

STATE OF SOUTH CAROLINA     )   TRANSCRIPT OF RECORD  
COUNTY OF RICHLAND         )   CASE NO. 2021-CP-40-06223

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October 18, 2022

BEFORE:   The Honorable Judge Donald B. Hocker

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Edward T. Hills,  
Plaintiff,  
vs.  
Dean, University of South Carolina  
Defendant.

**RECEIVED**  
**Nov 21 2022**  
**SC Court of Appeals**

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APPEARANCES:

Edward Hills  
Pro Se Plaintiff

Rachel Hutchens, Esq.  
Attorney for the Defendant

Official Court Reporter,  
Cynthia D. Weaver

1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: All right. Mr. Hills, if you can --  
3 can you hear me? Mr. Hills, can you hear me? You are  
4 muted, if you would un-mute yourself?

5 MR. HILLS: Can you hear me now, sir?

6 THE COURT: Yes, Mr. Hills. Yeah.

7 Now, I don't have a video, and that's not  
8 absolutely necessary, but just so long as you can hear  
9 everybody and I can hear you.

10 MR. HILLS: Okay.

11 THE COURT: All right. Before I call this case,  
12 let me just remind everybody that I did not have a court  
13 reporter. The virtual courtroom platform is recording all  
14 of the hearings. So, before you speak, just identify  
15 yourself for purposes of the record.

16 All right. The first case being called is Edward  
17 Tyrone Hills versus the University of South Carolina. Case  
18 Number 2021-CP-40-6223. Plaintiff is pro se. The defendant  
19 is represented by Rachel Hutchens. And, Ms. Hutchens, I  
20 believe this is your motion to dismiss. I have read your  
21 memorandum, so just summarize your position, and then I'll  
22 hear from Mr. Hills.

23 MS. HUTCHENS: Thank you, Your Honor.

24 Yes. This case arises out of a 2013/2014 contract  
25 between the plaintiff and his company and USC Salkehatchie

1 to renovate some hallway flooring.

2           The plaintiff filed a complaint on a form that's  
3 publicly available on U.S. District Court's website  
4 indicating he was bringing a 1983 claim for defamation of  
5 character. The defendant's position is that the plaintiff  
6 has failed to state a proper 1983 cause of action. Or, even  
7 more read more literally, hasn't stated a claim for  
8 defamation of character. As specifically as to 1983 the  
9 plaintiff has denied that the defendants or any -- the Dean  
10 or any other entities identified was acting under color  
11 (sic) of state law. And defamation of character is not a  
12 sufficient basis to maintain a 1983 claim.

13           As to defamation the plaintiff has failed to  
14 allege elements of defamation. He's alleged that there was  
15 a threat made by an employee at USC Salkehatchie, but not  
16 that a false and defamatory statement was made or that it  
17 was published. Even if you get past those two issues, the  
18 defendant's position is that the plaintiff has run afoul of  
19 the statute of limitations both as to defamation or slander  
20 as well as to 1983.

21           So that is a brief summary of the defendant's  
22 positions, Your Honor. And we're happy to answer any  
23 questions that were derived from our briefing that you've  
24 indicated that you've read.

25           THE COURT: Okay. Thank you, Ms. Hutchens.

1           Mr. Hills, I'll be glad to hear from you.

2           MR. HILLS: Yes, sir, Your Honor.

3           I disagree with the defendant totally. My stance  
4 is that the plaintiff is in default and according to the  
5 brief that I submitted electronically that the summons  
6 itself is a legal document. It is an absolute document and  
7 the summons said, You are hereby summoned and required to  
8 answer the complaint, herein, a copy of which is herewith  
9 served upon you and served you a copy of an answer to the  
10 complaint upon the subscriber at the address shown below  
11 within 30 days after service hereof exclusively of the day  
12 of such service. And if you fail to answer the complaint,  
13 judgment by default will be rendered against you for the  
14 relief demanded in the complaint.

15           And that is our stance, Your Honor. The defendant  
16 is in default. The defendant received the affidavit on  
17 January 7th, 2022. The plaintiff received the answers of  
18 the complaint on February 10th, 2022. Therefore, the  
19 defendant is in default. And, like I said, the electronic  
20 filing of the summons has nothing to do with the plaintiff  
21 receiving the summons. The summons is a legal document that  
22 should be answered by the defendant in a written form and  
23 delivered to the plaintiff.

24           So that's my stance, Your Honor, that the  
25 defendant is in default and basically I feel that everything

1 else that the defendant filed should be stricken from the  
2 record because it has nothing to do with the defendant being  
3 in default.

4 THE COURT: Mr. Hills, I have not read your  
5 memorandum that you say you that you E-filed and, quite  
6 honestly, since you're pro se I'm not exactly sure how you  
7 were able to E-file. But I'll try to find your brief and  
8 read it.

9 I will tell you this, Mr. Hills, that filing a  
10 Rule 12(b) motion in lieu of an answer is certainly  
11 permissible. So I can tell you right now I'm not going to  
12 find the defendant in default, but I will review your brief  
13 and I will issue a ruling as soon as possible.

14 Mr. Hills, give me your email address, please.

15 MR. HILLS: Hills, H-I-L-L-S, Edward, 06 at  
16 gmail.com.

17 THE COURT: Okay. That is your name just reversed  
18 06, at gmail.com?

19 MR. HILLS: Yes, sir.

20 THE COURT: Okay. Ms. Hutchens, anything in brief  
21 response?

22 MS. HUTCHENS: I would just say that we also have  
23 not received whatever the memorandum Mr. Hills is referring  
24 to. But I would say that Mr. Hills previously filed a  
25 motion to find the defendants in default on the grounds that

1 he's referenced, and Judge Benjamin previously heard that  
2 motion and filed a Form 4 on that issue, just if Your Honor  
3 wanted to make sure you were fully aware of those issues as  
4 you review them.

5 THE COURT: Thank you very much.

6 MR. HILLS: I would like to say one more thing  
7 about that. The Judge filed on electronic filing. As I  
8 said before, I am speaking on the summons, Your Honor, about  
9 what the summons said. And, like I said, I asked you guys  
10 if the summons a legal document, and then if the summons is  
11 a legal document, that means it's absolute. Because  
12 defendant is in default according to the summons. And at  
13 that time, during that hearing, I never had an opportunity  
14 to speak at all. What she did, she had already found it in  
15 default and she went to the defendant -- and it should be  
16 recorded, I hear her shaking her face, but listen to the  
17 recording, and that's all you would have to do and you would  
18 know I'm telling the truth.

19 THE COURT: Okay. All right. Thank you. All  
20 right. I'll be back in touch with both of you just as soon  
21 as possible. Thank you, very much. This hearing is  
22 adjourned.

23 MS. HUTCHENS: Thank you, Your Honor.

24 MR. HILLS: Thank you, sir.

25 END OF REQUESTED PROCEEDINGS

CERTIFICATE OF REPORTER

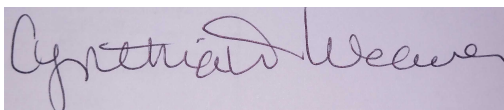
State of South Carolina )

County of Richland )

I, Cynthia D. Weaver, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of Common Pleas for Richland County, South Carolina, on the 18th day of October, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

November 17, 2022

A rectangular box containing a handwritten signature in purple ink that reads "Cynthia D. Weaver".

Cynthia D. Weaver,  
Official Court Reporter  
State of South Carolina