

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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JUL 11 2022

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Appeals

The Honorable Judges: Geathers, Hill, and Lockemy (acting)

Appellate Case No. 2022-000881
Court of Appeals Case No. 2021-000511
Circuit Court Appellate Case No. 2020-CP-23-05996
Case No. 2020-CV-23-10201384

**Petition for Writ of Mandamus Seeking Compliance
with South Carolina Appellate Court Rule 242(c)**

Raymond A. Wedlake, as a Member of Woodington
Homeowners' Association, Inc. and on behalf of all other
similarly situated members of Woodington Homeowners' Association, Inc., Appellant,

v.

Board of Directors of Woodington Homeowners' Association, Inc.,
comprised of Mona Craigo, Edward Decker, and Sandra LaCroix;
McCabe, Trotter, & Beverly, P.C.; and State Farm Fire and Casualty Company, Respondents.

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PREFACE

Pursuant to requirements found in Rule 240, SCACR, Raymond A. Wedlake (Appellant, *Pro Se*) submits this “Petition for Writ of Mandamus” seeking compliance with Rule 242(c) by the Clerk of Court. Appellant asks for an Order directing the Clerk of Court to accept Appellant’s “Petition for Writ of Certiorari” on or before July 23, 2022.

ADMINISTRATIVE HISTORY

As filed 06/23/22, the Court of Appeals issued an Order denying Appellant’s petition for rehearing (Exhibit NOA.2). On 06/28/22, the S.C. Supreme Court received from Appellant “Form 1 Notice of Appeal in a Civil Case” (NOA, Exhibit MRC.1). On 06/30/22, Appellant received a letter dated 06/28/22 from the Honorable Patricia A. Howard, Clerk of Court (Exhibit MRC.2).

FACTS

1. Appellant’s NOA (Exhibit MRC.1, p. 1 par. 1) quoted as stated in Rule 203, SCACR, requiring: “... party intending to appeal must serve and file a notice of appeal ...”.
2. Appellant’s NOA (Exhibit MRC.1) quoted as stated in Rule 242(c), SCACR, allowing a **thirty (30)-day interval** before a “Petition for Writ of Certiorari” must be filed (excerpted, emphasis added):

RULE 242 CERTIORARI TO THE COURT OF APPEALS
(excerpted, emphasis added)

(c) Time for Petitioning and Filing Fee. ... A petition for **writ of certiorari** shall be served on opposing counsel and **filed ... within thirty (30) days** after the **petition for rehearing** or reinstatement is **finally decided by the Court of Appeals**. ... (Exhibit MRC.1, p. 2 par. 3)

3. It is not until **after July 23, 2022**, that this thirty-day interval has elapsed.

ARGUMENT

4. This “Petition for Writ of Mandamus” is appropriate to command the Clerk of Court to perform, or refrain from performing, a particular act, the performance or omission of which is required by law as an obligation:

4a) The Clerk of Court must perform to comply with Rule 242(c), SCACR, and recognize the specified **thirty - (30) - day interval** before Appellant must file a “Petition for Writ of Certiorari”;

4b) Until after July 23, 2022, the Clerk of Court must refrain from performing and acting against Appellant, upon any claims such as: “... the following deficiency or deficiencies have been noted ...”, because filing of a petition for writ of certiorari is pending at this date;

4c) Until after July 23, 2022, the Clerk of Court must refrain from performing and acting against Appellant to dismiss his case, based upon grounds that violate Rule 242(c).

5. Appellant is granted **until July 23, 2022** to file a “Petition for Writ of Certiorari” pursuant to Rule 242(c).

6. Before July 23, 2022, the Clerk of Court can **NOT** construe Appellant’s NOA as a petition for writ of certiorari.

7. Before July 23, 2022, the Clerk of Court has no grounds, nor basis, upon which to construe Appellant’s NOA, legitimately filed pursuant to Rule 203, SCACR, as a petition for writ of certiorari.

8. Appellant notes that up to seventy (70) days may elapse before "... the matter is then ready for this Court to determine if the petition for a writ of certiorari will be granted or denied." per "Supreme Court Order 2014-07-16-01" (excerpted, emphasis added):

Under Rule 242 of the South Carolina Appellate Court Rules (SCACR), a party may seek review of a decision of the South Carolina Court of Appeals by filing a petition for a writ of certiorari and appendix with this Court. In response, the respondent may file a return to the petition for a writ of certiorari, and the petitioner may file a reply to the return. Under the rule, this entire process is to be completed not later than seventy (70) days after the Court of Appeals denied the petition for rehearing or reinstatement in the appeal. When the petition and any return or reply have been filed, the matter is then ready for this Court to determine if the petition for a writ of certiorari will be granted or denied.

