

98013

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

RECEIVED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

JAN 23 2023

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2019-CP-02-02426

Historic Hospitality, LLC, Respondent,
Shah Investments,
Shah Enterprises, LLC,
Southern Hotel Properties

v.

Stephan Shugart, Appellant.

PETITION FOR REHEARING

The order filed January 05, 2023 is mistaken for reasons explained below.

The order to dismiss is in error due to the fact that all required documents concerning the submission of the Designation of the Matter were sent to the court prior to the court's order dated September 06, 2022.

I appreciate the care and understanding the court has afforded myself throughout the submission of the case. Being a Pro Se Appellant and new to the appeals process has not been without its challenges to say the least.

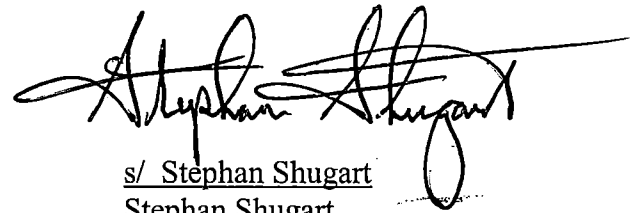
The Designation of the Matter was received by the appeals court on March 10, 2022 in its entirety. I was sent by the court a order just prior to the submission with a 10 day notice to submit the required documents to the court. I was very confused and surprised at the time to receive such a short time period of 10 days when usually a 30 day time period is given. I called the court and discussed the notice with Tyler concerning the order. He informed that the order was asking for the documents concerning the Designation of the Matter previously unsubmitted. In the ten days that followed I put together all the documents, cover letters, indexes pertaining to

the exhibits including the proof of service letter and sent it to the courts and the defendant's attorney. I appealed and was granted guidance by the court in January of 2022. I thought at the time that since there was a great time lag between anything being submitted to the court that I somehow missed a timeline and was given an order to provide all files etc. pertaining to the appeal. The conversation I had with the court's officer left me no choice but to submit within the 10 days.

This submission of all required documents I believe fulfilled the requirements pertaining to the submission of the Designation of the Matter per se. When I received the September 06, 2022 I was very confused as to why I am receiving another order to submit the documents already submitted. I called the court and again spoke to Tyler concerning the new order and informed about the March 10, 2022 submission. During the phone conversation Tyler reviewed the documents and folders in the earlier submission. I asked Tyler if it was necessary to submit the entire set of documents with accompanying exhibits and his suggestion was to send only a revised index of all materials submitted. The March submission has already a complete listing of the entire submission but he recommended that a more detailed index was needed. The cost of sending down the March documents was in excess of 100 dollars not including the paralegals cost for helping to prepare the documents in such short order. The additional cost and effort of submitting a revamped index was far more appealing.

I can only humbly ask the court at this point to reconsider and reinstate my case before the South Carolina Court of Appeals. I have worked tirelessly to keep what little hope I have to keep my case from being dismissed.

January 17, 2023

A handwritten signature in black ink, appearing to read 'Stephan Shugart', with a long horizontal line extending to the right.

s/ Stephan Shugart
Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Petitioner

INDEX

Exhibit 1- CMS Medicare Health Care list of medical providers related to the care and treatment of medical care related to the accident billed directly to the client. Moneys due if any amount is paid by the Defendant's Nationwide Insurance provider.

Exhibit 2- Pictures of Hotel Aiken Annex of rooms showing severely pruned back shrubbery branches and limbs ordered by the Hotel Aiken manager shortly after the accident date of September 29, 2016 that were taken by Petitioner on return from the Aiken County Hospital Emergency Room September 30, 2016 Note the fresh cuttings of branches and limbs that were removed after reporting that Petitioner incurred injury while staying at the Hotel Aiken Annex of rooms.

Exhibit 3- Pictures of Hotel Aiken Annex of rooms showing current conditions of shrubbery as of March 03, 2020 taken where Petitioner's accident occurred. Note the weathered branches and limbs depicted in Exhibit2 after cuttings were aged and weathered.

Exhibit 4- Chart notes from treating physician dated 12/05/2016 showing Petitioner sought medical treatment for injuries received while staying at Hotel Aiken on September 29, 2016. Additional medical treatment is available after 12/05/2016 from different medical providers in records upon request.

Exhibit 5- Request by Petitioner to Respondent's Attorney James Knox of Turner and Paget requesting dates for mediation. The 300 day rule expired and Respondent's Attorney did not answer Petitioner by said date of August 10, 2020.

Exhibit 6- Petitioner's answer to Respondent's Attorney in regards to Respondent's motion to dismiss dated July 18,2020 heard via Zoom virtual hearing August 30,2020.

Exhibit 7- Final Reply of Appellants

Exhibit 8- Notice of Appeal from Common Pleas regarding Conviction in Magistrates or Municipal Court

Exhibit 9- Proof of Service of Notice of Appeal served to all involved parties.

