KITCHINGS
CLERK

October 29, 2012."

Please be advised the respondent's final brief of Lisa Maseng has been received and accepted as filed.

Very truly yours,


CLERK

cc: John D. Elliott
Tobias Gavin Ward, Jr.
James Derrick Jackson



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 30, 2012

Mr. John D. Elliott
PO Box 607
Columbia SC 29202-0607

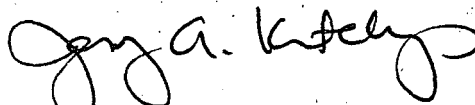
Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

We have received your letter dated October 24th, 2012, regarding the above case. According to Rule 212 of the South Carolina Appellate Court Rules, with the written consent of all attorneys of record, a party may supplement the Record on Appeal.

Within ten days of the date of this letter, please provide written consent to supplement the record on appeal from all counsel of record.

Very truly yours,


CLERK

cc: Tobias Gavin Ward, Jr.
James Derrick Jackson
Evans T. Barnette

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

November 5, 2012

John D. Elliott, Esquire
P.O. Box 607
Columbia, SC 29202

RE: Pallares, Ursula vs. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Jay:

In response to the enclosed letter from the South Carolina Court of Appeals, please let this letter serve as evidence of our written consent pursuant to Rule 212 of the South Carolina Appellate Court Rules for you to supplement the Record on Appeal.

TOBIAS G. WARD, JR., PA

I CONSENT:


Tobias G. Ward, Jr.


James Derrick Jackson

Attorneys for Respondent Sharon Seinar

Enclosure

cc: Hon. Jenny A. Kitchings, Clerk, South Carolina Court of Appeals
Sharon R. Seinar
Evans Taylor Barnette, Esquire

RECEIVED
NOV 07 2012

SOUTH CAROLINA COURT OF APPEALS



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 30, 2012

Mr. John D. Elliott
PO Box 607
Columbia SC 29202-0607

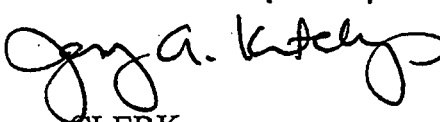
Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

We have received your letter dated October 24th, 2012, regarding the above case. According to Rule 212 of the South Carolina Appellate Court Rules, with the written consent of all attorneys of record, a party may supplement the Record on Appeal.

Within ten days of the date of this letter, please provide written consent to supplement the record on appeal from all counsel of record.

Very truly yours,


CLERK

cc: Tobias Gavin Ward, Jr.
James Derrick Jackson
Evans T. Barnette

RECEIVED
NOV 07 2012
SC COURT OF APPEALS

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

662092

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

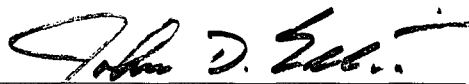
Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR LEAVE TO FILE SUPPLEMENTAL RECORD ON APPEAL

Counsel for the appellant moves for leave to file a supplemental record on appeal.

Counsel had inadvertently overlooked some material designated by the respondents for the record. Contemporaneous with this motion, appellant's counsel is filing fifteen (15) copies of the supplemental record on appeal.

Respectfully submitted,



JOHN D. (JAY) ELLIOTT
Attorney for Appellant
Post Office Box 607
1122 Lady Street - Fifth Floor
Columbia, South Carolina 29202
Phone: (803) 252-9236
Fax: (803) 799-2079
E-Mail: jayel@mindspring.com

RECEIVED

NOV 13 2012

SOUTH CAROLINA COURT OF APPEALS

Columbia, South Carolina

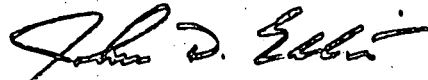
November 13th, 2012

CERTIFICATE OF SERVICE

Counsel certifies that the foregoing motion and supplemental record on appeal were served on counsel for all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on the 13th day of November, 2012:

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260



JOHN D. (JAY) ELLIOTT
Attorney for Appellant
Post Office Box 607
1122 Lady Street - Fifth Floor
Columbia, South Carolina 29202
Phone: (803) 252-9236
Fax: (803) 799-2079
E-Mail: jayel@mindspring.com

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

November 13th, 2012

HAND DELIVERED

Clerk, South Carolina Court of Appeals
Edgar Brown Building
Columbia, South Carolina

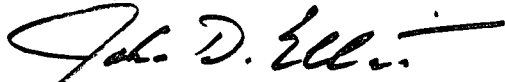
RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

Enclosed please find the original and fourteen (14) copies of the appellant's supplemental record on appeal, accompanied by a motion to supplement the record, and the motion fee of \$25.00.

I have also enclosed a copy of the stipulation executed by Derrick Jackson, who is on the brief with Mr. Ward for the respondent, Sharon R. Seinar. The supplemental record has been served on counsel this date.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: DERRICK JACKSON, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

NOV 13 2012

SC COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

RECEIVED

DEC 03 2012

SC Court of Appeals

Ursula R. Pallares

Appellant,

v.

