

BRIEF OF APPELLANT
THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Appellate Case No. 2022-001512

Dean, University of South Carolina

Respondent

V

Edward T. Hills

Appellant

INITIAL BRIEF OF APPELLANT

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INITIAL BRIEF OF APPELLANT

STATEMENT OF ISSUES ON APPEAL

Edward T. Hills (Appellant) appeals the Order of Judge DeAndrea Gist Benjamin. The Appellant is hereby appealing the Default Motion Order on the dismissal of the Default Motion procedures for the summons.

STATEMENT OF CASE

The Respondent is in default, because the Respondent is not in compliance with answering the summons in a timely manner and honoring the directives of the summons as a legal procedure.

STANDARD OF REVIEW

The Respondent received the Affidavit on January 7th, 2022. The Appellant received the answer to the complaint on February 10th, 2022; therefore, Respondent IS in default.

Electronic filing of the Summons has nothing to do with the Appellant receiving the Summons, the Summons is a legal document that should be answered by the Respondent in written form and delivered to the Appellant. Filing a document electronically on the 7th and mailing it on the 7th does not mean that the Appellant received it on the 7th - PER SUMMONS, see attached. This should happen simultaneously. Again, the Appellant received the answer to the complaint on the February 10, 2022.

INITIAL BRIEF OF APPELLANT (CONTINUED)

ARGUMENT

The Appellant, Edward T. Hills, submits this Brief, for the reasons set forth below, and the Court should grant Edward T. Hills Motion.

The "Summons" is a legal document. It is an "absolute" document. The Summons says "YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you and TO SERVE a copy of your answer to this complaint upon the subscriber at the ADDRESS SHOWN BELOW, within 30 days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default WILL BE rendered against you for the relief demanded in the complaint."

CONCLUSION

The Appellant had a hearing on September 21st, 2022. The Appellant never received the information concerning the directions for entering a **brief** or **memorandum** to the Judge, the paperwork did not get to the Appellant until September 15th, 2022, which the date to file a **brief** or **memorandum** was September 14th to the Judge. This was a flagrant breach of court proceedings during the hearing. The Appellant never had an opportunity to defend himself. The judge had already found the default judgment in "judgment for the Respondent" the Appellant had to object when the judge allowed the defendant to start their opening statement, stating their memorandum; and let her

INITIAL BRIEF OF APPELLANT (CONTINUED)

know that the Appellant never had the opportunity to file a brief or memorandum due to the clerk of court never sent the Appellant the paperwork in time. The Respondent is in default not because of the electronic filing but because of the summons "A absolute document" which states that they had to have a written answer to the complaint within 30 days or judgment and relief is for the Appellant in this case it will be \$100 million dollars.

DATE: December 3. 2022

s/ Edward T. Hills

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