(Order 2014-07-16-01)

9. In the event the Clerk of Court ignores Rule 242(c), SCACR, and dismisses this case before July 23, 2022, then Appellant believes the Court must **censure** the Clerk's action, pursuant to Rule 242(c).

CONCLUSION

The Clerk of Court must comply with Rule 242(c) and allow up to **thirty (30) days** for Appellant to file his "Petition for Writ of Certiorari", which expires on the date of July 23, 2022. Appellant asks the Court to **GRANT** this "Petition for Writ of Mandamus", and to issue an Order directing the Clerk of Court to accept Appellant's "Petition for Writ of Certiorari", on or before July 23, 2022.

July 7, 2022



Raymond A. Wedlake,
703 Creekview Drive,
wedlakera@mail.com

Appellant (*Pro Se*)
Greenville, SC 29607
864-254-9262

EXHIBIT PWM.1- Notice of Appeal 06/28/22

**FORM 1
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Appeals

RECEIVED

JUN 28 2022

S.C. SUPREME COURT

The Honorable Judges: Geathers, Hill, and Lockemy (acting)

Appellate Case No. 2022-_____
Court of Appeals Case No. 2021-000511
Circuit Court Appellate Case No. 2020-CP-23-05996
Case No. 2020-CV-23-10201384

NOTICE OF APPEAL

Raymond A. Wedlake, as a Member of Woodington
Homeowners' Association, Inc. and on behalf of all other
similarly situated members of Woodington Homeowners' Association, Inc., Appellant,

v.

Board of Directors of Woodington Homeowners' Association, Inc.,
comprised of Mona Craigo, Edward Decker, and Sandra LaCroix;
McCabe, Trotter, & Beverly, P.C.; and State Farm Fire and Casualty Company, Respondents.

Pursuant to requirements found in Rule 203, SCACR, Raymond A. Wedlake appeals the
"Unpublished Opinion No. 2022-UP-184" (U184, filed April 27, 2022; Exhibit NOA.1) issued
from the Court of Appeals by Honorable Judges: Geathers, Hill, and Lockemy (acting).

RULE 203 NOTICE OF APPEAL (excerpted, emphasis added)
(a) Notice. A party intending to appeal must serve and file a
notice of appeal and otherwise comply with these Rules. Service and
filing are defined by Rule 262.

As received May 11, 2022 by the "SC Court of Appeals", Appellant submitted a "Petition for Rehearing", shortly after receipt of U184. Appellant received written notice of an Order that denied his petition on June 23, 2022 (Exhibit NOA.2). U184 affirmed dismissal as was affirmed in Appellant's-Circuit-Court case by Order of May 10, 2021 (Exhibit NOA.3). A Magistrate granted dismissal by Order of December 28, 2020 (Exhibit NOA.4).

Appellant attaches Proof of Service to Counsels of Record, also showing service to the Court of Appeals Clerk. Remission by Priority Mail of a filing fee of \$250 is enclosed.

Pursuant to Rule 242(c), SCACR, Appellant is permitted 30 days after denial of his "Petition for Rehearing", in which to file a "Writ of Certiorari":

RULE 242 CERTIORARI TO THE COURT OF APPEALS
(excerpted, emphasis added)

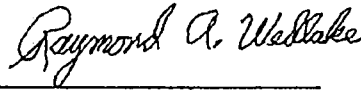
(c) Time for Petitioning and Filing Fee. A decision of the Court of Appeals is **not final** for the purpose of review by the Supreme Court until the **petition for rehearing or reinstatement has been acted on by the Court of Appeals**. A petition for **writ of certiorari** shall be served on opposing counsel and **filed** with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court **within thirty (30) days** after the **petition for rehearing or reinstatement is finally decided by the Court of Appeals**. ...

Rule 242(c) allows Appellant a time period of **THIRTY DAYS** after June 23, 2022 to file a "Writ of Certiorari". It is not until after July 23, 2022, that this thirty-day interval has elapsed.

In the event that any person in the Office of the Clerk of the Supreme Court should intentionally violate Rule 242(c), and dismiss this appeal before July 23, 2022 on the grounds that **NO** "Petition for Writ ..." was filed, then Appellant will seek corrective action via the

“Commission on Judicial Conduct”, and/or by filing a “Civil Rights” action with the
United States District Court of South Carolina.

June 25, 2022



Raymond A. Wedlake,
703 Creekview Drive,
wedlakera@mail.com

Appellant (*Pro Se*)
Greenville, SC 29607
864-254-9262

Other Counsels of Record:

Michael J. Murphy, Esq.

Clarkson, Walsh & Coulter, P.A.

P.O. Box 6728

Greenville, SC 29606

Attorney for Board Respondent

Stephanie Kellahan, Esq.

McCabe, Trotter & Beverly, P.C.

PO Box 212069

Columbia, SC 29221

Attorney for McCabe Trotter Respondent

Jennifer E. Johnsen, Esq.

