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Aug 30 2022

SC Court of Appeals

August 29, 2022

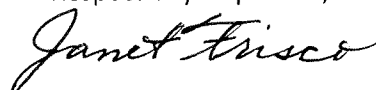
Charleston County Court of Common Pleas, 9<sup>th</sup> Circuit  
The Honorable Bentley D. Price  
C/O The Honorable Julie Armstrong, Clerk of Court  
100 Broad Street  
Charleston, South Carolina 29401  
CERTIFIED MAIL #7022 2410 0000 6065 7549

Dear Judge Price,

On June 9, 2022 I ordered the transcript of the April 22, 2022 hearing you presided over in Pet Helpers, Inc. vs. Janet Frisco Case #2021-CP-10-2682 in order to appeal your orders of May 5, 2022. On August 4, 2022, I received the wrong transcript copy through the mail that the court reporter, Julie Cendroski, assigned by the South Carolina Administrative Law Office sent me dated June 14, 2021. Earlier in the case, the Plaintiff's attorney had requested and then cancelled. The transcript contained an abundance of errors. When I notified Tammie Holmes in the administrative court office, she said to send Ms.Cendroski a list of the errors and give her a chance to correct them which I did. I received the certified copy on August 17, 2021, but still noticed errors in the final copy so I am challenging the record. In addition, as I compared the two copies, I noticed that many words had been changed, deleted and still others words added to the final copy. As a result, I don't think the second copy is accurate because the court reporter was rushing to complete it in order to stay within her original 60-day deadline, which she made by mere days, and not have to file a court reporter's extension.

I was reading the Court Reporters Manual today and it said the only way I can obtain a copy of the audio is to have the permission of the presiding judge so I am writing this letter today to request that permission from you. I really think under the circumstances that I should be allowed to have a copy of the audio since I have had so many problems with my transcript request that now have lost confidence in the administrative court office's ability to handle the challenge to the record. They should have assigned another court reporter after Ms.Cendroski mishandled the request and her transcripts had so many errors. She also suffered the death of her mother the day before I notified her she had sent me the wrong transcript. I have requested the South Carolina Court of Appeals give me additional time to file my Initial Brief and Designation of Matter because I had to spend my limited time challenging the record instead of concentrating on the required appeal documents. I am attaching the challenge to the record and the filed document *MEMORANDUM IN OPPOSITION OF PLAINTIFF'S MOTION FOR A PARTIAL SUMMARY JUDGEMENT* that I was reading from during the hearing and my Challenge to the Record.

Respectfully requested,



Janet Frisco, Pro Se

Cc: Stephan V. Futeral

Enc: (2)

August 24, 2022

South Carolina Administrative Law Office  
Attn: Tammie Holmes, Manager  
1220 Senate Street, Suite 200  
Columbia, South Carolina 29485

Dear Ms. Holmes,

Below you will find the list of Challenges to the Record in the court reporter's certified transcript of the April 22, 2022 hearing that was held in the Charleston County Court of Common Pleas and presided over by Judge Bentley Price that I received from her on August 17, 2022. I compared the earlier transcript she sent me via email on August 5, 2022 because there are discrepancies between the two transcripts where Julie Cendroski has deleted, added, and changed words from the transcription she sent me on August 5, 2021 via email. I listed these changes separately at the end of this letter. Due to these discrepancies, I will request a copy of the audio from the presiding judge, The Honorable Bentley Price, who has the sole authority to grant me a copy of the audio according to the court reporter's handbook. I also provided an explanation of the challenges when needed for clarification.

RE:PET HELPERS, INC. VS. JANET FRISCO CASE #2022-CP-10-2682 & APPELLATE CASE #2022-000775

**CHALLENGE TO THE RECORD on Transcript of HEARING 4/22/22 in the Court of Common Pleas, 9<sup>th</sup> Circuit Charleston County:**

A) Challenges to Court Reporter's Entrees:

Page 2, Line 5 & 6:

MOTION FOR PARTIAL SUMMARY JUDGEMENT By Mr.Futeral

It should be: MOTION FOR PARTIAL SUMMARY JUDGEMENT & MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH DISCOVERY by Mr.Futeral

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Page 2, Lines 7 & 8

REPLY TO MOTION FOR PARTIAL SUMMARY JUDGEMENT by Ms. Frisco

It should read: RETURN TO MOTION TO AMEND ANSWER & MOTION TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT by Ms. Frisco

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Page 14, Line 24

...and she called it a Motion "to" Leave to Supplement Answer

It should read: ...and she called it a Motion "**for**" Leave to Supplement Answer

(That's the name of the Motion that I made that was scheduled on April 22, 2022, but I wasn't allowed to formally argue it. It wasn't supposed to be scheduled because it was a "form motion" which means you are asking for permission to file the motion and providing a pleading to the court, but they scheduled it anyway so I couldn't drop my Return to Motion to Amend Answer which was done incorrectly. It helped the Plaintiff's lawyer rack up legal fees because he could say he had to reply to it and two previous attempts to amend my answer to the complaint that I did incorrectly. I emailed Judge McCoy, the administrative judge, but she didn't reply and neither did Angela Rigney, who schedules the hearings.)

