

**RECEIVED**

**Nov 15 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Master-In-Equity

Joseph M. Strickland, Master-In-Equity Judge

---

Case No. 2009-CP-40-03264

Appellate Case No. 2021-000576

---

The unnamed Joint Venture of  
Craig B. Stoneburner and Gary  
McLaurin with Respect to  
Property Located at 301 South  
Edisto Avenue, by and through  
Craig B. Stoneburner, it's  
managing Venturer,

Appellant,

v.

George Anthony Moluf, III, James  
Whittington Clement, and James  
Venable Revercomb, III,

Respondents.

---

RECORD ON APPEAL

---

Walter B. Todd, Jr. PC  
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Columbia, SC 29204  
(803) 753-7952  
Attorney For Appellant

Brian L. Boger  
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Columbia, SC 29201  
(803) 252-2880  
Attorney for the Respondents

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CA#: 2009-CP-40-03264
	)	
The unnamed Joint Venture of Craig B. Stoneburner and Gary McLaurin with Respect to Property Located at 301 South Edisto Avenue, by and through Craig B. Stoneburner, it's managing Venturer,	)	
	)	
Plaintiff,	)	<b>ORDER GRANTING</b>
	)	<b>DEFENDANT'S MOTION</b>
vs.	)	<b>TO DISMISS</b>
	)	
George Anthony Moluf, III, James Whittington Clement, and James Venable Revercomb, III,	)	
	)	
Defendants.	)	
	)	

THE Defendants filed a Motion to Dismiss the Plaintiff's case for lack of prosecution on September 3, 2019.

A hearing on that Motion took place on March 5, 2020 and an Order granting the Defendant's Motion to dismiss was filed on March 19, 2020.

Subsequently, on March 30, 2020, the Plaintiff filed a Motion to Reconsider the dismissal.

The Motion to Reconsider was delayed because of Covid 19; it was heard on March 9, 2021. The hearing was held by telephone.

Present at the hearing was Brian L. Boger, Attorney for the Defendants; the Plaintiff was represented by J. Clarke Newton.

After hearing the arguments of counsel for the Plaintiff and the Defendants, and after due consideration of those arguments along with the arguments and memorandum filed in the earlier

Motion to Dismiss, this Court finds that the Plaintiff's Motion to Reconsider should be denied.

THEREFORE,

IT IS HEREBY ORDERED that the Plaintiff's Motion is denied.

---

Joseph M. Strickland  
Master-In-Equity for Richland County

Columbia, South Carolina

April \_\_\_\_\_, 2021



Richland Common Pleas

**Case Caption:** Craig B Stoneburner vs James Venable Revercomb III , defendant, et al

**Case Number:** 2009CP4003264

**Type:** Master/Order/Other

It is so Ordered

s/Joseph M. Strickland, 3055

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 The unnamed Joint Venture of Craig. B. )  
 Stoneburner and Gary McLaurin with )  
 Respect to Property Located at 301 South )  
 Edisto Avenue, by and through Craig B. )  
 Stoneburner, it's managing Venturer, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 George Anthony Moluf, III, James )  
 Whittington Clement, and James Venable )  
 Revercomb, III, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 CA#: 2009-CP-40-03264

PROPOSED ORDER

THIS MATTER comes before me pursuant to Defendant's Motion to Dismiss. A hearing on the motion was held Thursday, March 5, 2020.

IT APPEARS to the court the case has a long history, with the Summons and Complaint being filed in 2009. The file is eleven (11) years old.

IT IS HEREBY ORDERED the case should be dismissed with prejudice for lack of prosecution and laches. Plaintiff neglected to pursue the action for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done.

\_\_\_\_\_  
 Joseph M. Strickland  
 Master-In-Equity for Richland County

Columbia, South Carolina  
 March \_\_\_, 2020



Richland Common Pleas

**Case Caption:** Craig B Stoneburner vs James Venable Revercomb III , defendant, et al  
**Case Number:** 2009CP4003264  
**Type:** Order/Other

It is so Ordered

s/Joseph M. Strickland, 3055

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Craig B. Stoneburner, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 James Venable Revercomb III, )  
 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

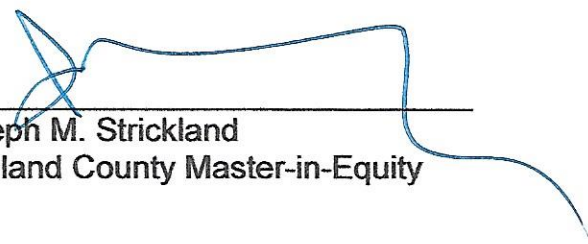
IN THE COURT OF COMMON PLEAS

Case No. 2009-CP-40-3264

**ORDER  
TO  
RESTORE**

On Motion by the Court, the above-referenced case was dismissed without prejudice pursuant to an administrative order. The above-referenced case is restored onto the docket for a final hearing.

AND IT IS SO ORDERED this 30th day of August, 2019.

  
 \_\_\_\_\_  
 Joseph M. Strickland  
 Richland County Master-in-Equity

Columbia, South Carolina

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

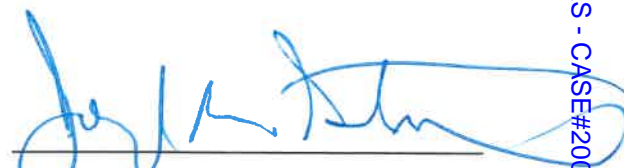
COUNTY OF RICHLAND

**Omnibus Order of Dismissal  
Without Prejudice**

Pursuant to Rule 41(a) of the South Carolina Rules of Civil Procedure, this court hereby dismisses without prejudice all the cases on the attached exhibits.

**AND IT IS SO ORDERED.**

August 23, 2019



---

Joseph M. Strickland,  
Richland County Master in Equity

1. 2009CP4000023
2. 2009CP4000354
3. 2009CP4000509
4. 2009CP4000714
5. 2009CP4000825
6. 2009CP4001050
7. 2009CP4001222
8. 2009CP4001303
9. 2009CP4001376
10. 2009CP4001666
11. 2009CP4001846
12. 2009CP4002097
13. 2009CP4002120
14. 2009CP4002136
15. 2009CP4002148
16. 2009CP4002161
17. 2009CP4002302
18. 2009CP4002356
19. 2009CP4002451
20. 2009CP4002821
21. 2009CP4003169
22. 2009CP4003223
23. 2009CP4003264
24. 2009CP4003326
25. 2009CP4003703
26. 2009CP4003837
27. 2009CP4004556
28. 2009CP4004893
29. 2009CP4005136
30. 2009CP4005237
31. 2009CP4006285
32. 2009CP4006319
33. 2009CP4006358
34. 2009CP4006684
35. 2009CP4006736
36. 2009CP4006899
37. 2009CP4007083
38. 2009CP4007120
39. 2009CP4007250
40. 2009CP4007501
41. 2009CP4007816
42. 2009CP4007827
43. 2009CP4007872
44. 2009CP4008140

- 45. 2009CP4008154
- 46. 2009CP4008177
- 47. 2009CP4008331
- 48. 2009CP4008349
- 49. 2009CP4008351
- 50. 2009CP4008595
- 51. 2009CP4008839
- 52. 2009CP4008906
- 53. 2009CP4008977
- 54. 2009CP4009114

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Craig B. Stoneburner,

Plaintiff,

vs.

James Venable Revercomb III,

Defendants.

IN THE COURT OF COMMON PLEAS

Case No. 2009-CP-40-03264

ORDER TO RESTORE

On Motion by the Court, the above-referenced case was dismissed without prejudice pursuant to an administrative order. The above-referenced case is restored onto the docket for a final hearing.

AND IT IS SO ORDERED this 14<sup>th</sup> day of December, 2018.

Joseph M. Strickland  
Richland County Master-in-Equity

Columbia, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

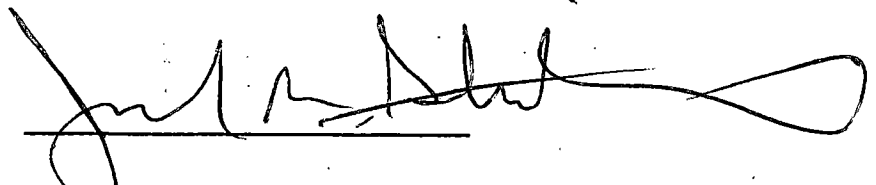
2009 CP 4003264

Omnibus Order of Dismissal  
Without Prejudice

RICHLAND COUNTY  
FILED  
2017 SEP 12 PM 2:51  
JEANETTE W. HERRIDGE  
C.C.P. & G.S.

The court's transition to an electronic case management system inadvertently failed to provide a method of closing some cases. As a result, South Carolina Court Administration has notified this office of several thousand pending cases in Richland County. Court Administration records are not accurate, because of a computer glitch. Thus, all cases reported as pending on the attached exhibit are hereby dismissed without prejudice.

IT IS SO ORDERED.



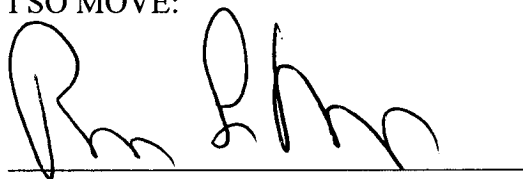
Joseph M. Strickland

Richland County Master-In- Equity

Date: August 15, 2017



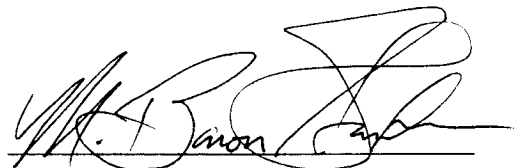
I SO MOVE:



---

Brian L. Boger,  
Attorney for the Defendants  
P.O. Box 65  
Columbia, SC 29202

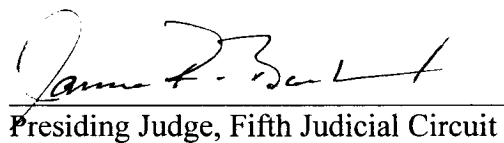
I HEREBY CONSENT:



---

M. Baron Stanton  
P.O. Box 246  
Columbia, SC 29202  
803 929 1484

IT IS HEREBY ORDERED:



---

Presiding Judge, Fifth Judicial Circuit

9/10, 2012

COLUMBIA, SOUTH CAROLINA

# The South Carolina Court of Appeals

Craig B. Stoneburner, Appellant,

v.

James Venable Revercomb, III, James  
Whittington Clement, George Anthony  
Moluf, III, Respondents.

RICHLAND COUNTY  
FILED  
2011 NOV 14 AM 10:00  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

The Honorable L. Casey Manning  
Richland County  
Trial Court Case No. 2009-CP-40-03264

## ORDER of DISMISSAL AND REMITTITUR

The above entitled case is pending on appeal in this Court. It now appears that the parties have resolved the appeal and move the Court for an Order dismissing the appeal.

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. This case is REMITTED to the Clerk of Court for Richland County.

V. Claire Allen, Deputy Clerk  
For the Court

Columbia, South Carolina  
Original to: The Honorable Jeanette W. McBride

cc: M. Baron Stanton, Esquire  
Brian L. Boger, Esquire

FILED  
11/10/11

SCANNED



STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2009-CP-40-3264

Craig B. Stoneburner

George Anthony Molve III,  
James Whittington Clement,  
and James Venable Revercomb III

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_

RICHLAND COUNTY  
 FILED  
 2011 APR - 1 AM 10:17  
 JEANETTE W. BRIDGE  
 CLERK OF COURT

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

*Plaintiff's Motion to Reconsider Judge Manning's Order Granting Defendant's Motion to Dismiss is hereby DENIED. Formal Order to follow.*

Dated at Columbia, South Carolina, this 29<sup>th</sup> day of March, 2011.

*[Signature]*  
PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and a copy mailed first class this 1 day of April, 2011 to attorneys of record or to parties (when appearing pro se) as follows:

Mr. Bacon Stanton

Brian L. Boyer

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*[Signature]*  
CLERK OF COURT

SCANNED

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2009-CP-40-3264

2010 AUG - 4 PM 2: 58  
FILED  
RICHLAND COUNTY  
CLERK OF COURT  
ANETTE W. MORRIS  
C.C.P. & I.

Craig B. Stoneburner

George Anthony Molve, III, James Whittington  
Clement, and Venable Rivercomb, III,

Plaintiff

Defendants

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_

- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
    - Affirmed;  Reversed;  Remanded;  Other
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

This matter came before the Court for a hearing on Plaintiff's Motion to Amend to Change Plaintiff to Name of Real Party in Interest. Present at the hearing were M. Baron Stanton, Esquire, on behalf of Plaintiff; and Brian L. Boger, Esquire, on behalf of Defendant.

By Order dated August 3, 2010, The Honorable L. Casey Manning granted Defendants' Motion to Dismiss and has dismissed the complaint with prejudice. Therefore, the Court declines to rule on Plaintiff's outstanding motion, as it has been rendered moot.

IT IS SO ORDERED.

Dated at Columbia, South Carolina, this 3<sup>rd</sup> day of August, 2010.

J. Michelle Davis  
PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, and a copy mailed first class this 4th day of August, 2010, to attorneys of record or to parties (when appearing pro se) as follows:

M. Baron Stanton, Esquire

ATTORNEY(S) FOR THE PLAINTIFF(S)

Brian L. Boger, Esquire

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

SCRCP APP-24/FORM 4

A large, dense, and illegible scribble in black ink, possibly representing a signature or a stamp, located in the lower-middle section of the page.

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2009CP4003264

JEANETTE W. McBRIDE  
C.C.P. & G.S.

2010 AUG - 14 PM 3:12

RICHLAND COUNTY  
FILED  
Defendant

Craig B Stoneburner  
Plaintiff

vs.

James Venable Levermore III  
Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other:
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_

- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
    - Affirmed;
    - Reversed;
    - Remanded;
    - Other
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, and a copy mailed first class this 4th day of August, 2010, to attorneys of record or to parties (when appearing pro se) as follows:

Craig B Stoneburner  
M. Baron Stanton

Brian L Boger

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*Jeanette W McBride*

BOOK SH PAGE 60

JEANETTE W. McBRIDE  
C.C.P. & G.S.  
2010 AUG -4 PM 2: 58

RICHLAND COUNTY  
FILED

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 )  
 CRAIG B. STONEBURNER SR., )  
 )  
 )  
 Plaintiff, )  
 v. )  
 )  
 )  
 JAMES VENABLE REVERCOMB III, )  
 JAMES WHITTINGTON CLEMENT )  
 GEORGE ANTHONY MOLUF III )  
 )  
 Defendants. )  
 )  
 )  
 )

IN THE COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT  
 CA#: 2009-CP-40-3264  
 DEFENDANTS' PROPOSED ORDER  
 OF DISMISSAL

A hearing was held in this matter on March 1, 2010. A court reporter was present, and both counsel for the Plaintiff Stoneburner and the Defendants were present for the hearing. **IT APPEARS** to this Court that the facts of the case pertinent to the present hearing are as follows:

1. Defendants and Plaintiff entered into a lease ("the Lease" hereafter) of the property at 301 S. Edisto St., Columbia, South Carolina ("the Property" hereafter) from August of 2008 to August of 2009.
2. The Property is held in the name of 301 S. Edisto, LLC ("the LLC" hereafter).
3. The Secretary of State filing for the LLC lists Gary McLaurin as the one and only member of the LLC. There is no mention of Plaintiff Stoneburner on the LLC filings with the Secretary of State.
4. The Property was rented by Plaintiff to the Defendants.
5. After attempting to take possession of the premises, a dispute arose among the

Plaintiff and Defendant. That dispute lead to the current action, but the exact nature of the dispute was not an issue at the present hearing.

6. The Defendants moved elsewhere and did not pay on the Lease from approximately mid-August of 2008 to the end of the Lease.

7. The Plaintiff Stoneburner filed the present action Pro Se in his own name and not the name of a partnership or the LLC on May 4, 2009, seeking enforcement and collection of the Lease for the full term.

8. In discovery, Defendants issued Requests to Admit to Pro Se Plaintiff Stoneburner.

9. Defendant's Request to Admit requested Plaintiff to admit or deny the following statement: "That Plaintiff owns the house at 301 S. Edisto Street, Columbia, SC."

10. In response to that request, Plaintiff responded: "Admit."

11. Plaintiff does not own the property, rather it is in the name of the LLC and has been at all times relevant to the present case.

12. Plaintiff retained counsel prior to the hearing, but not until after the present motion had been filed.

13. Plaintiff's counsel produced a copy of a joint venture agreement involving the Property.

14. The joint venture agreement had not been recorded in any manner.

15. Said joint venture agreement was between Gary McLaurin and Plaintiff.

16. The joint venture agreement only references the Property, not the LLC.

17. Plaintiff, neither in his brief nor at the hearing addressed the lack of standing raised by Defendants' brief.

18. Plaintiff criticized the Defendants' brief for failure to point to more than one case and one statute related to their defense for unauthorized practice of law. The Court takes note that Plaintiff cited no case or statute in its entire brief.

**IT FURTHER APPEARS** that this Motion to Dismiss has been brought on the grounds of Standing, Unauthorized Practice of Law, and Fraud Upon the Court. These issues shall be addressed in turn.

**THE PLAINTIFF LACKS STANDING TO BRING THIS ACTION.**

The question presented is whether the Plaintiff has standing to bring the suit that is now before this Court. For several reasons, this Court holds that Plaintiff lacks standing. It is a well-settled principal of law that to have standing, a Plaintiff must show three criterion:

First, the plaintiff must have suffered an "injury in fact" [or] "an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical.'" Second, there must be a causal connection between the injury and the conduct complained of "the injury has to be "fairly... trace[able] to the challenged action of the defendant, and not... th[e] result [of] the independent action of some third party not before the court." Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision."

*Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).

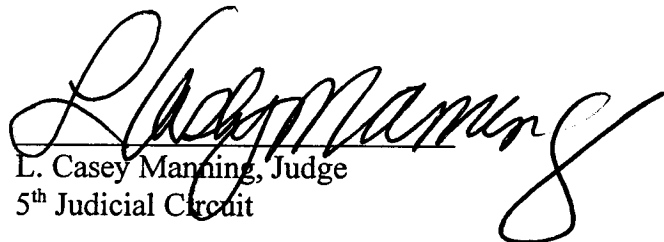
The Plaintiff must show that he has suffered "an injury in fact" or "an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not 'conjectural' or 'hypothetical.'" *Id.* The Property is held in the name the LLC. The LLC's only member is Gary McLaurin. The joint venture agreement presented at the hearing of this matter was between Gary McLaurin and Plaintiff for the operation and rental of the Property, even though the Property is in the name of the LLC and not the joint venture or Gary McLaurin in a representative capacity for the LLC. Plaintiff is a member of the joint venture. The parties

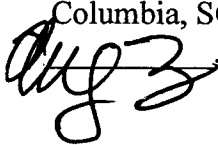
entitled to recover on the present contract are either the joint venture or the LLC because the LLC holds title to the property and the joint venture may hold the managerial rights to the property. Any claim the Plaintiff may have is only through the joint venture, not individually because his name is not on any title to the property. Though Stoneburner would reap some benefit from the joint venture collecting on this debt, the injury in fact is to the joint venture and not to the individual member. Because neither the LLC or the joint venture are named in this Complaint as Plaintiffs, the Court need not decide which is the true party in interest and which has suffered the injury in fact.

To further substantiate the conclusion Plaintiff, in his brief filed by counsel, has offered no evidence of, or argument for, Plaintiff's standing to bring this suit. In addition to this glaring lack of argument on behalf of Plaintiff, Plaintiff's new-found counsel has, post hearing, moved to amend the Complaint to change the Plaintiff's name including the joint venture. That motion is not before the Court, but lends support to the argument that Stoneburner lacks standing and that the true party in interest is the joint venture.

For the foregoing reasons, this Court holds that the Plaintiff lacks standing to bring the present suit, and hereby issues its Order that the Plaintiff's claims be dismissed with prejudice and the Plaintiff pay the costs and attorney's fees of the Defendants. Because this Court holds that the Plaintiff lacks standing, there is no need to address the other reasons for dismissal.

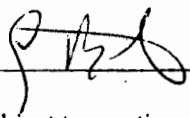
AND IT IS SO ORDERED.

  
L. Casey Manning, Judge  
5<sup>th</sup> Judicial Circuit

Columbia, SC  
 2010



Submitting Party Signature: \_\_\_\_\_



Date: May 4, 09 000028

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.



STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMONPLEAS

Craig B. Stoneburner )

Plaintiffs, )

vs. )

James Venable Revercomb III )  
James Whittington Clement )  
George Anthony MoLuf III )  
Defendants. )

SUMMONS

FILE NO. 07-CP-40-

JEANETTE W. McBRIDE  
C.C.P. & G.S.

2009 MAY -4 PM 12:54

RICHLAND COUNTY  
FILED

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the date of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Plaintiff

Plaintiff

Plaintiff

Address: 1310 Lady Street, Ste. 1000  
Keenan Building  
Columbia, SC 29201

799.9483

Date: May 4, 09

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Craig B. Stoneburner  
1310 Lady St. Suite 100  
Columbia, SC 29201  
PLAINTIFF, vs:  
James Venable Revercomb III  
James Whittington Clement  
George Anthony McLaughlin III  
DEFENDANT.

COMPLAINT  
JEANETTE W. McBRIDE  
C.C.P. & G.  
MAY - 4 PM 2:54  
RICHLAND COUNTY  
FILED  
Court

cp 2325 Wilmot Ave  
Columbia, SC 29205

The Plaintiff, complaining of the Defendant, would show that the

Defendants are Residents of Richland County, Columbia, SC.

Defendants entered into a lease Agreement to Rent  
301 S. Edisto, a House in Columbia, SC and have  
defaulted on the lease. Lease Term was from Aug 1, 08  
through July 31, 09. @ \$1395 per month + Late Charges.

After some of the Tenants moved in the Plaintiff  
was notified that they had found another place to  
live and were breaking the lease.

Because of the timing after USC had begun classes  
Plaintiff has been unable to re-rent the House.

A Home inspection was performed for the Plaintiff  
after they moved out and the Home was found  
to be in good Rental Condition.

The Plaintiff is asking for Lost Rent, Late Charges, Attorney Fees  
Filing Fees and other Damages such as Advertising

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 CRAIG B. STONEBURNER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JAMES VENABLE REVERCOMB III, )  
 JAMES WHITTINGTON CLEMENT, )  
 GEORGE ANTHONY MOLUF III )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 CASE NO.: 2009-CP-40-3264

**ANSWER AND  
 COUNTERCLAIM**

JEANETTE M. BRIDGES  
 CLERK OF COURT  
 2009 JUN -2 AM 10:36  
 RICHLAND COUNTY

The Defendants, James Venable Revercomb III, James Whittington Clement, George Anthony Moluf III, (Defendants) herein file their Answer and Counterclaim to the Plaintiff's Complaint and would respectfully show as follows:

**FOR A FIRST DEFENSE**

1. Each and every allegation of the Plaintiff's Complaint not hereinafter admitted or qualified is expressly denied.

**FOR A SECOND DEFENSE**

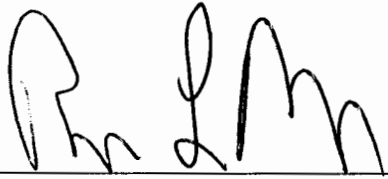
2. Upon information and belief, the Defendants would admit the allegations contained in lines 1 through 3 of Plaintiff's Complaint where line 1 begins: "Defendants are Residents of Richland..."

3. Defendants have no concurrent information to form a belief regarding the end date, rate or other terms of the agreement referenced in lines 4 and 5 of Plaintiff's Complaint. Defendants admit the existence of an agreement and a start date of August 1, 2008.

4. Defendants expressly deny default of any such agreement.

5. For any other remedies allowed at law or equity as to each cause of action; and

6. For such other relief as the court may deem just and proper.

BY: 

BRIAN L. BOGER, ESQUIRE  
Attorney for the Plaintiff  
1331 Elmwood Avenue  
Post Office Box 65  
Columbia, SC 29202  
(803) 252-2880



000033  
JM

State of SC  
County of Richland

In Re Court of Common Pleas  
Case No 2009-CP-40-3264

Craig B. Stonebowner  
Plaintiff  
vs  
Jones Vershelle Revercomb III  
Jones Whittington Clement  
George Anthony, Mof III  
Defendants

Reply to Counterclaim

FILED  
RICHLAND COUNTY  
2009 JUN -4 AM 10:28  
JEANETTE W. McBRIDE  
Clerk  
C.C. 202

In replying to Re Counterclaims,  
denies all allegations of Re Counterclaim  
Re defendants filed and received June 2, 2009.