Exhibit 10- Transcript of Record 2019-CP-02-02426 Held August 31, 2020Cl held before Honorable Courtney Clyburn-Pope, Judge. held via Zoom with no Exhibits attached by the court.

Exhibit 11- Picture of my South Native Carolina Service dog Layla, may she rest in peace, was with me at all times while staying in Hotel Aiken.

Exhibit 12- Deposition of Petitioner conducted at the offices of James Knox of Turner and Paget, attorney for the Respondent.

Exhibit 13- Answer by Petitioner to Respondent's Attorney submission of Notice of Motion and Motion for Summary Judgment in the matter Stephan Shugart v. Shah Investments LLC., Please note all Examples listed have already been put into Discovery prior to Appeal to the South Carolina Court of Appeals.

Exhibit 14- Video taken at Hotel Aiken's annex of hotel rooms, showing enclosed breezeway, steps leading from second floor to covered breezeway. Showing concrete block pillars that support breezeway of the second floor. Showing planting of shrubbery on parking lot side of concrete pillars.

Exhibit 15- Copy of Order filed September 6, 2022

The South Carolina Court of Appeals

Stephen Shugart, Appellant,


v.

Shah Investments, LLC and Southern Hotel Properties,
LLC, Respondents.

Appellate Case No. 2020-001453

ORDER

Respondents have filed a motion to dismiss based on Appellant's failure to serve and file an amended record on appeal. Appellant's motion to allow extra time to serve and file a return to the motion to dismiss is denied. After careful consideration, Respondents' motion to dismiss is denied. Appellant shall serve and file the amended record on appeal within thirty days of the date of this order or this appeal will be dismissed.



FOR THE COURT

Columbia, South Carolina

FILED
Sep 06 2022

cc:

Stephan Shugart

R. Hawthorne Barrett, Esquire

copy



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 22, 2022

Stephan Shugart
546 Gates Street
Philadelphia PA 19128

Re: Stephan Shugart v. Historic Hospitality, LLC
Appellate Case No. 2020-001453

Dear Mr. Shugart:

Upon reviewing your "Motion for Guidance from the Court and to Amend the Previously Submitted Record on Appeals," the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine J. Fanning, deputy".

CLERK

cc: R. Hawthorne Barrett, Esquire

COPY

November 22, 2022

South Carolina Court of Appeals
1220 Senate St,
Columbia, SC 29201

RE: Stephan Shugart v. Historic Hospitality, LLC, Shah Investments, Shah
Enterprises, LLC, Southern Hotel Properties
Case No. 2019-CP-02-02426

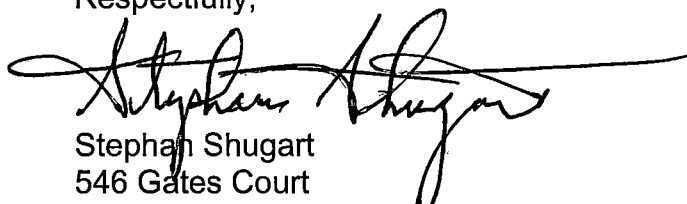
To Whom it May Concern:

After requesting guidance from the Court of Appeals, I spoke to an officer of the court concerning my case and was instructed to submit a revised index listing my earlier submission containing all the documents relating to the Designation of the Matter. Said documents were submitted to the Court on October 6, 2022.

Please let me know if you need anything further from me at this time.

Thank you for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephan Shugart", written over a horizontal line.

Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

Cc: Hawthorne Barrett

copy

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PROOF OF SERVICE OF DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL & RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No. 2020-001453

Stephan Shugart,

Petitioner,

v.

Historic Hospitality, LLC,
Shah Investments, Shah
Enterprises, LLC, Southern
Hotel Properties

Respondent.

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be Included in the Record on Appeal & Record on Appeal on Historic Hospitality, LLC, by depositing a copy of it in the United States Mail, postage prepaid, on March _____, 2022, addressed to his attorney of record, R. Hawthorne Barrett, Post Office Box 1473, Columbia, South Carolina 29202.

March _____, 2022

Stephan Shugart

Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

COPY

October 6, 2022

South Carolina Court of Appeals
1220 Senate St,
Columbia, SC 29201

RE: Stephan Shugart v. Historic Hospitality, LLC, Shah Investments, Shah
Enterprises, LLC, Southern Hotel Properties
Case No. 2019-CP-02-02426

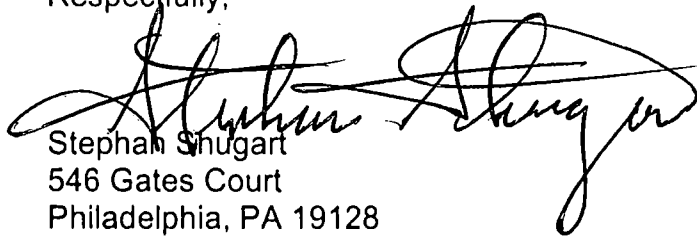
To Whom it May Concern:

Please find enclosed the designation of matter cover sheet with index as
requested.

Please let me know if you need anything further from me at this time.

