

FINAL REPLY BRIEF OF APPELLANT

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

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APR 10 2023

SC Court of Appeals

Edward Tyrone Hills, Appellant,

v

Dean, University of South Carolina, Respondent

FINAL REPLY BRIEF OF APPELLANT

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FINAL REPLY BRIEF OF APPELLANT

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REFERENCE REVISED RECORD ON APPEAL IN INDEX

- Transcript, R. P. 8, Lines 18-25
- R. P. 9, lines 1-9
- R. P. 9, lines 19-25
- R. P. 10, lines 1-5
- R. P. 11, lines 3-13
- R. P. 12, lines 11-12

FINAL REPLY BRIEF OF APPELLANT

STATEMENT OF ISSUE OF APPELLANT

The Appellant filed a Summons and Complaint on January 7, 2022. The Appellant should have received an answer to the Complaint by/within 30 days per Summons and the Appellant did not. See Affidavit of Service in Record on Appeal. Motion to Dismiss from Respondent was received February 10, 2022, "LATE", RESPONDENT IS NOW IN Default. E-filing is backup for existing paperwork used to make changes. The county did not file the complaint, the Appellant did. The Honorable Judge Benjamin did not follow the Civil Procedures which is stated on the original paperwork, the "Summons". The Honorable Judge Benjamin said she was not up on the paperwork procedures for paper filing, and she would look into it (See Transcript, page 9, lines 19 – 25, September 21, 2022) reference Honorable Judge Benjamin's statement. Respondent did not answer Brief. The Respondent did in fact use a lot of false narratives. The cases, statues, and rules they presented has nothing to do with this case. The Appellant will provide a summary of each case, statues, and rules (noted in the table of contents).

STANDARD OF REVIEW

There was no correspondence presented to the Appellant asking for an extension from Richland County or Respondent. Stark Truss Co, Superior Const. Corp., 360 S.C. 503, 602 S.E. 2d 99. This ruling is referencing default, anything else enhances Appellant claim. The Respondent is in Default. The Motion to Dismiss was not received by the Appellant until after the 30-day period

STANDARD OF REVIEW (CONTINUED)

which makes the Respondent in default. Filing to the county is not getting the information to the Appellant. The legal procedure to the Summons said they had 30-days; the Respondent did not meet the deadline.

ARGUMENT

The Appellant could not file an Appeal until both cases had final order. *Lancaster v. Fielder*, 305, S.C. 418, 409, S.E. 2d 375 (1991) has nothing to do with a default case, the case results states “a change of venue”. *Link v Sch Dist. of Pickens Cnty. S.C. 1*, 393 S.E. 2d 176 (1991), this case has nothing to do with the Appellant case 2022-001512. The Appellant could not file an Appeal until both cases were finalized. The Summons is the legal procedure, it is absolute and Respondent sign and received it along with instructions. Once a Default Motion is filed and proved, Respondent is in default and to dismiss the case is not applicable. *Lancaster*, 305 S.C. at 421, 409 S.E. 2d at 377, this has nothing to do with the Appellant this is also NON-APPLICABLE. The Motion to Dismiss did not get to the Appellant until February 10, 2022, which is late and “NON APPLICABLE.” The Respondent is repeating the same point and not admitting the fact, that they had to answer the complaint to the Appellant by February 7, 2022, that is the paperwork not an e-file of such to the Appellant....and the Respondent did not respond, the Respondent is in default. And again, mailing a Motion to Dismiss on the 7th is not getting the Motion to Dismiss to the Appellant on February 7, 2022. The Respondent said they did not have the responsibility to send the Appellant any correspondence, so the Respondent arrogance got the best of them by not respecting the time factor in sending the Motion to Dismiss which was late.

ARGUMENT (CONTINUED)

So, the Respondent is in default again. At this time the Appellant is asking the Court of Appeals that judgment be rendered to the Appellant for \$100 Million Dollars.

CONCLUSION

E-filing is a back-up system for existing paperwork, used to make changes. The Respondent by law had to respond to the Appellant within 30 days or be in default. The Appellant has proof that the Respondent is in default. The Appellant is asking that the Court of Appeals to grant judgement for Appellant in the amount of \$100 Million Dollars. 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 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.

DATED: April 10, 2023

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CASES – DEFINATION

1. Blakely & Copeland v Frazier, 11 S.C.122 (1878) has nothing to do with this case, they are in default to go back to 1878 shows they have nothing for a defense. The complaint alleged that plaintiff, when payment of the reclamation was made, it was made in Dec 1866. A witness testified that the firm was dissolved in Dec 1866.....not a default case.

2. Lancaster v. Fielder, 3405 S.C. 418, 409 S.E. 2d 375, has nothing to do with a default case, the case was about a change of venue.

3. Link v. Sch Dist. Of Pickens Cnty, 302 S.C. 1, 393 S.E.2d 176 (1990). This case has nothing to do with Case No. 2022-001512. Appellant could not file an Appeal until both cases were finalized.

4. Stark Truss Co., Inc. v. Superior Constar Corp. 360 S.C. 503, 602 S.E. 2d 99, (Ct App 2004). This ruling is about the default if anything it enhances the Appellant's claim. The Respondent is in default. The Respondent did not respond to the Appellant until after the 30-day period which make the Respondent in default. Filing to the county is not getting the information to the Appellant by e-filing the claim. The Summons said they had 30 days; the Respondent did not meet the deadline.

STATUES AND RULES – Definition

The Supreme Court shall have Appellant jurisdiction for correction of errors of law in law cases and shall review on appeal; SC Code 14-3-330.

SC Rule of Civil Procedure, Rule 5(e) handling and servicing Appellant's answer to Summons.

SC Rule of Civil Procedure, Rule 5(a) – Not applicable.

SC Rule of Civil Procedure, Rule 12(a) the Summons applies to this rule.

SC Rule of Civil Procedure, Rule (12(b)(6) not applicable.

CERTIFICATE OF COUNSEL

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According to SCACR 210(g), I, Edward Tyrone Hills, certify that the FINAL REPLY BRIEF OF APPELLANT does not contain any matter that is irrelevant to the appeal.

April 10, 2023

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