The Plaintiff further denies the factual allegations of  
paragraphs 9-13. which are false.

The Plaintiff more specifically denies the allegations of  
Re Counterclaim: Paragraphs 14-18, Paragraphs 19, 21, 22,  
Paragraphs 23 & 27.

Plaintiff further asserts that these paragraphs fail to state true  
facts sufficient to constitute a cognizable defense.

June 2, 09

JBL

The undersigned certifies that he did on Re 3 of June 09  
deliver this reply to the Defendant by depositing a copy of  
same in US mail, postage prepaid.

JBL

Rec'd 2.0

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS  
OF THE FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND )

CRAIG B. STONEBURNER, SR. )

Case No.: 2009-CP-40-3264

Plaintiff, )

v. )

**DEFENDANT'S REQUEST  
TO ADMIT**

JAMES VENABLE REVERCOMB III )

JAMES WHITTINGTON CLEMENT )

GEORGE ANTHONY MOLUF III, )

Defendants. )

TO: PLAINTIFF CRAIG B. STONEBURNER SR.:

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, please admit or deny the following:

1. That Plaintiff owns the house at 301 S. Edisto Street, Columbia, SC.
2. That Plaintiff delivered the property demised in the lease agreement in an unfit, uninhabitable condition.
3. That Defendants in whole or through an individual Defendant contacted Plaintiff on August 1, 2008 after possession was to be delivered by Plaintiff.
4. That in the same August 1, 2008 contact, Defendants demanded the repair of the demised property.
5. That in the August 1, 2008 contact, Defendants stated the premises was in an uninhabitable condition and was unfit to be occupied.
6. On August 10, 2008, when Defendants moved in to said house, no repairs had been made.
7. On August 10, 2008 Defendants, acting in whole or in part, contacted Plaintiff to demand repair of the premises and again stated the condition was uninhabitable and unfit.

8. In the same conversation referenced in Item 8, Plaintiff refused to repair the premises and told Defendants it was their responsibility to contact the former residents and demand repair.
9. On August 10, 2008 and in the following days, Defendants made substantial repairs to the premises.
10. That after the repairs of Defendants, the premises was in an improved but still unhabitable and unfit condition.
11. That on August 15, 2008, Defendants or an agent thereof notified Plaintiff that Defendants would not occupy the house.
12. That after August 15, 2008 Plaintiff did not make repairs to the house in question.
13. That after August 15, 2008 Plaintiff failed to advertise the property or otherwise make efforts to re-rent the property.
14. That if Plaintiff did advertise the property, he did so only in a student newspaper.

LAW OFFICES OF BRIAN L. BOGER

BY: 

Brian L. Boger  
Attorney for Defendants  
1331 Elmwood Ave., Suite 210  
PO Box 65  
Columbia, South Carolina 29202  
(803) 252- 2880

Columbia, South Carolina

July 1, 2009

Gig B Stambur

v.5

Reverent, Clerk, Mahf

Culaf Case Play

Cre 2009 CP40-3264

Answers to Defetch Regal  
To Admit

found to Rule 36 Re Plntff admit or Denie Re  
following as per Haled Regent.

1. Admit
2. Deny
3. Deny
4. Deny
5. Deny
6. Admit - someone moved in prior to Aug 10 -  
Deny ? Plntff cannot understand what Repairs are  
referred to. Plntff was not requested to make  
repairs. Defetch may have made repairs  
unknown to Plntff but not Plntff
7. Deny
8. Deny (Former residents one bk to Clean Re project)  
as Defetch understood wall hyper.
9. Deny Defetch may have cleaned project. Plntff was  
not made aware of any repairs.
10. Deny
11. Deny I received a message on Aug 18 that <sup>another</sup> ~~the~~ route  
had found another horse & he had not even been  
to the project but he would work in with Den.

State of SC  
 Cnty of Pickens

Court of Common Pleas

CA 2009 CP-40-3264

Craig B. Stalham  
 Plaintiff

vs  
 J O Pennington III  
 J O Clement  
 George A. Molof III  
 Defendants

Interrogatories

+  
 Requests for production  
 + continuing

Pursuant to Rule 33 Craig Stalham hereby serves the following interrogatories & Requests for production:

1. Give names addresses & phone numbers of persons known to Reporter or counsel to be witnesses concerning the facts or who plan to testify as to the facts (please denote those who will testify) and provide a summary of what they will testify to and produce any copy of written or recorded statements taken from such witnesses. Include expert witnesses if any.
2. Set forth & provide a list of photographs and copies of and other physical documents in possession of Reporter & copies that relate to the defense of the case or anything that may be used at trial & explain how they are relevant.
3. Please provide addresses (present) of each Defendant.

4. Please provide ~~the~~ a copy of your new lease and details as to the name address & telephone number of the landlord, <sup>each</sup> ~~the~~ date of contact w/ landlord and by whom and date lease was signed.
5. Please state date, time & exact communication contact each defendant or witness had with the Plaintiff ~~through~~ before the lease was executed and anytime thereafter & provide phone records to confirm such calls.
6. ~~Do~~ Please state exact date each person entered the premises at 301 S. Edisto, how long they stayed there, who slept there, what family members visited & when & what they did while there.
7. Please state any problems the tenants had with the premises which could or could not have been corrected by the landlord, if requested by the tenant and state whether any tenant requested that these problems be corrected and if so exactly what date this communication was made to the landlord & whether it was verbal or in writing and if requested whether the landlord responded or was allowed time to respond.

8. Were the Tenants told <sup>by the landlord</sup> that because of the timing of the old Tenants moving out & the new Tenants moving in that they would have to do some cleaning even though the old Tenant had agreed to leave the premises in clean condition and did they agree to the stipulation.
9. Did the old Tenant, Kevin Dulles, come back to do some extra cleaning of the House. What did he do, what did he not do that had to be done.
10. What repairs did the Tenants do for you what date and what repairs were not done & why not. and if they could not do these repairs why did they not call & request that the landlord do these repairs?
11. Defendant claims that the landlord refused to make repairs when requested please state the exact date & time of the call and by whom & provide phone records of the call ~~and~~ and any other calls made to the landlord by any of the Tenants at any time after Aug 1, 08.

12. Exactly what Items of Repair do Re Affekt refer to which made Re property unhabitable + unsafe so as not to allow possession and why was Re <sup>not</sup> notified of such so such repairs could be made.

13. Did Re Tenant give Re Landlord 14 days notice of any such repairs as required under the local Tenant Law Sec 27-40.610 or any other section of the Law. + Why did Re not do so + if Re did please provide a copy of such notice.

14. Why do Re Defendants feel that Re Plaintiff failed to advertise Re property for Rent and did Re Defendants make any effort to call Re Plaintiff Re. adv or to help ~~in~~ advertise Re property to mitigate their damages.

15. Did Re defendant agree to abide by Re lease dated April 24, 08 in all aspects and if not which parts of Re lease did Re not agree to abide by.

6(A)

Specifically did the Tenant (Defendant) agree to abide by Paragraph 1 under use occupying & maintenance of site and if so:

1. Did they agree to take the property in 'As Is' condition with the exception of Major health safety issues that could not be timely repaired.
2. Did they agree to be responsible for any cleaning and minor repairs after move in date + did they do so.
3. Did Defendant agree to submit to landlord within 3 days after moving in a list of missing items, damages etc and did they do so.
4. Did Defendant agree to submit within 3 days a list of major repairs which could not be repaired by the Tenant and did they do so.
5. Did the Defendant agree that time is of essence for said 3 day report periods and did they follow this request.
6. If Defendant failed to do any of the above please state why they did not do so.

6 (B) What parents, Family & Friends visited the home during this period and did they make any repairs or ask that you request any such repairs and exactly what date & times were they there & what repairs did they do or suggest that you request to be done.

17 Did any parents suggest that you break the lease or interfere with the contract in any way or did they encourage you or help you find a new home and encourage to interfere with the contract w/ the landlord. If so who & when.

18 Were all the three defendants 18 years old or older at the time you entered the contract with the landlord.

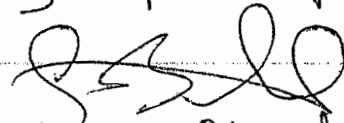
19 Were your parents a party to the lease or did you or they believe they were a party to the lease or that they had any rights to interfere with the lease contract.

20 Did any parent take photographs of the property and if so who & for what purpose & provide copies and dates of such photos.

Should Counsel have any questions re: this document please call Plutth for clarification.

More Intergate + requests are continuing and these shall be answered within 30 days of mailing.

Mailed in US Mail along w Plutth Answer to Referrals Intergate on the below ~~to~~ date of signing + receipt.



Raj Srinivasan  
1310 1/2 St, Suite 2000  
Columbia SC 29201  
803 599-9483

Date Jul 2, 09

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 )  
 CRAIG B. STONEBURNER SR., )  
 )  
 Plaintiff, )  
 v. )  
 )  
 JAMES VENABLE REVERCOMB III, )  
 JAMES WHITTINGTON CLEMENT )  
 GEORGE ANTHONY MOLUF III )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT

CA#: 2009-CP-40-3264

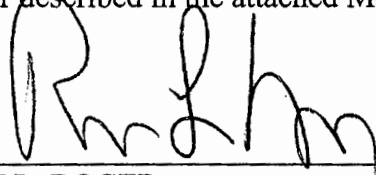
**DEFENDANTS' NOTICE AND  
 MOTION TO DISMISS**

CLERK OF COURT  
 C.C.P. & C.S.

2009 SEP 14 PM 2:48

TO: Craig B. Stoneburner Sr., Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Defendants will move, through their undersigned attorney, before the Presiding Judge in the Richland County Court of Common Pleas (10) days after service hereof, or as soon thereafter as may be heard, for the Presiding Judge to issue an Order dismissing the case of Plaintiff and granting Defendants' attorneys fees. The basis of said order is that the Plaintiff lacks standing to bring this suit, Plaintiff has engaged in an unauthorized practice of law, and Plaintiff has misrepresented information vital to the case in discovery. The specific basis of the motion is further described in the attached Memorandum in Support of Dismissal.

BY:   
 BRIAN L. BOGER,  
 Attorney for the Defendants  
 1331 Elmwood Ave., Suite 210  
 PO Box 65  
 Columbia, South Carolina 29202  
 (803) 252-2880

Columbia, South Carolina  
 September 14, 2009

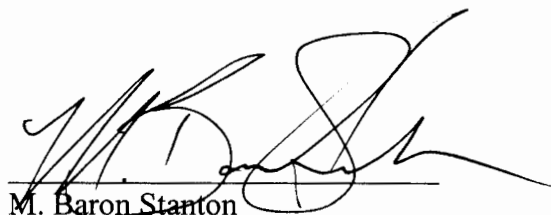
STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 Craig B. Stoneburner, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 George Anthony Molve, III, James )  
 Whittington Clement, and Venable )  
 Revercomb, III, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 09-CP-40-3264

**NOTICE OF APPEARANCE  
 ON BEHALF OF PLAINTIFF**

2010 FEB 26 AM 9:53  
 JEANETTE W. McBRIDE  
 C.C.P. & G.S.  
 RICHLAND COUNTY  
 FILED

The undersigned hereby enters an appearance as attorney for Plaintiff, and requests that his name and address be added to all service and notice lists. The preferred mailing address is P. O. Box 245, Columbia, SC 29202.



M. Baron Stanton  
 STANTON LAW OFFICES, P.A.  
 1728 Main Street  
 P. O. Box 245  
 Columbia, SC 29202

**ATTORNEY FOR PLAINTIFF**

Date: 2-24-10

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 Craig B. Stoneburner, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 George Anthony Molve, III, James )  
 Whittington Clement, and Venable )  
 Revercomb, III, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 09-CP-40-3264

**PLAINTIFF'S  
 MOTION TO AMEND TO CHANGE  
 PLAINTIFF TO NAME OF REAL PARTY  
 IN INTEREST  
 (With Certification as to Consultation)**

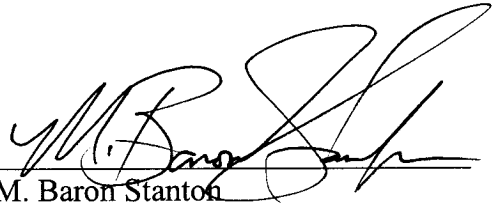
2010 MAR 29 PM 4:09  
 EMMETT W. GORDE  
 C.C.P. & C.S.

Pursuant to Rule 15 and Rule 17, SCRPC, Plaintiff hereby moves to amend the complaint to substitute for Plaintiff, the real party in interest, namely, "The unnamed joint venture between Craig B. Stoneburner and Gary McLaurin with respect to the property located at 301 S. Edisto Avenue, by and through Craig B. Stoneburner, its managing venturer."

The proposed amended complaint is attached hereto, already signed. Plaintiff and the substitute plaintiff further move that the amended pleading be deemed filed and served as of the date of the granting of this motion, and that the Defendants' current answer be deemed an answer thereto, unless any defendant wishes to serve a responsive pleading, in which case same shall be done within 15 days.

The grounds for this motion are that the unnamed joint venture between Craig B. Stoneburner and Gary McLaurin with respect to the property located at 301 S. Edisto Avenue possesses a real, material, and substantial interest in the subject matter of the action and has the right sought to be enforced under the substantive law.

The undersigned certifies that consultation with respect to this motion could not timely be held.



M. Baron Stanton  
STANTON LAW OFFICES, P.A.  
1728 Main Street  
Post Office Box 245  
Columbia, SC 29202  
803-929-1484

ATTORNEY FOR PLAINTIFF

Date: 3-29-10

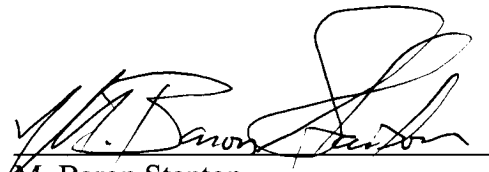
STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 The Unnamed Joint Venture of )  
 Craig B. Stoneburner and )  
 Gary McLaurin with Respect to )  
 Property Located at 301 South )  
 Edisto Avenue, by and through )  
 Craig B. Stoneburner, its managing )  
 Venturer, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 George Anthony Molve, III, James )  
 Whittington Clement, and Venable )  
 Revercomb, III, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 09-CP-40-3264

**AMENDED COMPLAINT**

FILED  
 2010 MAR 29 PM 4:09  
 JEANETTE M. BRIDGE  
 C. C. P. & G.S.

1. The original complaint dated May 4, 2009 is hereby incorporated herein by reference and repeated, with the exception of the caption, which is amended to substitute the above-named Plaintiff for the previously named plaintiff. (Plaintiff accepts the previous responsive pleadings of Defendants, without need of further response unless any defendant wishes to respond again within the time allowed for pleading in response to an amended pleading.)



M. Baron Stanton  
 STANTON LAW OFFICES, P.A.  
 1728 Main Street  
 Post Office Box 245  
 Columbia, SC 29202  
 803-929-1484

ATTORNEY FOR PLAINTIFF

Date: 3-29-10

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 Craig B. Stoneburner, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 George Anthony Molve, III, James )  
 Whittington Clement, and Venable )  
 Revercomb, III, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 09-CP-40-3264

**MOTION TO RECONSIDER**

SEARCHED  
 INDEXED  
 SERIALIZED  
 FILED  
 C.C.P. & G.S.  
 2010 AUG 11 PM 2:18  
 RICHLAND

Plaintiff Craig B. Stoneburner respectfully moves the Court to reconsider its Proposed Order dated August 3, 2010, vacate the order, and deny Defendants' underlying motions in their entirety. Plaintiff also renews its motion to amend, which was not ruled upon.

The grounds for this motion, respectfully submitted, are that in signing the Proposed Order, the Court overlooked numerous controlling principles of law, relied on unsubstantiated allegations and characterizations without factual support, failed to set forth findings of fact and conclusions of law, and, in designating the dismissal as "with prejudice," was either unclear in the intended scope of the decision, or incorrectly, unfairly, and unconstitutionally precluded the rights of other potential plaintiffs who are not parties to the action.

More specifically:

1. The Court misunderstood and misapplied the concept of "standing."
2. The Court incorrectly confused the concept of "real party in interest" under Rule 17 with the concept of standing.

3. The Court erroneously overlooked the fact and law that a party enforcing rights in real property was not required under Code Pleading and is not required under more recent rules, to hold legal title to the property in question.

4. The Court overlooked or did not understand the fact that real property of a joint venture is not required to be titled in the name of the joint venture, but may be titled in the name of one or more joint venturers.

5. The Court dismissed the suit on the grounds of lack of standing, and concluded that the remaining grounds for dismissal advanced by Defendants did not need to be reached; however, the Court erroneously granted Defendants costs and attorney fees with no basis in contract or statute.

6. To the extent that the Court intended to grant attorney's fees and costs as a sanction, the Court followed the wrong procedure, granted sanctions without a proper factual showing, granted sanctions without following Rule 37 or any other applicable rule, failed to have an evidentiary hearing on sanctions, and failed to make findings of fact and conclusions of law.

7. To the extent the Court intended to grant sanctions, the Court also erred in doing so based upon the admission of, rather than upon the refusal to admit, a matter actually requested by the opposing party in a Rule 36 request to admit.

8. To the extent the Court intended to grant sanctions based upon an objection of a pro se party to producing a copy of a lease which the party maintained was already in the possession of the opposing side, the Court did so in violation of Rule 37, in the absence of a

motion to compel, and in the absence of a hearing which would have shown that the opposing party did already have a copy of the lease, and that the opposing party was nevertheless provided an additional copy in advance of any hearing.

9. In designating the dismissal as “with prejudice,” the Court created a cloud on the rights of potential plaintiffs (who, under the court’s reasoning, would have been the ones with standing), in that the Proposed Order is unclear in whether it purports to make the dismissal prejudicial to the filing by those persons of an action in their name; to the extent the Court intends such prejudice, it is an adjudication without the parties before the Court, and unfairly and unconstitutionally prejudices their rights in a proceeding in which they did not participate.

10. The Court erred in failing to follow the requirements of Rule 17 and in failing to make any findings or conclusions in accordance with Rule 17, which requires that no dismissal of an action based upon its not being brought in the name of the real party in interest shall occur without giving the plaintiff opportunity to amend.

11. The Court erred in overlooking the pending motion to amend filed by Plaintiff about four months before the Court issued its order.

12. The Court erred in issuing an order dismissing the action without ruling on the pending motion to amend, yet noting in its Proposed Order that the motion was pending.

13. The Court erred in that the Court was aware of the motion to amend, and its merits were discussed in a proposed order submitted by Plaintiff about two and a half months before the Court ruled, and the Court issued an order having the effect of denying the motion to amend, without making findings of fact and conclusions of law or even discussing the standards under Rule 17 or Rule 15.

14. The Court erred in not finding that Craig B. Stoneburner was a proper party to bring the action in his own name, brought it properly, cooperated in discovery, and responded properly to discovery.

15. The Proposed Order recites “what appear” to be the facts, but makes no actual findings of fact, and the following things appearing to the Court to be the facts, are either not the facts, or suggest inferences which are legally, logically, or factually incorrect or irrelevant, or all three:

a. The statement in paragraph 3 at 1, that “[t]he Secretary of State filing for the LLC lists Gary McLaurin as the one and only member of the LLC.” For about 25 years, LLC filings with the Secretary of State have listed registered agents, incorporators, and in the case of “manager-run LLCs, managers. They do not, and have never listed members. Stoneburner explained that he did not form the LLC, but he may have some right in it if it is not simply the other joint venturer. The filing determines nothing in this regard.

b. The statement in paragraph 11 at 2, that “Plaintiff does not own the property, rather it is in the name of the LLC and has been at all times relevant to the present case.” The statement erroneously implies that ownership is determined by the name in which titled. This is an error of law under the Uniform Partnership Act. Property of a joint venture may be held in the name of one or more of the joint venturers.

c. The statements in paragraphs 13 and 14 at 2, that “Plaintiff’s counsel produced a copy of the joint venture agreement involving the Property,” but that “[t]he joint venture agreement had not been recorded in any manner.” These statements imply that the agreement is required to be recorded and accordingly is somehow not valid. Both implications are wrong, and,

as with the other statements, because no actual findings are made, it is impossible to determine what the Court actually based its erroneous conclusion on.

d. The statement in paragraph 17 at 2, that "Plaintiff, neither in his brief nor at the hearing addressed the lack of standing raised by Defendant's brief." This is incorrect. Plaintiff pointed out there, as here, that whether it is called "standing" or "real party in interest," Plaintiff has a very real interest affected by a very real controversy, and both has standing, and is a real party in interest. The Court itself observed in paragraph 4 at 1, "The Property was rented by Plaintiff to the Defendants." On the question of Plaintiff's interest in the property and the controversy, Plaintiff's brief, amplified by discussion at hearing, stated the following:

As can be shown from discovery or other testimony later in this action, Stoneburner owned the property in joint venture with another party. But since 1992 or 1993, Stoneburner owned two-thirds of the property, had paid all of the expenses himself, and under the arrangement between the parties, was entitled to collect all of the rental revenue, and do all matters affecting the management of the property.

\* \* \*

The defendants contend that Stoneburner has misrepresented the ownership of the property to the court, or perhaps to the defendants. However, the defendants do not point to one single representation of Stoneburner to this effect. The defendants do not produce a copy of the lease which was provided by Stoneburner to one of the three lessees in April when that particular lessee coordinated the leasing of the property to his group.

The defendants do not make any reference to any representation by Stoneburner in the complaint he filed to collect damages for breach of the lease. At most, it might be implied from the fact that Stoneburner filed the action as plaintiff, that Stoneburner claimed a right to collect the rents or an interest in the property. He has both an ownership interest in the property and the right to enforce the lease.

\* \* \*

It does appear that at some point, Stoneburner's joint venturer, in whose name the property was titled, re-titled the property in an LLC. Stoneburner had not been conscious of the change, but nevertheless remains the 2/3 joint venturer with full authority over the property.

As the Court will further see, when Stoneburner was later asked an interrogatory concerning whether the property was actually titled in a different name, he responded that it might very well be. His response was true and forthright, and made no misrepresentation whatsoever.

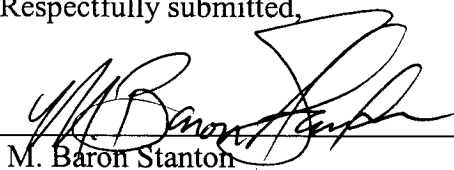
If there is technical objection (and technical, it is) as to whether Plaintiff is the one to enforce in his name instead of the joint venture of which he is the manager and majority owner, the remedy is amendment, not dismissal, and certainly not dismissal "with prejudice," and certainly not "with prejudice and with costs and attorney's fees."

e. The statement in paragraph 18 at 3, that "The Court takes note that Plaintiff cited no case or statute in its entire brief." This statement, if intended to be relevant rather than a snipe, implies that Plaintiff's being correct is insufficient unless Plaintiff cites a case on a point on which there is no decided law and on which Defendants, as moving parties, are unable to cite any. Here is what Plaintiff's brief said:

The undersigned recently entered an appearance as an attorney at law representing Stoneburner in this action, so there is an attorney now. Furthermore, the case law on whether Stoneburner was required to have an attorney is either unclear or nonexistent. The defendants cite no law concerning whether a tenant in partnership may sue without an attorney. They cite only one case, concerning "corporations." That case changed earlier inconsistent law, spoke only as to "corporations," and did so largely as a matter of fiat, without discussing specific reasoning. In any event, the issue is now moot, as Stoneburner has an attorney.

For the foregoing reasons, the Court should reconsider its August 3, 2010 Proposed Order, vacate it, and deny Defendants' motions. The Court should also grant Plaintiff's pending motion to amend. A proposed order was supplied by Plaintiff on or about May 15, 2010, citing a treatise, the Uniform Partnership Act, and various rules of procedure.

Respectfully submitted,



M. Baron Stanton  
STANTON LAW OFFICES, P.A.  
1728 Main Street  
Post Office Box 245  
Columbia, SC 29202  
803-929-1484

ATTORNEY FOR PLAINTIFF

Date: \_\_\_\_\_

8-11-10

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable L. Casey Manning, Circuit Court Judge

---

Case No. 09-CP-40-3264

---

Craig B. Stoneburner, ..... Appellant,

v.