Thank you for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephan Shugart". The signature is fluid and cursive, with a large loop at the end.

Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

Cc: Hawthorne Barrett

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2019-CP-02-02426

Historic Hospitality, LLC, Respondent,
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Shah Enterprises, LLC,
Southern Hotel Properties

v.

Stephan Shugart, Appellant.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Answer;
2. Motion for Summary Judgement;
3. Order of Granting Summary Judgement;
4. Notice of Appeal;
5. Deposition of Stephan Shugart;
6. Request to Charge;
7. Appellant's Exhibits 1-13;
8. Case Citing's.

I certify that this designation contains no matter which is irrelevant to this appeal.

October 6, 2022

s/ Stephan Shugart
Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Petitioner

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copy

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2020-CP-02-02426

Historic Hospitality, LLC,
Shah Investments,
Shah Enterprises, LLC,
Southern Hotel Properties,
Respondent,

v.

Stephan Shugart, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Historic Hospitality, LLC, Shah Investments, Shah Enterprises, LLC, Southern Hotel Properties, by depositing a copy of it in the United States Mail, postage prepaid, on October ____, 2022, addressed to his attorney of record, Hawthorne Barrett, Post Office Box 1473, Columbia, South Carolina 29202.

October ____, 2022

s/ Stephan

Shugart
Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

COPY

**MOTION FOR GUIDANCE FROM THE COURT AND TO AMEND THE
PREVIOUSLY SUBMITTED RECORD ON APPEALS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2019-CP-02-02426

Historic Hospitality, LLC, Respondent,
Shah Investments,
Shah Enterprises, LLC,
Southern Hotel Properties

v.

Stephan Shugart, Appellant.

**MOTION FOR GUIDANCE FROM THE COURT AND TO AMEND THE
PREVIOUSLY SUBMITTED RECORD ON APPEALS**

Appellant moves before this court for guidance on how to proceed. The appellant erroneously submitted the Designation of Matter and failed to submit the supporting documents. The Respondent's attorney then contacted the Appellant requesting said documents. The Appellant then contacted the Court and was advised to make a Motion before the Court for guidance and an extension of time to submit said documents. The Appellant contacted the Respondent's attorney who is in agreeance with the Motion as well as in agreeance with giving the Appellant an extension to allow him to submit the documents in question.

January 6, 2022

s/ Stephan Shugart
Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088

Pro Se Petitioner

COPY

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2019-CP-02-02426

Historic Hospitality, LLC, Respondent,
Shah Investments,
Shah Enterprises, LLC,
Southern Hotel Properties

v.

Stephan Shugart, Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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2. Motion for Summary Judgement;
3. Order of Granting Summary Judgement;
4. Notice of Appeal;
5. Deposition of Stephan Shugart;
6. Request to Charge;
7. Appellant's Exhibits 1-15;
8. Case Citing's.

I certify that this designation contains no matter which is irrelevant to this appeal.

November 29, 2021

s/ Stephan Shugart

Stephan Shugart

546 Gates Court

Philadelphia, PA 19128

(215) 509-1088

Pro Se Petitioner

**PROOF OF SERVICE OF MOTION FOR GUIDANCE FROM THE
COURT AND TO AMEND THE PREVIOUSLY SUBMITTED RECORD
ON APPEALS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No. 2020-001453

RECEIVED

JAN 23 2023

SC Court of Appeals

Stephan Shugart,

Petitioner,

v.

Historic Hospitality, LLC,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion for Guidance from the Court and Motion to Amend the Previously Submitted Record on Appeals on Historic Hospitality, LLC, by depositing a copy of it in the United States Mail, postage prepaid, on January 19, 2022, addressed to his attorney of record, R. Hawthorne Barrett, Post Office Box 1473, Columbia, South Carolina 29202.

January 19, 2022

s/ Stephan Shugart
Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

RECEIVED

JAN 23 2023

SC Court of Appeals

January 17, 2023

South Carolina Court of Appeals
1220 Senate St,
Columbia, SC 29201

RE: Stephan Shugart v. Historic Hospitality, LLC, Shah Investments, Shah
Enterprises, LLC, Southern Hotel Properties
Case No. 2019-CP-02-02426

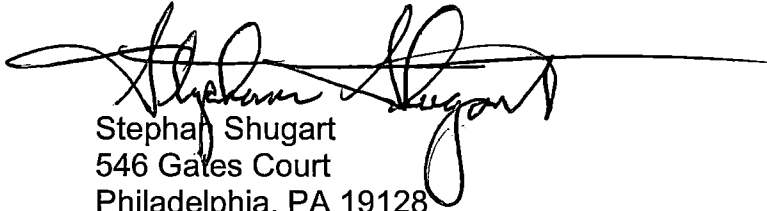
To Whom it May Concern:

Please find enclosed the Petition for Rehearing as requested.

Please let me know if you need anything further from me at this time.

Thank you for your assistance.

Respectfully,

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Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

Cc: Hawthorne Barrett

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OF APPEALS
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