Sharon R. Seinar and Lisa Maseng

Respondents,

FINAL BRIEF OF
RESPONDENT SHARON SEINAR

Tobias G. Ward, Jr.
J. Derrick Jackson
Post Office Box 6138
Columbia, SC 29260
Phone: (803) 708-4200
Fax: (803) 403-8754
E-Mail: tw@tobywardlaw.com
Attorneys for Respondent
Sharon Seinar

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUES ON APPEAL.....	1
STATEMENT OF THE CASE.....	1
FACTS	2
ARGUMENT	4
1. THE CIRCUIT JUDGE PROPERLY GRANTED SEINAR SUMMARY JUDGMENT ON APPELLANT’S CLAIM FOR MALICIOUS PROSECUTION BECAUSE THE UNDISPUTED EVIDENCE SHOWS SEINAR HAD PROBABLE CAUSE TO FILE THE COMPLAINTS.....	4
2. THE CIRCUIT COURT PROPERLY GRANTED SEINAR SUMMARY JUDGMENT ON APPELLANT’S CLAIM FOR ABUSE OF PROCESS WHEN THE UNDISPUTED EVIDENCE SHOWS SEINAR HAD PROBABLE CAUSE TO FILE THE COMPLAINTS, THE PROCESS INITIATED BY SEINAR WAS CARRIED TO ITS AUTHORIZED CONCLUSION, AND THERE IS NO EVIDENCE OF A “WILLFUL ACT” BY SEINAR.....	7
3. THE CIRCUIT COURT PROPERLY GRANTED SEINAR SUMMARY JUDGMENT BECAUSE HER CONDUCT IS PROTECTED BY JUDICIAL IMMUNITY AND THE NOERR-PENNINGTON DOCTRINE.....	8
CONCLUSION	13

TABLE OF AUTHORITIES

Cases

<i>A Fisherman’s Best, Inc. v. Rec. Fishing Alliance</i> , 310 F.3d 183, 189-191 (4th Cir. 2002)	10
<i>Arim v. General Motors Corp.</i> , 206 Mich. App. 178, 520 N.W.2d 695 (1994)	11
<i>City of Columbia v. Omni Outdoor Advertising</i> , 499 U.S. 365, 379 (1991)	9
<i>City of Columbia</i> , 499 U.S. at 379	10
<i>Corbin v. Washington Fire & Marine Insurance Co.</i> , 278 F. Supp. 393, 398 (D. S. C.) (dicta), aff'd per curiam, 398 F. 2d 543 (4 th Cir. 1968)	13
<i>Cosby v. Legal Services Corp.</i> , 2006 WL 4781412, 5 (D.S.C.)	8
<i>Crowell v. Herring</i> , 301 S. C. 424, 392 S. E. 2d 464 (Ct. App. 1990) (per curiam)	13
<i>Cullen v. McNeal</i> , 702 S.E.2d 378 (S.C. Ct. App. 2010)	6
<i>Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.</i> , 365 U.S. 127, 140-141 (1961)	9
<i>Food Lion, Inc. v. United Food & Commercial Workers Intern. Union</i> , 351 S.C. 65, 71, 567 S.E.2d 251, 254 (2003)	8
<i>Gaar v. North Myrtle Beach Realty Co., Inc.</i> 287 S.C. 525, 339 S.E.2d 887 (Ct.App.1986)	4
<i>Guider v. Churpeyes, Inc.</i> 370 S.C. 424, 635 S.E.2d 562 (Ct. App. 2006)	4
<i>Laser Supply and Services, Inc. v. Orchard Park Associates</i> , 676 S.E.2d 139 (S.C. Ct. App. 2009)	6
<i>Ludwig v. Superior Court</i> , 37 Cal. App. 4th 8, 43 Cal. Rptr. 2d 350, 23 Media L. Rep. (BNA) 2313 (4th Dist. 1995)	10
<i>McKesson & Robbins, Inc. v. Newsome</i> , 206 S. C. 269, 33 S. E. 2d 585 (1945)	12
Noerr-Pennington doctrine	9, 10
<i>Redfearn v. Pusser</i> , 276 S. C. 506, 280 S. E. 2d 206(1981)	12
<i>Rodgers v. Wise</i> , 193 S. C. 5, 7 S. E. 2d 517 (1940)	13
<i>Texas Co. v. C. W. Brewer & Co.</i> , 180 S. C. 325, 185 S. E. 623 (1936)	12
<i>Zeller v. Consolini</i> , 59 Conn. App. 545, 758 A.2d 376, 94 A.L.R.5th 717 (2000)	11
Rules	
Rule 40(j) SCRCF	1

Constitutional Provisions

The First Amendment to the Constitution of the United States..... 9

Other Authorities

50 Am. Jur. 2d, *Libel and Slander* § 231..... 12

C.J.S., *Libel and Slander* § 71a..... 12

Columbia City Ordinance Section 4-70..... 5

Restatement Second, Torts § 585-587 (1977) 13

STATEMENT OF ISSUES ON APPEAL

- I. DID THE CIRCUIT JUDGE ERR IN GRANTING SUMMARY JUDGMENT ON THE APPELLANT'S CLAIM FOR MALICIOUS PROSECUTION WHEN THE UNDISPUTED EVIDENCE SHOWS SEINAR HAD PROBABLE CAUSE TO FILE THE COMPLAINTS?

