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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LAURENS COUNTY  
EUGENE C. GRIFFITH, JR., CIRCUIT COURT JUDGE

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Appellate Case No. 2020-001472

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Vidhyaben R. Patel, Individually and as Co-Personal  
Representative Of the Estate of Rameschandra Prabhudas  
Patel, and Darshak Kumar Patel, Individually and as  
Co-Personal Representative Of the Estate of  
Rameschandra Prabhudas Patel, .....Appellants/Respondents,

v.

Hardik R. Patel, Anal H. Patel and AAHARVID, LLC, .....Respondents/Appellants.

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**SUPPLEMENTAL RECORD ON APPEAL**

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STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

Vidhyaben R. Patel, Individually and as Co-Personal Representative of the Estate of Rameshchanda Prabhudas Patel, and Darshak Kumar Patel, Individually and as Co-Personal Representative of the Estate of Rameshchandra Prabhudas Patel,

Plaintiffs,

vs.

Hardik R. Patel, Anal H. Patel and AAHARVID, LLC,

Defendants, of whom

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Hardik Patel is,

Third-Party Plaintiff,

vs.

SHRIJI HARI LLC,

Third-Party Defendant.

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IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT  
CASE NO.: 2019- CP-30-0140

**MOTION TO COMPEL**

Counsel for the Defendant moves this Honorable Court for an order compelling full and complete responses to Interrogatories and Requests to Produce to Plaintiff Vidhya Patel, as set forth herein, and also seeks appropriate sanctions, including but not limited to attorney's fees, allowable under Rule 37, SCRPC.

This Motion is based on the following grounds:

1. Defendants served Interrogatories and Requests to Produce on counsel for Plaintiff Vidhya Patel on April 8, 2019. Copies of both are attached hereto as **Exhibit A** and **Exhibit B**.

**Supp. ROA 001794**

2. The deadline for responses expired on May 7, 2019. Responses were finally received on May 28, 2019. The responses were largely insufficient.
3. On May 8, 2019, counsel for Defendants pointed out the insufficiencies in the response and asked for the insufficiencies to be addressed. **Exhibit C.**
4. On June 25, 2019, counsel for Defendants pointed out the insufficiencies in the response and asked for the insufficiencies to be addressed. **Exhibit D.** There has been no response.

### INSUFFICIENT RESPONSES TO INTERROGATORIES

**Interrogatory No. 2:** Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or the defense in the case.

**Answer:** Not Applicable.

While stating that they have no documents that are responsive to the interrogatory, Plaintiffs did, in fact, produce five documents in their responses to request to produce served the same date. While those five documents are responsive, it stretches credibility to believe that the entirety of this lawsuit, which includes a claim of breach of an express trust, was brought without the existence of any documents that supposedly support the causes of action asserted.

Defendants ask that Plaintiffs be required to identify all documentary materials that are relevant to the claim or defense (and counterclaims) within their possession or control. On information and belief, the response provided is not provided in good faith.

**Interrogatory No. 3:** Set forth an itemized statement of all damages, exclusive of pain and suffering claimed to have been sustained by the party.

**Answer:** The Plaintiff's (*sic*) claim for relief in the complaint set (*sic*) forth the specific relief requested. The Plaintiff (*sic*) may have additional damages once she (*sic*) has a chance to determine what amounts of money have been wrongfully diverted by the Defendants to themselves. The Plaintiff (*sic*) will supplement this answer.

Reference to the complaint is not a sufficient response to a specific discovery request. Plaintiffs took more than 30 days to “determine what amounts of money have been wrongfully diverted by the Defendants. . .” Surely Plaintiffs knew what elements of damages existed before they alleged damages in the filing of this lawsuit, otherwise the claims would fail without damages. Defendants are entitled to know what damages are claimed. “We don’t know yet” is not a sufficient response. Plaintiffs should be required to state the damages they know exist at this point and if discovery determines changes in those damages, supplemental discovery responses should be filed. In essence, Plaintiffs are saying “we brought this lawsuit, but we don’t know what (if any) damages we may have sustained.” It is respectfully submitted this response is in bad faith.

**Interrogatory No. 6:** Identify all email addresses you have used to receive and/or transmit email at any time during the period 2017 to the present.

**Answer:** The Plaintiff (*sic*) object to answering this question on the grounds that it is irrelevant and that will not lead to the discovery of admissible evidence.

