

**THE STATE OF SOUTH CAROLINA
in the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

**The Honorable W. Jeffrey Young
Charleston County
Trial Court Case No.: 2010-CP-26-9158**

APPELLATE CASE NO.: 2013-000279

Johnson Koola, Appellant,

vs.

Cambridge Two, LLC, Albert V. Estee, Individually, Cambridge Lakes, LP,
Stephen R. Heape, Individually and as General Partner of Cambridge Lakes, LP,
Cambridge Lakes Apartment Homes, a/k/a Cambridge Lakes Apartments, LP,
a/k/a Cambridge Lakes Apartment Homes, LP, Trademark Properties, Inc.,
Carolina One Charleston Home Team Properties, LLC, Charleston Home Team,
LLC Carolina One, and William E. Jenkinson, IV, Individually Respondents.

**RESPONDENTS' CAMBRIDGE LAKES, LP'S AND
STEPHEN R. HEAPE'S RETURN TO APPELLANT'S
PETITION FOR REINSTATEMENT OF APPEAL**

The Respondents, Cambridge Lakes, LP and Stephen R. Heape, object to the appeal being reinstated. On February 6, 2013, Appellant's counsel forwarded to the Clerk of Court of the South Carolina Court of Appeals a Notice of Appeal and provided the undersigned with a copy of same. A Notice of Deficiency was sent by the Deputy Clerk of Appellant's counsel on February 11, 2013 regarding the amount of the filing fee. Respondents' counsel was never provided with any

RECEIVED

APR 29 2013

SC COURT OF APPEALS

documentation reflecting that the transcript had been ordered until after the appeal was dismissed. Furthermore, Respondents' counsel has not received the Appellant's Initial Brief or Designation of Matter.

Pursuant to Rule 207(a)(1) of the Appellate Court Rules, the Transcript must be ordered within ten (10) days after the date of service of the Notice of Intent to Appeal. Rule 207(a)(1) also requires that the Appellant contemporaneously furnish all counsel of record, the office of Court Administration and the Clerk of the Appellate Court with copies of all correspondence with the Court Reporter. This Rule was not complied with. Appellant's counsel should have sent a letter requesting a copy of the Transcript to the Court Reporter on or before February 16, 2013 and that letter should have been copied to Respondents' counsel as well as Court Administration and the Clerk of the Court of Appeals. Respondents' counsel did not receive copies of any correspondence from the Appellant or his counsel addressed to the Court Reporter, Clerk of the Court of Appeals or Court Administration between the February 6, 2013 letter and the time of the receipt of the Order Dismissing the appeal.

Rule 208(a)(1) requires that if no Transcript is ordered, the Appellate within thirty (30) days from serving Notice of Appeal shall serve one (1) copy of his Brief on all parties to the appeal and file with the Clerk of the Appellate Court one (1) copy of the Brief with Proof of Service. Rule 208(a)(4) provides that upon failure of the Appellate to file and serve his Brief within the time prescribed, the Clerk of the Appellate Court shall sign the Order dismissing the appeal and the appeal shall not be reinstated except as provided by Rule 260. Rule 260(a) provides in pertinent part:

“a case shall not be reinstated except by leave of the Court, upon good cause shown, after notice to all parties.”

The Appellant in his Petition For Reinstatement of the Appeal has not shown good cause.

Finally, Rule 209(a) requires that at the same time a party serves his Initial Brief under Rule 208, he shall serve on all parties to the appeal a Designation of Matter to be included in the Record on Appeal. No Designation of Matter has been supplied to Respondents', Cambridge Lakes, LP's and Stephen R. Heape's, counsel.

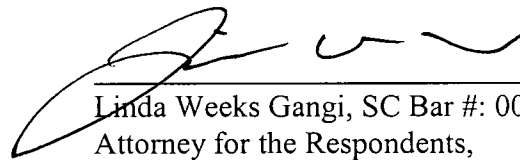
The Respondents, Cambridge Lakes, LP and Stephen R. Heape, would respectfully submit that the dismissal of this appeal was appropriate and the Petition For Reinstatement of Appeal should be denied.

