

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

CASE NO. 2022-001512

Edward Tyrone Hills, Appellant,

v

Dean, University of South Carolina, Respondent

RECEIVED
FEB 14 2023
SC Court of Appeals

RECORD ON APPEAL

Edward Tyrone Hills
4711 Forest Drive
Suite 3, P.O. Box 221
Columbia, SC 29206
1 (803) 599-9152
Hillsedward06@gmail.com

Ms. Rachel Moore Hutchens
Mr. Monteith Powell
P.O. Box 11449
Robinson Gray, Litigation & Business
Columbia, SC 29211
Attorney(s) for the Respondent
1(803) 929-1400
rhutchens@robinsongray.com
mtodd@robinsongray.com

INDEX

ORDER
AFFIDAVIT OF SERVICE 1
SUMMONS..... 2
COMPLAINT.....
AFFIDAVIT IN SUPPORT OF ENTRY OF DEFAULT..... 3
APPLICATION FOR ENTRY OF DEFAULT AND SUPPORTING AFFIIDAVIT 4
ANSWER.....

RESPONDANT ANSWERED A DISMISSAL LETTER WHICH DID NOT GET TO THE
APPELLANT UNTIL LATE (FEBRUARY 10, 2022)

APPELLANT’S TESTIMONY
TRANSCRIPT:
Page 8, lines 18-25; 5
Page 9, lines 1-9; 6
Page 9, lines 19-25; 6
Page 10, lines 1-5. 7
Page 11, lines 3-13..... 8

CHARGE: N/A

RESPONDENTS EXHIBITS 9-10

All documents identified in Appellants Designation of Matter for Record on
Appeal.

Complete Transcript of Circuit Hearing dated September 21, 2022

Respondent’s Motion to Dismiss dated February 7, 2022

Order granting Motion to Dismiss dated October 24, 2022

APPELLANT’S EXHIBITS

Copy of Envelope of Delivery, Dated February 7, 2022, Received by
Appellant February 10, 202211
Form 4 – Decision by the Court 12

I, Edward Tyrone Hills, certify that the Record of Appeal does not contain any matter that is irrelevant to the appeal.

February 14, 2023

s/Edward Tyrone Hills
4711 Forest Drive,
Ste 3, P. O. Box 221
Columbia, SC 29206
803 599-9152
HillsEdward06@gmail.com



Richland County Sheriff's Department

DEC 30 2021

AFFIDAVIT OF SERVICE or NON-SERVICE

Date Entered: 12/29/2021
File Number: C202106687
DSS Number: 0
Foreign Case #: 2021cP4006223

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Date _____

Plaintiff Edward Tyrone Hills 4711 Forest Dr. Suite 221 Columbia, SC 29206
Phone: (803)599-9152 Work:

Defendant(s) Dean University of SC (Dean Samuels, Joel) Petigru 300 Columbia, SC 29201
Phone: (803)777-9939 Work:

PERSONALLY APPEARED Before Me P. Wilkes, duty sworn says that he/she served, or attempts to serve, the following civil paper(s):

Summons & Complaint 1

on the defendant DEAN Univ. of SC, as follows:

() By personally handing the process to the defendant at _____ SC
on _____ (Date/Time) (Street)

() By handing the process to _____ at _____ SC on _____, a person of suitable age and discretion then residing in
(Name of Person Served/Relationship) (Street) (City) (Date/Time)
the defendant's usual place of abode.

() By handing the process to WALTER (TERRY) H. PARHAM, the registered corporate agent or officer of the company at
109 Osborne Adm. Bldg. Columbia, SC on 01/07/22-10:32 AM and leaving him/her a copy.
(Name of Person Served/Company Name) (Street) (City) (Date/Time)

() WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

() COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action. SWORN TO Before me this

7 day of January 2022

[Signature]
Deputy Sheriff, Richland County

P. WILKES
1195

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES
P.O. Box 143 Columbia, SC 29202

KENNETH COLEMAN
Notary Public, South Carolina
My Commission Expires
July 15, 2024

2022 FEB - 08 PM 12:42
JEANNETTE W. McBRIDE
C.C.P., D.S., & F.C.
RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA,
COUNTY OF Richland
Edward Tyrone Hills
Plaintiff,
vs.
Dean University of South Carolina
Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

2021CP400

FILE NO. -CP-

RICHLAND COUNTY
FILED
2021 DEC 23 AM 9:05
JEANETTE W. WATSON
C.C.P., G.S.S. REC'D

TO THE DEFENDANT ABOVE-NAMED:

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 thirty (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.