- II. DID THE CIRCUIT JUDGE ERR IN GRANTING SEINAR SUMMARY JUDGMENT ON THE APPELLANT'S CLAIM FOR ABUSE OF PROCESS WHEN THE UNDISPUTED EVIDENCE SHOWS SEINAR HAD PROBABLE CAUSE TO FILE THE COMPLAINTS, THE PROCESS INITIATED BY SEINAR WAS CARRIED TO ITS AUTHORIZED CONCLUSION, AND THERE IS NO EVIDENCE OF A "WILLFUL ACT" BY SEINAR?

- III. SHOULD THE CIRCUIT COURT BE AFFIRMED ON THE ADDITIONAL SUSTAINING GROUNDS OF NOERR-PENNINGTON AND JUDICIAL IMMUNITY?

STATEMENT OF THE CASE

Respondent would add to the Appellants Statement of the Case that the case was removed from the active docket in March 2009 pursuant to Rule 40(j) SCRCPP and then restored on June 9, 2010. Respondent also adds that on July 13, 2011, Seinar filed a motion for summary judgment based on judicial immunity and the Noerr-Pennington Doctrine as to Appellants' remaining causes of action for invasion of privacy and intentional infliction of emotional distress. Respondent asserts these are additional sustaining grounds for the partial summary judgment order entered in this case.

FACTS

Appellants and Respondents live near each other in the Shandon-Rosewood area of Columbia. They each live in separate houses. In 2004 and 2005, Siemar reported potential violations of the City of Columbia's ordinances related to Appellants failure to maintain her property consistent with the City of Columbia's ordinances. After investigation, the City of Columbia issued a Notice of Violation on June 17, 2004 and issued her a Summons for the violation on the same date. (R.56, 128) On January 26, 2005, the City of Columbia issued another Notice of Violation. (R.122) On April 5, 2005, the City of Columbia send Appellant a Notice of Complaint for violating the City's Property Maintenance Code. (R.129) Appellant eventually abated these violations and the complaint and summons filed by the City were dismissed. (R. 99)

Appellant also has two dogs which bark incessantly. On January 2, 2005, Seinar filed a complaint with the City of Columbia Police department concerning the dogs. (R. 53, 101) In the incident report, the reporting officer "observed a dog at incident location constantly barking causing a disturbance in the neighborhood." (R. 101) On April 6, 2005, Seinar filed another report about this ongoing problem with the dogs constantly barking. In that incident report, the reporting officer noted, "while reporting officer was talking to the subject, the dog was heard barking for almost the entire time (thirty mins. to an hour)" (R. 123-124)

On August 2, 2006, Seinar filed another report about the dogs. This time the responding officer "heard the dogs barking and keeping up the neighborhood." The responding officer also, "advised the complainant to sign a warrant on the subject." (R.125) Following the advice of the responding officer, on August 4, 2006 Seinar gave an affidavit in support of warrant for the dog barking violation. (R. 100) Since the violation cited was April 5, 2005 instead of the more recent August 2, 2006, the prosecutor decided not to prosecute. (R. 127)

On May 18, 2007, after observing strange and erratic behavior by the Appellant, Respondents filed a petition with the probate court to have the Appellant examined for possible mental illness. (R. 107-108) The probate court appointed the examiners who then examined the Appellant and determined that she was not mentally ill. (R. 102-106)

Appellant then filed the present action alleging malicious prosecution, abuse of process, invasion of privacy, intentional infliction of emotional distress, and civil conspiracy. The circuit court granted partial summary judgment as to malicious prosecution, abuse of process, and civil conspiracy. As noted in the Statement of the Case, Seinar has filed another motion for summary judgment based on judicial immunity and Noerr-Pennington as to the remaining causes of action. Appellant then filed this appeal.

ARGUMENT

I. THE CIRCUIT JUDGE PROPERLY GRANTED SEINAR SUMMARY JUDGMENT ON APPELLANT'S CLAIM FOR MALICIOUS PROSECUTION BECAUSE THE UNDISPUTED EVIDENCE SHOWS SEINAR HAD PROBABLE CAUSE TO FILE THE COMPLAINTS.