George Anthony Molve, III, James Whittington Clement, and James Venable Revercomb, III,  
..... Respondents.

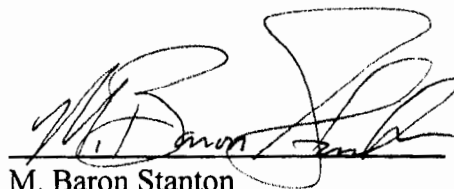
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NOTICE OF APPEAL

---

Appellant, Craig B. Stoneburner appeals the order of The Honorable L. Casey Manning,  
dated March 29, 2011. Appellant received written notice of entry of the order on or after April,  
6, 2011.

Appellant also appeals the order of The Honorable L. Casey Manning, dated August 3, 2010. Appellant received written notice of entry of the order on August 6, 2010.



M. Baron Stanton  
Attorney for Appellant  
STANTON LAW OFFICES, P.A.  
1728 Main Street  
P. O. Box 245  
Columbia, South Carolina 29202  
803-929-1484

Columbia, South Carolina

Date:

May 6, 2011

Other Counsel of Record:

Brian L. Boger, Esquire  
P. O. Box 65  
Columbia, SC 29202  
Attorney for Respondents  
(803) 254-2880

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 The Unnamed Joint Venture of )  
 Craig B. Stoneburner and )  
 Gary McLaurin with Respect to )  
 Property Located at 301 South )  
 Edisto Avenue, by and through )  
 Craig B. Stoneburner, its managing )  
 Venturer, )  
 Plaintiff, )  
 v. )  
 )  
 George Anthony Moluf, III, James )  
 Whittington Clement, and James )  
 Venable Revercomb, III, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 09-CP-40-3264

RICHLAND COUNTY  
 FILED  
 2014 DEC 30 PM 12: 26  
 JEANETTE W. MORRICE  
 C.C.P. & G.S.

**MOTION FOR LEAVE TO WITHDRAW  
 APPEARANCE AS COUNSEL, AND MOTION FOR ENLARGEMENT, ON FORMER  
 CLIENT'S BEHALF, OF ANY PENDING DEADLINES**

**(expedited consideration requested on the basis  
 appearing on the face hereof)**

The undersigned (M. Baron Stanton and STANTON LAW OFFICES, P.A.) hereby move for leave to withdraw appearance as counsel of record in this case for Plaintiff Craig B. Stoneburner.

The grounds for this motion are that the undersigned have ended their representation of the client in this matter, after determining that proper reasons for doing so exist.

Consistent with taking steps to protect the former client's interests, the undersigned request on behalf of the former client, an enlargement of twenty days following leave to withdraw, of any pending deadlines, including those set forth in any current scheduling order.

The undersigned request that upon the granting of this motion, the Clerk of Court be directed to mail a copy of the order to the undersigned and to the former client. The former

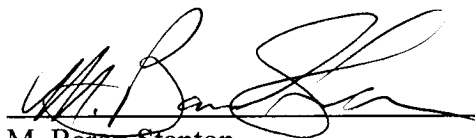
client's last know address is:

The Unnamed Joint Venture of Craig B. Stoneburner and Gary McLaurin with Respect to Property Located at 301 South Edisto Avenue, by and through Craig B. Stoneburner, its managing Venturer  
c/o Mr. Craig B. Stoneburner  
1310 Lady Street  
Suite 202, Keenan Building  
Columbia, SC 29201

This motion is supported by the affidavit of M. Baron Stanton filed herewith.

The undersigned certifies pursuant to Rule 11(a), SCRCP, that consultation with opposing counsel on the subject of this motion could not timely be held.

Respectfully requested and submitted,



M. Baron Stanton  
STANTON LAW OFFICES, P.A.  
1728 Main Street  
Post Office Box 245  
Columbia, South Carolina 29202  
803-929-1484

Formerly Attorney for The Unnamed Joint Venture of Craig B. Stoneburner and Gary McLaurin with Respect to Property Located at 301 South Edisto Avenue, by and through Craig B. Stoneburner, its managing Venturer

Date: 12-23-14

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH CIRCUIT**

Craig B. Stoneburner, )  
 )  
 Plaintiff, )  
 )  
 )  
 v. )  
 )  
 James Venable Revercomb, III, )  
 James Whittington Clement, and )  
 George Anthony Molve, III, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Case No.: 2009-CP-40-03264

**NOTICE OF APPEARANCE**

Please note the appearance of J. Clarke Newton as counsel for Plaintiff Craig B.

Stoneburner in the above-referenced action.

Respectfully submitted,

s/J. Clarke Newton  
 J. Clarke Newton, Esq. (SC Bar #77887)  
 BLUESTEIN THOMPSON SULLIVAN, LLC  
 1614 Taylor Street (29201)  
 P.O. Box 7965  
 Columbia, SC 29202  
 803.779.7599 Phone  
 803.771.8097 Fax  
 clarke@bluesteinattorneys.com

March 1, 2019  
 Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CA#: 2009-CP-40-03264
	)	
The unnamed Joint Venture of Craig B. Stoneburner and Gary McLaurin with Respect to Property Located at 301 South Edisto Avenue, by and through Craig B. Stoneburner, it's managing Venturer,	)	NOTICE OF MOTION AND MOTION TO DISMISS FOR LACK OF PROSECUTION
	)	
Plaintiff,	)	
	)	
George Anthony Moluf, III, James Whittington Clement, and James Venable Revercomb, III,	)	
	)	
Defendants.	)	
	)	

---

TO: JOHN CLARKE NEWTON., ESQUIRE, ATTORNEY FOR PLAINTIFF, CRAIG B. STONEBURNER :

Please take notice that the Defendants above named by and through their undersigned counsel, move before the Master in Equity for an Order Dismissing Plaintiff's claims for lack of prosecution. This Motion is based on Rule 41(b) of the South Carolina Rules of Civil Procedure and a Memorandum of Law in Support of this Motion to be filed with the court by Brian L. Boger, counsel for Defendants.

BOGER LAW FIRM

BY: s/ Brian L. Boger SC BAR# 00752  
 1331 Elmwood Ave. Suite 210  
 Columbia, SC 29201  
 (803)-252-2880  
 Brian@bogerlaw.com

September 3, 2019

Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2009-CP-40-03264

The unnamed Joint Venture of )  
Craig B. Stoneburner and Gary )  
McLaurin with Respect to )  
Property Located at 301 South )  
Edisto Avenue, by and through )  
Craig B. Stoneburner, it's )  
Managing Venturer, )

**PLAINTIFF'S MEMORANDUM IN  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS FOR LACK  
OF PROSECUTION**

Plaintiff, )

vs. )

George Anthony Moluf, III, James )  
Whittington Clement, and James )  
Venable Revercomb, III, )

Defendants. )

TO: BRIAN BOGER, ESQUIRE, ATTORNEY FOR DEFENDANTS MOLUF, CLEMENT  
AND REVERCOMB:

The Plaintiff respectfully asks this Court to deny the Defendants' Motion to Dismiss and to schedule a hearing on the merits of this case.

**BACKGROUND**

This matter was restored to the Master-In-Equity's docket on December 14, 2018, after having been dismissed by an Omnibus Order of Dismissal Without Prejudice on September 12, 2017. The matter was then placed on the Non-Jury Trial Roster for March 4, 2019. (Attachment A) Due to the Plaintiff's previous attorney being relieved as counsel, Plaintiff sought new representation and that attorney, J. Clarke Newton, made an appearance in this case. (Attachment B) Plaintiff's new counsel requested a continuance to attempt to resolve this matter prior to Court and sent a demand to the Defendants. (Attachment C) Plaintiff never received a response

to their demand, and this matter again was dismissed by way of an Omnibus Order of Dismissal Without Prejudice on August 23, 2019. It was restored again by the Master on August 30, 2019. Plaintiff's counsel communicated with the Master-in-Equity Court and was advised to schedule a merits hearing and coordinate with the Defendants. Plaintiff reached out to Defense counsel to schedule a merits hearing and the Defendants responded with the filing of a Motion to Dismiss for Lack of Prosecution.

### ARGUMENT

The Plaintiff agrees with the Defendants that this Court has the inherent power to dismiss claims for failure to prosecute pursuant to SCRCP Rule 41(b) or sua sponte. However, the cases the Defendants cite in favor of dismissal in this matter involve claims that were scheduled by the Circuit Court for trial and the Plaintiff failed to make themselves available. *See McComas v. Ross, 368 S.C.201, 328 S.C. 201, Small v. Mungo, 254 S.C. 438, 175 S.E. 2d 802, Thomas & Howard Co. v. Fowler, 238 S.C. 46, 119 S.E. 2d 97.* In this matter, Plaintiff has actively moved to restore this matter to the Master-In-Equity's Docket and has reached out to the Defendants to try and resolve the matter. Discovery has concluded, and all that is left is to try the case in front of this Court.

### CONCLUSION

This Court should deny the Defendants' Motion to Dismiss for Lack of Prosecution and schedule a final merit hearing within sixty (60) days of the date of this Court's denial of the Defendants' Motion.

BLUESTEIN THOMPSON SULLIVAN, LLC

s/J. Clarke Newton

J. Clarke Newton, Esq.

P.O. Box 7965

Columbia, SC 29202

803.779.7599 Telephone

803.771.8097 Facsimile

Clarke@bluesteinattorneys.com

*ATTORNEY FOR PLAINTIFF*

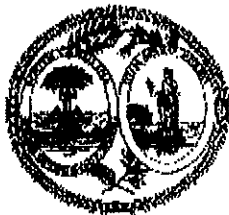
October 2, 2019  
Columbia, South Carolina

ELECTRONICALLY FILED - 2019 Oct 02 3:41 PM - RICHLAND - COMMON PLEAS - CASE#2009CP4003264

# ATTACHMENT A

**NOTICE OF CASE SCHEDULING**STATE OF  
SOUTH CAROLINA

February 04, 2019



**Case 2009CP4003264 - Craig B Stoneburner vs James Venable Revercomb III , defendant, et al has been added to the following Court Roster:**  
**Roster ID: 892 - NON-JURY TRIAL ROSTER MARCH 4, 2019**  
**ROSTER MEETING COURTROOM 2-C 9 AM**

This case has been assigned as priority 1 of 21 cases scheduled for the court period of 3/4/2019 through 3/8/2019

A Roster Meeting will be held on MONDAY March 4, 2019 at 9:00 A.M. in Courtroom 2-C for the March 4, 2019 Non-Jury Trial term. ATTENDANCE IS MANDATORY. If your case is not reached during the term of court it will carry over to the next term of court unless continued by the Chief Administrative Judge. All requests for a Continuance, Status Conferences and Proposed Scheduling Orders must be filed with the Judge along with the required filing fee no later than Wednesday February 27, 2019. If a Status Conference is necessary or would be helpful, please contact my office by email JNewmanLC@sccourts.org and Gunter.Paul@richlandcountysc.gov immediately.

**Mail Notice To:**

Craig B Stoneburner  
 1310 Lady Street Ste 1000  
 Columbia, SC 29201

**Court Info:**

Richland County Common Pleas  
 Richland County Judicial Center  
 1701 Main Street  
 Columbia, SC 29201-9201

**If you have any questions regarding the scheduling of this case, please contact the courts at:**

**(803)576-1999**

Respectfully,

*Jeanette W. McBride*  
 Jeanette W. McBride  
 Clerk of Court

# ATTACHMENT B

**Kalen Reed**

---

**From:** efiledonotreply@sccourts.org  
**Sent:** Friday, March 1, 2019 11:11 AM  
**To:** Clarke Newton  
**Cc:** Kalen Reed  
**Subject:** Accepted Notice: Your filing, Re: 2009CP4003264 - (140) Breach of Contract - Notice/Notice of Appearance, was accepted

**To:** John Clarke Newton [clarke@bluesteinattorneys.com](mailto:clarke@bluesteinattorneys.com)  
**From:** [efiledonotreply@sccourts.org](mailto:efiledonotreply@sccourts.org)  
**Date:** 2019-03-01 11:10:19.76  
**Subject:** Your electronic filing, Re: 2009CP4003264 - (140) Breach of Contract - Notice/Notice of Appearance, was accepted by CIRCUIT COURT.

Case Number: 2009CP4003264  
Case Type: (140) Breach of Contract  
Document Type: Notice/Notice of Appearance  
Reason(s): (none provided)

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

# ATTACHMENT C

**Clarke Newton**

---

**From:** Clarke Newton  
**Sent:** Friday, July 19, 2019 3:20 PM  
**To:** brian@bogerlaw.com  
**Subject:** Stoneburner v. Revercomb  
**Attachments:** Defendants' Responses to RTAs.pdf; Affidavit of Kevin Dukes.pdf; Home Inspection Report from Wes Home Inspection.pdf; Newspaper Advertising Receipts.pdf; Demand Letter to Boger.pdf

Brian,  
Please see attached correspondence- a demand and accompany documents in support.

Please contact me after you've had a chance to discuss with your clients.

Sincerely,



ATTORNEY J. CLARKE NEWTON  
1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202  
TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097  
BLUESTEINATTORNEYS.COM VCARD BIO

**CONFIDENTIALITY NOTICE:** Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein may be an attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

|                                  |   |                                      |
|----------------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA          | ) | IN THE COURT OF COMMON PLEAS         |
| COUNTY OF RICHLAND               | ) | CASE NO.: 2009-CP-40-03264           |
|                                  | ) |                                      |
| Craig B. Stoneburner,            | ) |                                      |
|                                  | ) |                                      |
| Plaintiff,                       | ) | <b>PLAINTIFF'S MOTION AND</b>        |
|                                  | ) | <b>MEMORANDUM IN SUPPORT</b>         |
|                                  | ) | <b>TO ALTER OR AMEND</b>             |
| vs.                              | ) | <b>JUDGMENT/MOTION TO RECONSIDER</b> |
|                                  | ) | <b>GRANT OF DISMISSAL TO</b>         |
| James Venable Revercomb, III, et | ) | <b>DEFENDANTS AND/OR RESTORE TO</b>  |
| al                               | ) | <b>COMMON PLEAS DOCKET</b>           |
|                                  | ) |                                      |
| Defendant.                       | ) |                                      |
|                                  | ) |                                      |

**TO: THE HONORABLE JOSEPH M. STRICKLAND AND BRIAN L. BOGER,  
ATTORNEY FOR THE DEFENDANTS:**

NOW COMES the Plaintiff, pursuant to Rule 59(e), SCRPC and moves to Alter or Amend this Court's Order Granting Dismissal of all claims against the Defendants, dated March 19, 2020, and first received via counsel for the Plaintiff via the South Carolina E-File system on the same date (hereinafter "the Order"). Plaintiff requests a hearing be scheduled once the Court resumes its operation as the result of the Covid-19 pandemic.

Plaintiff seeks for the Court to reconsider its ruling, and to DENY the Defendants' Motion to Dismiss based on the equitable doctrine of laches. Court heard oral arguments on this case on March 5, 2020, where the Court ruled *sua sponte* that this case shall be dismissed based on the doctrine of laches. (see attached Exhibit A- Ct. Transcript 47:18-48:1) Plaintiff argues that the equitable doctrine of laches is an affirmative defense that must be pleaded. *See Mack v. Edens*, 306 S.C. 433, 412 S.E. 2d 431 (Ct. of Appeals 1991). In this case, not only was it not pleaded, it was not the basis for the motion to dismiss filed by the Defendants. In the alternative, the Plaintiff requests this matter be transferred to the Fifth Circuit Court of Commons Pleas. A detailed memorandum in support of this motion follows.

## PROCEDURAL HISTORY

The procedural history of this case is quite lengthy. On April 24, 2008, the Defendants- George Moluf, James Clement, and James Revercomb- entered into a rental agreement with the Plaintiff Craig Stoneburner for a one (1) year lease of the Plaintiff's 301 South Edisto Avenue property in Columbia, S.C. Subsequently, the Defendants broke the terms of the lease and the Plaintiff filed a *pro se* summons and complaint alleging damages as the result of the breach of the contract on May 4, 2009. An answer was filed on behalf of the Defendants on June 2, 2009. On September 14, 2009, the Defendants filed a motion to dismiss, arguing that the Plaintiff did not have standing<sup>1</sup>. Plaintiff hired representation, Barry Stanton, Esq., who filed a notice of appearance on February 24, 2010. After a lengthy battle including the filing of an appeal to the S.C. Court of Appeals, parties agreed to amend the complaint and proceed in litigation. The remittitur from the Court of Appeals was filed in November of 2011. In February of 2012, the matter appeared on the non-jury roster of the fifth judicial circuit court of Common Pleas. Parties agreed to refer the matter to the Master-In-Equity and order of reference was signed by Judge James Barber on September 17, 2012. Per the Master-in-Equity's instruction<sup>2</sup>, it is the responsibility of the parties to schedule their own hearings, and there is no time restraints or rules governing the length a time a case can staying pending in the Master-in-Equity's court.

On December 30, 2014, Plaintiff's counsel moved in the Court of Common Pleas to be withdrawn as counsel in this matter and to enlarge the time of any deadlines. To this day, this motion has not been heard by either the Court of Common Pleas or the Master-in-Equity's court.

---

<sup>1</sup> The Plaintiff believed he held the subject property outright which would allow him to proceed *pro se*. Litigation revealed a business partner held some interest in the subject property in the form of an LLC.

<sup>2</sup> Judge Strickland during the March 5<sup>th</sup>, 2020 oral arguments : "What the practice is is people call us and say, we'd like to schedule something for a hearing, in this case it'd be a hearing on the merits, and we give them a date certain." Ct. transcript 25:17-20

In January of 2015, the Plaintiff reached out to the Master-in-Equity to inquire as to the status of the matter. He was informed by the Master-in-Equity's support staff that "landlord-tenant" matters were not heard by the Master. In response, the Plaintiff sent correspondence to the Master requesting the matter be transferred back to the Court of Common Pleas. (Exhibit B) The Plaintiff received no objections to this request and assumed it was transferred.

On September 17, 2017, the Master-in-Equity dismissed the matter under an omnibus order dismissing numerous cases due to the Court's transition to an electronic case management system. The order was an attempt to "close" older cases that were showing as pending. The Plaintiff was not informed of this order until December of 2018, when he inquired in person at the Richland County Clerk of Court's office as to why the matter had not been called in the Court of Common Pleas<sup>3</sup>. He immediately notified the Master-in-Equity court that the matter was not resolved. The Master-in-Equity restored the case on December 19, 2018.

On February 4, 2019, this matter appeared on the non-jury roster of the circuit court's Court of Common Pleas. Plaintiff hired new counsel, J. Clarke Newton, Esq., to represent him in the matter. Mr. Newton filed a notice of appearance on March 1, 2019. On this same day, Mr. Newton emailed the scheduling clerk for the Court of Common Pleas, Paul Gunter, inquiring as to the status of the roster meeting. Mr. Gunter informed him at that time that the matter shouldn't have been transferred to the court of Common Pleas, and said the matter was pending in the Master-in-Equity court. (Exhibit C)

Once new counsel was brought up to speed on the matter, a demand was sent in attempt to resolve the matter. (Exhibit D) On August 29, 2019, the matter was again dismissed under an

---

<sup>3</sup> Plaintiff was *pro se* at this time but understood that unlike the Master's court, the Court of Common Pleas docket was scheduled by the court.

omnibus dismissal order of multiple cases. Plaintiff's counsel reached out to the Court and requested it be restored, which it did on August 30, 2019. Plaintiff's counsel communicated with defense counsel to schedule a hearing on the merits. Defendants responded with a Motion to Dismiss, claiming a lack of prosecution. (Exhibit E) Although it was the Defendants' motion, Plaintiff's counsel coordinated with the Court to schedule the motion hearing, which was held on March 5, 2020. (Exhibit F) During the hearing, the Court raised the doctrine of laches, which the Defendant had never raised in any prior pleadings including the Motion to Dismiss that was before the Court. Based on this doctrine, the Court dismissed the Plaintiff's case.

#### **DEFENDANTS FAILED TO PLEAD THE DOCTRINE OF LACHES**

The case law is clear that the doctrine of laches is an affirmative defense that must be pled pursuant to S.C. Rule of Civil Procedure 8(c). (See *Emery v. Smith*, 361 S.C. 207, 603 S.E.2d 598 (S.C. App. 2004), *Mack v. Edens*, 306 S.C. 433, 412 S.E. 2d 431 ( Ct. of Appeals 1991), *Collins Entertainment, Inc. v. White*, 363 S.C. 546, 611 S.E.2d 262 (S.C. App. 2005)

Defendants have never raised the doctrine of laches. They failed to plead it in their answer, and they have failed to plead it in any subsequent filing, including in their Motion to Dismiss. Pursuant to SCRPC Rule 8(c), failure to plead an affirmative defense is a waiver of this defense.

#### **DEFENDANTS MAY NOT RECEIVE RELIEF NOT CONTEMPLATED IN THEIR PLEADINGS**

The Court *sua sponte* dismissed the Plaintiff's case under the doctrine of laches. In its oral ruling on March 5<sup>th</sup>, it was the sole reason this case was dismissed. (See Exhibit A) However, since the Defendants never raised the doctrine of laches in their pleadings, the Master-

in-Equity erred in providing relief to the Defendants under this doctrine. As stated in *Heins v. Heins*, 346 S.C. 146, 543 S.E.2d 224 (Ct. App. 2001):

It is well settled that ordinarily a party may not receive relief not contemplated in his pleadings. While it is true that pleadings in the family court must be liberally construed, this rule cannot be stretched so as to permit the judge to award relief not contemplated by the pleadings. Due process requires that a litigant be placed on notice of the issues which the court is to consider.

*Id* at 227 (quoting *Loftis v. Loftis*, 286 S.C. 12, 331 S.E.2d 372 (Ct. App. 1985))

As such, the Defendants waived laches as an affirmative defense and should be barred from enjoying the relief that this doctrine allows.

### **ORDER IS INCONSISTENT WITH ORAL RULING**

During oral arguments of this Motion, the Court shifted the Defendants' dismissal argument from lack of prosecution to whether the case should be dismissed under the doctrine of laches. (Exhibit G Ct. testimony 28:3-21) The rest of the hearing was spent arguing whether this theory of laches should apply. After hearing oral argument regarding laches, the Court ruled that this case should be dismissed because of this doctrine and asked Defense counsel to prepare a proposed order. (Exhibit A) The order prepared by Defense Counsel included that the dismissal was due to lack of prosecution AND laches, but included only this verbiage regarding why: Plaintiff neglected to pursue the action for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done

(Exhibit H)

This verbiage is the definition of laches, found in numerous cases including *Muir v. C.R Bard, Inc.* 336 S.C. 266, 519 S.E.2d 583 (Ct. App. 1999) This proposed order was signed unchanged by the Master-in-Equity. (Exhibit I)

Although judges are not bound by their prior oral rulings (*see First Union Nat. Bank of South Carolina v. Hitman, Inc.* 308 S.C. 321, 418 S.E. 2d 5450), it is clear from the testimony that the only issue the Judge ruled on was the *sua sponte* theory of laches. The order, other than the throw away phrase “lack of prosecution”, makes no mention of the Defendants’ actual issue raised in their Motion to Dismiss, which is the case should be dismissed under SCRCP 41(b).

Rule 41(b) allows for dismissals for “failure of the plaintiff to prosecute or to comply with these rules or any order of the court.” Rule 41(b), SCRCP. As argued in the March 5<sup>th</sup> hearing, after the Defendants’ motions in 2010 to have the case dismissed under lack of standing, there were attempts by the Plaintiff to address the merits of this case, including the request to transfer the matter to the Court of Common Pleas in 2015 when he was told by the Master’s court they would not hear his matter. The Defendants cannot point to a single order, rule, or court edict that the Plaintiff failed to follow in this case.

Further, and most importantly, the Defendants have failed to argue any prejudice they’ve suffered as the result of the length of this case. To prevail on either laches or lack of prosecution, prejudice must be shown by the moving party. (*See Brown v. Butler*, 347 S.C. 259, 554 S.E.2d 431 (Ct. App. 2001) and *McComas v. Ross*, 368 S.C. 59, 626 S.E. 2d 902 (Ct. App. 2006)) Undue length of time is not enough; Defendants must show that this length of time has caused a prejudice<sup>4</sup>. Defendants could have argued, in either their written Motion to Dismiss or at the oral arguments on March 5, 2020, yet failed to do so.<sup>5</sup>

---

<sup>4</sup> Evidence was exchanged near the onset of litigation and the Plaintiff has preserved what they produced to the Defendants and what was received from the Defendants.

