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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SOUTH CAROLINA COURT OF APPEALS
AND FROM THE YORK COUNTY COURT OF COMMON PLEAS
Teasa K. Weaver, Master In Equity

Supreme Court Case # 2022-000275

LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-001-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, Defendants,

Of Whom Ryan Powell is the Petitioner.

REPLY TO RETURN IN OPPOSITION TO REQUEST FOR SANCTIONS

Petitioner Ryan Powell ("Ryan"), pursuant to Rule 240 (f) SCACR, makes this Reply to LB PARK, LLC's ("LB PARK") Return in Opposition to Request for Sanctions ("Return in Opposition").

First, Ryan would like to point out that LB PARK failed to file a reply to Ryan's Return to LB PARK's Motion to Dismiss Petition for Writ of Certiorari ("Return to MTD"). Accordingly, this Court must consider all the facts, laws, arguments, and allegations of criminal activity being committed as demonstrated in Ryan's Return to MTD since it has not been challenged and is therefore conceded. There is an ancient and

well settled legal principle that holds that silence is acquiesce. LB PARK had the means and opportunity to challenge Ryan's Return to MTD and it failed to do so.

Second, although LB PARK did file a document titled "Return in Opposition to Request for Sanctions" that document is a return **in name only**. The document was filed only to attempt to avoid this Court deeming that LB PARK consents to the relief Ryan seeks in his Motion for Sanctions¹. However, all returns must satisfy all the provisions of Rule 240(c) SCACR² which means a bona fide return must state the facts and law the party relies upon to refute, rebut, deny, or otherwise challenge any motion. Simply stating *"In filing this return, LB PARK merely seeks to avoid any inference that it consents to the requested relief"* does not fulfill **any** of the provisions of Rule 240(c) SCACR and in fact violates the letter, spirit, intent, and implications of that Rule. Accordingly, this Court must deem LB PARK's failure to make a bona fide return as its consent to the relief requested in Ryan's Motion for Sanctions.

Third, Ryan made some very serious, meritorious allegations of criminal activity being perpetrated in this case and demonstrated that LB PARK and its three attorneys have been using the courts of this State to assist them in the commission of their felony crimes. LB PARK and its appeal attorney, Sara P. Spruill failed to deny any of those meritorious allegations, which means LB PARK and its three attorneys concede they have been using the courts of this State to assist them in perpetrating their felony crimes. Accordingly, the courts of this State have become unknowing accessories to those crimes being committed. However, since this Court has been notified of the crimes being

¹ See SCACR 240 (e) "Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition."

² SCACR 240 (e) "The provisions of Rule 240(c) shall apply to a return."

perpetrated in this case, and those allegations have been agreed to by LB PARK's silence, if this Court refuses to grant, or dismisses, Ryan's Petition for a Writ of Certiorari to the Court of Appeals, this Court will knowingly become an accessory to the crimes being committed in this "case". Also, any denial or dismissal of Ryan's Petition will illegally violate Ryan's inviolate right to a trial by jury that the law guarantees to him.

March 31, 2022

/s Ryan Powell
Ryan Powell, Petitioner
c/o 25056 Timberlake Drive
Fort Mill, South Carolina