

RECEIVED

Jun 24 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

The Honorable Kristi F. Curtis
Circuit Court Judge

Case No.: 2014-CP-45-00132
(Court of Appeals Case No.: 2021-000835)

South Carolina Farm Bureau Ins. Co. Plaintiff,

v.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Arthur McKenzie, a/k/a Arther McKenzie, The Travelers Home and Marine Insurance Company, The United States of America acting by and through Its agency, The Internal Revenue Services and The South Carolina Tax Commission, Defendants,

Of whom Marion L. Driggers is Appellant and The Travelers Home and Marine Insurance Company is the Respondent.

RESPONDENT THE TRAVELERS HOME AND MARINE INSURANCE COMPANY'S MOTION TO STRIKE PLAINTIFF SOUTH CAROLINA FARM BUREAU INS. CO.'S INITIAL BRIEF AND INITIAL DESIGNATION OF MATTER

Respondent moves this Court for an Order striking the Initial Brief and Initial Designation of Matter filed by Plaintiff South Carolina Farm Bureau Ins. Co. ("Farm Bureau"), because Farm Bureau is not a listed appellant or respondent to this appeal and the filings are therefore improper.

On August 4, 2021, Appellant Marion L. Driggers ("Appellant") filed a Notice of Appeal listing "Mrs. Mariel D. Norton, Baker, Ravenel & Bender, LLP" as Respondent.

(Notice of Appeal attached as Exhibit A). In a deficiency letter dated August 18, 2021, the Clerk stated, “The notice of appeal does not specify who the respondent(s) are. You must serve and file an amended notice of appeal that specifies the respondent(s).” (Letter attached as Exhibit B). On September 1, 2021, Appellant amended his Notice of Appeal providing the following correction to the listed respondent:

The litigants of this appeal are:

Marion L. Driggers, Appellant

Hudson Law Offices; Corbin Law Firm; Baker, Ravenal (sic) & Bender, LLP; Pritchard Law Group; SCDOR; USDOJ; The Hon. Kristi Curtis, Laura Brown, of Whom Travelers Insurance is a respondent.

(Amended Notice of Appeal attached Exhibit C). The Clerk then set forth the correct caption and parties for this appeal in a letter dated September 10, 2021:

Furthermore, the caption for this appeal has been updated below to reflect that The Travelers Home and Marine Insurance Company is the respondent.

South Carolina Farm Bureau Ins. Co., Plaintiff,

V.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Arthur McKenzie, a/k/a Arthur McKenzie, The Travelers Home and Marine Insurance Company, The United States of America acting by and through its agency, The Internal Revenue Service and The South Carolina Tax Commission, Defendants,

of whom Marion L. Driggers is the Appellant and The Travelers Home and Marine Insurance Company is the Respondent.

(Letter attached as Exhibit D).

Farm Bureau’s Initial Designation of Matter filed June 22, 2022 has a signature block that reads “Attorney for Appellant.” The Initial Brief filed June 22, 2022 has a

signature block that merely reads “Attorney SC Farm Bureau.” The Proof of Service and letter accompanying these documents on June 22, 2022 reference “Appellant” throughout.

The confusion in Farm Bureau’s own filings reveal that it recognizes it is not a party to this appeal.¹ Moreover, as the early filings in this matter show, Farm Bureau is clearly not an appellant or respondent in this appeal, and its filings on June 22, 2022 are improper. Courtesy service on the parties to the underlying action, including Farm Bureau, to keep them apprised of the appeal’s developments does not create new or additional appellants and/or respondents beyond the Notice of Appeal.

Farm Bureau’s Initial Designation of Matter attempts to add numerous documents to the record that were not designated by either the Appellant or Respondent to this appeal. Furthermore, Farm Bureau’s Initial Brief attempts to add argument to the true Appellant’s Initial Brief in this matter, or it is attempting to add argument to its own Final Brief or Final Reply Brief in a separate appeal to which it is a party (Court of Appeals Case No.: 2021-000494). Either way, as a non-party to this appeal Farm Bureau’s filings are entirely inappropriate and must be disregarded.

Therefore, Respondent moves to strike the Initial Brief and Initial Designation of Matter of Farm Bureau.

¹ See Rule 202(a), SCACR (“Designation of Parties. The party appealing shall be known as the appellant and the adverse party as the respondent.”); *see also* S.C. Code Ann. § 18-1-120 (1976) (“The party appealing shall be known as the appellant and the adverse party as the respondent. But the title of the action shall not be changed in consequence of the appeal.”)

