

May 2, 2023

Jenny A. Kitchings, Clerk of Court,  
V. Claire Allen, Chief Deputy Clerk, and  
Catherine Harrison, Deputy Clerk  
P.O. Box 11629  
Columbia, SC 29211

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MAY 05 2023

SC Court of Appeals

VIA EMAIL to ctappfilings@sccourts.org and also

VIA US MAIL to each above listed recipient at the above listed mailing address

**Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings) 2019-000979  
and LB Park, LLC v. San Juan Holdings et. al. 2022-001650**

To the above listed Recipients ("You" or "Your" hereinafter),

I, Ryan Powell, am in receipt of Your April 24th letter (in the 2022 appeal) informing me that I may need to file a motion with the Court in order to get You to quit attempting to defraud me and to get You to do Your jobs. In order for me to determine what motion, petition, complaint, claim, or letter that I may need to use to accomplish that feat, I require answers from each of You to the below questions.

Since a "full and fair hearing" is secured to me, then You are required to answer my questions. See the web page for the Clerk of Court's office, which reads in pertinent part - "**By assisting litigants in understanding the Rules, the Clerk's office ensures that the appeal reaches the Court in the form most accessible to the Judges, thus securing to the litigants a full and fair hearing.**"

- 1) Assist me in understanding what Appellate Court Rule caused the "timelines for perfecting" my two above identified appeals to be "held in abeyance" after a motion to consolidate was filed into one of my appeal cases?
- 2) Assist me in understanding what Appellate Court Rule gives You the authority to remove from the case record, 24 days after having been filed into the case record, my Record on Appeal for my 2019 appeal especially without giving me any notice that You were going to remove it or that You had removed it?
- 3) Assist me in understanding what Appellate Court Rule gives You the authority to refuse to file into the case record my Final Briefs for my 2019 appeal based on your false and untenable position that the "timelines for perfecting" that appeal are being "held in abeyance"?
- 4) Assist me in understanding what Appellate Court Rule gives You the authority to lie to me and repeatedly tell me that the "timelines for perfecting" my two above identified appeals are being "held in abeyance" absent a court order and absent a motion seeking such a court order?

<https://www.sccourts.org/appeals/clerk.cfm>

5) Assist me in understanding what Appellate Court Rule gives You the authority to render a judgment on a motion I made to the Court. Your March 21, 2023 letter (for my 2022 appeal) states "*Upon review, the Court has declined to rule upon your motion [to reduce the amount of the bond required for me to avoid being illegally and unlawfully dispossessed] pursuant to Rule 240(i), South Carolina Appellate Court Rules (SCACR).*". If the Court had actually declined to rule on my motion because **they** determined that my motion was a "petition to rehear" some other motion that I never made, then the Court was required to enter an order making that judicial determination. However, I cannot find any such order in the case record which can only mean that You made that "judicial determination" absent any judicial authority to do so.<sup>2</sup>

6) I have been alleging for many months now that the "timelines for perfecting" either of my two appeal is NOT being "held in abeyance". But You refuse to cease and desist Your attempts to defraud me and You refuse to do your jobs to file into the case record my timely filed documents that conform to the Rules. So I recently searched the on-line case tracker looking for **evidence** to PROVE that you are committing fraud. I looked closely at the records made in at least 50 recent appeal cases that are before this Court. Not ONE of those 50 cases ever had their "timelines for perfecting" their appeal "held in abeyance" automatically after a motion was filed. However, I did find one case where such "timelines for perfecting" an appeal was "held in abeyance" after an actual motion was made seeking such relief and after an order was made granting such relief. I have attached a copy of that motion as Exhibit A and a copy of that order as Exhibit B. With this evidence I can now hold You liable for Your fraud<sup>3</sup>, especially if Your fraud ends up getting either of my two appeals dismissed!

7) According to Article V, Section 10 of the State Constitution, Ms. Kitchings is under the "*general administrative authority and supervision of the Chief Justice*". Would it be fair for me to presume that Chief Justice Beatty is the person who directed You, Ms. Kitchings, and/or you deputy clerks to execute this fraudulent scheme against me? If not him, then who did?

8) Are You an elected or appointed public officer or State employee having a requirement to file an oath of office before undertaking the duties of Your office as proscribed by SC Code § 8-3-10? If Your answer is yes, then please provide a copy of Your sworn and filed oath of office to me.