"To recover in an action for malicious prosecution, the plaintiff must show (1) the institution or continuation of original judicial proceedings, either civil or criminal (2) by, or at the instance of, the defendant (3) termination of such proceedings in plaintiff's favor (4) malice in instituting such proceedings (5) want of probable cause and (6) resulting injury or damage. The mere fact that the defendant was unsuccessful in the prior action has no bearing on the issue of probable cause." *Gaar v. North Myrtle Beach Realty Co., Inc.* 287 S.C. 525, 339 S.E.2d 887 (Ct.App.1986) (citations omitted). As for the element of "want of probable cause," the Court of Appeals has held that "[w]hen determining if probable cause exists, the court must consider the facts from the point of view of the party prosecuting. The question is not what the actual facts were, but what [the prosecuting party] honestly believed them to be." *Guider v. Churpeyes, Inc.*, 370 S.C. 424, 635 S.E.2d 562 (Ct. App. 2006) (citations omitted).

In the present case, the Plaintiff has failed to allege any material facts that would suggest that the Seinar and Maseng did not honestly believe they had probable cause to lodge their complaints.

ANIMAL NUISANCE

The record in this case shows that Seinar called Animal Control on three separate occasions to lodge complaints about the Plaintiff's dogs excessive barking with Columbia Police. (R. 53, 101; 123-124, 125) Each police incident report on those complaints sets forth information detailing the existence of probable cause for each complaint. Indeed, the reporting officer recommended that Seinar pursue an arrest warrant based on prior complaints with the barking dogs. (R.125) Columbia City Ordinance Section 4-70 states that an animal constitutes a nuisance if allowed or permitted to "bark, whine, howl, crow or crackle in an excessive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises." (R. 69) Based on the incident reports, it is clear that Seinar had probable cause for each complaint. Under these undisputed facts, the circuit court did not err in granting summary judgment in favor of both defendants.

CODE VIOLATIONS

It was undisputed that Seinar and Maseng made complaints with the City of Columbia for housing and code violations concerning the Plaintiff's property. The City then served the Plaintiff with warning notices of these violations, and the violations were thereafter remedied by the Plaintiff. (R. 56, 122, 128-129)The City affirmed Seinar's and Maseng's complaints by serving the Plaintiff warning notices

of code violations, and thus it is clear Seinar and Maseng had probable cause to initiate the complaints. Also, the decision as to whether to enforce code violations after Seinar's and Maseng's complaints was made by the City, not Seinar and Maseng. (R. 99) Thus, because Seinar and Maseng had probable cause, the circuit judge correctly granted summary judgment in favor of both defendants.

PETITION FOR JUDICIAL ADMISSION

Seinar first notes that this issue is not properly preserved for appellate review because it was never ruled upon by the circuit court in the order. A party must present his issues and arguments to the lower court and obtain a ruling before an appellate court will review those issues and arguments. Cullen v. McNeal, 702 S.E.2d 378 (S.C. Ct. App. 2010). Contention not directly addressed in court order and not raised in motion for reconsideration was not preserved for review. Laser Supply and Services, Inc. v. Orchard Park Associates, 676 S.E.2d 139 (S.C. Ct. App. 2009).

If the issue was properly preserved (which is denied), the petition contains evidence that Seinar had probable cause to file the petition. Viewing the facts from Seinar's perspective, the Appellant was obsessively following her and other neighbors around taking pictures, stringing caution tapes around her yard, and squatting in the bushes. (R. 107) Moreover, as argued as additional sustaining

grounds, Sienar's actions are protected by judicial immunity and the Noerr-Pennington doctrine.

II. THE CIRCUIT COURT PROPERLY GRANTED SEINAR SUMMARY JUDGMENT ON APPELLANT'S CLAIM FOR ABUSE OF PROCESS WHEN THE UNDISPUTED EVIDENCE SHOWS SEINAR HAD PROBABLE CAUSE TO FILE THE COMPLAINTS, THE PROCESS INITIATED BY SEINAR WAS CARRIED TO ITS AUTHORIZED CONCLUSION, AND THERE IS NO EVIDENCE OF A "WILLFUL ACT" BY SEINAR.

"The abuse of process tort provides a remedy for one damaged by another's perversion of a legal procedure for a purpose not intended by the procedure."

Guider v. Churpeyes, Inc. 370 S.C. 424, 635 S.E.2d 562 (Ct. App. 2006) (citations omitted). "The essential elements of abuse of process are an ulterior purpose and a willful act in the use of the process not proper in the conduct of the proceeding. An ulterior purpose exists if the process is used to gain an objective not legitimate in the use of the process. The improper purpose usually takes the form of coercion to obtain a collateral advantage, not properly involved in the proceeding itself. Regardless, there is no liability when the process has been carried to its authorized conclusion, even though with bad intentions." *Id.*