Columbia, South Carolina

Edward J. Hilly

Edward Tyrone Hills

Plaintiff/Attorney for Plaintiff

Dated: 12/23/2021

Address: 4711 Forest Drive, Suite 221
Columbia, SC 29206-4810

proof case ✓

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA

EDWARD TYRONE HILLS
Petitioner/Plaintiff,

Vs.

DEAN, UNIVERSITY OF SOUTH
CAROLINA
Respondents/Defendants

NO. 2021CP400

RICHLAND COUNTY
FILED
2022 FEB - 9 AM 9:39
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

APPLICATION FOR ENTRY OF
DEFAULT AND SUPPORTING AFFIDAVIT

COME NOW the Plaintiff, EDWARD TYRONE HILLS, requests the Clerk, pursuant to Rule 12, FEDERAL Rules of Civil Procedure, to enter default against the Defendant, DEAN, UNIVERSITY OF SOUTH CAROLINA, in the above entitled action for failure to plead, answer or otherwise defend as set forth in the Affidavit attached hereto.

Respectfully submitted,

By: Edward T. Hills
EDWARD TYRONE HILLS
4711 Forest Drive, Suite 221
Columbia, SC 29206-4810

AFFIDAVIT IN SUPPORT OF ENTRY OF DEFAULT

STATE OF South Carolina)

COUNTY OF Richland)

2022 FEB -9 AM 9:39
JEANETTE W. MERRIDGE
C.C.P., G.S., & F.C.
FILED
RICHLAND COUNTY

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named EDWARD TYNE HILLS, who, having first been duly sworn by me, stated on oath the following:

1. A copy of the Summons, together with a copy of the Complaint, was served upon the Defendant by P. Wilkes, on January 7, 2022. Pursuant to Rule 12, Federal Rules of Civil Procedure, service of process was deemed complete on Defendant on January 7, 2022, an Entry of Appearance of Counsel was filed on behalf of Defendant on February 7, 2022.

2. That more than thirty days have elapsed since the date on which the said Defendant was served with Summons and a copy of the Complaint.

3. That the Defendant has failed to answer or otherwise defend as to Plaintiff's Complaint, or serve a copy of any Answer or other defense which he might have.

4. That this Affidavit is executed by affiant herein in accordance with Rule 12, Federal Rules of Civil Procedure, for the purpose of enabling the Plaintiff to obtain an entry of default against the Defendant for his failure to answer or otherwise defend as to the Plaintiff's Complaint.

Edward T. Hills
SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of February, 2022

[Signature]
NOTARY PUBLIC

My commission expires
03/01/2024.

1 7th, 2022. Can you see this, Your Honor, the paperwork that
2 was filed by Sheriff -- Sheriff Leon Lott of Richland County
3 and it was answered by Walter Carey H. Parham, which is
4 general counsel for the University of South Carolina.

5 So it was filed on 1/7/22. And when we received
6 it -- we didn't receive it till February 10th of 2022.
7 February --

8 THE COURT: When did you mail -- when did you file
9 your motion to dismiss in lieu of an answer?

10 MS. HUTCHENS: We filed the motion on February
11 7th, Your Honor, electronically. And because Mr. Hills is
12 pro se, we then put it in the mail that same day. He may
13 not have received it until the 10th, but we filed it on the
14 7th.

