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May 23 2023

SC Court of Appeals

The State of South Carolina
In The Court of Appeals

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MAY 16 2023

SC Court of Appeals

Appeal from Dorchester County
Honorable Heath P. Taylor, Circuit Court Judge

Case Nos. 2006-CP-18-01310, 2006- CP-18-01311
2006-CP-18-01636

John Doe 53, John Doe 66, John Doe 66A, John Doe 67,
Jane Doe 1 , Jane Doe 2 and Rachel Roe individually and
As representatives of a class of people similarly situated
Of whom Allen Sires et al are.....

Verses

The Bishop of Charleston a corporation sole, and the
Bishop of Charleston, in his official capacity.....

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2023 MAY 16 PM 4:41
Clerk of Court
DORCHESTER COUNTY

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Appellants

Respondents

Notice of Appeal

Hereby appeal from the orders of the Honorable Heath P. Taylor,
Declining to order a post-award review in this class action. The orders
from which appeal are taken were filed April 5,2023 and March 24,
2023. A copy of each order is attached.

Respectfully submitted,

Allen Sires 5/16/23

Other counsel of Record:

Allen Sires
1913 Jason Street
North Charleston, S.C. 29406
allensires@icould.com
Pro se Class Representative

Rich S. Dukes
Turner Padget Graham & Laney, PA
PO Box 22129
Charleston, SC 29413-2129
RDukes@turnerpadget.com
Counsel for Respondent Bishop of Charleston

Ben Bruner
Chelsea Clark
Bruner Powell Wall & Mullins LLC
PO Box 61110
Columbia, SC 29260-1110
BBruner@brunerpowell.com
Cclark@brunerpowell.com
Counsel for class counsel Lawrence Richter and
Richter & Haller, LLC

David Haller
Haller Law Firm
604 Savannah Highway
Charleston SC 29407
dhaller@hallerlawfirm.com

Court of Appeals

Courthouse in Columbia, South Carolina

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Appeal is Taken From:

Order of April 5, 2023 (3 pages)
Order of March 24, 2023 (6 pages)

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Dorchester Common Pleas

Case Caption: Jane #1 Doe , plaintiff, et al VS Bishop of charleston , defendant, et al
Case Number: 2006CP1801310
Type: Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2006CP1801310

Jane #1 Doe et al
PLAINTIFF(S)

Bishop of charleston et al
DEFENDANT(S)

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DISPOSITION TYPE (CHECK ONE)

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 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- 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:

The Rule 59(e) Motion to Alter or Amend Judgment is hereby denied.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and copy mailed first class to any party not proceeding in the Electronic Filing System on 04/05/2023

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Court Reporter:

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2023 MAR 24 PM 12:32)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

John Doe #53, John Doe 66, John Doe)
66A, John Doe 67, Jane Doe 1 and Jane)
Doe 2 and Rachel Roe, individually and)
as representatives of a class of people)
similarly situated,)

Case Nos.: 2006-CP-18-1310
2006-CP-18-1311
2006-CP-18-1636

Plaintiffs,)

vs.)

The Bishop of Charleston, a Corporation)
Sole, and The Bishop of the Diocese of)
Charleston, in his official capacity,)

Defendants.)

ORDER
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PROCEDURAL HISTORY

This matter has a long history and arises from a class action settlement approved pursuant to Rule 23, SCRCP in the Dorchester County Court of Common Pleas in 2007. On August 15, 2006, the first two of the three above-captioned class actions were commenced on behalf of victims who were allegedly sexually abused by members of the Catholic church in their capacity as agents of The Bishop of Charleston, a Corporation Sole ("the Diocese"). (Complaints filed in C/A Nos. 2006-CP-18-1310 and 2006-CP-18-1311.) The third suit was commenced on October 6, 2006. (Complaint filed in C/A No. 2006-CP-18-1636.) The cases were designated complex by order entered October 17, 2006.

On January 17, 2007, the plaintiffs moved for certification of the classes and for preliminary approval of the class settlement. The class action court granted that motion by order entered January 19, 2007. The class was represented by Lawrence E. Richter, Esquire and David

for recusal, the Diocese's motions to enforce settlement and for leave to deposit funds into court, the objectors' motion to dismiss the motions filed by the Diocese and a petition to appear as *amicus curiae*. By orders filed February 3, 2009 and March 23, 2009, the court denied the objectors' motions and the petition to appear as *amicus curiae*. For reasons unknown to this court, an order ending the litigation was never filed. The objectors appealed the March 23, 2009 order. The Supreme Court of South Carolina dismissed the appeal. By order filed January 24, 2013, Judge Goodstein recused herself from hearing any further matters related to this litigation.