In the present case, the only evidence was that City found probable cause for the complaints in both the animal nuisance and code violations, and that the complaint process initiated by Seinar and Maseng were carried to its authorized conclusion. Even if Seinar and Maseng had an ulterior motive (which is denied),

the Plaintiff has failed to present evidence to suggest that there was a “willful act” by Seinar and Maseng. A “willful act” comprises three components: (1) a willful or overt act, (2) in the use of the process, (3) that is improper because it is either (a) unauthorized or (b) aimed at an illegitimate collateral objective. *Food Lion, Inc. v. United Food & Commercial Workers Intern. Union*, 351 S.C. 65, 71, 567 S.E.2d 251, 254 (2003). The Supreme Court has held that the collective actions of filing and amending a complaint, taking formal and informal discovery, taking depositions, filing a motion to release from a Confidentiality Order, and filing non-privileged publication of various allegations for collateral purposes fail to meet the second element of the abuse of process. *Id.* at 72, 567 S.E.2d at 254. Additionally, the District Court of South Carolina has held the court cannot infer improper acts from the existence of an improper motive alone. *Cosby v. Legal Services Corp.*, 2006 WL 4781412, 5 (D.S.C). Moreover, bad motive, standing alone, is insufficient to assert a claim for abuse of process. *Id.* The Plaintiff has failed to present any evidence that satisfies the willful act element. Therefore, the circuit court grants summary judgment in favor of Seinar and Maseng on the issue of abuse of process.

III. THE CIRCUIT COURT PROPERLY GRANTED SEINAR SUMMARY JUDGMENT BECAUSE HER CONDUCT IS PROTECTED BY JUDICIAL IMMUNITY AND THE NOERR-PENNINGTON DOCTRINE.

This civil action arises out of the Defendants’ efforts to cause the Plaintiff to bring her property into compliance with City of Columbia land use and zoning

ordinances. The remaining causes of action relate to reports and filings the Defendants made with city police, county magistrate and probate court officials.

NOERR-PENNINGTON

The *Noerr-Pennington* doctrine provides the Defendant Seinar with a complete defense to all causes of action. The First Amendment to the Constitution of the United States guarantees the right to petition the government for redress. See *City of Columbia v. Omni Outdoor Advertising*, 499 U.S. 365, 379 (1991). The *Noerr-Pennington* doctrine protects this right by immunizing parties from liability for efforts to seek relief from the government. See *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 140-141 (1961); *A Fisherman's Best, Inc. v. Rec. Fishing Alliance*, 310 F.3d 183, 189-191 (4th Cir. 2002). The Defendant Seinar's motivation for trying to influence the government is irrelevant, as *Noerr-Pennington* protects any "concerted effort to influence public officials regardless of intent or purpose." *City of Columbia*, 499 U.S. at 379 (internal quotes omitted). The immunity applies even if the means employed "can be termed unethical." *Noerr*, 365 U.S. at 140-141.

In *Ludwig v. Superior Court*, 37 Cal. App. 4th 8, 43 Cal. Rptr. 2d 350, 23 Media L. Rep. (BNA) 2313 (4th Dist. 1995), the court held that the *Noerr-Pennington* doctrine, under which those who petition the government are generally immune from antitrust liability, applies to virtually any tort, including unfair competition

and interference with contract, commercial speech, and both competitive and anticompetitive activity.

Although the *Noerr-Pennington* doctrine of immunity is most often asserted against antitrust claims, the court acknowledged in *Zeller v. Consolini*, 59 Conn. App. 545, 758 A.2d 376, 94 A.L.R.5th 717 (2000), the doctrine is equally applicable to many types of claims that seek to assign liability on the basis of a defendant's exercise of its First Amendment rights.

The *Noerr-Pennington* doctrine is not limited to federal antitrust actions, the court held in *Arim v. General Motors Corp.*, 206 Mich. App. 178, 520 N.W.2d 695 (1994), and may be invoked in other actions under state and federal law to protect the First Amendment right to petition the government.

In this case, Seinar's conduct in petitioning the government should be protected by the *Noerr-Pennington* doctrine.

JUDICIAL IMMUNITY

As discussed above, the Plaintiff's complaints are focused on various filings the Defendant admittedly made as part of judicial process before the city and county. The Plaintiff alleges "the defendants have filed baseless complaints against her with the City of Columbia for various housing and building code violations," (Amended Complaint, paragraph 3) "Seinar instigated criminal charges against the plaintiff alleging that the plaintiff's pet dogs were a nuisance, in violation of the city's criminal ordinances", (Amended Complaint, paragraph 4), filed a petition

with the Richland County Probate Court alleging that the plaintiff was mentally ill, and in need of a mandatory mental evaluation (Amended Complaint, paragraph 5) and filed actions in the magistrate's court for Richland County, seeking restraining orders against the plaintiff (Amended Complaint, paragraph 6). All of these actions are privileged by judicial immunity.