If either of the Plaintiffs have communicated with the Defendants or any third persons regarding the subject matter of this lawsuit, the identity of the email addresses used by the Plaintiffs is certainly relevant. Defendants need to search their own email storage to see if Plaintiffs have communicated with them in any way (especially so since no documents are identified as proof in the case, *see* Answer to Interrogatory No. 2) and Plaintiffs’ email addresses are directly relevant to that. Additionally, if either of the Plaintiffs have communicated via email with any third party or entity with respect to the subject matter of this lawsuit, Defendants should be able to have Plaintiffs’ email addresses to assist in searching for relevant communications.

Additionally, Plaintiff Vidhya Patel answered this question, at least in part, in her deposition on June 17, 2019, thereby waiving any objection stated here. Therefore, the Court should order this Interrogatory answered in full.

**Supp. ROA 001796**

## DEFICIENCIES IN RESPONSES TO REQUEST TO PRODUCE

The prefatory language in Plaintiffs' response to production requests from the Plaintiff contain eight general objections, ostensibly so Plaintiffs could cover the waterfront and not have to answer any of the specific requests for production. And they did not. Instead, they referred to the numbered objection for an "all purpose" objection.

**Request No. 1:** All 2017, 2018 and 2019 bank statements for bank accounts on which you were a named owner of the account or an authorized signatory to the account. The request for bank statements includes copies of all deposited and returned items that were referenced in each statement. You need not produce any records for any bank accounts owned by AAHARVID, LLC.

**Response #1:** See Objection #8. (That objection reads in full: The Plaintiff (*sic*) objects to the production of any documents including bank statements for accounts which are not related to or in any way deal with the matters which is (*sic*) the subject of this litigation on the grounds that the request is overbearing, unreasonable and unduly burdensome and will not lead to the discovery of admissible information.)

Plaintiffs claim that Plaintiff Vidhya Patel and her late husband Ramesh, who died in 2017, paid all expenses related to the operation of the convenience store owned by Defendant AAHARVID, paid all operating costs for a residence located in Clinton, South Carolina, and otherwise furnished funds for the purchase of the convenience store and the residence. They are the plaintiffs; they have to prove the allegations of their complaint. Are Plaintiffs saying they have no documents that support their claim that they paid all money for the house and the convenience store?

These are initial discovery requests from Defendant. Once the initial discovery is obtained, defendants can refine and ask for specific items if necessary. For instance, Defendants have not yet asked for the documents which allegedly support the initial purchase of the house in 2009, or the lease of the convenience store in 2007, or the purchase of the convenience store in 2012. Defendants are entitled to know what accounts the Plaintiffs were using in the immediate period

preceding this lawsuit in order to know what banks or financial institutions may have relevant information for subpoena.

If Plaintiffs claim that all the payments made by Plaintiff Vidhya Patel and Ramesh Patel were cash<sup>1</sup> and there are no bank accounts in existence that support their claims in this lawsuit, that information should be provided. If that is the position the Plaintiffs want to take, that's fine, they simply need to say so. In that event, this Request will be withdrawn.

**Request No. 5:** All documents that evidence or support the allegation in Paragraph 13 of your complaint that “all funds for the purchase of the Residence, and payments made on any encumbrance affecting the Residence, were paid by Ramesh and Vidhya.”

**Response #5:** This response will be supplemented when the documents are located. Payments were made through BB&T Account ending in 3464 in the name of Anal Patel and Ramesh Patel. Deposits were made into account from BB&T ending in 9955 sufficient to pay all of the expenses, the account holdings being the Plaintiff (*sic*) and Ramesh.

There is no evidence of a subpoena to any bank or financial institution, including BB&T, issued by Plaintiffs in an effort to locate the documents they obviously should have had before they filed their lawsuit. It doesn't appear they are looking very hard for the documents they say they “will provide” at some indeterminate time in the future. Plaintiffs have made allegations that they have no documents to support. Additionally, Vidhya Patel responded in her deposition on June 17, 2019 that she had bank statements that she should have produced in response to this RFP. At the deposition, Mrs. Patel agreed to provide the bank statements, and her counsel confirmed they would be produced, but no documents have been received to date.

**Request No. 6:** All documents that evidence or support the allegation in Paragraph 15 of your complaint that “Ramesh and Vidhya made substantial changes and improvements to the Residence, all from their own funds, and with no input of contribution from Hardik.”

**Response #6:** See Response #5.

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<sup>1</sup> That is not the case because Plaintiffs reference, but do not produce, in Response to Production No. 5 two BB&T bank accounts that they claim will support the Plaintiffs' claims.