Maribel D. Norton
by *Susan A. Bose*

Maribel D. Norton

S.C. Bar No.: 100198

BAKER, RAVENEL & BENDER, L.L.P.

3710 Landmark Drive, Suite 400

Post Office Box 8057

Columbia, South Carolina 29202

Phone:(803) 799-9091; Fax:(803) 779-3423

File No.: 7746.1749

Attorneys for Respondent The Travelers

Home and Marine Insurance Company

Columbia, South Carolina

June 24, 2022

Exhibit A

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas,

Kristi F. Curtis Circuit Court Judge

Case No. 2014-CP-45-132

Mrs. Mariel D. Norton,
Baker, Ravenel & Bender, LLP

Respondent,

v.

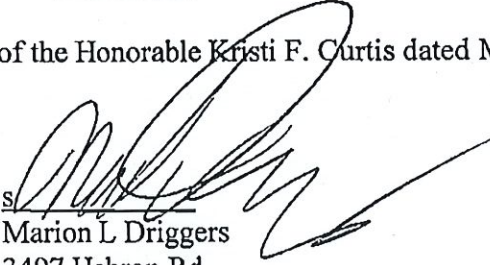
Marion L Driggers,

Appellant.

NOTICE OF APPEAL

Marion L Driggers appeals the order of the Honorable Kristi F. Curtis dated March, 04, 2021.

August 3, 2021


s
Marion L Driggers
3497 Hebron Rd
Lake City, South Carolina 29560
(843) 598-0735
Pro Se

94500

RECEIVED

AUG 04 2021

SC Court of Appeals

M. L. Driggers
3497 Hebron Rd
Lake City, SC 29560

RECEIVED

AUG 04 2021

SC Court of Appeals

The Hon. Jenny Abbott Kitchings
Clerk, SC Court of Appeals
P O Box 11629
Columbia, SC 29211

Re: South Carolina Farm Bureau Mutual Insurance Company v. Marion L. Driggers, et.al.
Trial Court Case No: 2014-CP-45-132

Dear Ms. Kitchings:

Enclosed is an original and copy of a Notice to Appeal in the above case.
Also enclosed are the following:

1. Notice granting Summary Judgement to Travelers Insurance Company
2. Motion to Reconsider
3. Request for Clarification of Motion
4. Proof of Loss
5. Check for Court of Appeals for \$250 (two hundred fifty dollars).

I will be sending all other parties by email on this date.

Thank you,


Marion L Driggers

August 3, 2021

M. L. Diggins
3497 Hebrew Rd
Little City, S.C.
29560



RECEIVED
AUG 04 1991
SC Court of Appeals

The Hon. Jenny Ritchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C.
29211

Exhibit B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 18, 2021

Marion L. Driggers
3497 Hebron Rd.
Lake City SC 29560

Re: South Carolina Farm Bureau v. Marion Driggers
Appellate Case No. 2021-000835

Dear Mr. Driggers:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The notice of appeal fails to include a statement of the date you received written notice of entry of the order or judgment from which this appeal is taken.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- You must provide proof of filing a copy of your notice of appeal with the clerk of the lower court.
- The notice of appeal does not specify who the respondent(s) are. You must serve and file an amended notice of appeal that specifies the respondent(s).

Very truly yours,

A handwritten signature in cursive script that reads "Catherine J. Fanning, deputy".
CLERK

Exhibit C

August 30, 2021

The Hon. Jenny Abbott Kitchings
Clerk, SC Court of Appeals
P O Box 11629
Columbia, SC 29211

RECEIVED

SEP 01 2021

SC Court of Appeals

Re: South Carolina Farm Bureau Mutual Insurance Company v. Marion L. Driggers
Appellate Case No: 2021-000835

Amended Notice of Appeal

Dear Madam:

Enclosed is the order granting summary judgement to Travelers Insurance. The date of the order is 03/04/2021. The date that it was sent to me from the clerk's office was 03/09/2021, which is stamped on the order. This order has some serious flaws. This Judge is ignoring that a contract and a prior judge's order has been overturned. This would be an obvious error for a judge to release a litigant prior to facing a jury.

I will be sending out proof of service to all parties again by U S Mail in conjunction with this letter. This will include the Clerk of Court in Williamsburg County and all litigants. A copy will be enclosed.

The litigants of this appeal are:

Marion L. Driggers, Appellant

Hudson Law Offices; Corbin Law Firm; Baker, Ravenal & Bender, LLP; Pritchard Law Group; SCDOR; USDOJ; The Hon. Kristi Curtis, Laura Brown, of Whom Travelers Insurance is a respondent.