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Page 18, Line 10

And then we've given you an adoption "redacted form".

I believe it should read: "**unredacted**" form

(Immediately after that verbal exchange the plaintiff's lawyer tells the judge he has an envelope. Prior to that he is talking about documents he has already provided to the court, an affidavit and a redacted adoption application.)

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Page 19, Line 21

And "I" actually spoke to her when she was coming out of this training to kill dogs.

I believe I said: And "**she**" actually spoke to her when she was coming out of the training to kill dogs. (I'm referring to my witness, Pam Lambert, who is the one who Ms. Susko told she had just returned from training to euthanize.)

---

Page 20, Line 1

I want to mention to him and "to" my law analysis that the ultimate burden

I believe I said: I want to mention to him "**from**" my law analysis...

(At that time, I was about to read from my law analysis "*Memorandum in Opposition of Plaintiff's Motion for a Partial Summary Judgement*". See attached document.)

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Page 20, Line 6

The movant may not present only the portions of the record supporting its position while "admitting" evidence to the contrary.

It should read: ...while "**omitting**" evidence to the contrary.

(I am reading verbatim from a law analysis contained in my filed document "*Memorandum in Opposition of Plaintiff's Motion for Partial Summary Judgement*" which says "omitting". The memorandum is attached. "Admitting" and "omitting" sound very similar, but there is a significant difference in meaning relevant to my appeal.)

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Page 20, Line 23

...because I "believe" that they were what they claim to be.

It should read: ...because I "**believed**" that they were what they claimed to be.

(I believed Pet Helpers were what they claimed to be prior to the experience of surrendering my dog. So 'believed' would be past tense and 'believe' is present tense. I no longer believe they care about pets or their caretakers. It's all about greed for money.)

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Page 22, Line 14

They've lied to me ---implying that I could get the dog back which "when" I submitted an application

It should read: ...which "**is**" when I submitted an application.

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Page 27, Lines 9 & 10

She goes you surrendered your legal rights.

Should read and be punctuated: She goes, "You surrendered your legal rights!"

(I'm quoting Ms. Susko exactly as she said it, and it should have been punctuated accordingly because my point is that she said it in a hateful manner when I made the request which illustrates her cruelty and indifference to my distress over losing my dog. It's important to the case since I am claiming they are cruel and their attorney is calling that libelous.)

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Page 39, Line 11

"Berkeley" County

It should read: "**Charleston**" County

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B). Challenges to the Changes that were made by the Court Reporter in August 15, 2021 transcript:

Page 15, Lines 14-15

She's trying to mislead this court that she didn't have an opportunity to do so. And that she never an had an opportunity to do so.

August 5<sup>th</sup> transcript reads: She's trying to mislead this court if she didn't have an opportunity to do so. And then she never asked to do so.

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Page 15, Lines 25

I'll give you "more than" enough time to speak.

August 5<sup>th</sup> Transcript reads: I'll give you enough opportunity to speak.

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Page 16, Line 12

She does get a jury trial on the "damages".

August 5<sup>th</sup> Transcript reads: She does get a jury trial on the "merits".

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Page 16, Line 18

It delineates "various different things" she can't do.

August 5<sup>th</sup> Transcript reads: It delineates "most everything" she can't do.

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Page 21, Line 21 -22

When that is not what I appealed at all.

August 5<sup>th</sup> transcript reads: When that is not what I "**just**" appealed at all.

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Line 22, Line 3

And so, you know, he (Mr.Futeral) acts like I shouldn't be able to defend myself in a court of law.

August 5 transcript reads: And so, he acts like I shouldn't be allowed to defend myself in a court of law.

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Page 22, Line 8

And so I really think he's distorting "very much".

August 5<sup>th</sup> Transcript reads: And so I really think he's distorting.

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Page 22, Line 9

He has a nerve calling me a liar.

August 5<sup>th</sup> Transcript reads: "I will note" he has a nerve calling me a liar.

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Page 23, Line 22

"Well," they had

August 5<sup>th</sup> Transcript reads: "No", they had

(The word "well" implies agreement with the Court. "No" signifies I am disagreeing with the Court and trying to explain the sanctions of \$5000 were initiated by the Plaintiff's lawyer and a form of extortion even if the Court approved them, but Judge Price kept interrupting and cutting me off when I was trying to make points and defend myself throughout the entire hearing.

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Sincerely,  
Janet Frisco, Pro Se

Cc: Stephan V. Futeral  
Julie Cendroski

Attachment (1)

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE #:2021-CP-10-2682

PET HELPERS, INC.,  
Plaintiff,

Vs.

JANET L. FRISCO,  
Defendant.