It is assumed references the prior response, which is insufficient for the reasons set forth above, as is this response for the same reasons.

**Request No. 8:** All documents that evidence or support the allegation in Paragraph 17 of your complaint that “On June 2007, Ramesh negotiated with the owner of the convenience store located at 19267 Highway 72E, Clinton, SC 29325 (“Cstore”) to lease and operate the business of the Cstore.”

**Response #8:** This response will be supplemented when the documents are located.

The answer is clearly insufficient. Again, Plaintiffs have made allegations that they apparently have no documents to support.

**Request No. 10:** All documents that evidence or support the allegation in Paragraph 20 of your complaint that “all funds used in connection with the acquisition and operation of the Cstore were provided by Ramesh and Vidhya and no funds were provided by Anal or Hardik.”

**Response #10:** This response will be supplemented when the documents are located.

The answer is clearly insufficient. Again, Plaintiffs have made allegations that they apparently have no documents to support.

**Request No. 11:** All documents that evidence or support the allegation in Paragraph 20 of your complaint that “It was express intent of Ramesh and Vidhya that the membership interest in Company was not to be a gift to Anal or for Anal to gain any benefit from owning such membership interest, but that Anal would hold the membership interest and all assets of the Company for the benefit of Ramesh and Vidhya.”

**Response #11:** This response will be supplemented when the documents are located.

The answer is clearly insufficient. Again, Plaintiffs have made allegations that they apparently have no documents to support.

**Request No. 12:** All documents that evidence or support the allegation in Paragraph 24 of your complaint that “All of the funds necessary to purchase by Company of the Cstore were provided from the assets of Company and additionally funds supplied by Ramesh and Vidhya, either their own personal funds or funds which were loaned to them by friends and relatives for which they were obligated to repay.”

**Response #12:** The Plaintiff was having difficulty locating the documents to this request in that the events took places more than 12 years ago and the facts mentioned in the objection set

**Supp. ROA 001799**

forth in paragraph 7, above. Loans were made by Palav Desai, Prakash Patel, and Vasant to Ramesh and such funds were used when the store was originally leased from the prior owners. The agreement with the prior owners, Palav Desai and Prakash Patel, was that the transaction was a “lease to buy”. When title to the C-Store was conveyed to AAHARVID, the transaction involved the conversion of the original “lease to buy” into transfer title to the C-Store. The Plaintiff will supplement this response.

The response appears to be saying “we don’t have any documents responsive to this request. If that is the case, the answer is clearly insufficient. Again, Plaintiffs have made allegations that they apparently have no documents to support.

**Request No. 14:** All documents that evidence or support the allegation in Paragraph 25 of your complaint that “All funds used to acquire the real estate and other assets of the Cstore were obtained from funds of the Company and additional funds supplied by Ramesh and Vidhya.”

**Response #14:** See response in Response #12.

The response appears to be saying “we don’t have any documents responsive to this request. If that is the case, the answer is clearly insufficient. Again, Plaintiffs have made allegations that they apparently have no documents to support.

**Request No. 18:** All documents that evidence or support the allegation in Paragraph 33 of your complaint that “Demand has been made upon Hardik that he transfer one-half ownership of the Residence to Vidhya and one-half interest in the Residence to the Estate of Ramesh. This demand has been refused by Hardik.”

**Response #18:** See Exhibit “D” and pleadings by both parties in connection with this matter.

Exhibit D to the RFP responses is a letter written to Hardik Patel on January 4, 2019 by Plaintiff’s prior counsel. If that is the only documentary evidence that “demand has been made” the Plaintiffs needs to say so.

**Request No. 20:** Copies of all documents reflecting your ownership or membership interest in any corporate entity or partnership of any type, for the years 2015 to present, including but not limited to SHRIJI HARI LLC.

**Response #20:** The Plaintiff objects to the production of the documents requested in this request on the grounds, among other things, that these are irrelevant to the present Court of action and do not appear reasonably calculated to lead to the discovery of admissible evidence.

On information and belief, Plaintiff Vidhya Patel has misappropriated an ownership interest in a South Carolina corporation in which her husband, decedent Ramesh Patel, owned at the time of his death. In her deposition on June 17, 2019, Mrs. Patel identified two documents which evidenced her misappropriation of Ramesh's interest in Shriji Hari LLC. In addition to establishing her breach of fiduciary duty as co-personal representative of the Estate of Ramesh Patel, Mrs. Patel should be required to disclose any other assets that she has misappropriated from the Estate.

