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Oct 26 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Appellate Case No. 2020-001472

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

v.

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

-and-

Appellate Case No. 2021-000084

Vidhyaben R. Patel,Appellant,

v.

Hardik R. Patel,Respondent.

SECOND MOTION TO CONSOLIDATE

Hardik R. Patel, Anal H. Patel and AAHARVID LLC (collectively “Respondents” in Appellate Case No.2020-001472) and Hardik R. Patel (Respondent in Appellate Case No. 2021-000084) seek an order of this Court consolidating the Laurens matters (which were consolidated

by this Court by order dated March 3, 2021, with the York County case identified above, Appellate Case No. 2021-000084.

All three cases arise out of the same facts and circumstances, The filing of the York case constitutes evidence of the bad faith undertaken by Appellant Vidhya Patel to abuse Hardik R. Patel. In Laurens, Vidhya (and her son Darshak) filed suit against Hardik, his wife Anal and Anal's company AAHARVID LLC, trying to claim Hardik's house and Anal's store should really belong to Vidhya. They lost in a non-jury case that lasted four full days.

Hardik moved for an award of attorney's fees, which was denied. Hardik appealed the denial of his motion for attorney's fees and the two Laurens County appeals were consolidated by order of this Court.

Vidhya filed the York County¹ suit several months after she filed the Laurens case because the Laurens County suit did not get her the result she wanted fast enough and she was trying to put additional pressure on Hardik. The filing of the multiplicitous York County case is included among the bad acts upon which Hardik relied in support of his motion for attorney's fees in the Laurens action (as is multiple representations made by Vidhya and Darshak in the Laurens County probate court, the records of which are in the Laurens appeal).

Respondents would show that:

- (1) The Laurens County appeals (the consolidated cases, Appellate Case No. 2020-001472) has been fully docketed;
- (2) The York County appeal (Appellate Case No. 2021-000084) has been fully docketed;

¹ Vidhya filed the York County suit in Laurens County. Venue was transferred to York, where Hardik resides, and decided there. The case was dismissed on summary judgment because the issues had already litigated (or should have been) in the Laurens County action. The York action is part of the evidence of Vidhya's misconduct which forms the basis for Hardik's claim against Vidhya for attorney's fees in Hardik's appeal in the Laurens County case. The cases should logically be considered together.

(3) As a result of the docketing schedules in the Laurens case and the York Case being virtually identical now, Hardik, Anal and AAHARVID, LLC is informed and believes that no delay would occur in any of the appeals were they consolidated for consideration in a single proceeding.

WHEREFORE, Respondents are informed and believe that the best interests of the Court and the parties is for all related matters to be considered as a single (consolidated) case so the issues relevant to each are squarely before the Court at the same time. Respondents are further informed and believe that no party will sustain prejudice should the consolidation sought herein be granted.

WHEREFORE, Respondents move to consolidate Appellate Case No. 2020-001472 and Appellate Case 2021-000084 to be considered by this Court at the same time.

s/ Desa Ballard
Desa Ballard
Harvey M. Watson III

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ATTORNEYS FOR
RESPONDENTS/APPELLANTS

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Representative of the Estate of Rameschandra Prabhudas
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Co-Personal Representative of the Estate of
Rameschandra Prabhudas Patel.Appellants/Respondents,

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-and-

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Vidhyaben R. Patel,Appellant,

v.

Hardik R. Patel,Respondent.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on October 26, 2021, I served a copy of the **Second Motion to Consolidate**, in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

S. Jahue Moore, Esquire
Moore Taylor Law Firm, P.A.
jake@mttlaw.com

Samuel Price, Jr., Esquire
ramona@nicholspricelaw.com

Jennifer D. Nichols, Esquire
jennifer@nicholspricelaw.com



Beth Cogan, Paralegal

October 26, 2021

Beth Cogan

From: Beth Cogan
Sent: Tuesday, October 26, 2021 11:51 AM
To: jake@mttlaw.com; ramona@nicholspricelaw.com; jennifer@nicholspricelaw.com; Diane Corley; Lynn G. Ivey
Cc: Desa Ballard
Subject: (Patel v. Patel 2020-001472/2021-000084) Ltr to COA encl Second Motion to Consolidate
Attachments: 2021 10 26 Ltr to COA encl Second Motion to Consolidate.pdf; 2021 10 26 Second Motion to Consolidate.pdf; 2021 10 26 POS Second Motion to Consolidate.pdf

Good morning,

Please see the attached Motion that is being filed today with the Court of Appeals.

Kindest Regards,

-Beth

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October 26, 2021

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: *Vidhyaben R. Patel, et al. v. Hardik Patel, et al.*
Appellate Case No.: 2020-001472

Vidhyaben R. Patel v. Hardik Patel
Appellate Case No.: 2021-000084

Dear Ms. Kitchings:

Enclosed for filing please find a Second Motion to Consolidate and Proof of Service for the above-referenced matter. Pursuant to paragraph (c) of the Supreme Court's administrative order dated August 25, 2021 ("Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules") a check for the filing fee is being forwarded via US mail.

By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Appellants/Respondents. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

Enclosures

cc: Via Electronic Mail
Jake Moore, Esquire
Samuel Price, Jr., Esquire
Jennifer Nichols, Esquire
Hardik and Anal Patel