

With the Name of Allah, Most Merciful, Most Gracious

STATE OF SOUTH CAROLINA)

IN THE COURT OF APPEALS

Case No. 2022-001352

Regina M. Hunter El)

MOTION TO STAY REMITTITUR

1165 Broad St. #16)

AND TO REINSTATE APPEAL

Sumter, S.C. 29150)

Appellant(s))

Appeal from

v.)

Court of Common Pleas, Sumter County

Case No. 2022CP4300419

R. Kirk Griffin, Presiding Judge

Crown Asset Management, LLC)

Appeal from

c/o Scott & Associates, P.C.)

Summary Court, Sumter County

1744 Sam Rittenberg Blvd., Suite D)

Case No. 2021-CV-4310-101-576

Charleston, S.C. 29407)

W.M. Gamble, Presiding Magistrate

Respondent (s))

MOTION TO STAY REMITTITUR AND TO REINSTATE APPEAL

NOW COMES, the Appellant, Regina M. Hunter El, to request stay the remittitur for 30 days and reinstate appeal for good cause and states the following in support of:

The Court should reinstate this appeal despite non-payment of the required filing fee by Appellant to allow time for the resolution of her complaint to the Kentucky Department of Insurance and inquiry to the South Carolina Department of Insurance regarding Kenneth Lee Seyer, an adjuster licensed to act on behalf of Walmart Claim Services, Inc.

- 1. Crown Asset Management, Inc. purchased a debt from "Synchrony Bank", owed on a credit product titled "Walmart Credit Card" on or about 12 September 2019.
2. The Appellant has three unresolved claims against Walmart, Inc., one in particular is personal injury claim that occurred on 21 April 2021.
3. The Appellant was unable to assert a counterclaim in the lower court due to procedural due process violations by the Sumter County Magistrate and court personnel which this appeal seeks to address.

4. The settlement offer made by Walmart Claim Services, Inc. adjuster Melissa Price on about 9 June 2022 had insufficient consideration for the injury sustained. Thus, last year, the Appellant did not file an agreed dismissal of her appeal pursuant to Rule 260(b) SCACR.
5. At present, the Appellant holds that the parties were not able to reach a settlement due to unfair claim settlement practices in violation of the Kentucky Insurance Code for unfair settlement practices [KRS 304.12-230(2), (KRS 304.12-230(3), KRS 304.12-230(6-8)].
6. On 16 March 2023, the Appellant filed a complaint with the Kentucky Department of Insurance (File No. 2023JWW062).
7. On 17 March 2023, Jack W. Wiley, Supervisor for Property/Casualty replied to the complaint stating the regulatory assistance was under the jurisdiction of the South Carolina Department of Insurance. His reply was copied to Walmart Claim Services, Inc.
8. On 3 April 2023, the Appellant requested an administrative hearing from Karen P. Clark, Commissioner for the Kentucky Department of Insurance.
9. On 4 April 2023, Zach Johnson, Counsel for the Kentucky Department of Insurance replied on behalf of the Department. The request for a formal administrative hearing was denied citing lack of jurisdiction.
10. The licensee lookup shows that the Mr. Seyer is registered with both the Kentucky Department of Insurance and the South Carolina Department as an agent authorized to act on behalf of Walmart Claim Services. However, Mr. Seyer's license reciprocity (DOIID 905841) (NAIC NPN 7472507) was not active in the State of South Carolina until 1 September 2021. The unfair claim settlement practices mentioned in the complaint occurred while his license was only affiliated with Walmart Claim Services, Inc. in the State of Kentucky. Mr. Seyer's license reciprocity is through a mutual agreement between states.

11. As such, the Appellant finds Mr. Seyer may have deliberately made misleading statements and maliciously delayed Claim #L1597885 (which was opened since 31 May 2021). This is significant because Mr. Seyer's mishandling of the claim may have caused the destruction of discovery that supported the Appellant's claim for damages as a result of the store's negligence.
12. Thus, Appellant has the right to appeal the final hearing decision of the Commissioner to Franklin County Circuit Court (KRS 304.2-370) or "*the Circuit Court of the county in which the appealing party resides*" (KRS 13B.140 judicial review of final order) if there is no venue stated in the Department's enabling statute (806 KAR 2:060). An order of judgment of SC circuit courts is subject to judicial review by the SC Court of Appeals. While, the Appellant is hopeful that a resolution is near, she may be compelled to pursue further appellate litigation if the parties are unable to reach an amicable agreement regarding the personal injury claim and other claims.
13. If the matter is remitted to the Sumter County Circuit Court of Common Pleas, the Appellant would have to seek extraordinary relief such as joinder or administrative appeal of a decision of the South Carolina Department of Insurance, if necessary.
14. Therefore, the Appellant respectfully ask this Court to stay the remitter for 30 days to allow the multi-jurisdiction matter to be resolved. If the parties reach an amicable settlement within such time, the Appellant also ask the Court to reinstate the appeal conditioned upon receipt of the \$250 filing fee and to enter an agreed dismissal, pursuant to Rule 260(b).

Respectfully,



I Am: Regina M. Hunter El

All Rights Reserved

A Natural Person, In Full Life, In Propria Persona, Sui Juris

Regina M. Hunter El
1165 Broad Street, #16
Sumter, S.C. 29150

RECEIVED

Apr 17 2023

SC Court of Appeals

CERTIFICATE OF SERVICE

I, Regina M. Hunter El, certify that I served a copy of this *Motion to Stay Remittitur and to Reinstate Appeal* on Crown Asset Management, LLC, the Clerk of the Sumter County Court of Common Pleas and other interested parties, by electronic means and depositing a copy of the same with the United States Postal Service, with first class mail postage, to the parties in the attached service list.

Executed this 14th day of April 2023 C.E., 23 Ramadan 1444A.H.

Respectfully,

A handwritten signature in cursive script that reads "Regina M. Hunter El". The signature is written in black ink and is positioned above the printed name.

I Am: Regina M. Hunter El
All Rights Reserved
A Natural Person, In Full Life, In Propria Persona, Sui Juris

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SERVICE LIST

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Other Interested Parties:

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c/o Zach Johnson, Counsel
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