**Request No. 22:** Produce any and all sales agreements, stock transfer agreements, asset purchase agreements, or other documents that reference or evidence the sale or transfer of assets (real or personal), stock, accounts receivable or accounts of any corporate entity to you and/or Rameshchandra Patel at any time.

**Response #22:** The Plaintiff objects to the production of the documents requested in this request on the grounds, among other things, that these are irrelevant to the present causes of action and do not appear reasonably calculated to lead to the discovery of admissible evidence.

As set forth above, documents located from third parties have established that Mrs. Patel has violated her fiduciary obligations as co-personal representative by misappropriating an interest in Shriji Hari LLC that Ramesh Patel owned at the time of his death. If there is more misappropriation, that information is critical.

Additionally, if Plaintiffs contend that the late Mr. Patel and Mrs. Patel swapped interest in entities as part of their alleged "contribution" toward the lease or purchase of the convenience store, it is necessary to have that documentation to sort out the claim that the decedent and Mrs. Patel claim to have made contribution toward the lease or purchase of the convenience store.



**Exhibit A**

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

Vidhyaben R. Patel, Individually and as Co-Personal Representative of the Estate of Rameshchanda Prabhudas Patel, and Darshak Kumar Patel, Individually and as Co-Personal Representative of the Estate of Rameshchandra Prabhudas Patel,

Plaintiffs,

vs.

Hardik R. Patel, Anal H. Patel and AAHARVID, LLC,

Defendants, of whom

---

Hardik Patel is,

Third-Party Plaintiff,

vs.

SHRIJI HARI LLC,

Third-Party Defendant.

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT  
CASE NO.: 2019- CP-30-0140

**FIRST REQUEST FOR PRODUCTION  
TO DEFENDANT VIDHYABEN R.  
PATEL**

Pursuant to Rule 34, SCRPC, you Vidyaben R. Patel Individually and as Co-personal representative of the Estate of Rameshchanda Prabhudas Patel, are required to provide copies of the following documents within thirty (30) days of the service of these Requests upon your counsel. Documents are defined in Rule 34(a) and include electronically-stored materials both in your custody or in the custody of your agents or employees, including your attorneys. You are reminded that you are required to produce documents that are within your custody or control and to make

reasonable efforts to obtain documents that are within the custody or control over persons or entities with whom you have a business or professional relationship.

### **DEFINITIONS AND INSTRUCTIONS**

As used herein, except when the context requires otherwise, the following definitions apply:

1. “You,” “your,” or “plaintiff(s)” shall mean plaintiff or any pertinent predecessors, successor, or subsidiary thereof, its employees, agents, servants, officers, directors, or representatives, as well as all persons acting or purporting to act on his behalf for any purpose relevant to these Requests. “You” does not include Darshak Kumar Patel.

2. “Person” shall mean any individual, partnership, firm, association, corporation, or any other business, governmental, or legal entity.

3. As used herein, the term “document, documents or documentation” means any and all documents, files, reports, correspondence, summaries, stenographic or hand written notes, announcements, drafts, and preliminary copies of documents, transcripts, minutes, studies, memoranda, notes or memoranda of conversations, telephone messages, transmittal slips, printed literature, brochures, catalogues, advertising of all types, test reports, articles, press releases, published books, pamphlets, pictures, diaries, appointment books, calendars, minute books, by-laws, statistical compilations, movie films, audio tapes, video cassettes, microfilms, slides, or still films, statistics, data processing cards, computer records, computer tapes, computer disks, printouts, books of account, ledgers, journals, spread sheets, control sheets, working papers, audits or any writing or documentation or data of any kind or description, whether handwritten, typewritten, printed, copied, microfilmed, electronically-stored on computer or other form of electronic storage, printed on computer cards or tapes or data in existence or available or otherwise retrievable, to include any marginal comments appearing on such documents, and shall further include any copy of a document which differs from the original because of handwritten comments or otherwise, in the custody, possession, control of, or available to you of every type and description, regardless of form or nature, pertaining in whole or in part, directly or indirectly, to the matters referred to in the Complaint.