Defamatory statements made during the course of a judicial proceeding are absolutely privileged. *Texas Co. v. C. W. Brewer & Co.*, 180 S. C. 325, 185 S. E. 623 (1936); see *Redfearn v. Pusser*, 276 S. C. 506, 280 S. E. 2d 206(1981); *McKesson & Robbins, Inc. v. Newsome*, 206 S. C. 269, 33 S. E. 2d 585 (1945). This privilege applies even though the statements were made maliciously and with knowledge of their falsity. *Texas Co. v. C. W. Brewer & Co.*, 180 S. C. 325, 185 S. E. 623 (1936); C.J.S., *Libel and Slander* § 71a; 50 Am. Jur. 2d, *Libel and Slander* § 231. Moreover, the privilege extends to communications that are preliminary to the judicial proceedings. *Crowell v. Herring*, 301 S. C. 424, 392 S. E. 2d 464 (Ct. App. 1990) (per curiam); see *Restatement Second, Torts* § 585-587 (1977). The privilege protects the statements of judges, parties, and witnesses offered in the course of judicial proceedings. *Id.* It protects not only trial and deposition testimony, but also statements in pleadings, affidavits, communications between counsel, statements by counsel to prospective witnesses, *Corbin v. Washington Fire & Marine Insurance Co.*, 278 F. Supp. 393, 398 (D. S. C.) (dicta), aff'd per curiam, 398 F. 2d 543 (4th Cir. 1968); *Crowell v. Herring*, 301 S. C. 424,

392 S. E. 2d 464 (Ct. App. 1990) (per curiam); see *McKesson & Robbins, Inc. v. Newsome*, 206 S. C. 269, 33 S. E. 2d 585 (1945); *Rodgers v. Wise*, 193 S. C. 5, 7 S. E. 2d 517 (1940); *Texas Co. v. C. W. Brewer & Co.*, 180 S. C. 325, 185 S. E. 623 (1936) and in general "any utterance arising out of any judicial proceeding and having any reasonable relation to it, including preliminary steps leading to judicial actions of any official nature provided those steps bear reasonable relationship to it." *Crowell v. Herring*, 301 S. C. 424, 431, 392 S. E. 2d 464, 467 (Ct. App. 1990). Whether a particular statement is "relevant" to the judicial proceeding is for the court to decide, with all doubts resolved in favor of relevancy. *McKesson & Robbins, Inc. v. Newsome*, 206 S. C. 269, 33 S. E. 2d 585 (1945); *Texas Co. v. C. W. Brewer & Co.*, 180 S. C. 325, 185 S. E. 623 (1936).

As the court noted in *Crowell v. Herring*, 301 S. C. 424, 432 392 S. E. 2d 464, 468 (Ct. App. 1990), "The threat of a civil action in slander or libel would undoubtedly have a chilling effect on those tempted to initiate legitimate investigations or inquiries into others' supposed wrongdoings." This court should grant summary judgment to Seinar and hold that her acts arising out of judicial proceedings are privileged under judicial immunity except as to claims for abuse of process and malicious prosecution.

CONCLUSION

For the reasons set forth herein, because the torts alleged by the Plaintiff are subject to the Noerr-Pennington doctrine and judicial immunity, this court should grant the motion for summary judgment.

TOBIAS G. WARD, JR., PA



Tobias G. Ward, Jr., SC Bar No.: 5826

P.O. Box 6138

Columbia, SC 29260

803-708-4200

Fax 803-403-8754

tw@tobywardlaw.com

December 3, 2012

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

RECEIVED

DEC 03 2012

SC Court of Appeals

Ursula R. Pallares

Appellant,

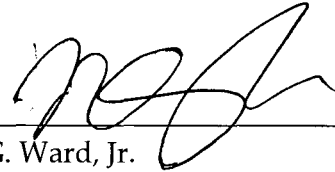
v.

Sharon R. Seinar and Lisa Maseng

Respondents,

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Reply Brief complies with Rule 211(b), SCACR.



Tobias G. Ward, Jr.

J. Derrick Jackson

Post Office Box 6138

Columbia, SC 29260

Phone: (803) 708-4200

Fax: (803) 403-8754

E-Mail: tw@tobywardlaw.com

Attorneys for Respondent Sharon Seinar

Columbia, South Carolina

September 19, 2012

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Casey L. Manning, Circuit Court Judge

Case No. 2007-CP-40-6289

RECEIVED
DEC 03 2012
SC COURT OF APPEALS

Ursula R. Pallares

Appellant,

v.