On May 11, 2016, Allen Sires filed a motion *pro se* requesting a post-award fairness hearing. The motion was not scheduled for a hearing. On August 29, 2022, Julie and Richard McDonald filed a motion to intervene and sought to join Mr. Sires' motion for a post-award fairness hearing. By order of the South Carolina Supreme Court dated November 10, 2022, the undersigned was vested with exclusive jurisdiction to hear and dispose of this case.

On January 27, 2023, the parties appeared before the court to address the pending motions. Mr. Sires appeared *pro se*. Gregg Myers, Esquire appeared on behalf of Julie and Richard McDonald. Class counsel, David K. Haller, Esquire, appeared along with his personal attorneys, John C. Cuttino, Esquire and Benjamin C. Bruner, Esquire. The Defendants were represented by Richard S. Dukes, Jr. Esquire.

DISCUSSION

The motions filed by Mr. Sires and the McDonalds¹ urge this court to conduct a post-award fairness hearing. Mr. Sires and the McDonalds both participated in the claims process and received their settlement proceeds. Although various grievances were aired during the hearing, the principal

¹ The McDonalds also filed a simultaneous Motion to Intervene. Because the McDonalds were accepted as members of the class that is the subject of this litigation, the court finds and concludes that intervention pursuant to Rule 24, SCRCP is not necessary for the McDonalds to file their motion.

310 (1995). The relief sought by Mr. Sires and the McDonalds would require this court to re-examine the fairness of the settlement procedure and effectively overrule Judge Goodstein's order which finally determined the fairness of the settlement. This court is not inclined to do so. Because the July 30, 2007 Order Approving Settlement was a final determination of substantial rights of the class members, it is the law of the case. This court has no authority to set Judge Goodstein's order aside or conduct further proceeding with regard to the fairness of the settlement or claims process.

CONCLUSION

Based upon the foregoing, this court finds and concludes that the motions for a post-award fairness hearing should be and are hereby denied. Because the claims process for class members has concluded and there appearing to be no further matters for this court to address, the above captioned matter is hereby dismissed with prejudice.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the motions of Mr. Sires and the McDonalds are denied and this matter is hereby dismissed with prejudice.

IT IS SO ORDERED!

**The State of South Carolina
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Case Nos.

2006-cp-18-01310; 2006-cp-18-01311; 2006-cp-18-01636

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Appellants

Verses

The Bishop of Charleston a corporation sole, and the Bishop of The Diocese of Charleston, in his official capacity,

Respondents

Motion and Affidavit to Proceed In Forma Pauperis

Supetfilings@sccourts.org
ctappfilings@sccourts.org

Counsel of record-

Allen Sires.....allensires@icloud.com Pro Se class representative **appellant**

Greg Meyers, attygm@gmail.com

Richard S. Dukes, RDukes@turnerpadget.com **Respondent**

Ben Bruner, BBruner@brunerpowell.com

Chelsea Clark, CClark@brunerpowell.com

David Haller, dhaller@hallerlawfirm.com

I, Allen Sires being duly sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request the Appeal be filed and service made without costs.

Allen Sires – *Pro se* class representative..... Allen Sires 5/16/23

Sworn to and Subscribed before me
This ____ day of May, 2023

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Notary Public for South Carolina
My commission expires _____

Order

___ Leave is granted to proceed in forma pauperis without payment of the filing fee and service cost.

_____ Leave is denied to proceed in forma pauperis.

Dated: _____, 2023. _____
Judge/Clerk of Court

_____, South Carolina

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Honorable Heath P. Taylor, Circuit Court Judge

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Respectfully submitted,

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Dorchester Common Pleas

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

JUDGMENT IN A CIVIL CASE

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The Rule 59(e) Motion to Alter or Amend Judgment is hereby denied.

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Motion and Affidavit to Proceed In Forma Pauperis

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Judge/Clerk of Court

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for recusal, the Diocese's motions to enforce settlement and for leave to deposit funds into court, the objectors' motion to dismiss the motions filed by the Diocese and a petition to appear as *amicus curiae*. By orders filed February 3, 2009 and March 23, 2009, the court denied the objectors' motions and the petition to appear as *amicus curiae*. For reasons unknown to this court, an order ending the litigation was never filed. The objectors appealed the March 23, 2009 order. The Supreme Court of South Carolina dismissed the appeal. By order filed January 24, 2013, Judge Goodstein recused herself from hearing any further matters related to this litigation.

On May 11, 2016, Allen Sires filed a motion *pro se* requesting a post-award fairness hearing. The motion was not scheduled for a hearing. On August 29, 2022, Julie and Richard McDonald filed a motion to intervene and sought to join Mr. Sires' motion for a post-award fairness hearing. By order of the South Carolina Supreme Court dated November 10, 2022, the undersigned was vested with exclusive jurisdiction to hear and dispose of this case.