4. Identification of Privileges Claimed. If any of these requests are claimed by you to request privileged information, for each request, please state the ground upon which such privilege is claimed, and identify the documents wherein such privileged information is located by specifying:

1. The type of document (*e.g.*, letter, memorandum, photograph);
2. The date(s) it was created;
3. Its title, if any;
4. Its originator(s) or creator(s);
5. Its addressee(s), if any;
6. Its present location; and

7. The person(s) having possession, custody, or control of it or knowing of its existence.

5. For each Request or part thereof you refuse to answer on the grounds of burdensomeness, the answer should state: (1) the number of files and/or documents needed to be searched; (2) the location of each such file; (3) an estimation of the number of hours required to conduct the search; and, (4) the estimated cost of the search in U.S. Dollars.

6. For purposes of the interrogatories set forth herein, any attorney-client or work product privilege by and between the plaintiff and the defendant is expressly waived.

7. These Requests are deemed continuing in character. If you, your counsel, or anyone representing your interests obtains further or different information or obtains any documents or statements within the scope of these Requests at any time prior to the final entry of judgement in this action, you are hereby requested and directed to furnish supplementary answers and/or documents and/or statements to the undersigned attorneys.

**REQUEST NO. 1:** All 2017, 2018 and 2019 bank statements for bank accounts on which you were a named owner of the account or an authorized signatory to the account. The request for bank statements includes copies of all deposited and returned items that were referenced in each statement. You need not produce any records for any bank accounts owned by AARVID, LLC.

**REQUEST NO. 2:** All documents which evidence any suggestion or agreement by any of the defendants, that you and/or Rameshchandra Patel has/have or will become the record title owner of real property located at 18397 Highway 72, Clinton, South Carolina, TMS No. 636-00-00-037.

**REQUEST NO. 3:** All documents that evidence or support the allegation in Paragraph 10 of your complaint that “on or about April 1, 2009, Ramesh and Vidhya did purchase property at 18397 Highway 72E Clinton, South Carolina 29325, Tax Map number 636-00-00-037.”

**REQUEST NO. 4:** All documents that evidence or support the allegations in Paragraph 11 of your complaint that “[t]itle to the Residence was put in Hardik’s name solely as an

**Supp. ROA 001805**

administrative convenience and to be held in trust by Hardik for the benefit of Ramesh and Vidhya, with the agreement and understanding that title to the Residence would be put in the name of Ramesh and Vidhya upon request.”

**REQUEST NO. 5:** All documents that evidence or support the allegation in Paragraph 13 of your complaint that “all funds used for the purchase of the Residence and, payments made on any encumbrance affecting the Residence, were paid by Ramesh and Vidhya.”

**REQUEST NO. 6:** All documents that evidence or support the allegation in Paragraph 15 of your complaint that “Ramesh and Vidhya made substantial changes and improvements to the Residence, all from their own funds, and with no input or contribution from Hardik.”

**REQUEST NO. 7:** All documents that evidence or support the allegation in Paragraph 16 of your complaint that “at all times, the Plaintiffs and the Defendants have acknowledged that the Residence was, in fact, the property of Ramesh and Vidhya and that title was placed in the name of Hardik in trust and solely for administrative convenience.”

**REQUEST NO. 8:** All documents that evidence or support the allegation in Paragraph 17 of your complaint that “On June, 2007, Ramesh negotiated with the owner of the convenience store located at 19267 Highway 72E, Clinton SC 29325 (“Cstore”) to lease and operate the business of the Cstore.”

**REQUEST NO. 9:** All documents that evidence or support the allegation in Paragraph 19 of your complaint that “The designation of Anal as the sole member of the Company was for administrative convenience with the understanding that the membership interest would be held in trust by Anal for the benefit of Ramesh and Vidhya and with the agreement and understanding that title to the Company would be put in the name of Ramesh and Vidhya upon request.”

**REQUEST NO. 10:** All documents that evidence or support the allegation in Paragraph 20 of your complaint that “all funds used in connection with the acquisition and operation of the Cstore were provided by Ramesh and Vidhya and no funds were provided by Anal or Hardik.”

**REQUEST NO. 11** All documents that evidence or support the allegation in Paragraph 20 of your complaint that “It was the express intent of Ramesh and Vidhya that the membership interest in Company was not to be a gift to Anal or for Anal to gain any benefit from owning such membership interest, but that Anal would hold the membership interest and all assets of the Company for the benefit of Ramesh and Vidhya.”

**REQUEST NO. 12:** All documents that evidence or support the allegation in Paragraph 24 of your complaint that “All of the funds necessary to purchase by Company of the Cstore were provided from the assets of Company and additionally funds supplied by Ramesh and Vidhya, either their own personal funds or funds which were loaned to them by friends and relatives for which they were obligated to repay.”

