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May 18 2023

May 18, 2023

SC Court of Appeals

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
VIA EMAIL ONLY - ctappfilings@sccourts.org

Re: LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee, et al.;
Appellate Case No.: 2022-001650.

Ms. Kitchings:

I am in receipt of your May 15, 2023 letter informing me that if I want the court to act I must file and serve a motion. As you are aware on that same day, May 15th, I filed a motion requesting the court to act. My motion requests you issue an order to hold in abeyance the timelines for perfecting this appeal while the court hears and decides whether or not to strike Respondent's Initial Brief and Designation of Matter.

I do not see any order in the case file granting an abeyance. You have both the authority and the DUTY to grant my request. Why have you refused to execute your ministerial duties? Especially after informing me that if I "want the court to act" I need to serve and file a motion, which I did.

The granting of my request for an abeyance must be accomplished without using any "discretion" on your part as ministerial actions take no discretion.

Please see attached as Exhibit A an example motion from a recent case that is before this Court where the Respondent requested an order holding the timelines to perfect that appeal in abeyance pending the Court's decision on their motion. Also find attached as Exhibit B a copy of the order that your deputy clerk, V. Claire Allen signed granting that relief. These Exhibits PROVE that you have the authority to issue an abeyance order pending the Court's decision on a motion.

I suspect that you have refused your ministerial duty because if you did grant the relief I requested, that would prove you are a liar since you and your deputy clerk Allen have been attempting to defraud me for months by PRETENDING that a court order is not necessary to hold an appeal in abeyance. However, you and I both know that is a lie.

I suspect, being an attorney, you also know that when one intentionally damages a person through their actions or their negligence they can be held liable. I expect that you will immediately fulfill your job duties and issue an abeyance order as requested in my May 15, 2023 Motion to Strike Respondent's Initial Brief and Designation of Matter.

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

Cc: Sarah P. Spruill as her address of record

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Feb 21 2023

SC Court of Appeals

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.

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

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

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 designed 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

The South Carolina Court of Appeals

Edward Tyrone Hills, Appellant,

v.

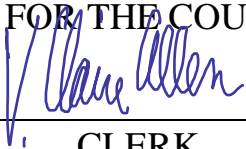
Dean, University of South Carolina, Respondent.

Appellate Case No. 2022-001512

The Honorable DeAndrea G. Benjamin,
The Honorable Donald B. Hocker
Richland County
Trial Court Case No. 2021CP4006223

ORDER

Respondent has filed a motion to compel and requested timelines be held in abeyance pending resolution of this motion. This request is Granted and timelines will be held in abeyance pending resolution of the motion to compel.

FOR THE COURT
BY  _____
CLERK

Columbia, South Carolina

cc:
Edward Tyrone Hills
Rachel Moore Hutchens, Esquire
Monteith Powell Todd, Esquire

FILED
Feb 22 2023