Sharon R. Seinar and Lisa Maseng

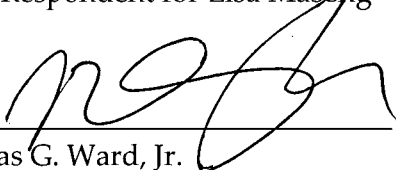
Respondents,

PROOF OF SERVICE

I certify that I have served the Final Brief of Respondent Sharon Seinar on John D. Elliot, Esquire and Evans Taylor Barnette, Esquire by depositing a copy in the United States Mail, postage prepaid, on December 3, 2012, addressed to the attorneys of record:

John D. Elliot
P.O. Box 607
Columbia, SC 29202
Attorney for Appellant

Evans Taylor Barnette
P.O. Drawer 11209
Columbia, SC 29202
Attorney for Respondent for Lisa Maseng


Tobias G. Ward, Jr.
J. Derrick Jackson
Post Office Box 6138
Columbia, SC 29260
Phone: (803) 708-4200
Fax: (803) 403-8754
E-Mail: tw@tobywardlaw.com
Attorneys for Respondent Sharon Seinar

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

December 3, 2012

HAND DELIVERY

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

RECEIVED
DEC 03 2012
SC Court of Appeals

RE: Ursula R. Pallares v Sharon R. Seinar & Lisa A. Maseng
Case 2007-CP-40-6289

Dear Ms. Kitchings:

Enclosed are 16 copies, fifteen bound and one unbound, of the Final Brief of Respondent Sharon R. Seinar in the above-referenced action. Please file the unbound copy and 14 bound copies of the Final Brief of Respondent Sharon R. Seinar and clock and return the additional copy to my courier. Also enclosed is my Certificate of Compliance under Rule 211 (b), SCARC and my Proof of Service.

With a copy of this letter to John D. Elliott, attorney for the Appellant, and Evans Taylor Barnette, attorney for Co-Respondent Lisa A. Maseng, I am serving a copy of the Final Brief of Respondent Sharon R. Seinar upon them.

Respectfully,

TOBIAS G. WARD, JR., PA


J. Derick Jackson

Enclosures

TGW,Jr.:wrc

cc: Sharon R. Seinar (w / enclosures)
John D. Elliot, Esquire (w / enclosures)
Evans Taylor Barnette, Esquire (w / enclosures)

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

December 4, 2012

HAND DELIVERY

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

RE: Ursula R. Pallares v Sharon R. Seinar & Lisa A. Maseng
Case 2007-CP-40-6289

Dear Ms. Kitchings:

Enclosed are 16 copies, fifteen bound and one unbound, of the Final Brief of Respondent Sharon R. Seinar in the above-referenced action. Please file the unbound copy and 14 bound copies of the Final Brief of Respondent Sharon R. Seinar and clock and return the additional copy to my courier. Also enclosed is my Certificate of Compliance under Rule 211 (b), SCARC and my Proof of Service.

With a copy of this letter to John D. Elliott, attorney for the Appellant, and Evans Taylor Barnette, attorney for Co-Respondent Lisa A. Maseng, I am serving a copy of the Final Brief of Respondent Sharon R. Seinar upon them.

Respectfully,

TOBIAS G. WARD, JR., PA

J. Derrick Jackson

Enclosures

TGW,Jr.:wrc

cc: Sharon R. Seinar (w / enclosures)
John D. Elliot, Esquire (w / enclosures)
Evans Taylor Barnette, Esquire (w / enclosures)

RECEIVED

DEC 04 2012

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 09, 2013

Mr. John D. Elliott
PO Box 607
Columbia SC 29202-0607

Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

Upon reviewing your record on appeal the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The document is not accompanied by the required certificate of counsel.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tobias Gavin Ward, Jr.
James Derrick Jackson
Evans T. Barnette



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 09, 2013

Mr. John D. Elliott
PO Box 607
Columbia SC 29202-0607

Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

Upon reviewing your supplemental record on appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The document is not accompanied by the required certificate of counsel.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tobias Gavin Ward, Jr.
James Derrick Jackson
Evans T. Barnette

The South Carolina Court of Appeals

Ursula R. Pallares, Appellant,

v.

Sharon R. Seinar and Lisa Maseng, Respondents.

Appellate Case No. 2011-201026

ORDER

Respondent Sharon Seinar's respondent's final brief and certificate of counsel have been received and are accepted as filed.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

cc:

John D. Elliott

Tobias Gavin Ward, Jr.

James Derrick Jackson

Evans T. Barnette

FILED

1/9/12 AS

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Carmelo B. Sammataro

E-mail: SSammataro@TurnerPadget.com

Writer's Direct Dial: (803) 227-4253

Writer's Direct Fax: (803) 400-1532

December 20, 2012

RECEIVED

DEC 20 2012

SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Paul Sullivan as Personal Representative of the Estate of Pauline C. Cook v. Park Pointe Village, Inc., Neva Lattimer, and Marvin Lawrence
Appellate Case No.: 2012-213352
File No.: 80.1497

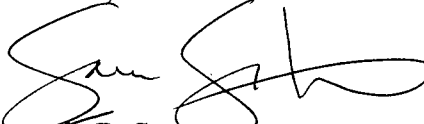
Dear Ms. Kitchings:

Please be advised Appellants received the transcript of the motion hearing regarding the above-referenced matter from Mr. Michael Watkins this morning. Please date-stamp the enclosed copy of this letter and return it to my office via our office courier. Thank you for your assistance with this matter, and please do not hesitate to contact me if you have any questions.