Gallivan White & Boyd, P.A.

PO Box 10589

Greenville, SC 29603

Attorney for State Farm Respondent

Natalie R. Ecker, Esq.

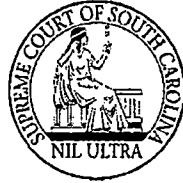
Gallivan White & Boyd, P.A.

PO Box 10589

Greenville, SC 29603

Attorney for State Farm Respondent

EXHIBIT PWM.2



- Letter Claiming Deficiency

from Clerk of Court 06/28/22

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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FAX: (803) 734-1499
www.sccourts.org

June 28, 2022

Raymond A. Wedlake
703 Creekview Drive
Greenville SC 29607

Re: Raymond Wedlake v. Woodington Homeowners' Association
Appellate Case No. 2022-000881

Dear Mr. Wedlake:

This Court has received your notice of appeal, which is being construed as a petition for a writ of certiorari. The case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

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

Your filing must be in the form of a petition for writ of certiorari and must include the content set forth in Rule 242(d), SCACR.

All parties to this matter are advised that all filings must comply with the requirements of Rule 242, SCACR. The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals.

The order can be found at

www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=932.

Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Finally, any request for any extension in this case must comply with this Court's Order dated July 16, 2014. This order is available at

<https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-07-16-01>.

Very truly yours,

Patricia A. Howard

CLERK

cc:

James P. Walsh, Esquire

Stephanie Trotter Kellahan, Esquire

Nicholas Andrew Farr, Esquire

Jennifer Elizabeth Johnsen, Esquire

Natalie Rae Ecker, Esquire

The Honorable Jenny A. Kitchings

The South Carolina Court of Appeals

Raymond A. Wedlake, as a Member of Woodington Homeowners' Association, Inc. and on behalf of all other similarly situated members of Woodington Homeowners' Association, Inc., Appellant,

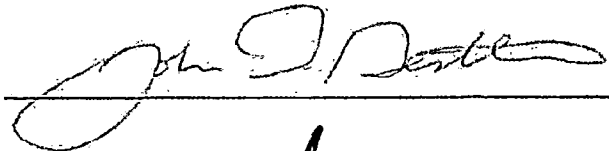
v.

Board of Directors of Woodington Homeowners' Association, Inc., comprised of Mona Craigo, Edward Decker, and Sandra LaCroix; McCabe, Trotter, & Beverly, P.C.; and State Farm Fire and Casualty Company, Respondents.

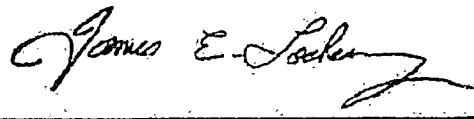
Appellate Case No. 2021-000511

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


_____ J.

D. Hanlin
_____ J.


_____ A.J.

Columbia, South Carolina

FILED
Jun 23 2022

cc:

Raymond A. Wedlake

James P. Walsh, Esquire

Stephanie Trotter Kellahan, Esquire

Nicholas Andrew Farr, Esquire

Jennifer Elizabeth Johnsen, Esquire

Natalie Rae Ecker, Esquire

The Honorable Letitia H. Verdin

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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McCabe, Trotter, & Beverly, P.C.; and State Farm Fire and Casualty Company, Respondents.

CERTIFICATE OF SERVICE

It is hereby certified that a copy of "Petition for Writ of Mandamus Seeking Compliance with South Carolina Appellate Court Rule 242(c)", along with Exhibits PWM.1, PWM.2, and Exhibit NOA.2, were served upon four Counsels, and the Court of Appeals Clerk, as follows:

Michael J. Murphy, Esq.
Clarkson, Walsh & Coulter, P.A.
P.O. Box 6728
Greenville, SC 29606
Attorney for Board Respondent

Stephanie Kellahan, Esq.
McCabe, Trotter & Beverly, P.C.
PO Box 212069
Columbia, SC 29221
Attorney for McCabe Trotter Respondent

Jennifer E. Johnsen, Esq.
Gallivan White & Boyd, P.A.
PO Box 10589
Greenville, SC 29603
Attorney for State Farm Respondent

Natalie R. Ecker, Esq.
Gallivan White & Boyd, P.A.
PO Box 10589
Greenville, SC 29603
Attorney for State Farm Respondent

The Honorable Jenny Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

via US Priority Mail, Tracking Numbers: 9405 5036 9930 0290 3056 00
9405 5036 9930 0290 3056 24
9405 5036 9930 0290 3056 55
9405 5036 9930 0290 3056 62

on July 7, 2022.



Raymond A. Wedlake, Appellant (*Pro Se*)
703 Creekview Drive, Greenville, SC 29607
(864) 254-9262 wedlakera@mail.com

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