<sup>5</sup> Pgs. 13-14 of the transcript detail Defense counsel’s attempts to stay in contact with his clients through the years. This is the closest the Defendants’ detail any struggles with the case remaining inactive.

**IN THE ALTERNATIVE, THE CASE SHOULD TRANSFERRED TO THE  
COURT OF COMMON PLEAS**

In January 2015, the Plaintiff inquired of the status of his case with the Master. After being informed that the Master “no longer hears landlord-tenant matters”, he sent correspondence requesting the matter be transferred back to the Court of Common Pleas. (Exhibit B) Following the Master’s omnibus dismissal of this case in September of 2017, the matter was restored and appeared on the non-jury roster of the Court of Common Pleas.

The Plaintiff would request this Court inquire into whether at the time of the Motion to Dismiss hearing, this case’s jurisdiction belonged in the Court of Common Pleas. If so, the Plaintiff would ask that the Court coordinate with the Court of Common Pleas to have it restored to their docket.

**CONCLUSION**

As such, the Plaintiff urges the court to reconsider its ruling to dismiss the Plaintiff’s case and DENY the Defendant’s Motion to Dismiss. In the alternative, the Plaintiff requests that the Master-in-Equity inquire as to whether the Court of Common Pleas holds jurisdiction in this matter, and transfer to their court if so.

BLUESTEIN THOMPSON SULLIVAN, LLC

s/ J. Clarke Newton  
J. Clarke Newton, Esq.  
P.O. Box 7965  
Columbia, SC 29202  
803.779.7599 Telephone  
803.771.8097 Facsimile  
clarke@bluesteinattorneys.com  
*ATTORNEY FOR PLAINTIFF*

March 30, 2020  
Columbia, South Carolina

# EXHIBIT A

**STONEBURNER, ET AL. v. MOLUF, ET AL.**

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1 **MR. STONEBURNER:** As soon as we got through the  
2 situation with Barry Stanton getting it cleared  
3 up so we could go forward I stayed right on top  
4 of it every day.

5 **THE COURT:** Uh-huh.

6 **MR. STONEBURNER:** And you'll see the letter that I  
7 wrote. And there were numerous situations,  
8 questions of whether circuit court was kicking  
9 it back to you or not. And that's what we've  
10 been dealing with for all those years.

11 **THE COURT:** Uh-huh. What I'm looking for is the  
12 exact date it was referred to the Master in  
13 Equity.

14 **MR. NEWTON:** Your Honor, the consent order of  
15 reference from Judge Barber according to the  
16 docket sheet is September 17th of 2012.

17 **DECISION:**

18 **THE COURT:** All right, all right. Well again, based  
19 on the arguments made today, and I know both  
20 sides have positions that have merit. However  
21 based on the doctrine of laches I would grant  
22 the Defendant's motion to dismiss this case.  
23 And I would do it on grounds not argued except  
24 I did ask for argument on it. And I think the  
25 doctrine of laches would apply. If Mr. Boger



**STONEBURNER, ET AL. v. MOLUF, ET AL.**

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1 would e-file a proposed order.

2 **MR. BOGER:** I will.

3 **THE COURT:** And I'll sign it and get it out, and if  
4 y'all want to make further motions or whatever  
5 I'll certainly entertain.

6 **MR. BOGER:** Thank you, Your Honor.

7 **MR. NEWTON:** Thank you, Judge.

8 **THE COURT:** Thank you.

9 (There being nothing further, the hearing concluded  
10 at 3:21 p.m.)  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



# EXHIBIT B

**CRAIG B. STONEBURNER**  
 REAL ESTATE INVESTMENTS  
 1310 LADY STREET, SUITE 202  
 COLUMBIA, SOUTH CAROLINA 29201  
 (803) 799-9483 / FAX (803) 799-6483

Craig Stoneburner et al  
 VS  
 Rivercomb et al

Case No.:

09-CP-40-3264

Transfer of Case

Gentlemen:

Please remand this case to Circuit Court.  
 Said case was referred to the Master in  
 Equity approx Sept 17, 2012 but it was recently  
 found that the Master no longer has  
 jurisdiction over said case so it shall be  
 moved to the Circuit Court and the Master's  
 office has agreed to transfer it.

Craig B. Stoneburner

Jan 9, 15

# EXHIBIT C

**Clarke Newton**

**From:** PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>  
**Sent:** Friday, March 1, 2019 2:29 PM  
**To:** Clarke Newton  
**Subject:** RE: 2009CP4003264 - Stoneburner v. Revercomb

That is correct.

Paul J. Gunter  
 Common Pleas Court Scheduler  
 Richland County Clerk of Court  
 1701 Main Street  
 Columbia, SC 29201  
[Gunter.paul@richlandcountysc.gov](mailto:Gunter.paul@richlandcountysc.gov)

P 803-576-1932 F 803-576-1785



2020 Hampton St.  
 Suite 3030  
 Columbia, SC 29202  
[Richlandcountysc.gov](http://Richlandcountysc.gov)

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*If you have received this communication in error or are not sure whether it is privileged, please immediately notify me by return email and destroy any copies, electronic, paper or otherwise, which you may have of this communication.*

**From:** Clarke Newton [mailto:clarke@bluesteinattorneys.com]  
**Sent:** Friday, March 1, 2019 1:13 PM  
**To:** PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>  
**Subject:** RE: 2009CP4003264 - Stoneburner v. Revercomb

Just so I am clear- roster meeting is off for Monday for this case?



ATTORNEY J. CLARKE NEWTON  
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 TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097  
[BLUESTEINATTORNEYS.COM](http://BLUESTEINATTORNEYS.COM) VCARD BIO

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**From:** PAUL GUNTER <[GUNTER.PAUL@richlandcountysc.gov](mailto:GUNTER.PAUL@richlandcountysc.gov)>  
**Sent:** Friday, March 1, 2019 9:45 AM  
**To:** Clarke Newton <[clarke@bluesteinattorneys.com](mailto:clarke@bluesteinattorneys.com)>  
**Cc:** [brian@bogerlaw.com](mailto:brian@bogerlaw.com)  
**Subject:** RE: 2009CP4003264 - Stoneburner v. Revercomb

This case was referred to the Master's office a while back, was inadvertently closed out and then reopen without being referred back. The case has now been properly referred back to the MIE.

Paul J. Gunter  
 Common Pleas Court Scheduler  
 Richland County Clerk of Court  
 1701 Main Street  
 Columbia, SC 29201  
[Gunter.paul@richlandcountysc.gov](mailto:Gunter.paul@richlandcountysc.gov)

P 803-576-1932 F 803-576-1785



2020 Hampton St.  
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 Columbia, SC 29202  
[Richlandcountysc.gov](http://Richlandcountysc.gov)

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*If you have received this communication in error or are not sure whether it is privileged, please immediately notify me by return email and destroy any copies, electronic, paper or otherwise, which you may have of this communication.*

**From:** Clarke Newton [<mailto:clarke@bluesteinattorneys.com>]  
**Sent:** Friday, March 1, 2019 9:38 AM  
**To:** PAUL GUNTER <[GUNTER.PAUL@richlandcountysc.gov](mailto:GUNTER.PAUL@richlandcountysc.gov)>  
**Cc:** [brian@bogerlaw.com](mailto:brian@bogerlaw.com)  
**Subject:** 2009CP4003264 - Stoneburner v. Revercomb

Paul,  
 The plaintiff has recently hired me as counsel for this matter. He sent me notice that a non jury roster meeting is scheduled for Monday March 4, 2019 at 9am. However when I check on the online roster, I do not see it. Is this scheduled for Monday?

Sincerely,



ATTORNEY J. CLARKE NEWTON

1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202

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# EXHIBIT D

**From:** [Clarke Newton](#)  
**To:** [brian@bogelaw.com](mailto:brian@bogelaw.com)  
**Subject:** Stoneburner v. Revercomb  
**Date:** Friday, July 19, 2019 3:20:00 PM  
**Attachments:** [Defendants' Responses to RTAs.pdf](#)  
[Affidavit of Kevin Dukes.pdf](#)  
[Home Inspection Report from Wes Home Inspection.pdf](#)  
[Newspaper Advertising Receipts.pdf](#)  
[Demand Letter to Boger.pdf](#)

---

Brian,

Please see attached correspondence- a demand and accompany documents in support.

Please contact me after you've had a chance to discuss with your clients.

Sincerely,



ATTORNEY J. CLARKE NEWTON  
1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202  
TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097

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# EXHIBIT E

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 The unnamed Joint Venture of Craig. B. )  
 Stoneburner and Gary McLaurin with )  
 Respect to Property Located at 301 South )  
 Edisto Avenue, by and through Craig B. )  
 Stoneburner, it's managing Venturer, )  
 )  
 Plaintiff, )  
 )  
 )  
 George Anthony Moluf, III, James )  
 Whittington Clement, and James Venable )  
 Revercomb, III, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 CA#: 2009-CP-40-03264

NOTICE OF MOTION AND MOTION  
 TO DISMISS FOR LACK OF PROSECUTION

TO: JOHN CLARKE NEWTON., ESQUIRE, ATTORNEY FOR PLAINTIFF, CRAIG  
 B. STONEBURNER :

Please take notice that the Defendants above named by and through their undersigned  
 counsel, move before the Master in Equity for an Order Dismissing Plaintiff's claims for lack of  
 prosecution. This Motion is based on Rule 41(b) of the South Carolina Rules of Civil Procedure  
 and a Memorandum of Law in Support of this Motion to be filed with the court by Brian L.  
 Boger, counsel for Defendants.

BOGER LAW FIRM

BY: s/ Brian L. Boger SC BAR# 00752  
 1331 Elmwood Ave. Suite 210  
 Columbia, SC 29201  
 (803)-252-2880  
 Brian@bogerlaw.com

September 3, 2019

Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 The unnamed Joint Venture of Craig B. )  
 Stoneburner and Gary McLaurin with )  
 Respect to Property Located at 301 South )  
 Edisto Avenue, by and through Craig B. )  
 Stoneburner, it's managing Venturer, )  
 )  
 Plaintiff, )  
 )  
 George Anthony Moluf, III, James )  
 Whittington Clement, and James Venable )  
 Revercomb, III, )  
 )  
 Defendants. )  
 )

IN THE COURT OF COMMON PLEAS

CA#: 2009-CP-40-03264

DEFENDANTS MEMORANDUM IN  
SUPPORT OF MOTION TO DISMISS  
FOR LACK OF PROSECUTION

TO: JOHN CLARKE NEWTON., ESQUIRE, ATTORNEY FOR PLAINTIFF, CRAIG

B. STONEBURNER : Defendant, by and through their undersigned counsel, submit this  
Memorandum in Support of their Motion to Dismiss for Lack of Prosecution.

**INTRODUCTION**

This Court should exercise its sound discretion to dismiss this action pursuant to Rule 41(b), SCRCP. Equity requires that Defendants should no longer be burdened with this meritless action after seven (7) years of inactivity. Accordingly, this Court should grant Defendants' motion and dismiss this action with prejudice.

**BACKGROUND**

This case is over ten (10) years old. Plaintiff filed a Pro Se Complaint against Defendants on May 4, 2009. Upon service of the Summons and Complaint, Defendants took immediate action and retained local counsel. Defendants filed their Answer and Counterclaim June 2, 2012. Plaintiff answered Defendant's Counterclaims on June 4, 2009. On February 26, 2010, Attorney

M. Baron Stanton filed a Notice of Appearance on behalf of the Plaintiff. Since the filing of the initial pleadings by Plaintiff and Defendants, no substantive case activity has occurred in this action. On September 17, 2012, by Consent Order of Reference, the matter was moved from Common Pleas Court to The Master-In-Equity. After the matter was moved to The Master-In-Equity, the Plaintiff took no action to pursue its alleged claims against Defendants. On December 30, 2014, Plaintiff's Counsel, M. Barron Stanton filed a Motion For Leave To Withdraw Appearance As Counsel and Motion for Enlargement of any Pleadings Deadlines. There was never a Hearing scheduled for the aforementioned Motion of the Plaintiff's Counsel. The Plaintiff took no further action whatsoever. Finally, on September 12, 2017 the matter was dismissed by way of an Omnibus Order of Dismissal Without Prejudice. The Plaintiff took no action to restore its claims. Fifteen (15) months later, on December 14, 2018, the Master-In-Equity Ordered that the case be Restored to the docket for a Final Hearing. It was not until sometime in March of 2019 that the Plaintiff hired new counsel to represent it's interests in the matter. Although new counsel for the Plaintiff has not filed a Notice of Appearance, he has been in email communications with the Defendants Attorney. The matter was again, dismissed by way of an Omnibus Order of Dismissal Without Prejudice on August 23, 2019. On August 30, 2019, the Master-In-Equity filed another Order To Restore

#### LEGAL STANDARD

An action may be dismissed for failure to prosecute either pursuant to Rule 41(b), or sua sponte by the trial court as part of its inherent power to manage its own affairs. Rule 41(b), SCRCP; Crestwood Golf Club, Inc. v. Potter, 328 S.C. 201, 211-12, 493 S.E.2d 826, 832 (1997) (citing Small v. Mungo, 254 S.C. 438, 442, 172 S.E.2d 802, 803 (1970) (“[I]t is within the inherent power of the court to dismiss an action for failure to prosecute.”)); 24 Am. Jur.2d

Dismissal, Discontinuance and Nonsuit 48 (1983) (“Such power is deemed to be necessarily vested in trial courts to manage their own affairs so as to achieve orderly and expeditious disposition of cases.”). Rule 41(b), SCRCP, governs dismissals for failure to prosecute and states that a party may move for dismissal of an action “[f]or failure of the plaintiff to prosecute or to comply with these rules or any order of court.” Rule 41(b), SCRCP. This also applies to counterclaims, cross-claims and third party claims. Crestwood Golf Club, 328 S.C. at 211, 493 S.E.2d at 832. Generally, dismissal for failure to prosecute is appropriate where there is a clear record of delay and some showing of indifference to the rights of the defendant. McComas v. Ross, 368 S.C. 59, 62–63, 626 S.E.2d 902, 904 (Ct. App. 2006). In this case, the Plaintiff has utterly failed to prosecute this action. Dismissals for failure to prosecute under Rule 41(b), SCRCP, are within the discretion of the trial court judge and will not be disturbed on appeal absent a clear showing of an abuse of discretion. McComas, 368 S.C. at 62, 626 S.E.2d at 904 (citing Small v. Mungo, 254 S.C. at 442, 175 S.E.2d at 804). “An abuse of discretion occurs when the conclusions of the trial court are either controlled by an error of law or are based on unsupported factual conclusions. Kiriakides v. Sch. Dist. of Greenville Cnty., 382 S.C. 8, 20, 675 S.E.2d 439, 445 (2009) (quoting Layman v. State, 376 S.C. 434, 444, 658 S.E.2d 320, 325 (2008)).

Further, in Don Shevey & Spires, Inc. v. American Motors Realty Corp., 279 S.C. 58 (1983), 301 S.E.2d 757, the Court held that the plaintiff has the burden of prosecuting his action, and the trial court may properly dismiss an action for plaintiffs unreasonable neglect in proceeding with his cause. Thomas & Howard Company v. Fowler, et al., 238 S.C. 46, 119 S.E.2d 97 (1961); Small v. Mungo, 254 S.C. 438, 175 S.E.2d 802 (1970). Even though in this action Defendants asserted crossclaims against Plaintiff, “it would be anomalous to require a

defendant to force or encourage a Plaintiff to proceed with his suit.” *Id* at 759. As the Court stated in Thomas & Howard Company v. Fowler, 238 S.C. at 52, 119 S.E.2d 97: “The defendants, no less than the plaintiff, had the *right* ... to press for trial; but the *duty* to do so was the plaintiffs, not theirs. While a defendant *may* bring about an expeditious trial of a case, he has no legal obligation to do so; *except to meet such actions as are taken by the plaintiff, he may remain passive.*” (Emphasis added). In the present action, Plaintiff has not met this duty to proceed with this action and has failed to meet this duty for over seven (7) years now. Additionally, [t]here is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties,” and after seven (7) years of inactivity, Plaintiff is well-beyond that limit. Georganne Apparel, Inc. v. Todd, 303 S.C. 87, 92, 399 S.E.2d 16, 19 (Ct. App. 1990). As a result, this Court should dismiss this action with prejudice for lack of prosecution.

### CONCLUSION

In sum, this Court should exercise its sound discretion to dismiss this action with prejudice pursuant to Rule 41(b), SCRPC.

BOGER LAW FIRM

s/Brian L. Boger SC BAR# 00752  
1331 Elmwood Ave; Suite 210  
Columbia, SC 29201  
(803)-252-2880  
brian@bogerlaw.com

September 4, 2019

Columbia, South Carolina

# EXHIBIT F

**Clarke Newton**

**From:** Clarke Newton  
**Sent:** Friday, January 24, 2020 8:36 AM  
**To:** Brian Boger  
**Subject:** RE: Stoneburner v. Revercomb

Brian,  
 I will send Judge Strickland an email, ccing you, asking to schedule a hearing for this case.



**ATTORNEY J. CLARKE NEWTON**  
 1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202  
 TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097  
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**From:** Brian Boger <Brian@bogerlaw.com>  
**Sent:** Thursday, January 23, 2020 3:36 PM  
**To:** Clarke Newton <clarke@bluesteinattorneys.com>  
**Subject:** RE: Stoneburner v. Revercomb

[EXTERNAL EMAIL]

This case is ten years old. You can ask the judge for a hearing for me. I don't even know where my clients are. If my motion is not granted, I will have to go find them or file an appeal. Please tell the court that you and I have agreed for you to get a hearing set.

Brian

Brian Boger | Managing Attorney  
 The Boger Law Firm  
 1331 Elmwood Avenue, Suite 210 (29202)  
 Post Office Box 65, Columbia, SC 29201  
 Office: (803) 252-2880 | Fax: (803) 254-5025  
 ✉ [brian@bogerlaw.com](mailto:brian@bogerlaw.com)

**From:** Clarke Newton <clarke@bluesteinattorneys.com>  
**Sent:** Thursday, January 23, 2020 10:24 AM  
**To:** Brian Boger <Brian@bogerlaw.com>  
**Subject:** Re: Stoneburner v. Revercomb

Brian,  
Following up on this. Let me know if you plan to ask the Judge.



**ATTORNEY J. CLARKE NEWTON**

1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202

TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097

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On Jan 2, 2020, at 4:05 PM, Clarke Newton <[clarke@bluesteinattorneys.com](mailto:clarke@bluesteinattorneys.com)> wrote:

Are you planning to ask the Judge for a date to hear your motion?

<image001.jpg>

**ATTORNEY J. CLARKE NEWTON**

1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202

TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097

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**Clarke Newton**

---

**From:** Clarke Newton  
**Sent:** Tuesday, February 4, 2020 9:12 AM  
**To:** ellison.deloris@richlandcountysc.gov; Brian Boger  
**Cc:** Sebrina Sheffield  
**Subject:** 2009CP4003264 - Stoneburner v. Revercomb - Hearing availability

Deloris,  
Please advise me and opposing counsel of available dates to hear the Defendant's motion to dismiss.

Thanks,



ATTORNEY J. CLARKE NEWTON  
1614 TAYLOR STREET | PO BOX 7965 | COLUMBIA, SC 29202  
TOLL FREE 877 524.4675 P+ 803 779.7599 F+ 803 771.8097

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# EXHIBIT G

**STONEBURNER, ET AL. v. MOLUF, ET AL.**

28

1           been damage by this breach that we would be  
2           able to continue to go forward.

3       **THE COURT:**    Let me ask you, and I'm gonna say  
4           something I tell lawyers -- young lawyers never  
5           to say in my court because when you say, Your  
6           Honor this is a court of equity, you're kind of  
7           talking down to the Master in Equity. And many  
8           times when they say that it's because they  
9           don't have a leg to stand on. Neither one of  
10          the lawyers in this case are in that position.  
11          But there is an equitable document called  
12          laches where -- and some professions pronounce  
13          it laches. I don't -- L-A-C-H-E-S. And laches  
14          comes into play when there's a laps of time  
15          that ends up prejudicing the party you're  
16          trying to collect on, I guess, is one way to  
17          put it. Now if y'all would address that with  
18          me. In this case even if it shouldn't be  
19          dismissed for lack of prosecution should it not  
20          be dismissed because under the doctrine of  
21          laches? Because there has been a long period  
22          of time since these boys moved out. And after  
23          they signed the lease which I think is very  
24          important, they moved out and here it is 2020  
25          and the lease was signed back in May -- I'm



# EXHIBIT H

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 The unnamed Joint Venture of Craig. B. )  
 Stoneburner and Gary McLaurin with )  
 Respect to Property Located at 301 South )  
 Edisto Avenue, by and through Craig B. )  
 Stoneburner, it's managing Venturer, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 George Anthony Moluf, III, James )  
 Whittington Clement, and James Venable )  
 Revercomb, III, )  
 )  
 Defendants. )  
 )

---

IN THE COURT OF COMMON PLEAS  
 CA#: 2009-CP-40-03264

PROPOSED ORDER

THIS MATTER comes before me pursuant to Defendant's Motion to Dismiss. A hearing on the motion was held Thursday, March 5, 2020.

IT APPEARS to the court the case has a long history, with the Summons and Complaint being filed in 2009. The file is eleven (11) years old.

IT IS HEREBY ORDERED the case should be dismissed with prejudice for lack of prosecution and laches. Plaintiff neglected to pursue the action for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done.

---

Joseph M. Strickland  
 Master-In-Equity for Richland County

Columbia, South Carolina  
 March \_\_, 2020

# EXHIBIT I

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 The unnamed Joint Venture of Craig. B. )  
 Stoneburner and Gary McLaurin with )  
 Respect to Property Located at 301 South )  
 Edisto Avenue, by and through Craig B. )  
 Stoneburner, it's managing Venturer, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 George Anthony Moluf, III, James )  
 Whittington Clement, and James Venable )  
 Revercomb, III, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 CA#: 2009-CP-40-03264

PROPOSED ORDER

THIS MATTER comes before me pursuant to Defendant's Motion to Dismiss. A hearing on the motion was held Thursday, March 5, 2020.

IT APPEARS to the court the case has a long history, with the Summons and Complaint being filed in 2009. The file is eleven (11) years old.

IT IS HEREBY ORDERED the case should be dismissed with prejudice for lack of prosecution and laches. Plaintiff neglected to pursue the action for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done.

\_\_\_\_\_  
 Joseph M. Strickland  
 Master-In-Equity for Richland County

Columbia, South Carolina  
 March \_\_\_\_, 2020



Richland Common Pleas

**Case Caption:** Craig B Stoneburner vs James Venable Revercomb III , defendant, et al  
**Case Number:** 2009CP4003264  
**Type:** Order/Other

It is so Ordered

s/Joseph M. Strickland, 3055



5. Using the South Carolina Judicial Department Public Index web site, I have personally researched and reviewed judicial proceedings involving as a party Craig Stoneburner, who is the Plaintiff in the captioned matter.

6. The South Carolina Judicial Department Public Index shows Craig Stoneburner as the plaintiff in civil actions filed in state courts across South Carolina, including in the following counties: Abbeville, Aiken, Allendale, Charleston, Florence, Greenville, Lexington, Oconee, Orangeburg, Richland, Saluda, Spartanburg, and Williamsburg.

7. In the courts of the foregoing counties, the South Carolina Judicial Department Public Index lists Craig Stoneburner as a plaintiff in at least one hundred twenty-three (123) separately numbered cases, including eighty-five (85) in Richland County alone.

8. Attached to this Affidavit and marked as **Exhibit A** is a true and accurate copy of search results from the South Carolina Judicial Department Public Index listing cases in which Craig Stoneburner is identified as a plaintiff.

9. The South Carolina Judicial Department Public Index also lists Craig Stoneburner has as a defendant in dozens of civil actions in South Carolina state courts. For example, in Richland County alone, the South Carolina Judicial Department Public Index lists Craig Stoneburner as a defendant in seventy-nine (79) separately numbered cases, excluding traffic and criminal matters.