Respectfully submitted,

THOMPSON & HENRY, P.A.

Conway, South Carolina

April 24, 2013



Linda Weeks Gangi, SC Bar #: 002365
Attorney for the Respondents,
Cambridge Lakes, LP and Stephen R. Heape
Post Office Box 1740
Conway, South Carolina 29528-1740
Telephone No: (843) 248-5741
Fax No.: (843) 248-5112
lgangi@thompsonlaw.com

**THE STATE OF SOUTH CAROLINA
in the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

**The Honorable W. Jeffrey Young
Charleston County
Trial Court Case No.: 2010-CP-26-9158**

APPELLATE CASE NO.: 2013-000279

Johnson Koola, Appellant,

vs.


Cambridge Two, LLC, Albert V. Estee, Individually, Cambridge Lakes, LP,
Stephen R. Heape, Individually and as General Partner of Cambridge Lakes, LP,
Cambridge Lakes Apartment Homes, a/k/a Cambridge Lakes Apartments, LP,
a/k/a Cambridge Lakes Apartment Homes, LP, Trademark Properties, Inc.,
Carolina One Charleston Home Team Properties, LLC, Charleston Home Team,
LLC Carolina One, and William E. Jenkinson, IV, Individually Respondents.

CERTIFICATE OF MAILING

I certify that I have served the Respondents', Cambridge Lakes, LP's and Stephen R. Heape's,
Return to Appellant's Petition for Reinstatement of Appeal and Certificate of Mailing by depositing
one (1) copy in the United States Mail on April ^{25th} 2013, to the undersigned at his/her/their address
of record, with sufficient postage attached thereto as follows:

William B. Jung, Esq.
Bowman Center
1156 Bowman Road, Suite 100D
Mount Pleasant, SC 29464
Attorney for the Appellant

David J. Parrish, Esq.
Nexsen Pruet, LLC
Post Office Box 486
Charleston, SC 29402
Attorney for Respondents Cambridge Two,
LLC and Albert V. Estee

A handwritten signature in black ink, appearing to read "Ann Shearin". The signature is fluid and cursive, with a large initial "A" and "S".

Ann Shearin
Assistant to Linda Weeks Gangi

THOMPSON & HENRY, P.A.
ATTORNEYS AT LAW
1300 SECOND AVENUE, THIRD FLOOR (29526)
POST OFFICE BOX 1740
CONWAY, SOUTH CAROLINA 29528

LINDA WEEKS GANGI
lgangi@thompsonlaw.com

TELEPHONE
(843) 248-5741
FAX
(843) 248-5112

April 24, 2013

The Honorable V. Claire Allen
Deputy Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: *Johnson Koola vs. Cambridge Two, LLC, Albert v. Estee, Individually, Cambridge Lakes, LP, Stephen R. Heape, et al.*
Appellate Case No.: 2013-000279

Dear Ms. Allen:

Please find enclosed herewith the original and seven (7) copies of the following documents with regard to the above-referenced action:

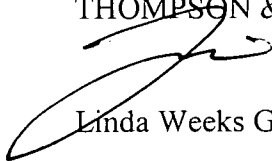
- a. Respondents' Cambridge Lakes, LP's and Stephen R. Heape's Return to Appellant's Petition for Reinstatement of Appeal; and
- b. Certificate of Mailing.

Please file these documents and return one clocked copy to me in the enclosed self-addressed stamped envelope.

With kindest personal regards, I remain

Yours very truly,

THOMPSON & HENRY, P.A.


Linda Weeks Gangi

LWG/avs

Enclosures

pc: William B. Jung, Esq.
David J. Parrish, Esq.
Ms. Sharon Eason - sharon.eason.cr9g@statefarm.com

RECEIVED

APR 29 2013

SC Court of Appeals