There will be several enclosures besides the order to show this judge was well aware that Travelers' attorneys were misrepresenting the facts about this case. I am still in the process of locating any transcripts related to this order.

If this letter does not meet the requirements, please contact me as soon as possible in the interest of justice.

s/ 
Marion L. Driggers
3497 Hebron Rd
Lake City, SCC 29560
(843)598-0735
Pro Se

RECEIVED

SEP 01 2021

SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this date, a true and correct copy of the within and foregoing *Amended Notice of Appeal* was served by U. S. Mail with sufficient postage affixed thereto, addressed as follows:

Hudson Law Offices
P O Box 70218
Myrtle Beach, SC 29577

Tasha Thompson, Esq.
SCDOR
P O Box 12265
Columbia, SC 29211

Baker, Ravenal & Bender, LLP
3710 Landmark Drive, Suite 400
Columbia, SC 29202

Laura Brown
125 Main St
Kingstree, SC 29556

Corbin Law Firm
P O Box 447
Florence SC 29503

George Conits, Esq
USDOJ
151 Meeting St., Suite 200
Charleston, SC 29402

Pritchard Law Group
129 Broad St
Charleston, SC 29401

The Hon. Kristi F Curtis
215 N Harvin St
Sumter, SC 29150

August 30, 2021
Lake City SC



Marion L. Driggers
3487 Hebron Rd.
Columbia, SC 29205



1000



29211

U.S. POSTAGE PAID
LAKE CITY, SC
ZIP 29569-0211
AMOUNT
\$1.76
RZ305K142614-05

RECEIVED

SEP 01 2021

SC Court of Appeals

The Hon. Jenny Abbott Kitchens
Clerk S.C. Court of Appeals
P.O. Box 11629
Columbia SC 29211

Exhibit D



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 10, 2021

Marion L. Driggers
3497 Hebron Rd.
Lake City SC 29560

Re: South Carolina Farm Bureau v. Marion Driggers
Appellate Case No. 2021-000835

Dear Ms. Driggers:

Upon reviewing your amended notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken. Specifically, you must provide this Court with the date that you received a copy of the June 25, 2021 order on appeal.

Furthermore, the caption for this appeal has been updated below to reflect that The Travelers Home and Marine Insurance Company is the respondent.

South Carolina Farm Bureau Ins. Co., Plaintiff,

v.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Arthur McKenzie, a/k/a Arthur McKenzie, The Travelers Home and Marine Insurance Company, The

United States of America acting by and through its agency, The Internal Revenue Service and The South Carolina Tax Commission, Defendants,

of whom Marion L. Driggers is the Appellant and The Travelers Home and Marine Insurance Company is the Respondent.

Very truly yours,

V. Claire Allen

CLERK

cc: Mariel D. Norton, Esquire
William Pearce Davis, Esquire



BAKER RAVENEL BENDER

ATTORNEYS AT LAW

Mariel Denise Norton
mnorton@brblegal.com
(803) 343-3870 – direct dial

June 24, 2022

E-mail and U.S. Mail: ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
Jun 24 2022
SC Court of Appeals

RE: South Carolina Farm Bureau Mutual Ins. Co., Appellant v. Marion L. Driggers, et al.
Of Which The Travelers Home and Marine Insurance Company is the Respondent
Appellate Case No.: 2021-000835
Our File No.: 7746.1749

Dear Ms. Kitchings:

Attached to this email for filing in the above-referenced matter please find Respondent The Travelers Home and Marine Insurance Company's Motion to Strike Plaintiff South Carolina Farm Bureau Ins. Co.'s Initial Brief and Initial Designation of Matter along with Exhibits A-D. Our firm's check in the amount of \$50.00 to cover the filing fee for the motion is being provided by U.S. Mail.

By copy of this letter, the same is being served upon all counsel of record via electronic mail. The proof of service will be filed separately.

If you have any questions concerning this letter, please do not hesitate to contact me.

Sincerely yours,

Mariel D. Norton
MDN:cdc

Enclosures

cc w/encl.: Reese R. Boyd, III, Esquire reese@davisboydlaw.com
J. Dwight Hudson, Esquire HUDSONLAW@HUDSONLAWOFFICE.COM
Daryl J. Corbin, Esquire CORBINLAWFIRM@CORBINLAWSC.COM
George John Conits, Esquire george.conits@usdoj.gov
Tasha B. Thompson, Esquire tasha.thompson@schousing.com
Edward K. Pritchard, III, Esquire epritchard@pritchardlawgroup.com
Vannie Williams, Jr., Esquire williams.vannie@att.net