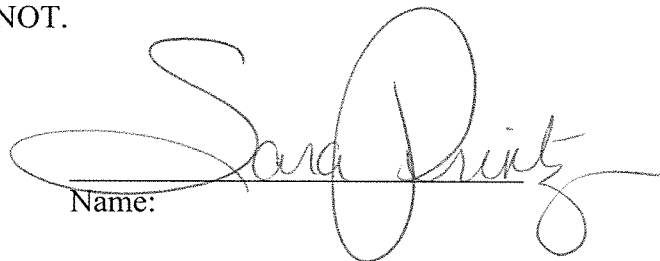
10. Attached to this Affidavit and marked as **Exhibit B** is a true and accurate copy of search results from the South Carolina Judicial Department Public Index listing Richland County cases in which Craig Stoneburner is identified as a defendant.

11. Through research of online records, I am also aware that Craig Stoneburner attended the University of South Carolina School of Law.

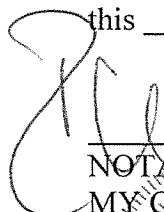
12. Attached to this Affidavit and marked as Exhibit C is a true and accurate copy of the public LinkedIn profile of Craig Stoneburner.

13. The facts contained herein are true and correct to the best of my knowledge, information, and belief.

FURTHER THE AFFIANT SAYETH NOT.

  
Name: \_\_\_\_\_

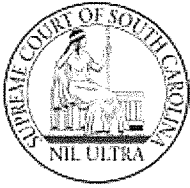
SWORN TO AND SUBSCRIBED before me  
this 25 day of January, 2021.



NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 11/9/22



# EXHIBIT A



## Richland County Fifth Judicial Circuit Public Index



[Richland County Home Page](#) [Online Payments](#) [Public Index](#) [City of Columbia Municipal Ct S.C. Judicial Department Summary](#) [Ct Dockets](#)

Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case #  Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle  Suffix  Party Type **Plaintiff**

Action Type **All Actions** CDR Code

Indictment #

Date Type **Beginning**  Ending

Tax Map# From  Through

Only for Civil Cases... Index Search  All  Lis Pendens  Judgments  Cross Index Search  All  Judgment For  Judgment Against

Name Search Option  Begins With  Contains

| Name               | Party Type | Case Number                 | Filed Date | Case Status | Disposition Date | Type         | Subtype              | Judgment # | Court Agency                 |
|--------------------|------------|-----------------------------|------------|-------------|------------------|--------------|----------------------|------------|------------------------------|
| Stoneburner, Craig | Plaintiff  | <a href="#">00CP4005097</a> | 12/13/2000 | Judgment    | 05/23/2001       | Common Pleas | Breach of Cont 140   | 236820     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">01CP4000419</a> | 01/29/2001 | Judgment    | 02/05/2001       | Common Pleas | Special-Comp/Oth 699 | 240641     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">02CP4000799</a> | 02/19/2002 | Judgment    | 10/24/2002       | Common Pleas | Use AP Case Type 999 | 244947     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">02CP4000815</a> | 02/20/2002 | Judgment    | 01/21/2003       | Common Pleas | Real Prop/Other 499  | 246317     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">02CP4000816</a> | 02/20/2002 | Judgment    | 08/25/2003       | Common Pleas | Real Prop/Other 499  | 250002     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">126726</a>      | 06/26/1981 | Judgment    | 06/26/1981       | Judgment     | Default              | 126726     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">134148</a>      | 02/08/1983 | Judgment    | 02/08/1983       | Judgment     | Transcript of Judgme | 134148     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">164759</a>      | 02/06/1989 | Judgment    | 02/06/1989       | Judgment     | Form Order Arbitrati | 164759     | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff  | <a href="#">164760</a>      | 02/06/1989 | Judgment    | 02/06/1989       | Judgment     | Form Order Arbitrati | 164760     | Richland County Common Pleas |

|                    |           |                      |            |                    |            |              |                      |               |                              |
|--------------------|-----------|----------------------|------------|--------------------|------------|--------------|----------------------|---------------|------------------------------|
| Stoneburner, Craig | Plaintiff | <u>193588</u>        | 03/15/1994 | Judgment           | 03/15/1994 | Judgment     | Transcript of Judgme | 193588        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>2010CP4001634</u> | 03/09/2010 | Dismissed          | 02/17/2011 | Common Pleas | Use AP Case Type 910 |               | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>2013CP4001248</u> | 02/28/2013 | Referred To Master | 02/28/2013 | Common Pleas | Magistrate Judg 720  | 2013CP4001248 | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>219756</u>        | 04/30/1998 | Judgment           | 04/30/1998 | Judgment     | Form Order Arbitrati | 219756        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>228124</u>        | 11/12/1999 | Judgment           | 11/12/1999 | Judgment     | Transcript of Judgme | 228124        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>231308</u>        | 05/25/2000 | Judgment           | 05/25/2000 | Judgment     | Transcript of Judgme | 231308        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>236820</u>        | 05/23/2001 | Judgment           | 05/23/2001 | Judgment     | Miscellaneous        | 236820        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>240641</u>        | 02/05/2002 | Judgment           | 02/05/2002 | Judgment     | Form Order Arbitrati | 240641        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>244947</u>        | 10/24/2002 | Judgment           | 10/24/2002 | Judgment     | Form Order Arbitrati | 244947        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>246317</u>        | 01/21/2003 | Judgment           | 01/21/2003 | Judgment     | Miscellaneous        | 246317        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>250002</u>        | 08/25/2003 | Judgment           | 08/25/2003 | Judgment     | Miscellaneous        | 250002        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>88CP4001036</u>   | 02/25/1988 | Judgment           | 02/06/1989 | Common Pleas | Debt Collection 110  | 164759        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>88CP4001037</u>   | 02/25/1988 | Judgment           | 02/06/1989 | Common Pleas | Debt Collection 110  | 164760        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>96CP4000987</u>   | 03/18/1996 | Disposed           | 04/29/1997 | Common Pleas | Use AP Case Type 999 |               | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>96CP4003011</u>   | 09/05/1996 | Disposed           | 04/28/1998 | Common Pleas | Person Inj/Other 399 |               | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>97CP4000932</u>   | 03/14/1997 | Judgment           | 04/30/1998 | Common Pleas | Breach of Cont 140   | 219756        | Richland County Common Pleas |
| Stoneburner, Craig | Plaintiff | <u>97CP4002855</u>   | 08/13/1997 | Disposed           | 01/21/1998 | Common Pleas | Special-Comp/Oth 699 |               | Richland County Common Pleas |

|                      |           |                    |            |           |            |              |                      |        |                              |
|----------------------|-----------|--------------------|------------|-----------|------------|--------------|----------------------|--------|------------------------------|
| Stoneburner, Craig B | Plaintiff | <u>00CP4000713</u> | 02/22/2000 | Judgment  | 05/15/2001 | Common Pleas | Breach of Cont 140   | 236652 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>00CP4002727</u> | 07/12/2000 | Disposed  | 02/14/2001 | Common Pleas | Use AP Case Type 999 |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>00CP4003278</u> | 08/16/2000 | Judgment  | 10/25/2001 | Common Pleas | Constructions 100    | 239226 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>00CP4004122</u> | 10/11/2000 | Judgment  | 09/18/2001 | Common Pleas | Special-Comp/Oth 699 | 238545 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>00CP4004509</u> | 11/02/2000 | Disposed  | 11/02/2001 | Common Pleas | Special-Comp/Oth 699 |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>01CP4000419</u> | 01/29/2001 | Judgment  | 02/05/2001 | Common Pleas | Special-Comp/Oth 699 | 240641 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>01CP4000477</u> | 02/01/2001 | Disposed  | 02/03/2003 | Common Pleas | Special-Comp/Oth 699 |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>01CP4003616</u> | 08/29/2001 | Disposed  | 01/29/2003 | Common Pleas | Use AP Case Type 999 |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>01CP4005184</u> | 12/10/2001 | Disposed  | 05/24/2002 | Common Pleas | Breach of Cont 140   |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>01CP4005185</u> | 12/10/2001 | Disposed  | 01/14/2003 | Common Pleas | Breach of Cont 140   |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4000798</u> | 02/19/2002 | Disposed  | 01/06/2004 | Common Pleas | Use AP Case Type 999 |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4000799</u> | 02/19/2002 | Judgment  | 10/24/2002 | Common Pleas | Use AP Case Type 999 | 244947 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4000800</u> | 02/19/2002 | Judgment  | 02/12/2003 | Common Pleas | Use AP Case Type 999 | 246664 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4000815</u> | 02/20/2002 | Judgment  | 01/21/2003 | Common Pleas | Real Prop/Other 499  | 246317 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4000816</u> | 02/20/2002 | Judgment  | 08/25/2003 | Common Pleas | Real Prop/Other 499  | 250002 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4001787</u> | 04/11/2002 | Dismissed | 07/25/2006 | Common Pleas | Person Inj/Other 399 |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>02CP4004481</u> | 09/13/2002 | Disposed  | 06/06/2003 | Common Pleas | Breach of Cont 140   |        | Richland County Common Pleas |

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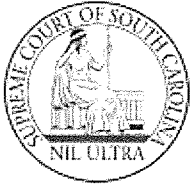
|                      |           |                      |            |                 |            |              |                      |               |                              |
|----------------------|-----------|----------------------|------------|-----------------|------------|--------------|----------------------|---------------|------------------------------|
| Stoneburner, Craig B | Plaintiff | <u>03CP4003751</u>   | 08/01/2003 | Judgment        | 05/18/2005 | Common Pleas | Real Prop/Other 499  | 03CP4003751   | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>04CP4001790</u>   | 04/07/2004 | Dismissed       | 02/08/2006 | Common Pleas | Use AP Case Type 999 |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>108275</u>        | 11/23/1977 | Judgment        | 11/23/1977 | Judgment     | Miscellaneous        | 108275        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>126727</u>        | 06/26/1981 | Judgment        | 06/26/1981 | Judgment     | Default              | 126727        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>134147</u>        | 02/08/1983 | Judgment        | 02/08/1983 | Judgment     | Transcript of Judgme | 134147        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>167846</u>        | 09/01/1989 | Judgment        | 09/01/1989 | Judgment     | Miscellaneous        | 167846        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>173246</u>        | 08/15/1990 | Judgment        | 08/15/1990 | Judgment     | Confession           | 173246        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2007CP4007257</u> | 10/31/2007 | Dismissed       | 12/17/2008 | Common Pleas | Breach of Cont 140   |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2007CP4007258</u> | 10/31/2007 | Change Of Venue | 10/09/2008 | Common Pleas | Breach of Cont 140   |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2008CP4008221</u> | 11/17/2008 | Dismissed       | 12/12/2011 | Common Pleas | Breach of Cont 140   |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2008CP4008999</u> | 12/22/2008 | Judgment        | 12/14/2010 | Common Pleas | Breach of Cont 140   | 2008CP4008999 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2009CP4003264</u> | 05/04/2009 | Dismissed       | 03/19/2020 | Common Pleas | Breach of Cont 140   |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2010CP4003901</u> | 06/10/2010 | Judgment        | 06/10/2010 | Common Pleas | Magistrate Judg 720  | 2010CP4003901 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2011CP4003748</u> | 06/09/2011 | Dismissed       | 07/12/2012 | Common Pleas | Breach of Cont 140   |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2011CP4007821</u> | 11/16/2011 | Judgment        | 04/24/2013 | Common Pleas | Breach of Cont 140   | 2011CP4007821 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2012CP4005292</u> | 08/02/2012 | Dismissed       | 12/19/2012 | Common Pleas | Person Inj/Other 399 |               | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2013CP4001943</u> | 04/01/2013 | Dismissed       | 10/19/2015 | Common Pleas | Breach of Cont 140   |               | Richland County Common Pleas |

|                      |           |                      |            |           |            |              |                      |        |                              |
|----------------------|-----------|----------------------|------------|-----------|------------|--------------|----------------------|--------|------------------------------|
| Stoneburner, Craig B | Plaintiff | <u>2013CP4002994</u> | 05/17/2013 | Dismissed | 03/11/2014 | Common Pleas | Debt Collection 110  |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2013CP4003407</u> | 06/10/2013 | Dismissed | 10/14/2014 | Common Pleas | Real Prop/Other 499  |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2013CP4005402</u> | 09/09/2013 | Dismissed | 11/10/2015 | Common Pleas | Real Prop/Other 499  |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2017CP4001463</u> | 03/10/2017 | Dismissed | 08/22/2018 | Common Pleas | Real Prop/Other 499  |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>2017CP4002651</u> | 05/01/2017 | Dismissed | 01/28/2019 | Common Pleas | Breach of Cont 140   |        | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>208047</u>        | 09/05/1996 | Judgment  | 09/05/1996 | Judgment     | Form Order Arbitrati | 208047 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>216121</u>        | 10/21/1997 | Judgment  | 10/21/1997 | Judgment     | Miscellaneous        | 216121 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>223693</u>        | 01/29/1999 | Judgment  | 01/29/1999 | Judgment     | Transcript of Judgme | 223693 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>230511</u>        | 04/11/2000 | Judgment  | 04/11/2000 | Judgment     | Transcript of Judgme | 230511 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>230876</u>        | 04/28/2000 | Judgment  | 04/28/2000 | Judgment     | Form Order Arbitrati | 230876 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>236652</u>        | 05/15/2001 | Judgment  | 05/15/2001 | Judgment     | Form Order Arbitrati | 236652 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>238545</u>        | 09/18/2001 | Judgment  | 09/18/2001 | Judgment     | Form Order Arbitrati | 238545 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>239226</u>        | 10/26/2001 | Judgment  | 10/26/2001 | Judgment     | Form Order Arbitrati | 239226 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>246664</u>        | 02/12/2003 | Judgment  | 02/12/2003 | Judgment     | Miscellaneous        | 246664 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>88CP4003729</u>   | 07/22/1988 | Judgment  | 09/01/1989 | Common Pleas | Debt Collection 110  | 167846 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>89CP4000634</u>   | 02/10/1989 | Disposed  | 05/24/1990 | Common Pleas | Debt Collection 110  | 173246 | Richland County Common Pleas |
| Stoneburner, Craig B | Plaintiff | <u>94CP4001925</u>   | 05/26/1994 | Judgment  | 09/05/1996 | Common Pleas | Debt Collection 110  | 208047 | Richland County Common Pleas |

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|                         |           |                               |            |           |            |              |                      |        |                              |
|-------------------------|-----------|-------------------------------|------------|-----------|------------|--------------|----------------------|--------|------------------------------|
| Stoneburner, Craig B    | Plaintiff | <a href="#">95CP4003716</a>   | 10/27/1995 | Judgment  | 10/21/1997 | Common Pleas | Special-Comp/Oth 699 | 216121 | Richland County Common Pleas |
| Stoneburner, Craig B    | Plaintiff | <a href="#">98CP4001737</a>   | 05/12/1998 | Disposed  | 06/03/1998 | Common Pleas | Unfair Trade Pra 640 |        | Richland County Common Pleas |
| Stoneburner, Craig B    | Plaintiff | <a href="#">98CP4002743</a>   | 07/24/1998 | Disposed  | 11/17/1999 | Common Pleas | Breach of Cont 140   |        | Richland County Common Pleas |
| Stoneburner, Craig B    | Plaintiff | <a href="#">98CP4002744</a>   | 07/24/1998 | Judgment  | 04/28/2000 | Common Pleas | Breach of Cont 140   | 230876 | Richland County Common Pleas |
| Stoneburner, Craig B    | Plaintiff | <a href="#">99CP4001656</a>   | 05/11/1999 | Disposed  | 11/20/2000 | Common Pleas | Use AP Case Type 999 |        | Richland County Common Pleas |
| Stoneburner, Craig B    | Plaintiff | <a href="#">99CP4002192</a>   | 06/18/1999 | Disposed  | 10/24/2000 | Common Pleas | Use AP Case Type 999 |        | Richland County Common Pleas |
| Stoneburner, Craig B    | Plaintiff | <a href="#">99CP4004706</a>   | 12/23/1999 | Judgment  | 03/26/2001 | Common Pleas | Breach of Cont 140   | 235911 | Richland County Common Pleas |
| Stoneburner Jr, Craig B | Plaintiff | <a href="#">2013CP4005402</a> | 09/09/2013 | Dismissed | 11/10/2015 | Common Pleas | Real Prop/Other 499  |        | Richland County Common Pleas |

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# Abbeville County Eighth Judicial Circuit Public Index



Abbeville County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case # Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle Suffix Party Type **All**

Action Type **All Actions** CDR Code

Indictment #

Date Type Beginning Ending

Tax Map# From Through

Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against

Name Search Option  Begins With  Contains

| Name                         | Party Type | Case Number      | Filed Date | Case Status | Disposition Date | Type  | Subtype             | Judgment #       | Court Agency         |
|------------------------------|------------|------------------|------------|-------------|------------------|-------|---------------------|------------------|----------------------|
| Stoneburner, Craig           | Plaintiff  | 2018CV0110100582 | 11/30/2018 | Settled     | 12/18/2018       | Civil | Rule to Vacate \$40 | 2018CV0110100582 | Abbeville Magistrate |
| Stoneburner /Citivest, Craig | Plaintiff  | 2017CV0110100484 | 10/03/2017 | Settled     | 10/17/2017       | Civil | Rule to Vacate \$40 | 2017CV0110100484 | Abbeville Magistrate |

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# Aiken County Second Judicial Circuit Public Index



[Aiken County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case # Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle Suffix Party Type **Plaintiff**

Action Type **All Actions** CDR Code

Indictment #

Date Type Beginning Ending

Tax Map# From Through

Only for Civil Cases... **Index Search**  All  Lis Pendens  Judgments | **Cross Index Search**  All  Judgment For  Judgment Against

Name Search Option  Begins With  Contains

| Name                 | Party Type | Case Number      | Filed Date | Case Status | Disposition Date | Type  | Subtype             | Judgment #       | Court Agency                 |
|----------------------|------------|------------------|------------|-------------|------------------|-------|---------------------|------------------|------------------------------|
| Stoneburner, Craig   | Plaintiff  | 2012CV0210700457 | 06/04/2012 | Disposed    | 06/21/2012       | Civil | Rule to Vacate \$40 | 2012CV0210700457 | Midland Valley Summary Court |
| Stoneburner, Craig   | Plaintiff  | 2016CV0210700177 | 02/25/2016 | Disposed    | 03/10/2016       | Civil | Rule to Vacate \$55 | 2016CV0210700177 | Midland Valley Summary Court |
| Stoneburner, Craig B | Plaintiff  | 2014CV0210700632 | 07/21/2014 | Dismissed   | 08/26/2014       | Civil | Rule to Vacate \$55 |                  | Midland Valley Summary Court |

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# Allendale County Fourteenth Judicial Circuit Public Index



Allendale County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case # Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle Suffix Party Type **Plaintiff**

Action Type **All Actions** CDR Code

Indictment #

Date Type Beginning Ending

Tax Map# From Through

Only for Civil Cases... Index Search  All  Lis Pendens  Judgments **Cross Index Search**  All  Judgment For  Judgment Against

**Name Search Option**  Begins With  Contains

| Name               | Party Type | Case Number      | Filed Date | Case Status       | Disposition Date | Type  | Subtype        | Judgment #       | Court Agency         |
|--------------------|------------|------------------|------------|-------------------|------------------|-------|----------------|------------------|----------------------|
| Stoneburner, Craig | Plaintiff  | 2009CV0310100300 | 07/29/2009 | Disposed          | 09/09/2009       | Civil | Rule to Vacate | 2009CV0310100300 | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2013CV0310100073 | 03/18/2013 | Settled           | 07/01/2013       | Civil | Rule to Vacate | 2013CV0310100073 | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2016CV0310100141 | 06/10/2016 | Settled           | 02/07/2017       | Civil | Rule to Vacate |                  | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2017CV0310100198 | 08/07/2017 | Settled           | 06/05/2018       | Civil | Rule to Vacate |                  | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2017CV0310100203 | 08/08/2017 | Disposed          | 09/20/2017       | Civil | Rule to Vacate | 2017CV0310100203 | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2017CV0310100228 | 09/14/2017 | Settled           | 06/05/2018       | Civil | Rule to Vacate |                  | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2017CV0310100283 | 11/29/2017 | Settled           | 03/15/2018       | Civil | Rule to Vacate |                  | Allendale Magistrate |
| Stoneburner, Craig | Plaintiff  | 2018CV0310100089 | 03/20/2018 | Writ of Ejectment |                  | Civil | Rule to Vacate |                  | Allendale Magistrate |

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**Charleston County  
Public Index**

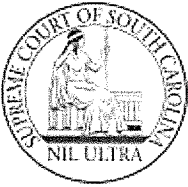
[Charleston County Home Page](#)  
 [Clerk of Court Home Page](#)  
 [Magistrates Court](#)  
 [SC Judicial Home Page](#)  
 [Search Tips](#)

Search By... Court Type:  Court Agency:   
 Case #    Case Type:     Case SubType:   
 Last Name/Business:     First:     Middle:     Suffix:     Party Type:   
 Action Type:     CDR Code:     Indictment #:   
 Date Type:     Beginning:     Ending:   
 Tax Map# From:  Through:   
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against

| Name Search Option  Begins With  Contains

| Name                      | Party Type | Case Number    | Filed Date | Case Status | Disposition Date | Type         | Subtype             | Judgment #     | Court Agency        |
|---------------------------|------------|----------------|------------|-------------|------------------|--------------|---------------------|----------------|---------------------|
| Stoneburner, Craig B      | Plaintiff  | 2002CP1002336  | 05/31/2002 | Judgment    | 11/17/2004       | Common Pleas | Breach of Cont 140  | 2002CP1002336  | Common Pleas        |
| Stoneburner, Craig B      | Plaintiff  | 2002CP1002336  | 10/14/2003 | Disposed    | 11/17/2004       | Common Pleas | Breach of Cont 140  |                | Master In Equity    |
| Stoneburner, Craig Braden | Plaintiff  | 2009JG1001002  | 07/01/2009 | Judgment    | 07/01/2009       | Judgment     |                     | 2009JG1001002  | Common Pleas        |
| Stoneburner, Craig Braden | Plaintiff  | SC862005001402 | 06/06/2005 | Disposed    | 04/23/2009       | Civil        | Summons & Complaint | SC862005001402 | Small Claims - City |

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# Florence County Twelfth Judicial Circuit Public Index



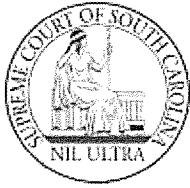
Florence County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

**Search By...** Court Type **All Courts** | Court Agency **All Agencies**  
 Case #  Case Type **All Case Types** | Case SubType **All Case Sub-Types**  
 Last Name/Business **Stoneburner** | First **Craig** | Middle  | Suffix  | Party Type **Plaintiff**  
 Action Type **All Actions** | CDR Code   
 Indictment #   
 Date Type  | Beginning  | Ending   
 Tax Map# From  | Through   
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against  
 |  | Name Search Option  Begins With  Contains

| Name                 | Party Type | Case Number   | Filed Date | Case Status | Disposition Date | Type         | Subtype            | Judgment # | Court Agency       |
|----------------------|------------|---------------|------------|-------------|------------------|--------------|--------------------|------------|--------------------|
| Stoneburner, Craig B | Plaintiff  | 2010CP2102066 | 07/15/2010 | Dismissed   | 02/17/2011       | Common Pleas | Breach of Cont 140 |            | Common Pleas Court |

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# Greenville County 13th Judicial Circuit Public Index



[Greenville County Home Page](#) [South Carolina Judicial Department Home Page](#)

Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case # \_\_\_\_\_ Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle \_\_\_\_\_ Suffix \_\_\_\_\_ Party Type **Plaintiff**

Action Type **All Actions** CDR Code \_\_\_\_\_

Indictment # \_\_\_\_\_

Date Type \_\_\_\_\_ Beginning \_\_\_\_\_ Ending \_\_\_\_\_

Tax Map# From \_\_\_\_\_ Through \_\_\_\_\_

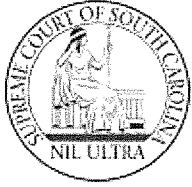
Only for Civil Cases...  Index Search  All  Lis Pendens  Judgments |  Cross Index Search  All  Judgment For  Judgment Against