On January 27, 2023, the parties appeared before the court to address the pending motions. Mr. Sires appeared *pro se*. Gregg Myers, Esquire appeared on behalf of Julie and Richard McDonald. Class counsel, David K. Haller, Esquire, appeared along with his personal attorneys, John C. Cuttino, Esquire and Benjamin C. Bruner, Esquire. The Defendants were represented by Richard S. Dukes, Jr. Esquire.

DISCUSSION

The motions filed by Mr. Sires and the McDonalds¹ urge this court to conduct a post-award fairness hearing. Mr. Sires and the McDonalds both participated in the claims process and received their settlement proceeds. Although various grievances were aired during the hearing, the principal

¹ The McDonalds also filed a simultaneous Motion to Intervene. Because the McDonalds were accepted as members of the class that is the subject of this litigation, the court finds and concludes that intervention pursuant to Rule 24, SCRCP is not necessary for the McDonalds to file their motion.

310 (1995). The relief sought by Mr. Sires and the McDonalds would require this court to re-examine the fairness of the settlement procedure and effectively overrule Judge Goodstein's order which finally determined the fairness of the settlement. This court is not inclined to do so. Because the July 30, 2007 Order Approving Settlement was a final determination of substantial rights of the class members, it is the law of the case. This court has no authority to set Judge Goodstein's order aside or conduct further proceeding with regard to the fairness of the settlement or claims process.

CONCLUSION

Based upon the foregoing, this court finds and concludes that the motions for a post-award fairness hearing should be and are hereby denied. Because the claims process for class members has concluded and there appearing to be no further matters for this court to address, the above captioned matter is hereby dismissed with prejudice.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the motions of Mr. Sires and the McDonalds are denied and this matter is hereby dismissed with prejudice.

IT IS SO ORDERED!

**The State of South Carolina
In The Court of Appeals**

RECEIVED

MAY 16 2023

SC Court of Appeals

Case Nos.

2006-cp-18-01310; 2006-cp-18-01311; 2006-cp-18-01636

John doe 53, John Doe 66, John Doe 66A, John Doe 67, Jane Doe 1 and Jane Doe 2 and Rachel Roe individually and as representatives of a class of people similarly situated, of whom class representative Allen Sires et al. **are**

Appellants

Verses

The Bishop of Charleston a corporation sole, and the Bishop of The Diocese of Charleston, in his official capacity,

Respondents

Motion and Affidavit to Proceed In Forma Pauperis

Supetfilings@sccourts.org
ctappfilings@sccourts.org

Counsel of record-

Allen Sires.....allensires@icloud.com Pro Se class representative **appellant**

Greg Meyers, attygm@gmail.com

Richard S. Dukes, RDukes@turnerpadget.com **Respondent**

Ben Bruner, BBruner@brunerpowell.com

Chelsea Clark, CClark@brunerpowell.com

David Haller, dhaller@hallerlawfirm.com

I, Allen Sires being duly sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request the Appeal be filed and service made without costs.

Allen Sires – *Pro se* class representative..... Allen Sires 5/16/23

Sworn to and Subscribed before me
This ____ day of May, 2023

RECEIVED
MAY 16 2023
SC Court of Appeals

Notary Public for South Carolina
My commission expires _____

Order

___ Leave is granted to proceed in forma pauperis without payment of the filing fee and service cost.

_____ Leave is denied to proceed in forma pauperis.

Dated: _____, 2023. _____
Judge/Clerk of Court

_____, South Carolina

The State of South Carolina
In The Court of Appeals

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MAY 16 2023

SC Court of Appeals

Appeal from Dorchester County
Honorable Heath P. Taylor, Circuit Court Judge

Case Nos. 2006-CP-18-01310, 2006- CP-18-01311
2006-CP-18-01636

John Doe 53, John Doe 66, John Doe 66A, John Doe 67,
Jane Doe 1 , Jane Doe 2 and Rachel Roe individually and
As representatives of a class of people similarly situated
Of whom Allen Sires et al are.....

Verses

The Bishop of Charleston a corporation sole, and the
Bishop of Charleston, in his official capacity.....

CERTIFIED COPY
2023 MAY 16 PM 4:41
Clerk of Court
DORCHESTER COUNTY

CERTIFIED COPY
2023 MAY 16 PM 4:46
Clerk of Court
DORCHESTER COUNTY

Appellants

Respondents

Notice of Appeal

Hereby appeal from the orders of the Honorable Heath P. Taylor,
Declining to order a post-award review in this class action. The orders
from which appeal are taken were filed April 5,2023 and March 24,
2023. A copy of each order is attached.

