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Apr 26 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

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

Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge

**Appeal Case No. 2021-000434
Circuit Court Case No. 2019CP0702178**

Bluffton Park Community Owners' Association, Inc., Respondent,

v.

**Joseph Chakyng Sun, as Trustee of The 2009 Sun's Family Trust in South Carolina, USA; Joseph Chakyng Sun, Individually; Liling Sun n/k/a Liling Walsh; Oleysa Matyushevsky; Christine Varg; and Citizens Opposed to Domestic Abuse, Defendants,
of whom Joseph Chakyng Sun, as Trustee of The 2009 Sun's Family Trust in South Carolina, USA and Joseph Chakyng Sun, Individually, Appellants.**

RESPONSE TO RESPONDENT'S MOTION TO STRIKE

Respondent Bluffton Park filed a frivolous motion without paying the filing fee totally without any merit just to delay the case and to harass the Appellant, therefore must be denied.

On a motion to strike, Rule 12(f), SCRCPP provides the court "may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter" in a pleading. Respondent has not shown and could not show any of those defects only repeatedly alleges prejudice without any specifics.

Respondent then asked the court to vacate Appellant's amended initial brief without citing any authority, only because counsel did not like the truth. Respondent counsel is guilty of

attempting to misuse the civil procedure for his impermissible purpose. Appellant's amended brief was served pursuant to SCACP and filed by order of the court. Whatever counsel disagrees, he can certainly address that in his final brief instead of delaying its filing.

Again respondent counsel is guilty of violation of Rule 11(a), SCRPC in that "signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay." Not only counsel's complaint of "prejudice" is frivolous, all his "lacking page and line citation" claimed in his motion is only for the Final Brief pursuant to Rule 211(b)(1). Appellant filed an amended initial brief therefore not applicable.

For the foregoing reasons, Respondent's motion should be denied and counsel should be sanctioned pursuant to Rule 11(a).

Respectfully submitted,

This 25th day of April, 2022.

Joseph C. Sun

JOSEPH C. SUN, pro se
P. O. Box 2543
Bluffton, SC 29910
854-304-0314

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the Respondent a copy of Appellant's Response to Respondent's motion, by sending a copy of same to:

Scott M. Wild, Esq. P. O. Box 6867, Hilton Head Island, SC 29938
and by email to: scott@wildlawfirm.com

This 25th day of April, 2022.

Joseph C. Sun
JOSEPH C. SUN