\_\_\_\_\_ | Name Search Option  Begins With  Contains

| Name                 | Party Type | Case Number                      | Filed Date | Case Status | Disposition Date | Type         | Subtype             | Judgment # | Court Agency                   |
|----------------------|------------|----------------------------------|------------|-------------|------------------|--------------|---------------------|------------|--------------------------------|
| Stoneburner, Craig   | Plaintiff  | <a href="#">2014CV2311001313</a> | 04/15/2014 | Disposed    | 05/22/2014       | Civil        | Summons & Complaint |            | Gantt - Summary Court          |
| Stoneburner, Craig   | Plaintiff  | <a href="#">2015CV2310101641</a> | 11/02/2015 | Settled     | 02/15/2016       | Civil        | Rule to Vacate      |            | West Greenville Summary Court  |
| Stoneburner, Craig   | Plaintiff  | <a href="#">2016CV2310100754</a> | 05/18/2016 | Settled     | 08/12/2016       | Civil        | Rule to Vacate      |            | West Greenville Summary Court  |
| Stoneburner, Craig   | Plaintiff  | <a href="#">2016CV2310101892</a> | 12/27/2016 | Settled     | 03/27/2017       | Civil        | Rule to Vacate      |            | West Greenville Summary Court  |
| Stoneburner, Craig B | Plaintiff  | <a href="#">03CP2300409</a>      | 01/20/2003 | Dismissed   | 06/22/2004       | Common Pleas | Contract/Other 199  |            | Greenville County Common Pleas |

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# Lexington County Eleventh Judicial Circuit Public Index



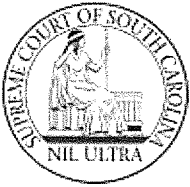
[Lexington County Home Page](#)
[South Carolina Judicial Department Home Page](#)
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**Search By...** Court Type Circuit Court Court Agency All Agencies  
 Case #  Case Type All Case Types Case SubType All Case Sub-Types  
 Last Name/Business Stoneburner First Craig Middle  Suffix  Party Type Plaintiff  
 Action Type All Actions CDR Code   
 Indictment #   
 Date Type Beginning  Ending   
 Tax Map# From  Through   
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against  
 Name Search Option  Begins With  Contains

| Name                 | Party Type | Case Number   | Filed Date | Case Status | Disposition Date | Type         | Subtype              | Judgment # | Court Agency |
|----------------------|------------|---------------|------------|-------------|------------------|--------------|----------------------|------------|--------------|
| Stoneburner, Craig B | Plaintiff  | 1995CP3202234 | 10/11/1995 | Disposed    | 04/04/1996       | Common Pleas | Special-Comp/Oth 699 |            | Common Pleas |
| Stoneburner, Craig B | Plaintiff  | 2008CP3204252 | 10/15/2008 | Judgment    | 05/15/2012       | Common Pleas | Breach of Cont 140   |            | Common Pleas |

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# Oconee County Tenth Judicial Circuit Public Index



Oconee County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case # Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle Suffix Party Type **Plaintiff**

Action Type **All Actions** CDR Code

Indictment #

Date Type Beginning Ending

Tax Map# From Through

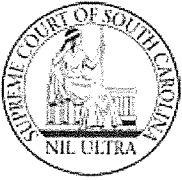
Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against

Name Search Option  Begins With  Contains

| Name               | Party Type | Case Number      | Filed Date | Case Status | Disposition Date | Type  | Subtype        | Judgment #       | Court Agency      |
|--------------------|------------|------------------|------------|-------------|------------------|-------|----------------|------------------|-------------------|
| Stoneburner, Craig | Plaintiff  | 2010CV3710100476 | 11/30/2010 | Settled     | 12/15/2010       | Civil | Rule to Vacate |                  | Seneca Magistrate |
| Stoneburner, Craig | Plaintiff  | 2014CV3710100123 | 03/25/2014 | Settled     | 05/13/2014       | Civil | Rule to Vacate | 2014CV3710100123 | Seneca Magistrate |
| Stoneburner, Craig | Plaintiff  | 2017CV3710100525 | 11/27/2017 | Settled     | 12/20/2017       | Civil | Rule to Vacate | 2017CV3710100525 | Seneca Magistrate |

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# Orangeburg County First Judicial Circuit Public Index



[Orangeburg County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

**Search By...** Court Type: All Courts Court Agency: All Agencies  
 Case #:                      Case Type: All Case Types Case SubType: All Case Sub-Types  
 Last Name/Business: Stoneburner First: Craig Middle:                      Suffix:                      Party Type: Plaintiff  
 Action Type: All Actions CDR Code:                      Indictment #:                       
 Date Type:                      Beginning:                      Ending:                       
 Tax Map# From:                      Through:                       
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against  
 Name Search Option  Begins With  Contains

| Name                                 | Party Type | Case Number      | Filed Date | Case Status | Disposition Date | Type  | Subtype             | Judgment #       | Court Agency              |
|--------------------------------------|------------|------------------|------------|-------------|------------------|-------|---------------------|------------------|---------------------------|
| Stoneburner/Citinvest Corp., Craig B | Plaintiff  | 2013CV3810500015 | 01/08/2013 | Dismissed   | 05/29/2013       | Civil | Rule to Vacate \$40 | 2013CV3810500015 | Eastern Region Magistrate |
| Stoneburner/Citinvest Corp., Craig B | Plaintiff  | 2014CV3810500095 | 02/26/2014 | Dismissed   | 05/29/2014       | Civil | Rule to Vacate \$55 | 2014CV3810500095 | Eastern Region Magistrate |
| Stoneburner/Citinvest Corp., Craig B | Plaintiff  | 2015CV3810500218 | 06/01/2015 | Disposed    | 06/30/2015       | Civil | Rule to Vacate \$40 | 2015CV3810500218 | Eastern Region Magistrate |
| Stoneburner/Citinvest Corp., Craig B | Plaintiff  | 2018CV3810500056 | 02/23/2018 | Disposed    | 03/28/2018       | Civil | Rule to Vacate \$40 | 2018CV3810500056 | Eastern Region Magistrate |

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# Saluda County Eleventh Judicial Circuit Public Index



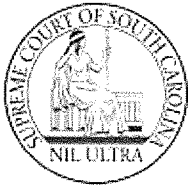
[Saluda County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

**Search By...** Court Type  Court Agency   
 Case #  Case Type  Case SubType   
 Last Name/Business  First  Middle  Suffix  Party Type   
 Action Type  CDR Code   
 Indictment #   
 Date Type  Beginning  Ending   
 Tax Map# From  Through   
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against  
 Name Search Option  Begins With  Contains

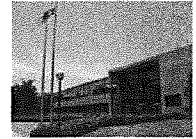
| Name                                  | Party Type | Case Number      | Filed Date | Case Status | Disposition Date | Type  | Subtype             | Judgment #       | Court Agency      |
|---------------------------------------|------------|------------------|------------|-------------|------------------|-------|---------------------|------------------|-------------------|
| Stoneburner /Citivest Corp., Craig B. | Plaintiff  | 2013CV4110100327 | 07/19/2013 | Disposed    | 08/12/2013       | Civil | Rule to Vacate \$40 | 2013CV4110100327 | Saluda Magistrate |
| Stoneburner/Citivest Corp., Craig B.  | Plaintiff  | 2014CV4110100049 | 01/27/2014 | Disposed    | 02/21/2014       | Civil | Rule to Vacate \$40 | 2014CV4110100049 | Saluda Magistrate |

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# Spartanburg County Seventh Judicial Circuit Public Index



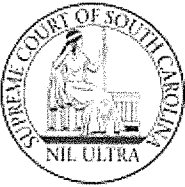
[Spartanburg County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Search By... Court Type **Circuit Court** Court Agency **All Agencies**  
 Case # \_\_\_\_\_ Case Type **All Case Types** Case SubType **All Case Sub-Types**  
 Last Name/Business **Stoneburner** First **Craig** Middle \_\_\_\_\_ Suffix \_\_\_\_\_ Party Type  
**Plaintiff**  
 Action Type **All Actions** CDR Code \_\_\_\_\_  
 Indictment # \_\_\_\_\_  
 Date Type \_\_\_\_\_ Beginning \_\_\_\_\_ Ending \_\_\_\_\_  
 Tax Map# From \_\_\_\_\_ Through \_\_\_\_\_  
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against  
 \_\_\_\_\_ | Name Search Option  Begins With  Contains

| Name               | Party Type | Case Number             | Filed Date | Case Status       | Disposition Date | Type  | Subtype             | Judgment # | Court Agency           |
|--------------------|------------|-------------------------|------------|-------------------|------------------|-------|---------------------|------------|------------------------|
| Stoneburner, Craig | Plaintiff  | <u>2020CV4210102001</u> | 02/26/2020 | Writ of Ejectment | 05/29/2020       | Civil | Rule to Vacate \$40 |            | Spartanburg Magistrate |

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# Williamsburg County Third Judicial Circuit Public Index



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Search By... Court Type **Circuit Court** Court Agency **All Agencies**

Case #  Case Type **All Case Types** Case SubType **All Case Sub-Types**

Last Name/Business **Stoneburner** First **Craig** Middle  Suffix  Party Type **Plaintiff**

Action Type **All Actions** CDR Code

Indictment #

Date Type  Beginning  Ending

Tax Map# From  Through

Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against

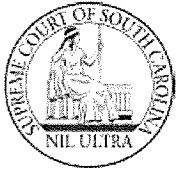
| Name Search Option  Begins With  Contains

| Name                          | Party Type | Case Number      | Filed Date | Case Status | Disposition Date | Type  | Subtype             | Judgment #       | Court Agency         |
|-------------------------------|------------|------------------|------------|-------------|------------------|-------|---------------------|------------------|----------------------|
| Stoneburner, Craig            | Plaintiff  | 2017CV4510100713 | 09/18/2017 | Disposed    | 10/06/2017       | Civil | Rule to Vacate \$40 | 2017CV4510100713 | Kingstree Magistrate |
| Stoneburner, Craig B          | Plaintiff  | 2014CV4510100103 | 01/31/2014 | Settled     | 03/27/2014       | Civil | Rule to Vacate \$55 | 2014CV4510100103 | Kingstree Magistrate |
| Stoneburner - Citivest, Craig | Plaintiff  | 2019CV4510100456 | 05/17/2019 | Disposed    | 06/03/2019       | Civil | Rule to Vacate \$55 | 2019CV4510100456 | Kingstree Magistrate |

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# EXHIBIT B



# Richland County Fifth Judicial Circuit Public Index



Richland County Home Page Online Payments Public Index City of Columbia Municipal Ct S.C. Judicial Department Summary Ct Dockets

Search By... Court Type **Circuit Court** Court Agency **All Agencies**  
 Case # \_\_\_\_\_ Case Type **All Case Types** Case SubType **All Case Sub-Types**  
 Last Name/Business **Stoneburner** First **Craig** Middle \_\_\_\_\_ Suffix \_\_\_\_\_ Party Type \_\_\_\_\_  
 Defendant **Defendant**  
 Action Type **All Actions** CDR Code \_\_\_\_\_ Indictment # \_\_\_\_\_  
 Date Type \_\_\_\_\_ Beginning \_\_\_\_\_ Ending \_\_\_\_\_  
 Tax Map# From \_\_\_\_\_ Through \_\_\_\_\_  
 Only for Civil Cases... Index Search  All  Lis Pendens  Judgments | Cross Index Search  All  Judgment For  Judgment Against  
 | Name Search Option  Begins With  Contains

| Name               | Party Type | Case Number                     | Filed Date | Case Status | Disposition Date | Type         | Subtype             | Judgment #      | Court Agency                 |
|--------------------|------------|---------------------------------|------------|-------------|------------------|--------------|---------------------|-----------------|------------------------------|
| Stoneburner, Craig | Defendant  | <a href="#">00CP4001551</a>     | 04/20/2000 | Judgment    | 11/22/2000       | Common Pleas | Real Prop/Other 499 | 234206          | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">01CP4003615</a>     | 08/29/2001 | Disposed    | 07/15/2003       | Common Pleas | Contract/Other 199  |                 | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2005CV401030265</a> | 03/10/2005 | Disposed    | 12/16/2005       | Civil        | Summons & Complaint | 2005CV401030265 | Columbia Magistrate          |
| Stoneburner, Craig | Defendant  | <a href="#">2005CV401103313</a> | 12/20/2005 | Transferred | 03/24/2006       | Civil        | Summons & Complaint |                 | Waverly Magistrate           |
| Stoneburner, Craig | Defendant  | <a href="#">2006CP4001246</a>   | 03/02/2006 | Dismissed   | 10/19/2006       | Common Pleas | Foreclosure 420     |                 | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2006CP4001610</a>   | 03/20/2006 | Judgment    | 07/18/2006       | Common Pleas | Foreclosure 420     | 2006CP4001610   | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2006CP4001611</a>   | 03/20/2006 | Judgment    | 07/18/2006       | Common Pleas | Foreclosure 420     | 2006CP4001611   | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2006CP4001804</a>   | 03/29/2006 | Dismissed   | 11/08/2007       | Common Pleas | Constructions 100   |                 | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2007CP4000787</a>   | 02/02/2007 | Dismissed   | 04/23/2007       | Common Pleas | Foreclosure 420     |                 | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2007CP4004757</a>   | 08/01/2007 | Judgment    | 01/25/2008       | Common Pleas | Foreclosure 420     | 2007CP4004757   | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2007CP4004758</a>   | 08/01/2007 | Dismissed   | 10/25/2007       | Common Pleas | Foreclosure 420     |                 | Richland County Common Pleas |
| Stoneburner, Craig | Defendant  | <a href="#">2008CP4003117</a>   | 05/02/2008 | Judgment    | 10/24/2008       | Common Pleas | Foreclosure 420     | 2008CP4003117   | Richland County Common Pleas |

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|                    |           |                                  |            |             |            |              |                      |                  |                              |
|--------------------|-----------|----------------------------------|------------|-------------|------------|--------------|----------------------|------------------|------------------------------|
| Stoneburner, Craig | Defendant | <a href="#">2009CP4006702</a>    | 09/15/2009 | Dismissed   | 05/11/2011 | Common Pleas | Foreclosure 420      |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">2009CP4007824</a>    | 11/04/2009 | Judgment    | 03/25/2010 | Common Pleas | Foreclosure 420      | 2009CP4007824    | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">2014CV401061586</a>  | 04/17/2014 | Transferred | 01/14/2015 | Civil        | Summons & Complaint  | 2014CV401061586  | Lykesland Magistrate         |
| Stoneburner, Craig | Defendant | <a href="#">2016CV4010300230</a> | 02/22/2016 | Settled     | 11/29/2016 | Civil        | Summons & Complaint  | 2016CV4010300230 | Columbia Magistrate          |
| Stoneburner, Craig | Defendant | <a href="#">2018CV4010300358</a> | 02/22/2018 | Disposed    | 08/13/2018 | Civil        | Summons & Complaint  | 2018CV4010300358 | Columbia Magistrate          |
| Stoneburner, Craig | Defendant | <a href="#">222241</a>           | 10/16/1998 | Judgment    | 10/16/1998 | Judgment     | Transcript of Judgme | 222241           | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">234206</a>           | 11/22/2000 | Judgment    | 11/22/2000 | Judgment     | Foreclosure          | 234206           | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">90CP4000496</a>      | 01/26/1990 | Disposed    | 01/09/1992 | Common Pleas | Debt Collection 110  |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">91CP4004404</a>      | 09/17/1991 | Disposed    | 10/14/1992 | Common Pleas | Real Prop/Other 499  |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">941211</a>           | 05/17/1994 | Disposed    | 07/10/1996 | Civil        | Summons & Complaint  | 941211           | Waverly Magistrate           |
| Stoneburner, Craig | Defendant | <a href="#">944681211</a>        | 01/19/1998 | Transferred | 05/12/1998 | Civil        | Summons & Complaint  | 944681211        | Central Court                |
| Stoneburner, Craig | Defendant | <a href="#">944681211</a>        | 01/19/1998 | Disposed    | 08/18/2005 | Civil        | Summons & Complaint  | 944681211        | Lykesland Magistrate         |
| Stoneburner, Craig | Defendant | <a href="#">9746903093</a>       | 04/17/1997 | Disposed    | 08/06/1997 | Civil        | Summons & Complaint  | 9746903093       | Central Court                |
| Stoneburner, Craig | Defendant | <a href="#">98CP4003149</a>      | 08/25/1998 | Disposed    | 10/10/2000 | Common Pleas | Use AP Case Type 999 |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">99CP4002239</a>      | 06/23/1999 | Disposed    | 09/22/2000 | Common Pleas | Special-Comp/Oth 699 |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">AX924</a>            | 09/09/1991 | Pending     |            | Lis Pendens  | Lis Pendens          |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">CE838</a>            | 04/20/2000 | Pending     |            | Lis Pendens  | Lis Pendens          |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">DO030</a>            | 03/02/2006 | Pending     |            | Lis Pendens  | Lis Pendens          |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">DO156</a>            | 03/20/2006 | Pending     |            | Lis Pendens  | Lis Pendens          | 2006CP4001610    | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">DO157</a>            | 03/20/2006 | Pending     |            | Lis Pendens  | Lis Pendens          | 2006CP4001611    | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">DU241</a>            | 02/02/2007 | Pending     |            | Lis Pendens  | Lis Pendens          |                  | Richland County Common Pleas |
| Stoneburner, Craig | Defendant | <a href="#">DY042</a>            | 08/01/2007 | Pending     |            | Lis Pendens  | Lis Pendens          | 2007CP4004757    | Richland County Common Pleas |

|                      |           |                      |            |           |            |              |                     |               |                              |
|----------------------|-----------|----------------------|------------|-----------|------------|--------------|---------------------|---------------|------------------------------|
| Stoneburner, Craig   | Defendant | <u>DY043</u>         | 08/01/2007 | Cancelled | 10/25/2007 | Lis Pendens  | Lis Pendens         |               | Richland County Common Pleas |
| Stoneburner, Craig   | Defendant | <u>EE311</u>         | 05/02/2008 | Pending   |            | Lis Pendens  | Lis Pendens         | 2008CP4003117 | Richland County Common Pleas |
| Stoneburner, Craig   | Defendant | <u>EQ300</u>         | 09/15/2009 | Cancelled | 05/11/2011 | Lis Pendens  | Foreclosure         |               | Richland County Common Pleas |
| Stoneburner, Craig   | Defendant | <u>ER281</u>         | 11/04/2009 | Cancelled | 11/23/2010 | Lis Pendens  | Foreclosure         |               | Richland County Common Pleas |
| Stoneburner, Craig   | Defendant | <u>FD038</u>         | 01/28/2011 | Cancelled | 09/08/2011 | Lis Pendens  | Lis Pendens         |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>01CP4003960</u>   | 09/20/2001 | Judgment  | 02/22/2002 | Common Pleas | Real Prop/Other 499 | 240949        | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>04CP4003612</u>   | 07/30/2004 | Judgment  | 02/22/2005 | Common Pleas | Real Prop/Other 499 | 258653        | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>161291</u>        | 05/20/1988 | Judgment  | 05/20/1988 | Judgment     | Foreclosure         | 161291        | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2005CP4004776</u> | 09/21/2005 | Judgment  | 01/24/2006 | Common Pleas | Foreclosure 420     | 2005CP4004776 | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2006CP4001610</u> | 03/20/2006 | Judgment  | 07/18/2006 | Common Pleas | Foreclosure 420     | 2006CP4001610 | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2006CP4001611</u> | 03/20/2006 | Judgment  | 07/18/2006 | Common Pleas | Foreclosure 420     | 2006CP4001611 | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2007CP4000787</u> | 02/02/2007 | Dismissed | 04/23/2007 | Common Pleas | Foreclosure 420     |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2007CP4004538</u> | 07/24/2007 | Dismissed | 08/17/2007 | Common Pleas | Foreclosure 420     |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2008CP4003117</u> | 05/02/2008 | Judgment  | 10/24/2008 | Common Pleas | Foreclosure 420     | 2008CP4003117 | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>2010CP4007318</u> | 10/19/2010 | Dismissed | 05/14/2014 | Common Pleas | Premises Liab 330   |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>240949</u>        | 02/22/2002 | Judgment  | 02/22/2002 | Judgment     | Foreclosure         | 240949        | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>258653</u>        | 02/22/2005 | Judgment  | 02/22/2005 | Judgment     | Foreclosure         | 258653        | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>88CP4000408</u>   | 01/26/1988 | Judgment  | 05/20/1988 | Common Pleas | Foreclosure 420     | 161291        | Richland County Common Pleas |

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|                      |           |                    |            |                    |            |              |                      |               |                              |
|----------------------|-----------|--------------------|------------|--------------------|------------|--------------|----------------------|---------------|------------------------------|
| Stoneburner, Craig B | Defendant | <u>90CP4001202</u> | 03/08/1990 | Disposed           | 10/02/1990 | Common Pleas | Real Prop/Other 499  |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>90CP4004092</u> | 09/05/1990 | Disposed           | 06/21/1991 | Common Pleas | Special-Comp/Oth 699 |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>91CP4005497</u> | 11/22/1991 | Disposed           | 05/26/1993 | Common Pleas | Breach of Cont 140   | 189316        | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>9846902656</u>  | 07/14/1998 | Disposed           | 02/26/2002 | Civil        | Summons & Complaint  | 9846902656    | Central Court                |
| Stoneburner, Craig B | Defendant | <u>99CP4002219</u> | 06/22/1999 | Disposed           | 09/14/1999 | Common Pleas | Real Prop/Other 499  |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>AM310</u>       | 01/19/1988 | Pending            |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>AS968</u>       | 03/08/1990 | Pending            |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>AT931</u>       | 06/14/1990 | Pending            |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>CA692</u>       | 06/22/1999 | Pending            |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>CE11062</u>     | 02/05/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CE11063</u>     | 02/05/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CE11064</u>     | 02/05/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CE11065</u>     | 02/05/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CE11066</u>     | 02/02/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CE11067</u>     | 02/02/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CE11068</u>     | 02/02/2018 | Jury Trial Request |            | Criminal     |                      |               | Columbia Municipal Court     |
| Stoneburner, Craig B | Defendant | <u>CM454</u>       | 09/20/2001 | Pending            |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>DE382</u>       | 08/12/2004 | Pending            |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>DK357</u>       | 09/21/2005 | Pending            |            | Lis Pendens  | Lis Pendens          | 2005CP4004776 | Richland County Common Pleas |
| Stoneburner, Craig B | Defendant | <u>DO156</u>       | 03/20/2006 | Pending            |            | Lis Pendens  | Lis Pendens          | 2006CP4001610 | Richland County Common Pleas |

|                                    |           |                         |            |          |            |              |                      |               |                              |
|------------------------------------|-----------|-------------------------|------------|----------|------------|--------------|----------------------|---------------|------------------------------|
| Stoneburner, Craig B               | Defendant | <u>DO157</u>            | 03/20/2006 | Pending  |            | Lis Pendens  | Lis Pendens          | 2006CP4001611 | Richland County Common Pleas |
| Stoneburner, Craig B               | Defendant | <u>DU241</u>            | 02/02/2007 | Pending  |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B               | Defendant | <u>DX258</u>            | 07/16/2007 | Pending  |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Craig B               | Defendant | <u>EE311</u>            | 05/02/2008 | Pending  |            | Lis Pendens  | Lis Pendens          | 2008CP4003117 | Richland County Common Pleas |
| Stoneburner, Craig B Db            | Defendant | <u>91CP4005533</u>      | 11/26/1991 | Disposed | 04/23/1993 | Common Pleas | Person Inj/Other 399 |               | Richland County Common Pleas |
| Stoneburner, Craig B.              | Defendant | <u>930816</u>           | 12/06/1993 | Disposed | 03/31/1994 | Civil        | Summons & Complaint  | 930816        | Upper Township Magistrate    |
| Stoneburner, Craig Braden          | Defendant | <u>Z381646</u>          | 09/06/2007 | Disposed | 10/04/2007 | Traffic      |                      |               | Central Court                |
| Stoneburner, Craig Db              | Defendant | <u>933133</u>           | 12/16/1993 | Disposed | 02/09/1994 | Civil        | Summons & Complaint  | 933133        | Waverly Magistrate           |
| Stoneburner, Craig/2515 Canterbury | Defendant | <u>961087</u>           | 10/08/1996 | Disposed | 10/23/1996 | Civil        | Public Sale          | 961087        | Olympia Magistrate           |
| Stoneburner, Craigh                | Defendant | <u>AN242</u>            | 05/04/1988 | Pending  |            | Lis Pendens  | Lis Pendens          |               | Richland County Common Pleas |
| Stoneburner, Sr, Craig             | Defendant | <u>2014CV4011002968</u> | 12/01/2014 | Disposed | 05/12/2015 | Civil        | Summons & Complaint  |               | Waverly Magistrate           |

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# EXHIBIT C

# Craig Stoneburner

Owner Principal at CRAIG B STONEBURNER INVESTOR  
Lexington County

## Experience

### CRAIG B STONEBURNER INVESTOR

Owner Principal

January 1971 - Present (50 years 1 month)

1310 LADY ST. SUITE 202, COLUMBIA,S.C. 29201

ACQUISITION, MANAGEMENT OF PRIVATE REAL ESTATE INVESTMENTS.PRESENTLY IN SEMI RETIREMENT STATUS AND AM BEGINNING TO LIQUIDATE GROUPS OF RESIDENTIAL PROPERTIES THROUGHOUT S.C., DEVELOPMENT TRACTS FOR TOWN HOMES AND VARIOUS COMMERCIAL-RESIDENTIAL INVESTMENTS PRIMARILY IN COLUMBIA,S.C. 803-799-9483.

