

1 what you say, but this is not the kind of case that
2 you get a lawyer that has to work for you for free.
3 So I'm --

4 MR. CLEMONS: I don't need -- I don't
5 need a lawyer to work for free. I have -- I have
6 some money, but I can't find one. If you know
7 anywhere that you can refer me to any lawyer that I
8 can get, please do, sir. Please. Please.

9 THE COURT: Well, you can call the
10 South Carolina Bar and they will give you a list of
11 lawyers and you can try calling them.

12 MR. CLEMONS: I've done that three
13 times.

14 THE COURT: Okay. Well --

15 MR. CLEMONS: I've done that three
16 times.

17 THE COURT: All right. Well, that's
18 the best I can do for you. All right. So I'm
19 going to deny the motion to amend the complaint.
20 I'm going to order that discovery be completed by
21 June 1st. And then after that, the case will be up
22 for trial if there aren't any dispositive motions
23 filed. Okay?

24 MR. NORRIS: Can I ask one thing before
25 you get off?

*This is not
right.*

*This should not be
mentioned or not mention
here at
this point.*

1 THE COURT: What's that?

2 MR. NORRIS: I think under these

3 circumstances it might be best to have a written

4 order instead of a -- *what is missing and I think*

5 THE COURT: Go ahead and prepare one *it is not stated*

6 and send it to my law clerk. *this way!*

7 MR. NORRIS: I will. And, you know,

8 I'll just raise this one issue with the Court since

9 you are the administrative judge. You have

10 cautioned Mr. Clemons about abiding by the rules of

11 procedure. *He said I will check into your request*

12 For example, Patrick Daniel lives in

13 Ohio, and we can't subpoena him to a deposition in

14 South Carolina. *to deal with that.*

15 To the extent I can, I'll certainly

16 work with Mr. Clemons on these things, but I'm

17 going to expect him to follow the rules of

18 procedure. *to get on this protection order*

19 THE COURT: Just because you're

20 representing yourself doesn't mean you don't have

21 to follow the rules, Mr. Clemons. So they are

22 online and available for you to view at South

23 Carolina court website, which is www.sccourts.org,

24 or you can go to the local library and I'm sure

25 they have a copy of it, but you have to follow the

1 THE COURT: All right. Well, I don't
2 know if you know how to take a deposition, but I
3 will give you the chance. You will represent
4 yourself. Here's what I'm going to do, because we
5 are not going to be trying -- is this a jury trial
6 matter, I take it?

7 MR. NORRIS: It is.

8 THE COURT: All right. Well, I can't
9 imagine that we're going to be getting jury trials
10 going in the next several months, and even then,
11 this wouldn't be first up. But I will give you
12 until June 1st to complete your discovery.

13 If you want to take any depositions,
14 well, you need to look at the rules, figure out how
15 to notice a deposition, hire a court reporter, do
16 all of those things. If you want to subpoena the
17 records of the telephone company or of State Farm
18 or anybody, you need to go to the clerk of court's
19 office to get a subpoena issued.

20 After June 1st, no more discovery. The
21 defendants will have the right to make any motions
22 that they want to file, which is usually what we
23 call a summary judgment motion, and we'll decide
24 then how to proceed.

25 But by June 1st, you have to have all

*This was not
mentioned*

25 → this was right →

1 deleted. *I did not say deleted, I don't think I did,*

2
3 And -- and -- and one of the reasons we
4 was going to subpoena the phone records because I
5 told them about those phone calls. And after that,
6 in 2018, I go back in, like, March of 2018, I go
7 and try to get a copy of my phone records, and
8 that's when I found out all my calls been deleted.

9 So I think Mr. Helmly need to be able
10 to explain all this. And that's why I -- I -- I'm
11 going back to add him as a corporate service.

12 THE COURT: All right. Mr. Norris,
13 what would you like to say?

14 MR. NORRIS: Well, Your Honor, we've
15 got -- Mr. Clemons has filed two motions. One is a
16 motion to amend the complaint, and the other is to
17 -- a motion to amend the scheduling order.

18 I don't know which motion we're on now,
19 but it sounds like we're on the motion to amend the
20 complaint. Is that the motion?