**REQUEST NO. 13:** All documents that evidence or support the allegation in Paragraph 25 of your complaint that “it was agreed that Company would own title to the Cstore and its assets with the understanding that the membership interested owned by Anal would be solely for the benefit of Ramesh and Vidhya.”

**REQUEST NO. 14:** All documents that evidence or support the allegation in Paragraph 25 of your complaint that “All funds used to acquire the real estate and other assets of the Cstore were obtained from funds of the Company and additional funds supplied by Ramesh and Vidhya.”

**REQUEST NO. 15:** All documents that evidence or support the allegation in Paragraph 26 of your complaint that “it was agreed that the membership interest in the Company would

continue to be held by Anal for the benefit as agent for and trustee for the benefit Ramesh and Vidhya.”

**REQUEST NO. 16:** All documents that evidence or support the allegation in Paragraph 27 of your complaint that “Ramesh and Vidhya made all decisions regarding the management and operation of the Cstore, including but not limited to hiring, scheduling and termination of all employees, purchasing inventory and setting prices for the inventory to be sold to customers of the Cstore, negotiating with Vendors, negotiating with Jobbers to supply gas to the Cstore, receiving and disbursing all funds from the Cstore, making deposits, compiling all of the information to complete tax returns, handling all of the banking operations and paying of bills and obligations, and generally handling any and all decisions regarding the management and operation of the Cstore.”

**REQUEST NO. 17:** All documents that evidence or support the allegation in Paragraph 32 of your complaint that “Hardik and anal have converted funds held by the Company in an amount of at least \$90,000.00 to their own use and benefit and have also transferred assets of the Company to other companies which Anal or Hardik own or control.”

**REQUEST NO. 18:** All documents that evidence or support the allegation in Paragraph 33 of your complaint that “Demand has been made upon Hardik that he transfer one-half ownership of the Residence to Vidhya and one-half interest in the Residence to the Estate of Ramesh. This demand has been refused by Hardik.”

**REQUEST NO. 19:** All documents which evidence any suggestion or agreement by any of the defendants that you and/or Rameshchandra Patel has/ have, will be, or were intended to

become the record title owner of real property located at 19267 Highway 72, Clinton, South Carolina, TMS No. 901-35-01-006.

**REQUEST NO. 20:** Copies of all documents reflecting your ownership or membership interest in any corporate entity or partnership of any type, for the years 2015 to present, including but not limited to SHRIJI HARI LLC.

**REQUEST NO. 21:** Produce all sales agreements, stock transfer agreements, asset purchase agreements, or other documents that reference or evidence any anticipated transfer or sale of assets (real or personal), stock, accounts receivable or accounts from AARVID, LLC to you and/or Rameshchandra Patel at any time.

**REQUEST NO. 22:** Produce any and all sales agreements, stock transfer agreements, asset purchase agreements, or other documents that reference or evidence the sale or transfer of assets (real or personal), stock, accounts receivable or accounts of any corporate entity to you and/or Rameshchandra Patel at any time.

Respectfully submitted,

s/ Thomas C. Jeter III  
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ATTORNEYS FOR THE DEFENDANTS

April 8, 2019

**Exhibit B**

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

Vidhyaben R. Patel, Individually and as Co-Personal Representative of the Estate of Rameshchanda Prabhudas Patel, and Darshak Kumar Patel, Individually and as Co-Personal Representative of the Estate of Rameshchandra Prabhudas Patel,

Plaintiffs,

vs.

Hardik R. Patel, Anal H. Patel and AAHARVID, LLC,

Defendants, of whom

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Hardik Patel is,

Third-Party Plaintiff,

vs.

SHRIJI HARI LLC,

Third-Party Defendant.

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IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT  
CASE NO.: 2019- CP-30-0140

**INTERROGATORIES  
(Defendants to  
Vidhyaben R. Patel only)**

The defendants, by and through the undersigned attorneys, hereby require the plaintiffs Vidhyaben R. Patel a/k/a Vidhya R. Patel individually and as Co-Personal Representative of the Estate of Rameshchandra Prabhudas Patel a/k/a Ramesh P. Patel, to answer under oath the Interrogatories hereinafter set forth within thirty (30) days after the serving hereof in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

**DEFINITIONS**

As used herein, except when the context requires otherwise, the following definitions shall apply.

1. “You”, “your”, or “plaintiff(s)” shall mean Vidhya R. Patel, or any pertinent predecessors, successor, or subsidiary thereof, its employees, agents, servants, officers, directors, or representatives, as well as all persons acting or purporting to act on its behalf for any purpose relevant to these Interrogatories.