---

## Education

### P.C. AND USC LAW

Bachelor's Degree, Business Administration and Management,  
General · (1964 - 1971)

## Contact

[www.linkedin.com/in/craig-stoneburner-7b076b51](http://www.linkedin.com/in/craig-stoneburner-7b076b51) (LinkedIn)

## Top Skills

Residential Homes

First Time Home Buyers

Sellers

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 Craig B. Stoneburner, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 James Venable Revercomb, III, et )  
 al )  
 )  
 Defendants. )  
 )

IN THE COURT OF COMMON PLEAS  
 CASE NO.: 2009-CP-40-03264

**PLAINTIFF’S REPLY TO THE  
 DEFENDANTS’ RESPONSE IN  
 OPPOSITION OF THE PLAINTIFF’S  
 MOTION TO ALTER OR AMEND  
 JUDGMENT/MOTION TO RECONSIDER  
 GRANT OF DISMISSAL TO  
 DEFENDANTS AND/OR RESTORE TO  
 COMMON PLEAS DOCKET**

**TO: BRIAN L. BOGER, ESQUIRE, ATTORNEY FOR THE DEFENDANTS:**

The above-captioned Plaintiff submits this reply to the Defendants’ Response in Opposition to the Plaintiff’s Motion and Memorandum in Support to Alter or Amend Judgment/Motion to Reconsider Grant of Dismissal and/or Restore to Common Pleas Docket.

Plaintiff replies and seeks to correct inconsistencies presented by the Defendants in their response, and urges the Court to reconsider its ruling, and to DENY the Defendants’ Motion to Dismiss based on the equitable doctrine of laches.

**DEFENDANTS FAILED TO SEEK DATE CERTAIN AS AGREED TO**

The procedural history of this case is quite lengthy, and the Plaintiff incorporates their Motion and Memorandum by reference herein. The Plaintiff, however, would like to highlight an inconsistency presented by the Defendants in regard to the procedural history of this case: (1) the Defendants were the ones who agreed to seek a date certain with the Master in Equity court and failed to do so.

Defendants' response in opposition lays it on thick that from 2012 until 2017, Plaintiff sat on his hands and did nothing. As discussed in the original motion and memorandum, Plaintiff understood that in September 2012, the case was referred to the Master and a trial would be scheduled. Exhibit A to this reply shows that the duty to schedule this trial fell on the Defendants who agreed to file the referral paperwork and schedule a date certain in the Master's Court. Exhibit B is an affidavit from the Plaintiff's attorney at the time who affirms this was the understanding. Plaintiff relied on this agreement until his attorney filed to be relieved in December 2014. As the record shows, Plaintiff then requested a transfer back to the Circuit Court and assumed that had been done. (Exhibit C) At this point, the Plaintiff was under the assumption the Circuit Court was in control and knew they scheduled their own dockets.

#### **DEFENDANTS FAIL TO SHOW PREJUDICE**

Regardless of whether this Court entertains a motion of dismiss under the theory of lack of prosecution or laches, the Defendants must show that they were prejudiced by the delay (See *Brown v. Butler*, 347 S.C. 259). The Defendants failed to address any prejudice in their Motion to Dismiss filed on September 23, 2019. At the March 5, 2020 hearing, defense counsel danced around the idea that his failure to keep tabs on his clients could affect the ability to continue with this case. (Exhibit D) However, by the time of the reconsideration hearing in November of 2020, defense counsel affirmed to the Court that, "In terms of dealing with prejudice to the parties, I have now found my people, and you know, they're happy to respond." (See pages 12 - 13 of the November 16, 2020, hearing transcript attached as Exhibit E) The Defendants have had ample

opportunities over the course of multiple pleadings and hearings to explain to the Court that the time it has taken this case to be heard has prejudiced them in any way.<sup>1</sup>

### **CONCLUSION**

The Defendants fail to show that delays in having this case heard on their merits have prejudiced them in any manner. Their attempt to shift the blame of this lengthy delay solely on the back of the Plaintiff is not consistent with the record of the case. As such, the Plaintiff urges the Court to reconsider its ruling to dismiss the Plaintiff's case and DENY the Defendants' Motion to Dismiss.

BLUESTEIN THOMPSON SULLIVAN, LLC

s/ J. Clarke Newton

J. Clarke Newton

P.O. Box 7965

Columbia, SC 29202

803.779.7599 Telephone

803.771.8097 Facsimile

clarke@bluesteinattorneys.com

*ATTORNEY FOR PLAINTIFF*

February 17, 2021  
Columbia, South Carolina

---

<sup>1</sup> Defense Counsel referred to his clients as "kids" in the March 2020 hearing, saying they were all about 21 years old at the time. Unless counsel has evidence they've become incapacitated or mentally infirmed in the last 12 years, they should all be in their mid-30's and competent to testify.

# Exhibit A



Stoneburner Craig &lt;craigstoneburner@gmail.com&gt;

*Transferring Case to Master  
Boger***Reference in Soneburner/Moluf**

1 message

Stanton, Barry &lt;bstanton@stantonlaw.com&gt;

Tue, May 8, 2012 at 5:32 PM

To: Brian Boger &lt;Brian@brianboger.com&gt;

Brian, agreed to refer to Judge Strickland with attempt at day certain June 14, or if not, June 13, or if not, ASAP after June 25. We'll take you up on your preparing the order of reference and remitting the motion/reference fee.

Judge Barber knows, and has marked it referred on a form order, with the formals to follow.

Best,

Barry

M. Baron Stanton  
STANTON LAW OFFICES, P.A.  
1728 Main Street (29201)  
P.O. Box 245  
Columbia, SC 29202

bstanton@stantonlaw.com

ph. 803-929-1484

fx. 803-929-0534



Stoneburner Craig &lt;craigstoneburner@gmail.com&gt;

---

**Stoneburner/Moluf, et al.**

1 message

---

**Stanton, Barry** <bstanton@stantonlaw.com>  
To: Brian Boger <Brian@brianboger.com>

Thu, May 31, 2012 at 8:09 AM

Brian, I believe you agreed to handle the order of reference including filing fee, and pursue the date certain of June 13 or 14.

I'm on vacation next week.

Please let me know where we stand.

Thanks.

Barry

M. Baron Stanton  
STANTON LAW OFFICES, P.A.  
1728 Main Street (29201)  
P.O. Box 245  
Columbia, SC 29202

bstanton@stantonlaw.com

ph. 803-929-1484  
fx. 803-929-0534

✓  
P.

**From:** Brian Boger [mailto:brian@brianboger.com]  
**Sent:** Wednesday, September 05, 2012 4:44 PM  
**To:** Stanton, Barry  
**Cc:** sara@brianboger.com  
**Subject:** RE: Trial next week - Rivercomb et al. -- 301 S. Edisto

My fault. I'll do an Order of Reference tomorrow. I'll need your signature.

Brian

---

**From:** Stanton, Barry [mailto:bstanton@stantonlaw.com]  
**Sent:** Wednesday, September 05, 2012 11:33 AM  
**To:** Brian Boger  
**Subject:** Trial next week - Rivercomb et al. -- 301 S. Edisto  
**Importance:** High

Brian, you were going to get this referred to the Master and pay the motion/referral fee. Did you change your mind? We're up on the roster for Monday. Do you want to try it nonjury to a Circuit Judge next week? I need to know how to plan.

Best,

Barry

M. Baron Stanton  
STANTON LAW OFFICES, P.A.  
1728 Main Street (29201)

# Exhibit B

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
) )  
The Unnamed Joint Venture of )  
Craig B. Stoneburner and )  
Gary McLaurin with Respect to )  
Property Located at 301 South )  
Edisto Avenue, by and through )  
Craig B. Stoneburner, its managing )  
Venturer, )  
Plaintiff, )  
v. )  
) )  
George Anthony Moluf, III, James )  
Whittington Clement, and James )  
Venable Revercomb, III, )  
) )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO. 09-CP-40-3264

**AFFIDAVIT OF  
BARRY STANTON, ESQ**

Comes before me, Barry Stanton, who, being duly sworn, deposes and says:

1. I am an attorney practicing in the State of South Carolina with an office located at 1230 Richland St., Columbia, SC 29201.
2. I am the original attorney of record for the Plaintiff in the above captioned case.
3. In May of 2012, I communicated with Defendants' counsel Brian Boger regarding transferring this case to the Master in Equity's court.
4. It was the agreement of both parties in May of 2012 that Mr. Boger would file the necessary papers to refer it to the Master' court and schedule a date certain trial.

5. I have reviewed the emails contained within Exhibit A of this affidavit and recall sending and receiving them.

6. I provided the emails in Exhibit A to the Plaintiff Craig Stoneburner for his file.

Pursuant to S.C. Sup. Ct. Order 2020-12-16-01 (regarding emergency procedures in trial courts during COVID-19 pandemic), in lieu of having this affidavit notarized, I certify the foregoing and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

\_\_\_\_s/M. Baron Stanton\_\_\_\_\_

M. Baron Stanton

Date: 2.11.2021

# Exhibit C

**CRAIG B. STONEBURNER**  
 REAL ESTATE INVESTMENTS  
 1310 LADY STREET, SUITE 202  
 COLUMBIA, SOUTH CAROLINA 29201  
 (803) 799-9483 / FAX (803) 799-6483

Craig Stoneburner et al

VS

Rivercomb et al

Case No.:

09-CP-40-3264

Transfer of Case

Gentlemen:

Please remand this case to Circuit Court.  
 Said case was referred to the Master in  
 Equity approx Sept 17, 2012 but it was recently  
 found that the Master no longer has  
 jurisdiction over said case so it shall be  
 moved to the Circuit Court and the Master  
 office has agreed to transfer it.

Craig B. Stoneburner

Jan 9, 15

# Exhibit D

**STONEBURNER, ET AL. v. MOLUF, ET AL.**

13

1 every day to get all these cases that were  
2 still left pending by computer glitch and get  
3 them, get them all dismissed unless the  
4 attorney's tell us they're still alive. So,  
5 that was September 12th, 2017, I signed the  
6 Order of Dismissal without Prejudice.

7 **MR. BOGER:** That, that's right.

8 **THE COURT:** And that, that's the last thing that you  
9 heard?

10 **MR. BOGER:** Hold on. There's, there's more.

11 **THE COURT:** Okay.

12 **MR. BOGER:** But, but I want to go back to the record  
13 and, and say this, that these, these kids -- 21  
14 year old or whatever they, however they were at  
15 that time in 2009, were sent to me by somebody  
16 I know, and I don't even know -- it's been now  
17 11 years ago. I don't remember who sent 'em.  
18 But they're nice, they're nice young men.  
19 I've, I've represented them. I look back at  
20 the file. I sent a letter in 2012 ---

21 **THE COURT:** Uh-huh.

22 **MR. BOGER:** --- to, to Judge Barber, asking quite  
23 frankly for a day served because one of my  
24 clients apparently moved to Jackson Hole,  
25 Wyoming. The other client was in Tulane



**STONEBURNER, ET AL. v. MOLUF, ET AL.**

14

1 University Law School, just you know, just for  
2 information. I got a letter in like 2014 from  
3 bar somewhere, I don't know if it was North  
4 Carolina, Georgia, Florida, it doesn't matter,  
5 say could I explain what this lawsuit was  
6 about. When I wrote a letter to the Character  
7 and Fitness Committee to some bar that said  
8 that Mr. Revercomb was, you know, is involved  
9 in this lawsuit that, in my humble opinion,  
10 that it was over. So, but I have not heard or  
11 seen these kids since 2012. I mean, that's  
12 going on eight years. I don't even know -- I  
13 guess I could look 'em up. I have, I'll be  
14 frank, I have not gone on FaceBook or on  
15 social, which I'm not good at, social media,  
16 media to find these people, but I've not spoken  
17 with them in eight years. It just troubles me  
18 ---

19 **THE COURT:** Okay, so to cut to the chase, your  
20 motion is this needs to be dismissed for lack  
21 of prosecution because nothing has been done to  
22 move the case forward since 2009, is that ---

23 **MR. BOGER:** That, that's it. But, I, I do want to  
24 make all these exhibits part of the record.

25 **THE COURT:** All right, yeah, but, but before I --



# Exhibit E

**STONEBURNER V. REVERCOMB**

12

1 **THE COURT:** I'm not texting.

2 **MR. NEWTON:** And I believe I've said my piece, so  
3 I'll allow Mr. Boger to respond.

4 **THE COURT:** One moment, please. Okay. Your  
5 argument was that Rule 8A requires you to plead  
6 Laches. As ---

7 **MR. NEWTON:** Your Honor, it's Rule 8C, affirmative  
8 defenses.

9 **THE COURT:** Okay. Okay. You're absolutely correct.  
10 Okay. And you said that, if you don't plead  
11 it, then it's waived?

12 **MR. NEWTON:** Yes, Your Honor. If you look at D,  
13 effect of the failure to deny ---

14 **THE COURT:** Mr. Boger, any response?

15 **DEFENDANT'S POSITION:**

16 **MR. BOGER:** Your Honor, of course. Your Honor, sua  
17 sponte talked about Laches. That was not  
18 something I pled. At the hearing, you  
19 discussed the Laches part that troubled you, so  
20 that was -- with all due respect, that was  
21 unsua sponte, which is fine with me. I wrote  
22 what you wrote -- what Your Honor ordered. In  
23 terms of dealing with prejudice to the parties,  
24 I have now found my people, and, you know,  
25 they're happy to respond. But, once again,



**STONEBURNER V. REVERCOMB**

13

1           it's been 10 years, and I get the time line.  
2           We -- all the time line is in the record from  
3           before. I have a copy of the transcript. I  
4           think Your Honor's ruling is correct, whether  
5           we do it under 8C or simply failure to  
6           prosecute, and I know he's going to take it up.  
7           So I guess we'll let someone else decide this  
8           at the end of the day, but I don't see any  
9           reason why you would reverse your ruling on  
10          this matter.

11       **THE COURT:** Now, for clarity of the record, Master  
12          In Equity is a division of Circuit Court. It's  
13          not two different courts, and, once a case is  
14          heard in the Master In Equity, under Rule 53,  
15          the Master In Equity has the same power as the  
16          circuit court sitting non-jury. So I don't  
17          want to get caught up in semantics saying it  
18          was in one court and another court. It was  
19          actually in the same court. It may have been  
20          on two different rosters because, here, there  
21          would be dates certain. I -- and the rules are  
22          absolutely clear, but Mr. Boger is correct. I  
23          raised the issue of Laches, and -- because it's  
24          an equitable defense. And it's something I  
25          perceived, but, Mr. Newton, your point is that,



Transcript of Hearing Regarding Defendant's Motion to Dismiss  
on March 5, 2020

(Judge Joseph M. Strickland)

**STONEBURNER, ET AL. v. MOLUF, ET AL.**

11

1 **THE COURT:** All right.

2 **MR. BOGER:** And I was okay with that. But then  
3 another -- and the reason I was showing you Six  
4 instead of Five is I wanted see where they,  
5 where they had changed the caption. Once  
6 again, I, I didn't object. You know, I thought  
7 the case was ended, but Barry said, look just  
8 help me out. Just, just let me amend the  
9 caption and I'm like okay. But now we're in --  
10 now we've gone from '12 to '14, but that's even  
11 still six years from now and he is -- Barry is  
12 gettin' out of the case. And I'm like, okay  
13 Barry, whatever. I don't care, just get out.  
14 But then, once again nothing happened for  
15 another three years.

16 **THE COURT:** Uh-huh.

17 **MR. BOGER:** Three years, nothing happens. And Your  
18 Honor then signs the Omnibus Order of  
19 Dismissal, which is Number Seven ---

20 **THE COURT:** Right.

21 **MR. BOGER:** --- without prejudice.

22 **THE COURT:** Now let, now let, let me explain that  
23 for clarity record how that came about. With  
24 the advent of the case management system, there  
25 was actually a little glitch in that there was



1 no way, or at least we were not told a way,  
2 and, and it may very well be my, my fault  
3 because, because I'm not as computer literate  
4 as I should be, but there is really nothing  
5 told us about how you end a case once you're  
6 done with it on the case management system, and  
7 I got a letter from court administration saying  
8 Judge Strickland, you have several thousand  
9 cases that have never been, never been disposed  
10 and so, as a shortcut, we, we're still working  
11 on that problem now. No seriously. And, and  
12 as a shortcut, I thought I could dismiss  
13 everything and then everybody, all the lawyers  
14 who really wanted their cases to be viable,  
15 could bring them back because I dismissed it  
16 without prejudice. And so this is one of, one  
17 of many cases that, that was dismissed without  
18 prejudice and what lawyers have done is, is  
19 move to reinstate 'em as if, the same way we do  
20 when someone files bankruptcy for example.  
21 It's, it's stricken from active roster and then  
22 it's reinstated at their request and, and that  
23 was back in 2017. Now, in the meantime, we're  
24 working on -- we're just going through the  
25 cases one by one. My staff is working on it



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1 every day to get all these cases that were  
2 still left pending by computer glitch and get  
3 them, get them all dismissed unless the  
4 attorney's tell us they're still alive. So,  
5 that was September 12th, 2017, I signed the  
6 Order of Dismissal without Prejudice.

7 **MR. BOGER:** That, that's right.

8 **THE COURT:** And that, that's the last thing that you  
9 heard?

10 **MR. BOGER:** Hold on. There's, there's more.

11 **THE COURT:** Okay.

12 **MR. BOGER:** But, but I want to go back to the record  
13 and, and say this, that these, these kids -- 21  
14 year old or whatever they, however they were at  
15 that time in 2009, were sent to me by somebody  
16 I know, and I don't even know -- it's been now  
17 11 years ago. I don't remember who sent 'em.  
18 But they're nice, they're nice young men.  
19 I've, I've represented them. I look back at  
20 the file. I sent a letter in 2012 ---

21 **THE COURT:** Uh-huh.

22 **MR. BOGER:** --- to, to Judge Barber, asking quite  
23 frankly for a day served because one of my  
24 clients apparently moved to Jackson Hole,  
25 Wyoming. The other client was in Tulane



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1 didn't rent because I missed the student season  
2 because of this, then it went to -- well  
3 anyway, then I brought the, the action. And,  
4 I had a partner ---

5 **THE COURT:** Uh-huh.

6 **MR. STONEBURNER:** --- who had owned a third of it,  
7 but he had the property in his name and I owned  
8 two thirds. He put it in the LLC unbeknownst  
9 to me ---

10 **THE COURT:** Uh-huh.

11 **MR. STONEBURNER:** --- and then, all the sudden, I  
12 was, I found out that he had it in an LLC and  
13 I was prosecuting the case. Just a simple  
14 landlord tenant case.

15 **THE COURT:** Right.

16 **MR. STONEBURNER:** So ---

17 **THE COURT:** Now did you bring it towards a  
18 magistrate?

19 **MR. STONEBURNER:** It was over the magistrate's  
20 jurisdiction and so as soon as we realized that  
21 we had that problem with practicing law without  
22 a license because it was an LLC technically it  
23 was a joint venture between the LLC and me, but  
24 we ended up appealing it after Judge Manning  
25 heard it. Mr. Boger and Mr. Stanton agreed to



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1 put it back on the docket and hear it rather  
2 than go through an appeal. And then we went  
3 from there -- in 2012 Mr. Boger referred it to  
4 the Master.

5 **THE COURT:** Right.

6 **MR. STONEBURNER:** In 2014 Mr. Stanton and I quit  
7 doing business together. We're friends but we  
8 have about 10 cases ---

9 **THE COURT:** Let me be correct just for clarity of  
10 the record. Now Mr. Boger didn't refer it,  
11 probably the bar referred it probably at Mr.  
12 Boger's request.

13 **MR. NEWTON:** Yeah.

14 **THE COURT:** Okay.

15 **MR. NEWTON:** And I think he's -- the question that  
16 was asked was regarding the status of the home,  
17 not the procedure. I'd like to fill that in  
18 and allow Mr. Stoneburner just to answer  
19 questions about the home.

20 **THE COURT:** Yeah. When you finished I was just  
21 gonna ask, what's the situation today on that  
22 particular piece of property?

23 **MR. STONEBURNER:** Today it's re-rented.

24 **THE COURT:** And you still ---

25 **MR. STONEBURNER:** It was re-rented the next year.



1 **MR. NEWTON:** Nothing is then heard of until -- for  
2 him until 2018 when he actually gets notice  
3 that in 2017 that this omnibus order. At the  
4 end of 2018 he contacts The Court. The Court  
5 restores this case ---

6 **THE COURT:** Okay.

7 **MR. NEWTON:** --- he hires me. I file a notice of  
8 appearance in March of 2019. I sent a demand,  
9 or I reach out to Mr. Boger and say, let's try  
10 to resolve this matter.

11 **THE COURT:** Uh-huh.

12 **MR. NEWTON:** I send him a demand to try and  
13 kickstart some sort of settlement. The case  
14 then gets dismissed again in August 2019 again  
15 under your -- the situation you described when  
16 we started, when we were dealing with these  
17 omnibus requests to dismiss. We get it  
18 restored again, I contact Mr. Boger, ask him to  
19 please let's schedule a hearing on the merits  
20 from instruction from The Court asking for  
21 that, and he files this motion to dismiss.

22 **THE COURT:** Okay.

23 **MR. NEWTON:** So I realize this is a long gap in  
24 time, but the record reflects there was  
25 attempts to get things done in this case that



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1 **MR. NEWTON:** And there was a -- there were gaps in  
2 time but they're short gaps. And nothing has  
3 ever been removed from the active rosters of  
4 Court. If you look at the cases that Mr. Boger  
5 cites in his motion, these are all easily  
6 distinguishable. The majority of these cases  
7 are when a circuit court called the case in a  
8 roster, called it, and asked the Plaintiff to  
9 appear for trial and the Plaintiff didn't  
10 appear for some reason or another. That's the  
11 majority of these cases.

12 **THE COURT:** Okay. Now for clarity of the record,  
13 let me explain the process in my court. Every  
14 single thing I do is a date certain. Every  
15 single thing we do is a date certain and I  
16 think Mr. Boger appears before here quite a  
17 bit. What the practice is is people call us  
18 and say, we'd like to schedule something for a  
19 hearing, in this case it'd be a hearing on the  
20 merits, and we give them a date certain. And  
21 that's how we get going. We don't have a  
22 roster meeting and we don't call cases for  
23 trial because -- and I think we take pride in  
24 being user friendly in that people who need a  
25 trial just call in and we give them one or they



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1           need some kind of hearing, not necessarily a  
2           trial. But my question to you was going to be,  
3           Mr. Newton, does your client still think he's  
4           been harmed and how much is he suing for if the  
5           case isn't moot or if the case isn't --  
6           shouldn't be dismissed for lack of prosecution?  
7           My question is whether it's moot or not? And  
8           that's why I asked what the status was today.

9           **MR. NEWTON:** Sure, sure. And so there was damage.

10          **THE COURT:** All right.

11          **MR. NEWTON:** By breaking this lease there was rent  
12           damage loss of \$16,000.

13          **THE COURT:** To whom?

14          **MR. NEWTON:** To Mr. Stoneburner. To the property  
15           that he owned.

16          **THE COURT:** He said he didn't own the property, 100  
17           percent of it at the time. He said just a  
18           minute ago that he owns it now 100 percent, but  
19           back then when they filed the lawsuit he didn't  
20           know that his partner put it in the LLC. Is  
21           that accurate, Mr. Stoneburner? You didn't  
22           know that, right? And I went on to hear he  
23           thought he owned it but he didn't own it?

24          **MR. STONEBURNER:** Well technically he was holding  
25           the property. We were doing it together but



1           when he was titled in the LLC, I was the one  
2           that always managed it that I owned two thirds  
3           of the property.

4           **THE COURT:** Yes, sir. I understand.

5           **MR. STONEBURNER:** And then we just shaped, got it  
6           straight and I owned 100 percent of it.