With kind regards, I am

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Carmelo B. Sammataro

CBS/tj

Enclosure

cc: Richard A. Harpootlian, Esquire
Graham L. Newman, Esquire
M. David Scott, Esquire

BUSINESS • LITIGATION • SOLUTIONS

Bank of America Plaza • 17th Floor • 1901 Main Street (29201) • PO Box 1473 • Columbia, SC 29202

Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

December 10th, 2012

VIA FAX (253.6084) ONLY

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

**RE: Pallares v. Maseng et al.
Record on Appeal
Appellate No. 2011-201026**

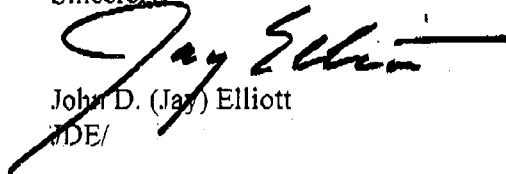
Dear Van:

The court of appeals needs your consent to the supplemental appendix.

If you are agreeable with the filing of the supplement, kindly sign in the space provided and fax this back to me. Of course, if you have any objection, please call me upon receipt.

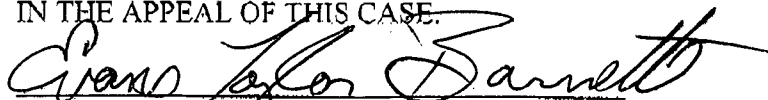
With best wishes and kindest personal regards.

Sincerely,


John D. (Jay) Elliott
JDE/

RECEIVED
DEC 20 2012
SC COURT OF APPEALS

I CONSENT TO THE FILING
OF A SUPPLEMENTAL RECORD
IN THE APPEAL OF THIS CASE.


EVANS TAYLOR BARNETTE
Counsel for Respondent Lisa Maseng

(Date) 12-11-12

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

CERTIFICATE OF COUNSEL

Counsel certifies that the Record on Appeal, including its supplement, comply with Rule 210(g) of the South Carolina Appellate Court Rules and contains all material proposed to be included in the record, to the exclusion of any material.



JOHN D. (JAY) ELLIOTT
Attorney for Appellant

Columbia, South Carolina

December 20th, 2012

RECEIVED

DEC 20 2012

SC Court of Appeals

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

December 20th, 2012

HAND DELIVERED

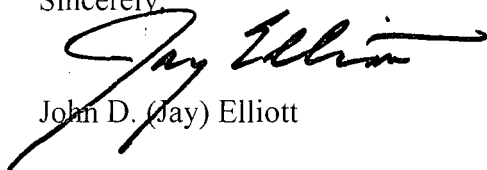
Clerk, South Carolina Court of Appeals
Edgar Brown Building
Columbia, South Carolina

**RE: Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026**

Dear Honorable Clerk:

Enclosed please find the consent of opposing counsel, Mr. Barnette, to the filing of the supplemental record in this appeal, together with a certificate of counsel regarding the record on appeal, pursuant to Rule 210(g) of the South Carolina Appellate Court Rules.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: DERRICK JACKSON, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

DEC 20 2012

SC COURT OF APPEALS

The South Carolina Court of Appeals

Ursula R. Pallares, Appellant,

v.

Sharon R. Seinar and Lisa Maseng, Respondents.

Appellate Case No. 2011-201026

ORDER

Respondent Sharon Seinar's respondent's final brief and certificate of counsel have been received and are accepted as filed.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

John D. Elliott

Tobias Gavin Ward, Jr.

James Derrick Jackson

Evans T. Barnette

FILED

1/9/12 AS



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 09, 2013

Mr. John D. Elliott
PO Box 607
Columbia SC 29202-0607

Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

Upon reviewing your record on appeal the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The document is not accompanied by the required certificate of counsel.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tobias Gavin Ward, Jr.
James Derrick Jackson
Evans T. Barnette



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 09, 2013

Mr. John D. Elliott
PO Box 607
Columbia SC 29202-0607

Re: Pallares, Ursula v. Seinar, Sharon
Appellate Case No. 2011-201026

Dear Counsel:

Upon reviewing your supplemental record on appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The document is not accompanied by the required certificate of counsel.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tobias Gavin Ward, Jr.
James Derrick Jackson
Evans T. Barnette

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

February 20th, 2013

HAND DELIVERED

Clerk, South Carolina Court of Appeals
Edgar Brown Building
Columbia, South Carolina

**RE: Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026**

Dear Honorable Clerk:

Enclosed please find the certificate of counsel pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, which addresses both the original record on appeal and its supplement.

By copy of this letter I am serving opposing counsel by U.S. Mail this date. Please let me know if you need anything further to complete filings in this case.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: DERRICK JACKSON, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

FEB 20 2013

SC Court of Appeals