9) Please provide me a copy of ALL bonds and liability insurance policies that You have executed or that You are covered by your employment contract. SC Code § 8-3-210 requires You to give me this information. Your bonds and insurance policies may include, but may not be limited to, any or all of the following:

- Your Public Official Surety Bond required by South Carolina SC Code § 8-11-20, 8-3-10, and 8-3-30;

<sup>2</sup> "[A] clerk of court cannot ordinarily determine questions of law [or] render judgments.", Miller v. State, 659 SE 2d 492 (SC Supreme Court 2008).

<sup>3</sup> Fraud vitiates everything it touches, United States v. Throckmorton, 98 U.S. 61 (1878).

- Your blanket surety bond if this Court or the Judicial Branch of this State requires employees to be bonded under a blanket bond;
- Your Errors & Omissions (E&O), a Surety Liability Insurance policy, and the Duty of Care policy, if applicable;
- Your general long term bond for this Court, if applicable;
- Your Crime Policy, if applicable;
- Your Risk Management Policy, if applicable;
- The following documents, if applicable:
  - ACORD 125;
  - ACORD 126;
  - ACORD 127;
  - ACORD 128; and
  - These documents should indicate the policy number and the insured amount of the policy;
- Your Certificate of Liability, if applicable;
- Public Officials and/or any other bonds pertaining to proof of liability and policies. Based on any and all losses of financial responsibility due to negligence or dishonesty. Any and all based on the contract of terms and conditions;
- Your Faithful Performance Bond, if applicable;
- Your Fidelity Bond, if applicable;
- Your Public Employee Dishonesty Policy, if applicable;
- Your Public Employee Blanket Bond, if applicable;
- Your power of attorney for the surety bond company; and
- Your Blanket Bond power of attorney for the surety bond company, if applicable.

Your answers to the above questions, along with the requested documents, are to be mailed to me by US Mail within three (3) business days of this letter having been emailed to the Court. You may also consider filing Your answers into the case record as proof that You did answer my questions and did give me the documents I requested.

Your silence in the face of your duty to answer my questions and provide the documents to me that the law requires You to provide will be construed as Your admission that You have been attempting to defraud me, You have wrongfully removed my filings from the case records, and You have refused to file some of my filings into the case record with the hope that one or both of my two appeals could then be dismissed.

/s Ryan Powell  
 Ryan Powell  
 287 East Hawfields  
 Pittsboro, NC 27312

Cc: Sarah P. Spruill mailed to her address of record;  
 Brett Osborne mailed to his address of record.

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

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DeAndrea Gist Benjamin, Circuit Court Judge

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Case No. 2021-CP-40-06223

Appellate Case No. 2022-001512

Edward Tyrone Hills,

Appellant,

v.

Dean, University of South Carolina,

Respondent.

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**MOTION TO COMPEL APPELLANT  
TO FILE COMPLETE RECORD ON APPEAL**

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Rachel M. Hutchens  
Monteith P. Todd  
Robinson Gray Stepp & Laffitte, LLC  
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Columbia, SC 29211  
(803) 929-1400  
*Attorneys for Respondent*

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**Feb 21 2023**

**SC Court of Appeals**

Pursuant to Rules 210 and 240 of the South Carolina Appellate Court Rules, Respondent Dean, University of South Carolina (USC), moves this Court for an order to compel Appellant to file and serve a complete Record on Appeal.

Pursuant to Rule 210(a) of the South Carolina Appellate Court Rules, an appellant “[w]ithin thirty (30) days after service of the last brief ... shall serve a copy of the Record on Appeal on each party who has served a brief.” Further, “[t]he Record on Appeal shall include all matter designated to be included by any party” and must be arranged, labeled, and numbered in the specific manner set forth in Rule 210(c). A complete Record on Appeal is necessary for all parties to file Final Briefs for the Court’s consideration.

On February 14, 2023, the Appellant in the present matter filed a Record on Appeal that is incomplete and does not comply with the requirements of Rule 210 of the South Carolina Appellate Court Rules. Specifically, the Record on Appeal submitted by the Appellant does not include the materials identified in Respondent’s Designation of Matter to be Included in Record on Appeal filed January 12, 2023. Therefore, Respondent respectfully requests this Court compel Appellant to file a complete Record on Appeal that includes all matter designated by both parties and that fully complies with Rule 210.

Additionally, the undersigned Respondent requests that all filing/service deadlines be held in abeyance pending the Court’s ruling on this motion.

Respectfully submitted,

/s/ Rachel M. Hutchens  
Rachel M. Hutchens  
Monteith P. Todd  
Robinson Gray Stepp & Laffitte, LLC  
Post Office Box 11449  
Columbia, SC 29211  
(803) 929-1400  
*Attorneys for Respondent*

February 21, 2023



287 E Hawcfields  
Pittsboro, NC 27312

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SC Court of Appeals

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29211-162929