15 THE COURT: And we go by the date she filed it,
16 sir. And so it sounds like it was filed within the time
17 period.

18 MR. HILLS: Well, the thing about it is, she
19 electronically filed it and she electronically filed what
20 you said was a dismissal. But according to the summons, as
21 the summons reads, that you -- that you have to send me a
22 copy of the answer to the complaint. And the complaint has
23 to be sent to me within 30 days or judgment by default would
24 be rendered against you for the relief demanded in the
25 complaint. And this is what I read the summons and that's

1 what the summons, that's the law.

2 Now, that's -- she didn't do that, she did it
3 electronically. There's no reason for me to look up
4 electronically. I'm not a person that look on a computer.
5 You have to send to me by the paperwork that I sent to her.
6 I sent it to her and it was sent to her by paperwork and the
7 summons says she has to send it back to me by paperwork in
8 time, in 30 days, in a 30-day period, and she didn't, Your
9 Honor.

10 THE COURT: Ma'am.

11 MS. HUTCHENS: Your Honor, we filed our motion
12 within the time frame. We then mailed it to him. If the
13 fact that he received it -- I mean, we complied with the
14 rules and filed it within the 30 days.

15 MR. HILLS: I have a witness to that fact that
16 shows that --

17 MS. HUTCHENS: I understand that he received it
18 later, but it was filed.

19 THE COURT: ~~If I were you -- sir, she filed it~~
20 ~~within the 30 days. And the rules require that it be filed~~
21 ~~within the 30 days, and she's filed it within the 30 days.~~
22 ~~And I think you get -- I'll have to look at the mailing~~
23 ~~requirements, but it was placed in the mail to you, which is~~
24 ~~why you got it on the 10th. I'm assuming she placed it in~~
25 ~~the mail.~~

*The summons is the Rule
of civil Procedure*
6

1 MR. HILLS: But where is the summons? The
2 summons, in fact, the rules and regulations. I signed it.
3 I signed the summons and it was sent out to them. That's
4 not -- that's the rules and regulations that they honor the
5 summons?

6 THE COURT: We go by the Civil -- Rules of Civil
7 Procedure, sir. And so you -- she filed and we go by the
8 Clerk's Office so we won't have to dispute when the mail was
9 sent or the mail was slow or if the mail was lost, but her
10 answer had to be filed within the 30 days and she filed the
11 answer in the 30 days and then she sent you a copy of the
12 answer showing that it was filed within 30 days, all right?

13 MR. HILLS: She filed a dismissal motion.

14 THE COURT: Well, her motion for dismissal in lieu
15 of an answer, sir.

16 MR. HILLS: Well.

17 THE COURT: She's not -- based on what I can see
18 and tell they're not in default. And so, I mean, because
19 the mail -- we can't go necessarily by when the -- when you
20 received it in the mail. It's when she filed and it's
21 stamped with the Court. And it doesn't seem as if anyone is
22 disputing that she filed it on February the 7th.

23 MR. HILLS: Yeah, she filed it electronically on
24 February the 7th.

25 THE COURT: Well, that's how we file stuff, sir.

1 We file things electronically, that is our method of filing.

2 And so --

3 MR. HILLS: But the only problem I have with
4 that -- and the only problem I have with that is filing a
5 dismissal motion underneath a default motion which I felt
6 that a default motion should be absolute, because a
7 default -- I'm in business, I've been in business. If my
8 bid is late, they throw it out, it's in default. Anything
9 like that, if I don't do my paperwork right, it's in
10 default. And that's -- the only thing that know that if
11 you're in default, you're in default because you didn't do
12 your paperwork right.

13 THE COURT: Right.

14 MR. HILLS: And this, they --

15 THE COURT: I'm not -- I'm not going to find that
16 she's in default because she filed her answer within the 30
17 days as per the Rules of Civil Procedure. So they
18 electronically filed them within the 30 days. So I'm going
19 to deny the motion for entry of default.

20 And so then she's filed a motion to dismiss.
21 You've asked for additional time, because you said you've
22 just received the memorandum of law, although she filed
23 it -- she filed the motion in February, but you did not get
24 the memo until last week or early this week?