21 THE COURT: That's kind of what -- you
22 know, it's kind of a little bit disjointed, so I
23 went with what -- he styled it motion to amend the
24 complaint. Figured we'd deal with that and then
25 figure out what -- to go from there.

MR. NORRIS: Okay. Well, I'll deal

1 with the motion to amend the compliant. First of
2 all, you know, the way I've always seen it done is
3 that in conjunction with moving to amend a
4 complaint or an answer, you attach the proposed
5 amended pleading so that the other side can
6 consider whether to agree to it or not.

This was not even stated

7 Here, there is no proposed amended
8 pleading, only these vague allegations of some sort
9 of conspiracy. And I don't even know what we're
10 dealing with. You know, Your Honor, has heard this
11 before, back last summer, when Your Honor cautioned
12 the plaintiff, who at that time was represented by
13 Mr. Curry, about going forward with this lawsuit on
14 the theory that Ms. Pinnell forged the plaintiff's
15 signature when we deposed the plaintiff's wife who
16 testified that, well, no, I'm the one who signed
17 it.

18 And I have attached the transcript of
19 that hearing to our brief.

The Court never said anything about this at all.

20 The Court -- one problem with allowing
21 the amended complaint in this situation is that the
22 practical effect is going to be to subvert the
23 second amended scheduling order.

24 (Inaudible) -- and I guess the
25 president of Home Telecom and Home Telecom on a

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8

1 theory that they conspired to delete phone records
2 that he claims should exist.

3 And, actually, if you look at his
4 motion to amend his complaint, the only specificity
5 is that I believe Mr. Helmly and Home Telecom is
6 co-conspirators of this case. That's the only
7 specificity.

8 But attached to the plaintiff's motion
9 to amend this complaint is a letter in March of
10 2020 to Mr. Clemons from the president of Home
11 Telecom that says, you know, we've reviewed our
12 internal systems and found no evidence of external
13 or internal intruding or tampering within our
14 system, and we believe the data we provided to you
15 in March of 2018 is complete and accurate.

16 Now, that letter was written, you know,
17 in March of 2020, several months before the
18 expiration of discovery July 31, 2020. So, you
19 know, if Mr. Clemons or Mr. Curry at that time was
20 dissatisfied with the response of the president of
21 Home Telecom, you know, they could have taken his
22 deposition at that time.

23 So for all of those reasons we believe
24 that the motion to amend the complaint should be
25 denied. This court does have the discretion to do

All of this is added,

1 of your discovery complete. That's -- that's
2 giving you five -- five months -- four full months
3 to get your discovery complete.

*This was
not mentioned*

4 After that, Mr. Norris can file his
5 motion for summary judgment. After that is
6 resolved, the case will either be over or get set
7 for trial. Okay.

8 MR. CLEMONS: Yes, sir. Yes, sir. Can
9 I have one comment? Can I have one comment?

10 THE COURT: What is that?

11 MR. CLEMONS: I am apologizing. And
12 I'm sorry, I'm (inaudible) myself, and it was not
13 because I wanted to. And Mr. Curry did not tell
14 the Court accurately. I did not fire him. He quit
15 me. He give me two weeks to find another attorney.
16 He left me in the fourth quarter of this case.

17 THE COURT: Well --

*I did not say
thing.*

18 MR. CLEMONS: I paid him over \$20,000.
19 I did not want to be in this situation, sir. And
20 the first lawyer I had, State Farm caused her to
21 drop off the thing and I didn't even get my money
22 back.

23 And so because we're dealing with a
24 corporate -- a corporate white-collar crime and a
25 lot of power, and I don't know why, I cannot find a

1 scheduling order with Judge McCoy that extended the
2 time to complete discovery to July 31st.

3 This lawsuit was filed in February of
4 2019. So the plaintiff and his attorney, you know,
5 had, I think, 16 months to take depositions. Now,
6 if Mr. Clemons is saying that he urged Mr. Curry to
7 take depositions, say, of Mr. Helmly, but did not,
8 then I think that's an issue between him and
9 Mr. Curry. But, you know, there's been ample,
10 ample time for these depositions to be -- to be
11 taken.

