

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
IN THE COURT OF COMMON PLEAS
THE HONORABLE JAMES O. SPENCE
MASTER IN EQUITY

RECEIVED
DEC 14 2021
S.C. SUPREME COURT

Case No. 2011-CP-32-1781

Appellant Case No. 2021-001365

Charles E. Strickland, III, Latisha D. Strickland, and Justin R. Dillon.....Appellants,

v.

Marjorie E. Temple.....Respondent.

APPELLANTS' MOTION FOR SANCTIONS AND DISMISSAL

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Appellants' Notice of Motion and Motion to Dismiss and for Sanctions According to Rule 269, SCACR

Appellants, Charles E. Strickland, III, et al move this court for an award of sanctions, attorney's fees, costs, and such other and further relief as the court may deem just and proper claiming of a meritless Petition for Writ of Certiorari to this court.

This litigation has been going on for over ten (10) years. The counterclaims for fraud, unfair trade practices, as well as negligent misrepresentation, raised by the Respondent in the lower court, have been found to be all without merit and were filed for the purpose of delay, were filed in bad faith, and, upon information and belief, filed for the purpose of trying to force a settlement of meritless claims that should never have been brought.

As this court will note, the decision by the South Carolina Court of Appeals in Charles E. Strickland, III, et al vs. Marjorie E. Temple, Appellate Case No. 2015-002048, Unpublished Opinion No. 2021-UP-311 filed September 1, 2021, found the Appellants' Rule 11 Motion was filed timely; the master erred in denying the Appellants' Motion For Sanctions pursuant to Rule 11 because the claim was so patently without merit that no reasonable attorney could have a good faith belief in the propriety of the claims brought by the Respondent, and that the master erred in failing to award attorney's fees pursuant to Respondent's contract with the Appellants.

This has been protracted and unnecessary litigation and will amount of a stain on the judicial process if this litigation is allowed to continue.

WHEREFORE, for all of the reasons set forth in the case of Charles E. Strickland, III, et vs. Marjorie E. Temple, as decided by the Court of Appeals of South Carolina, as well as all the arguments set forth in the Appellants' brief and Return to Petition For Writ of Certiorari, the Appellants pray that this matter be dismissed and that the court enter appropriate sanctions, with costs and attorney's fees and enter an order ending this litigation.

Respectfully Submitted,


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