7           **MR. NEWTON:** And so The Court can slice potentially  
8           later a passing by a partner at the time but he  
9           does have some of the damage because he owned  
10          a portion of it at the time. And once he was  
11          told he could not bring this on his own, got an  
12          attorney, you know, had legal representation.

13          **THE COURT:** Right.

14          **MR. NEWTON:** But total damages to include the loss  
15          of rent was \$30,000. Because this thing was  
16          not able to be rented until July of 2009.  
17          There's evidence that we have that we would  
18          present at a merits hearing of his attempts to  
19          get it sold so any sort of mitigation arguments  
20          we have -- to get it rented, excuse me. There  
21          are receipts from the state newspaper, of  
22          advertising and attempts to get someone into  
23          the property that unfortunately because it was  
24          the beginning of the school year he couldn't  
25          get anyone until a year later. So there has



1           been damage by this breach that we would be  
2           able to continue to go forward.

3       **THE COURT:**     Let me ask you, and I'm gonna say  
4           something I tell lawyers -- young lawyers never  
5           to say in my court because when you say, Your  
6           Honor this is a court of equity, you're kind of  
7           talking down to the Master in Equity. And many  
8           times when they say that it's because they  
9           don't have a leg to stand on. Neither one of  
10          the lawyers in this case are in that position.  
11          But there is an equitable document called  
12          laches where -- and some professions pronounce  
13          it laches. I don't -- L-A-C-H-E-S. And laches  
14          comes into play when there's a laps of time  
15          that ends up prejudicing the party you're  
16          trying to collect on, I guess, is one way to  
17          put it. Now if y'all would address that with  
18          me. In this case even if it shouldn't be  
19          dismissed for lack of prosecution should it not  
20          be dismissed because under the doctrine of  
21          laches? Because there has been a long period  
22          of time since these boys moved out. And after  
23          they signed the lease which I think is very  
24          important, they moved out and here it is 2020  
25          and the lease was signed back in May -- I'm



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1           sorry, the lawsuit was filed back in May of 20-  
2           -- what year? I'm sorry.

3           **DISCUSSION:**

4           **MR. BOGER:** May of '09.

5           **THE COURT:** May of 2009.

6           **MR. BOGER:** The lease was August of '08.

7           **THE COURT:** And now Mr. Stoneburner who does own 100  
8           percent of the property now says he needs  
9           \$30,000 from these people. That would indicate  
10          that the laps of time has certainly worked to  
11          their detriment if in fact we move forward with  
12          the case. Now how would you address the fact  
13          that he shouldn't prevail simply because it's  
14          been so long, even if we start the clock  
15          running from 20- -- it's eight years instead of  
16          ten years. I don't know. It's -- y'all want  
17          to address that? Who wants to go first?

18          **MR. NEWTON:** I'll allow Mr. Boger. I've been  
19          speaking enough.

20          **THE COURT:** Well I suspect you'd agree with me I'd  
21          guess.

22          **MR. BOGER:** Of course I would, Your Honor.

23          **THE COURT:** Yeah.

24          **MR. BOGER:** Your beating my drum.

25          **THE COURT:** Yeah.



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1 **MR. BOGER:** I happen to be the proud appellant who  
2 won at the Supreme Court on the laches case.  
3 I say it laches too.

4 **THE COURT:** Uh-huh.

5 **MR. BOGER:** There's a place on the green versus a --  
6 the Peta Pit and the restaurants that are right  
7 there across from Andy's Deli, I represented  
8 three of the four ---

9 **THE COURT:** Uh-huh.

10 **MR. BOGER:** --- and we went to the court of appeals  
11 and they said it didn't have enough time on  
12 laches and Supreme Court indorsed the laches  
13 argument, and that was 20 years, that there's  
14 debt to end there, enough is enough. And  
15 that's the case, I'll reference their's and I'm  
16 happy to have been involved in that case. But,  
17 and I think enough is enough and I think laches  
18 does apply in addition to any other arguments  
19 that I might take up on appeal if we do that.  
20 I've never seen anything quite like it. And I  
21 understand opposing counsel's argument. But  
22 unfortunately I get emails and I get phone  
23 calls from clients every blooming month wanting  
24 to know what's the status of my case, what's  
25 the status of my case. I've got to reply to



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1 front of your court where it is the  
2 responsibilities of the parties to get together  
3 to schedule something. But there's no rules to  
4 say, hey if you don't do this in six months or  
5 if you don't do it in 18 months then you can't  
6 go forward. So I just think if we're talking  
7 about fairness ---

8 **THE COURT:** Uh-huh.

9 **MR. NEWTON:** --- you know, I think having a merits  
10 hearing to settle whether or not -- because  
11 it's not a one sided -- and I agree that this  
12 is not a one sided matter. There's defenses to  
13 this case.

14 **THE COURT:** Uh-huh.

15 **MR. NEWTON:** And we're not here -- we are here just  
16 to -- we want to present why we feel they  
17 breached the lease.

18 **THE COURT:** Okay. All right. Based on -- oh, I'm  
19 sorry. Mr. Stoneburner, you want to say  
20 something else? Go ahead.

21 **MR. STONEBURNER:** If you don't mind.

22 **MR. NEWTON:** He does want to say something.

23 **THE COURT:** Yes, sir.

24 **MR. NEWTON:** Stand up.

25 **MR. STONEBURNER:** Mr. Stanton got involved to clear



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1 up the LLC issue and then continued with it.  
2 We got to a certain point in December 30th that  
3 he did a motion to withdraw. 10 days later I  
4 called the Master's clerk ---

5 **THE COURT:** Uh-huh.

6 **MR. STONEBURNER:** --- Deloris Ellison, does she know  
7 the status of the case, would she check on it.

8 **THE COURT:** What date was that?

9 **MR. STONEBURNER:** That was January 9th of '15. 10  
10 days after ---

11 **THE COURT:** That's not accurate. She's only been  
12 employed with me since August of 2018. So you  
13 probably talked to John Scott that day. It was  
14 a man or a woman you talked to?

15 **MR. STONEBURNER:** It was a lady. And then --  
16 anyway.

17 **THE COURT:** I'm sorry. Go ahead.

18 **MR. STONEBURNER:** I talked with ---

19 **THE COURT:** Somebody from my office.

20 **MR. STONEBURNER:** Said that the Master didn't hear  
21 landlord tenant cases anymore and to request a  
22 transfer of the case to the circuit court. So  
23 I sent a letter that day, January 9th ---

24 **THE COURT:** Yes, sir.

25 **MR. STONEBURNER:** And requested it be moved to the



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1 circuit court. The Master's office agreed to  
2 transfer it. And so it was done. I called  
3 back to check on the 12th of September '17.  
4 The Master did an order of dismissal on all  
5 cases, so I found that out on December 11th.

6 **THE COURT:** Yes, sir.

7 **MR. STONEBURNER:** I called Athena in the Master's --  
8 I think she was in the circuit court.

9 **THE COURT:** Yeah she works there.

10 **MR. STONEBURNER:** I checked, and Order came down and  
11 I met with I think it was Ms. Ellison two or  
12 three times on the 21st and 14th -- no, the  
13 13th.

14 **THE COURT:** Of what year?

15 **MR. STONEBURNER:** This was back in '18. And she  
16 said it was done. December 14th of '18 the  
17 case was restored to the docket by the Master.

18 **THE COURT:** Okay.

19 **MR. STONEBURNER:** And then it was dismissed again,  
20 then dismissed again August 21st and then  
21 ordered to restore to the docket. Most of it  
22 was internal stuff between circuit court and  
23 Master's court. And I was following every bit  
24 of the way.

25 **THE COURT:** Uh-huh.



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1 **MR. STONEBURNER:** As soon as we got through the  
2 situation with Barry Stanton getting it cleared  
3 up so we could go forward I stayed right on top  
4 of it every day.

5 **THE COURT:** Uh-huh.

6 **MR. STONEBURNER:** And you'll see the letter that I  
7 wrote. And there were numerous situations,  
8 questions of whether circuit court was kicking  
9 it back to you or not. And that's what we've  
10 been dealing with for all those years.

11 **THE COURT:** Uh-huh. What I'm looking for is the  
12 exact date it was referred to the Master in  
13 Equity.

14 **MR. NEWTON:** Your Honor, the consent order of  
15 reference from Judge Barber according to the  
16 docket sheet is September 17th of 2012.

17 **DECISION:**

18 **THE COURT:** All right, all right. Well again, based  
19 on the arguments made today, and I know both  
20 sides have positions that have merit. However  
21 based on the doctrine of laches I would grant  
22 the Defendant's motion to dismiss this case.  
23 And I would do it on grounds not argued except  
24 I did ask for argument on it. And I think the  
25 doctrine of laches would apply. If Mr. Boger



Transcript of Hearing regarding Plaintiff's Motion to Reconsider  
on November 16, 2020

(Judge Joseph M. Strickland)

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1 we had a March 2020 hearing in front of you,  
2 Your Honor. And so, to go into why we're  
3 asking for the reconsideration after that  
4 recitation of the procedure, Mr. Boger's  
5 dismissal plea -- his motion to dismiss this  
6 was under a lack of prosecution under Rule 41A.  
7 And that is what he brought to you that day.  
8 During the course of that hearing, Your Honor  
9 and the court came to the idea of, well, isn't  
10 this the Doctrine of Laches? And so we had a  
11 discussion about that, and, Your Honor,  
12 actually on the record -- and, if you'll look  
13 at Exhibit A of my motion -- you rule that the  
14 reason why you were dismissing this matter was  
15 because of this Doctrine of Laches. And so,  
16 Your Honor, we're here under a few things:  
17 One, Laches is an affirmative defense, so  
18 that's Number 1. And it's never been pled by  
19 Mr. Boger or any of the defendants. The other  
20 issue is that what -- even if we were to extend  
21 the Laches to apply to this case or even a lack  
22 of prosecution, Mr. Boger has shown no  
23 prejudice whatsoever that, because of the  
24 length of this case, that he -- that his  
25 clients have had -- that have been prejudiced



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1 by undue delay of this case. And then,  
2 further, going back to this, we would argue  
3 that it -- we don't know why it's here if it  
4 showed up in 2019 there and it was requested to  
5 be moved in 2015. So we have kind of multiple  
6 avenues here in our denial. We believe that  
7 Laches is inapplicable. They never raised it.  
8 It's Rule 8C of the rules -- the South Carolina  
9 Rules of Civil Procedure. It is a -- it is  
10 listed as an affirmative defense, and the  
11 failing to do that is an admission by the  
12 Defendant. So they failed to do that. They  
13 don't get that. They don't get the benefit of  
14 that just because we have this thought exercise  
15 in our March 2020 about couldn't this be  
16 Laches. They failed to do that. It's not a  
17 lack of prosecution because they've absolutely  
18 shown zero undue delay. The prejudice of the  
19 delay -- time is not the prejudice here. Time  
20 is not prejudiced. It's what time does to the  
21 case, and Mr. Boger has nothing to add to that  
22 prejudice other than, hey, it's been a long  
23 time. I don't know where my guys are. Your  
24 Honor, two things to that: This is 2020.  
25 Finding people in this world is pretty easy



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1 these days, so to argue that, hey, I don't know  
2 where my guys are, I don't know where the  
3 defendants are -- I think that falls short of  
4 the due diligence that would be required in  
5 your representation just to say I don't know  
6 where this person is. The other big part of  
7 that is to allow someone to say, hey, I don't  
8 know where my guys are, this has to get  
9 dismissed now would allow all parties to seek  
10 that remedy in situations where they could not  
11 avoid getting, you know, an -- a undesirable  
12 outcome. If they knew that they could just  
13 skip town and avoid talking to their attorney  
14 and the court said, well, we can't find the guy  
15 so we'll just dismiss it, everyone would do  
16 that. And so the remedy for not finding these  
17 people or not being able to contact these  
18 people is a remedy of being released from the  
19 case. That's not to dismiss the case, so we  
20 don't think Laches would apply. We don't think  
21 anything related to either lack of prosecution  
22 or if you fought Laches and replied because  
23 they can't show prejudice. And then, third,  
24 the wonkiness of this procedural leads me to at  
25 least request that the Court figure out was



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1 this case ever supposed to be here and, if so,  
2 why did it go to circuit? Why was it bouncing  
3 back and forth? If that's why Mr. -- if the  
4 time delay is going to be held against him as  
5 a prejudice to him, as you can tell from the  
6 time line, the majority of these issues had to  
7 do with scheduling dockets and not some sort of  
8 undue delay by the Plaintiff. I can go further  
9 with any more questions as to a time line, but,  
10 again, I think the first exercise that we have  
11 to address is would Laches even apply here.  
12 And, if it does, then what are the three  
13 factors of Laches that we need to go through,  
14 which are delay that was unreasonable and then  
15 prejudice the party. Your order from the  
16 pulpit right here -- your order in March was  
17 that this was an -- that this was a Laches --  
18 the reason was Laches.

19 **THE COURT:** That's right.

20 **MR. NEWTON:** Now, Mr. Boger, in his proposed order,  
21 threw in Laches and lack -- a lack of  
22 prosecution. And, while a court can always  
23 change its ruling and I understand, from the  
24 time of here to there, if you actually look to  
25 the words that are put in there as to what the



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1 lack of prosecution is and if you'll -- I know  
2 I've said a whole lot. But we've got a whole  
3 lot to get through here. I'm going to -- if  
4 you go to the order that was signed, it is  
5 hereby ordered the case should be dismissed  
6 with prejudice for lack of prosecution and  
7 Laches. Plaintiff neglected to pursue the  
8 action for an unreasonable and unexplained  
9 length of time under circumstances affording  
10 opportunity for diligence to do what, in law,  
11 should be done. And, Your Honor, you know that  
12 that's the definition of Laches. That's not  
13 the definition of Rule 41A, lack of  
14 prosecution, so your ruling was that it was  
15 dismissed under Laches. It was not a lack of  
16 prosecution, but, again, even if we had to come  
17 to those kind of conclusions, they can't show  
18 up prejudice. So we have those issues, and  
19 then we have this procedural issue with going  
20 back and forth and shouldn't be here to begin  
21 with.

22 **THE COURT:** All right. As a matter of courtesy, I'm  
23 looking at my phone because I'm looking up the  
24 rule. I'm not talking ---

25 **MR. NEWTON:** Oh, no, no, Your Honor.



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1 **THE COURT:** I'm not texting.

2 **MR. NEWTON:** And I believe I've said my piece, so  
3 I'll allow Mr. Boger to respond.

4 **THE COURT:** One moment, please. Okay. Your  
5 argument was that Rule 8A requires you to plead  
6 Laches. As ---

7 **MR. NEWTON:** Your Honor, it's Rule 8C, affirmative  
8 defenses.

9 **THE COURT:** Okay. Okay. You're absolutely correct.  
10 Okay. And you said that, if you don't plead  
11 it, then it's waived?

12 **MR. NEWTON:** Yes, Your Honor. If you look at D,  
13 effect of the failure to deny ---

14 **THE COURT:** Mr. Boger, any response?

15 **DEFENDANT'S POSITION:**

16 **MR. BOGER:** Your Honor, of course. Your Honor, sua  
17 sponte talked about Laches. That was not  
18 something I pled. At the hearing, you  
19 discussed the Laches part that troubled you, so  
20 that was -- with all due respect, that was  
21 unsua sponte, which is fine with me. I wrote  
22 what you wrote -- what Your Honor ordered. In  
23 terms of dealing with prejudice to the parties,  
24 I have now found my people, and, you know,  
25 they're happy to respond. But, once again,



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1 unless he pled it, I can't give him relief  
2 under that. That's your point because the  
3 rules don't allow that.

4 **MR. NEWTON:** Yeah, Your Honor, if we look at it  
5 procedurally and not, you know, substantively -  
6 --

7 **THE COURT:** Right.

8 **MR. NEWTON:** --- if we just look at it procedurally,  
9 I don't think this gives you -- I don't think  
10 this gives it an out. I don't think that they  
11 can kind of piggy-back onto the Court's --  
12 again the just -- the kind of group-think thing  
13 that we had while we were working through this.

14 **THE COURT:** Yeah. Let me take this under  
15 advisement. I want to do some of my own  
16 research here because I suspect this hasn't  
17 come up -- this has come up before.

18 **MR. NEWTON:** I'll point you, Your Honor, to pages 4  
19 and 5 of my motion, where it talks about the  
20 sua sponte. And I'll just read from it because  
21 it -- I actually write better than I can speak  
22 a lot of times.

23 **THE COURT:** Sure.

24 **MR. NEWTON:** The Court sua sponte the Plaintiff's  
25 case under the Doctrine of Laches in his oral



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1 reading on March 5. It was the sole reason  
2 this case was dismissed. However, since the  
3 Defensive never raised the Doctrine of Laches  
4 in their pleadings, the Master Of Equity herein  
5 providing relief to the Defendants under this  
6 doctrine. As stated in *Hines v. Hines* -- which  
7 I have a copy for Your Honor -- it is well  
8 settled that, ordinarily, a party may not  
9 receive relief not contemplated in its  
10 completeness. While it is true that pleadings  
11 in the family court must be liberally  
12 construed, this rule cannot be stretched so as  
13 to permit the judge to award relief not  
14 contemplated by the pleadings. Due process  
15 requires that a litigant be placed on notice of  
16 the issues which the Court is to consider.  
17 Again, because this is enumerated as an  
18 affirmative defense -- this isn't something  
19 that can conform to the pleadings -- their  
20 failure to bring that up at any point with --  
21 they've never done. They never did do that --  
22 has never put us on notice that that was an  
23 issue in this matter. And, again, so,  
24 procedurally, I just think it fails. Again, I  
25 also think that we can even overcome the



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1 substantive issues of Laches by the fact he's  
2 now admitted that his one prejudice that I  
3 can't find my clients has been ridded, so then,  
4 if we go to, well, what is the -- how has time  
5 damaged this case, he can't speak to that other  
6 than it's been a long time. Well, Your Honor,  
7 we've done all of the discovery in the case.  
8 The Plaintiff's still around. The Defendants  
9 are around. The witnesses are still around.  
10 I don't know what the point of dismissing the  
11 case is just because of time. He needs to show  
12 that time creates prejudice.

13 **THE COURT:** Okay. Mr. Boger, do you want a chance  
14 to his written memorandum?

15 **MR. BOGER:** Of course.

16 **THE COURT:** All right, Mr. Boger.

17 **MR. BOGER:** At the end of the day ---

18 **THE COURT:** Yeah.

19 **MR. BOGER:** --- it doesn't matter whether you  
20 granted it or Laches or granted on my basis,  
21 that time has passed. I won a case in the  
22 Supreme Court over Laches down in Five Points.  
23 The -- it's -- the Greene Street Bar -- that we  
24 won in the Supreme Court about ten years ago.  
25 I mean, I know something about Laches. All



Transcript of Status Conference on March 9, 2021  
(Judge Joseph M. Strickland)

## STONEBURNER V. MOLUF

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1     **THE COURT:** This is a status conference. We have a  
2           motion pending from Mr. Newton. Is that  
3           correct?

4     **MR. NEWTON:** Yes, Your Honor. We filed a motion to  
5           reconsider and had a supporting memo -- sorry,  
6           Clarke Newton for the Plaintiff. We filed a  
7           motion to reconsider your ruling on the  
8           dismissal of this case, filed a memo. We then  
9           had a hearing where you had instructed  
10          Mr. Boger to respond to our motion and memo.  
11          And then we filed a reply brief in opposition  
12          for that. So that is the status at this point.

13    **THE COURT:** Okay. Do you want another hearing or  
14          you want me to go ahead and rule? Seriously,  
15          I mean ...

16    **MR. NEWTON:** You know, Your Honor, I believe  
17          everything has been laid out in the two  
18          hearings we have had on this and in the  
19          pleadings. I obviously want to argue as  
20          zealously as possible for my client and don't  
21          want to give up, but I do think that we're in  
22          a good position. And I think, when you look at  
23          all of the pleadings that have gone into this,  
24          the big question point is -- or to me -- is the  
25          Defendant has not shown prejudice -- not



## STONEBURNER V. MOLUF

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1 I think, at least in terms of the fact that you  
2 have plenty of information to hear a merits  
3 hearing, we don't have any issue with that.  
4 But if it's improper to be here, obviously we'd  
5 want it to transferred.

6 **THE COURT:** Did he say who told him that in my  
7 office? Did Mr. Stoneburner say who told him  
8 that?

9 **MR. NEWTON:** He -- you know, in the hearing, and  
10 I'll be honest with you -- it'll take me a  
11 second to find it -- I believe he thought he  
12 was speaking with Deloris, but I think the  
13 times of that was not correct, according to you  
14 in the hearing. But he did not have -- I don't  
15 know if he had the actual person he spoke to.  
16 He had just recalled speaking to Deloris at  
17 some point.

18 **THE COURT:** Okay. The reason I wanted to clarify  
19 that is because generally speaking we don't  
20 hear landlord-tenant cases. Those are heard by  
21 Magistrates, unless for some reason the  
22 Magistrate can't hear it. And when a case is  
23 referred to be by a Circuit Court Judge --  
24 well, first of all, the Master-in-Equity, is  
25 part of the Circuit Court. We're a division of



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BRIAN L. BOGER

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April 20, 2010

The Honorable Alison Renee Lee  
PO Box 192  
Columbia, SC 29202

**RE: Craig B. Stoneburner v. George Anthony Moluf, III, et al.**  
**CA#: 09-CP-40-3264**

Dear Judge Lee:

The Plaintiff has only recently hired counsel to assist him in this matter. We are currently in the process of exchanging discovery and have a deposition scheduled for Tuesday, April 27, 2010. It appears that we are in position on the roster for that week. For all of these reasons, Barry Stanton, the Plaintiff's counsel and I are requesting a continuance in this matter until the next term.

I have included the requisite fee and am asking that you please consider our request. Should you have any questions or concerns, please feel free to contact me. Thank you for your attention to this matter.

Most Respectfully,

Brian L. Boger

BLB/sp

cc: M. Baron Stanton

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May 2, 2012

The Honorable Judge James R. Barber, III.  
Administrative Judge for Richland County  
Richland County Judicial Center  
1701 Main Street, Room 223  
Columbia, SC 29201

**RE: Craig B. Stoneburner v. George Anthony Moluf, James Whittington Clement, and James Venable Rivercomb, III,**  
**2009-CP-40-3264**

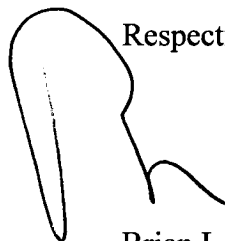
Dear Judge Barber:

The above case has a rather lengthy history. I will not go into it in great length, but this case has been at the South Carolina Court of Appeals for almost a year. Recently opposing counsel has consented to having it heard before you for what we understand to be a final hearing. In reviewing my files, I understand that it is set for number six on the docket next week. I am writing to request that you grant a date certain for trial in the above referenced matter, preferably after May 15.

This case centers on a lease dispute between three then college students and a prospective landlord. I represent the three young defendants in this matter, two of whom do not live in South Carolina. One of my out of state clients is a law student at Tulane University, and will not finish his exams until early next week. Another lives in Jackson Hole, Wyoming, and is about to embark on an eight day employment training seminar in Washington State. He will not be available until May 15 at the earliest. Therefore, due the travel requirements and availability of my clients, I respectfully ask that you set a date certain for trial.

I thank you for your consideration.

Respectfully,



Brian L. Boger

cc: M. Barron Stanton, Esquire

**CRAIG B. STONEBURNER**  
REAL ESTATE INVESTMENTS  
1310 LADY STREET, SUITE 202  
COLUMBIA, SOUTH CAROLINA 29201  
(803) 799-9483 / FAX (803) 799-6483

Craig Stoneburner et al  
VS  
Rivercomb et al

Case No:

09-CP-40-3264

Transfer of Case

Gentlemen:

Please reword this case to Circuit Court.  
Said case was referred to the Master in  
Equity approx Sept 17, 2012 but it was recently  
found that the Master no longer hears  
landlord & tenant cases so it shall be  
moved to the Circuit Court and the Master  
office has agreed to transfer it.

Craig B. Stoneburner

Jan 9, 15

CERTIFICATE OF COUNSEL

---

**RECEIVED**

**Nov 15 2021**

**SC Court of Appeals**

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

November 12, 2021

s/Walter B. Todd, Jr.  
Walter B. Todd, Jr., PC  
2711 Middleburg Dr., Suite 305  
(803) 753-7952  
Attorney for Appellant