This was not mention.

12 They've actually never even listed
13 William Helmly as a witness in interrogatory
14 answers. They did list a -- something like Daniel
15 Patrick, or something like that, in interrogatory
16 answers, but they could have deposed him before the
17 end of the second amended scheduling order and did
18 not.

This was not mention.

19 So, you know, at some point this has
20 got to stop, and I think we've reached that point.

21 THE COURT: Mr. Clemons, do you want to
22 say anything?

23 MR. CLEMONS: Yes, sir. I hear -- I
24 hear -- I have this audio thing we have here. I
25 don't know, seems his speaker's a little loud or

why is this missing

1 Then when we get to -- then when my
2 wife was deposed, then we find out it wasn't even
3 my signature. It wasn't even my signature. And
4 then Mr. Norris -- Miss Peggy already perjured
5 herself in her deposition.

Why is this missing?

6 Mr. Norris turned right around and then
7 that was back in January. And then he goes in a
8 couple weeks, he tried to get a summary judgment
9 saying that my -- that the signature is -- is my

why is this missing

I did not say that I said State Fran.

10 wife's and that we are trying to scam Home
11 Telephone but mentioned nothing about how his
12 client just perjured herself.

13 And he knows -- and, as a matter of
14 fact, the paper -- anyway, that's -- I don't want
15 to talk too much, but that's the situation.

16 *I did not say* Mr. Norris -- Mr. Norris, here, get his
17 facts and contention together -- and what are we
18 going to do -- what are we going to do about his
19 client perjuring herself? Isn't that a federal
20 crime?

21 Isn't that a crime and -- and some kind
22 of penalty to go with that? See, she lied under
23 oath. So he needs to pick his poison, what
24 direction he's going to go.

25 THE COURT: All right. Well,

This was not discussed or mention.

11

1 Mr. Clemons, I understand what you're trying to do,
2 but I don't believe there's -- first of all, you
3 haven't filed a proposed amended complaint, which
4 is required in order to get the Court to grant an
5 amended complaint.

6 And, you know, you got witness issues
that you think are -- if you want to get a subpoena
issued, go to the clerk of court's office and get a
subpoena issued to get your records.

10 But, you know, tying into home -- tying
11 into a telephone company because you say they
12 haven't fully provided you with records to a
13 conspiracy theory that you have with State Farm is
14 a little too tenuous. And so I'm going to deny
15 your motion to amend the complaint.

16 So then the question is, is whether or
17 not to amend the scheduling order. And, obviously,
18 there is problems with the virus and everything
19 having gotten the schedule messed up.

20 Mr. Norris, where are we at on the
21 scheduling order?

22 MR. NORRIS: Well, of course, there
23 were two scheduling orders. One, I think, ended in
24 May of 2020. And because of delays occasioned by
25 the corona virus, we entered into an amended

This was never stated
and deny was not even
mentioned.

This was not mention.

1 And like you told Mr. Curry, I'm
 2 jumping into the deep end of the water now and --
 3 and I don't want to be here, sir. But I've been
 4 looking all over the place. I even checked with
 5 some of my representatives, nobody can find nobody
 6 to help me.

7 And I just think -- it just seems like
 8 it's unfair that I got all the facts and proof and
 9 evidence, and all -- and all Mr. Norris have is
 10 games, tricks and -- and influence. And I have the
 11 facts. I've got the facts, the papers, everything.

*why the lines
 are missing
 words*

12 And I know I have -- and we didn't do
 13 anything. And I just -- and I just need -- and
 14 because -- because I don't know the game and the
 15 legal game, but I've got the facts.

16 And I would hope that the Court would
 17 deal with the facts versus the tricks and the games
 18 to -- he done tried over three or four times to get
 19 the case thrown out with all of the truth and
 20 everything that we have. And even influenced my
 21 lawyer to not fight for me like he should have, but
 22 he have situations. Don't get me wrong; he did
 23 well when he want to, but when he didn't want to,
 24 he didn't.

*This is not
 completely
 I said what*

25 THE COURT: All right. Well, I hear