2. “Person” shall mean any individual, partnership, firm, association, corporation, or any other business, governmental, or legal entity.

3. “Identify” or “identity”, when used in reference to a natural person, shall require you to state (a) his full name, (b) his present or last known address, and (c) his present or last known employer and job title. When used in reference to a corporation or business entity, “identify” or “identity” shall require you to state (a) the full name of the corporation or business entity, (b) the present or last known address, and (c) the principal place of business and state of incorporation. When used in reference to a document, “identify” or “identity” shall require you to state (a) the date of such document, (b) the type of document, (c) the present location of such document or copies of such document, and (d) a brief summary of the contents of such document.

4. “Document” or documents” shall mean all correspondence, records, reports, indices, summaries, compilations, extracts, memoranda, forms, graphs, technical data or charts, photographs, films, videotapes, sound recordings, invoices, specifications, laboratory reports, protocols, manuals, brochures, pamphlets, advertisements, promotional materials, instructions, literature, computer data bases or printouts, sketches, package inserts, labels, press releases, or any other graphic, visual, written, or recorded electronically or otherwise, of any kind whatsoever, within the knowledge, possession, custody, of any kind whatsoever, within the knowledge, possession, custody, control, or subject to the control of the defendants or their attorneys.

### **INSTRUCTIONS**

1. If all of the information furnished in response to all or any part of an Interrogatory is not within the personal knowledge of the defendants or her attorneys, identify each person to whom all or any part of the information furnished is a matter of personal knowledge or each person who communicated to the defendants or her attorneys all or any part of the information furnished.

2. If the answer to all or any part of an Interrogatory is not presently known or available, include a statement to that effect.

3. If you do not have all or any part of the information requested in an Interrogatory and are unable to obtain it within the time permitted by the South Carolina Rules of Procedure, state the information to the best of your knowledge upon information and belief and identify the source of that information.

4. If objections are entered to all or any part of an Interrogatory, state the specific grounds for the objection and answer such Interrogatory to the extent to which there is no objection.

5. If a privilege is asserted concerning all or any part of the information requested by an Interrogatory, identify the information or document for which privilege is asserted and state the specific grounds for each such privilege asserted.

6. For purposes of the interrogatories set forth herein, any attorney-client or work product privilege by and between the defendants and the plaintiff is expressly waived.

7. The following Interrogatories shall be deemed to continue from the time of service until the time of trial of the case so that information sought which comes to the knowledge of said party, his/her representative, or attorney, after Answers to Interrogatories have been submitted, shall be transmitted to the undersigned.

### INTERROGATORIES

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. Set forth a list of photographs, plate, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.
3. Set forth an itemized statement of all damages, exclusive of pain and suffering claimed to have been sustained by the party.
4. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.
5. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

6. Identify all email addresses you have used to receive and/or transmit email at any time during the period 2017 to present.

Respectfully submitted,

s/ Thomas C. Jeter III  
Thomas C. Jeter III, Esq. Bar#100483  
Peter J. Nosal, Esq. Bar #79152  
**NOSAL & JETER, LLP**  
852 Gold Hill Rd., Ste 201  
Fort Mill, South Carolina 29708  
Telephone: 803.351.3597  
Fax: 803.403.9515  
Thomas@nosaljeterlaw.com

s/ Desa Ballard  
Desa Ballard, Bar # 000498  
Harvey M. Watson III  
**BALLARD & WATSON**  
Post Office Box 6338  
West Columbia, South Carolina 29171  
Telephone 803.796.9299  
Facsimile 803.796.1066  
desab@desaballard.com  
harvey@desaballard.com

ATTORNEYS FOR THE DEFENDANTS

April 8, 2019

## Exhibit C

**From:** Desa Ballard

**Sent:** Wednesday, May 8, 2019 5:19 PM

**To:** [hap@pearcelawnc.com](mailto:hap@pearcelawnc.com); Samuel M. Price, Jr., Esquire <[rshealy517@hotmail.com](mailto:rshealy517@hotmail.com)>

**Cc:** Beth Cogan <[Beth@desaballard.com](mailto:Beth@desaballard.com)>

**Subject:** Consultation prior to filing motions

### Issue One:

We have tried to figure out what you are saying in Paragraph 1 of your response to the petition to remove your clients as co-PRs and we cannot understand the response sufficiently to prepare our reply.