25 MR. HILLS: I just got the information yesterday

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2021-CP-40-06223

Appellate Case No. 2022-001512

Edward Tyrone Hills,

Appellant,

v.

Dean, University of South Carolina,

Respondent.

**RESPONDENT DEAN, UNIVERSITY OF SOUTH CAROLINA'S
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL**

Respondent, Dean, University of South Carolina, designates the following to be included in the Record on Appeal:

1. All documents identified in Appellant's Designation of Matter for Record on Appeal;
2. Complete Transcript of Circuit Court Hearing dated September 21, 2022;
3. Respondent's Motion to Dismiss dated February 7, 2022;
4. Order granting Motion to Dismiss dated October 24, 2022.

Pursuant to Rule 209(c), SCACR, I certify that this designation does not contain any matter that is irrelevant to this appeal.

BY: /s/ Rachel M. Hutchens
Rachel M. Hutchens
Monteith P. Todd
Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, SC 29211
Tel: 803-929-1400
Email: rhutchens@robinsongray.com
mtodd@robinsongray.com

Attorneys for Respondent

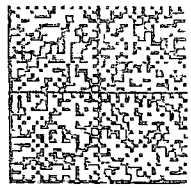
January 12, 2023

EXHIBIT 2



ROBINSON
GRAY

Litigation + Business



quodient
FIRST-CLASS MAIL
IMI
\$000.73
02/07/2022 ZIP 29201
043M31226435

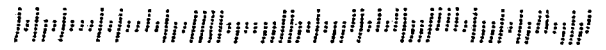
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

RECEIVED ON 2/10/22 in DECAIT
~~It was~~

Edward Tyrone Hills
4711 Forest Drive, Suite 221
Columbia, SC 29206-4810

[REDACTED]

DECAIT
29206-48125 0082



10129-151R

EXHIBIT 2

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2021-CP-40-06223

Edward Tyrone Hills

Dean University of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

| | |
|---------------------|--|
| Submitted by: _____ | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant |
|---------------------|--|

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk:

This matter comes before the Court on a Motion for Entry of Default filed by Plaintiff Edward Tyrone Hills and a Motion to Dismiss in lieu of an Answer filed by Defendant Dean University of South Carolina. A hearing on the motions was held on September 21, 2022 in Richland County, South Carolina. Plaintiff, appearing Pro Se, and Defendant, represented by Ms. Rachel Hutchens, were present.

After consideration of the motions and arguments by the parties, this Court finds that Defendant timely filed its Motion to Dismiss in lieu of an Answer pursuant to 12(b)(6) within 30 days after service of the complaint. Therefore, Defendant has appropriately responded to Plaintiff's Complaint and Plaintiff is not entitled to an entry of default. Plaintiff's Motion for Entry of Default is, hereby, **DENIED**.

To give Plaintiff an opportunity to file a written response to Defendant's Memorandum in Support of its motion, Defendant's Motion to Dismiss in lieu of an Answer is continued to the next available non-jury term of court.

IT IS SO ORDERED.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled |
|---|---------------------------------------|--------------------------------|
| | | |

ELECTRONICALLY FILED - 2022 Sep 22 2:38 PM - RICHLAND - COMMON PLEAS - CASE#2021CP4006223

CERTIFICATE OF COUNSEL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

CASE NO. 2022-001512

Edward Tyrone Hills, Appellant,

v

Dean, University of South Carolina, Respondent

According to SCACR 210(g), I, Edward Tyrone Hills, certify that the Record of Appeal does not contain any matter that is irrelevant to the appeal.

February 14, 2023

s/Edward Tyrone Hills
4711 Forest Drive,
Ste 3, P. O. Box 221
Columbia, SC 29206
803 599-9152
Hillsedward06@gmail.com

Ms. Rachel Moore Hutchens
Mr. Monteith Powell
P.O. Box 11449
Robinson Gray, Litigation & Business
Columbia, SC 29211
Attorney(s) for the Respondent
1(803) 929-1400
rhutchens@robinsongray.com
mtodd@robinsongray.com

RECEIVED
FEB 14 2023
SC Court of Appeals