**MEMORANDUM IN OPPOSITION OF  
PLAINTIFF'S MOTION FOR A PARTIAL  
SUMMARY JUDGEMENT**

FILED  
2022 APR 21 PM 1:47  
JULIE A. ARMS, PROCLERK OF COURT  
BY [Signature]

In response to the Plaintiff's Memorandum in Support of Motion for a Partial Summary Judgement, Defendant submits the following for the court's consideration. Sanction orders cited in Plaintiffs' memorandum are currently under appeal after defendant filed *Petition for Rehearing* with the South Carolina Appellate Court and a motion for *Leave to Supplement Answer and Counterclaim for Malicious Prosecution* by the Defendant were filed on March 24, 2022 in the lower court and both are currently pending. Plaintiff obtained restraining orders and subsequent sanctions by making false accusations against defendant in documents and verbally at hearings stating I had threatened employees of Pet Helpers, Inc. and trespassed on their property in violation of a No Trespass Notice in order to maliciously prosecute defendant and cover up his client's fraudulent behavior:

**BACKGROUND**

On April 13, 2021 I relinquished ownership of my dog Toby, a rescued hunting dog, because I believed that Pet Helpers would find him a good home where he could get more attention since I had eight dogs at the time. Toby was neutered, vaccinated and chipped, but they still required I pay a \$100.00 surrender fee. The surrender document I signed did not give permission for euthanasia and I was unaware that a low-cost adoption event was scheduled in the first week of May where dogs could be adopted for \$25.00. When I surrendered him, I asked them how I would know if Toby was adopted and they said when his picture was not on their website as available for adoption. I started looking at his pictures and immediately noticed his sad demeanor and began calling with my concerns to Katie Leasure in the Intake Department and to the front desk. They denied he was distressed after being abandoned by his caretaker of eight months. On April 21, 2021 I sent an email to Ms. Leasure requesting Toby's return. She said I would have to speak with the manager, Melissa Susko, but I was unable to contact her. On May 7<sup>th</sup> Ms. Leasure sent me an application to adopt Toby and I submitted it on the evening of May 7<sup>th</sup>. Ms. Susko left me a message on my phone on May 8<sup>th</sup> saying Toby a.k.a. "Slim Jim" was adopted that morning. Ms. Leasure sent me an email asking if I had received the email stating that, but I never found one and later found out that the alleged adoption was on May 8, 2021. I went back to their website and on May 11<sup>th</sup>, and saw a promotional adoption picture of a cowed Toby being led away by a man with a mask, hat and glasses. Ms. Susko called me as I was driving to Pet Helpers to talk to her and I asked her if she would explain to the adopter how upset I was and she became very rude and threatened to call their lawyer. I decided not to go there that day and found out later she had called the

police when we got off the phone. Later Pet Helpers posted a "Happy Ending Update" with flowery description of his new home and I knew it was total fabrication. I started protesting on the public right away the following Saturday, but I had called the police and that's when they told me she had requested a "No Trespass Notice" on me earlier in the week after I spoke to her on the phone. Later as I was protesting, a former employee approached me and told me Ms. Susko was certified to euthanize and had been involved in the deaths of two dogs she knew of that were not medically untreatable or aggressive. I came to the conclusion that they had probably euthanized Toby after they faked his adoption and solicited donations and subsidies from Bissell Pet Foundation because I saw how they let him suffer for weeks waiting for me to come back when they knew I would return for him. Everything I said in my public protests was true about their cruelty and greed, but they hadn't euthanized him because I brought to much attention to their scheme by the public protest and media posts. I believe Ms. Susko ordered a Pet Helpers' employee, John Blaine, to pose as an adopter for the promotional pictures used to solicit donations

### RESPONSE TO PROCEDURAL HISTORY

Plaintiffs should not have been granted restraining orders or subsequent sanctions for violations because their attorney made false statements on court documents and in hearings in order to obtain them and I was exercising a constitutional right to free speech in publicly protesting what they did to me and my dog. Also, court officials abused the standard of discretion in not allowing me to present evidence that I had not trespassed or threatened employees of Pet Helper employees as their attorney contented when he filed motions for the restraining orders. The court should have required Mr. Futeral to present evidence of the accusations before granting the restraining orders. Mr. Futeral was not required to show the adoption submission to the court that would determine whether the adoption was staged by an employee. Plaintiff's committed fraud in soliciting donations and collecting subsidies based on a fake adoption of my dog and their lawsuit is a cover up of that crime. All orders and sanctions should be revoked by the Court because they are illegitimate. My appeal to the Appellate Court is still pending because I filed a Petition for a Rehearing after dismissal of my appeal. I appealed the sanctions, not the restraining orders as the plaintiff's lawyer states on his document.

### LAW ANALYSIS/STANDARD OF REVIEW

The resolution of disputes over **historical facts** or inferences to be drawn from them is a jury function. A dispute over historical facts or inferences, if genuine and material within the meaning of Rule 56, precludes summary judgement. When the application of a rule of law depends on resolution of disputed historical facts, however, it becomes a mixed question of law. The moving party bears the burden of persuasion on the issue at trial. Its' showing must sustain that burden and as well demonstrate the absence of a genuine dispute by showing that no genuine dispute exists as to any material fact. The ultimate burden of persuasion on the claim is to show that it would be entitled to a direct verdict at trial, but the movant may not present only the portions of the record supporting its' position while knowingly omitting evidence to the contrary that may raise a genuine issue of material fact. Such conduct arguably warrants imposition of sanctions under FED.R.CIV.P.11 or Rule 56(g).