Would you consider elaborating on it so we can understand your position? I can make a motion to make more definite and certain, but I would hope we could do this informally, and there is a small time window to file the motion and do the reply.

### Issue Two:

Please consider taking out Paragraph 6 in the Response, prior to motion to strike. Escalating things is not helping. I would make the same request of Paragraph 4, but you have not seen the video which clearly shows the theft and I guess are believing what you are being told.

### Issue Three:

Your discovery responses were due yesterday. Have they been mailed? Would you please email them to us? We want to be prepared for mediation on June 14<sup>th</sup>.

Thanks

db

**Exhibit D**

**From:** [Desa Ballard](#)  
**To:** [Jake Moore](#); [E. Hood Dawson](#); "[Samuel M. Price, Jr., Esquire](#)"  
**Cc:** [Beth Cogan](#)  
**Subject:** Consultation prior to filing motion to compel  
**Date:** Tuesday, June 25, 2019 9:39:52 AM

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Please consider this the consultation prior to ifling a motion to compel as to the inadequacies of the responses to our discovery. I have been emailing with Hood since last week about the bank statements that should have been produced in response to RFP No. 5. He tells me they are coming, but he did not give a time table.

Here are the ROGS and RFPs for which we believe your answers are insufficient:

ROG No. 2, 3, 6.

RFPs No. 1, 5, 6, 8, 10, 11, 12, 14, 18. 20, 22

Please let me know whether you will voluntarily provide more complete responses before July 1, 2019, after which we will file a motion to compel.

Thanks

db





**From:** Desa Ballard <desab@desaballard.com>

**Sent:** Tuesday, November 10, 2020 12:41 PM

**To:** Griffith, Eugene Law Clerk (Lauren Modzelewski) <egriffithlc@sccourts.org>; egriffithj@sccourts.org

**Cc:** Jake Moore <jake@mttlaw.com>; Samuel M. Price, Jr., Esquire <rshealy517@hotmail.com>

**Subject:** RE: (Patel v. Patel Case No. 2019CP3000140) Proposed Order Granting attorney fees

Your Honor we oppose a hearing, at least at this point. As you know, no opposition or request for mitigating factors was filed as required by statute, so the only issue that remains to be addressed is whether individual time entries on our billing are reasonable or accurate.

I would ask Your Honor to require a written objection to any particular time entries on the billing we have already filed and served before a decision is made as to whether a hearing is necessary. We will, of course, respond to any written objections in a timely manner.

Thank you for your attention to this matter.

db

**From:** Jake Moore <[jake@mttlaw.com](mailto:jake@mttlaw.com)>

**Sent:** Tuesday, November 10, 2020 11:53 AM

**To:** Beth Cogan <[Beth@desaballard.com](mailto:Beth@desaballard.com)>

**Cc:** Griffith, Eugene Law Clerk (Lauren Modzelewski) <[egriffithlc@sccourts.org](mailto:egriffithlc@sccourts.org)>; Griffith, Eugene Secretary (Amy Shealy) <[egriffithsc@sccourts.org](mailto:egriffithsc@sccourts.org)>; Samuel M. Price, Jr., Esquire <[rshealy517@hotmail.com](mailto:rshealy517@hotmail.com)>; Desa Ballard <[desab@desaballard.com](mailto:desab@desaballard.com)>

**Subject:** Re: (Patel v. Patel Case No. 2019CP3000140) Proposed Order Granting attorney fees

We ask for a hearing please

Sent from my iPhone

**Supp. ROA 001819**

**RECEIVED**

**Sep 10 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LAURENS COUNTY  
EUGENE C. GRIFFITH, JR., CIRCUIT COURT JUDGE

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Appellate Case No. 2020-001472

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Vidhyaben R. Patel, Individually and as Co-Personal  
Representative Of the Estate of Rameschandra Prabhudas  
Patel, and Darshak Kumar Patel, Individually and as  
Co-Personal Representative Of the Estate of  
Rameschandra Prabhudas Patel, .....Appellants/Respondents,

v.

Hardik R. Patel, Anal H. Patel and AAHARVID, LLC, .....Respondents/Appellants.

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**CERTIFICATE OF COUNSEL**

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The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,

s/ Desa Ballard

Desa Ballard (S.C. Bar No. 498)

Harvey M. Watson III (S.C. Bar No. 74053)

BALLARD & WATSON

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West Columbia, South Carolina 29169

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desab@desaballard.com

harvey@desaballard.com

Attorneys for Respondents/Appellants

September 10, 2021