Respectfully submitted,

Allen Sires 5/16/23

Other counsel of Record:

Allen Sires
1913 Jason Street
North Charleston, S.C. 29406
allensires@icould.com
Pro se Class Representative

Rich S. Dukes
Turner Padget Graham & Laney, PA
PO Box 22129
Charleston, SC 29413-2129
RDukes@turnerpadget.com
Counsel for Respondent Bishop of Charleston

Ben Bruner
Chelsea Clark
Bruner Powell Wall & Mullins LLC
PO Box 61110
Columbia, SC 29260-1110
BBruner@brunerpowell.com
Cclark@brunerpowell.com
Counsel for class counsel Lawrence Richter and
Richter & Haller, LLC

David Haller
Haller Law Firm
604 Savannah Highway
Charleston SC 29407
dhaller@hallerlawfirm.com

Court of Appeals

Courthouse in Columbia, South Carolina

Address: 1220 Senate St, Columbia, SC 29201

Hours:

Closes soon · 5 PM · Opens 8:30 AM Mon

Phone: (803) 734-1890

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MAY 16 2023

SC Court of Appeals

Attachment

Appeal is Taken From:

Order of April 5, 2023 (3 pages)
Order of March 24, 2023 (6 pages)

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MAY 16 2023

SC Court of Appeals



Dorchester Common Pleas

Case Caption: Jane #1 Doe , plaintiff, et al VS Bishop of charleston , defendant, et al
Case Number: 2006CP1801310
Type: Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2006CP1801310

Jane #1 Doe et al
PLAINTIFF(S)

Bishop of charleston et al
DEFENDANT(S)

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MAY 16 2023

SC Court of Appeals

ELECTRONICALLY FILED - 2023 Apr 05 10:08 AM - DORCHESTER - COMMON PLEAS - CASE#2006CP1801310

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
- STAYED DUE TO BANKRUPTCY**
- 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:

The Rule 59(e) Motion to Alter or Amend Judgment is hereby denied.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and copy mailed first class to any party not proceeding in the Electronic Filing System on 04/05/2023

John #67 Doe
 John 66 Doe
 John #66 A Doe
 John #53 Doe
 Case Party Info Protected
 Ellison Thomas
 Allen Sires for Allen Sires
 Rachel Roe
 Allen Sires for Allen Sires
 Jane #2 Doe

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

2023 MAY -5 PM 4:42
CERTIFIED COPY

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

CERTIFIED COPY
STATE OF SOUTH CAROLINA)
2023 MAR 24 PM 12:32)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

John Doe #53, John Doe 66, John Doe)
66A, John Doe 67, Jane Doe 1 and Jane)
Doe 2 and Rachel Roe, individually and)
as representatives of a class of people)
similarly situated,)

Case Nos.: 2006-CP-18-1310
2006-CP-18-1311
2006-CP-18-1636

Plaintiffs,)

vs.)

The Bishop of Charleston, a Corporation)
Sole, and The Bishop of the Diocese of)
Charleston, in his official capacity,)

Defendants.)

ORDER
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MAY 16 2023
SC Court of Appeals

PROCEDURAL HISTORY

This matter has a long history and arises from a class action settlement approved pursuant to Rule 23, SCRCP in the Dorchester County Court of Common Pleas in 2007. On August 15, 2006, the first two of the three above-captioned class actions were commenced on behalf of victims who were allegedly sexually abused by members of the Catholic church in their capacity as agents of The Bishop of Charleston, a Corporation Sole ("the Diocese"). (Complaints filed in C/A Nos. 2006-CP-18-1310 and 2006-CP-18-1311.) The third suit was commenced on October 6, 2006. (Complaint filed in C/A No. 2006-CP-18-1636.) The cases were designated complex by order entered October 17, 2006.

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**The State of South Carolina
In The Court of Appeals**

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SC Court of Appeals

Case Nos.

2006-cp-18-01310; 2006-cp-18-01311; 2006-cp-18-01636

John doe 53, John Doe 66, John Doe 66A, John Doe 67, Jane Doe 1 and Jane Doe 2 and Rachel Roe individually and as representatives of a class of people similarly situated, of whom class representative Allen Sires et al. **are**

Appellants

Verses

The Bishop of Charleston a corporation sole, and the Bishop of The Diocese of Charleston, in his official capacity,

Respondents

Motion and Affidavit to Proceed In Forma Pauperis

Supetfilings@sccourts.org
ctappfilings@sccourts.org

Counsel of record-

Allen Sires.....allensires@icloud.com Pro Se class representative **appellant**

Greg Meyers, attygm@gmail.com

Richard S. Dukes, RDukes@turnerpadget.com **Respondent**

Ben Bruner, BBruner@brunerpowell.com

Chelsea Clark, CClark@brunerpowell.com

David Haller, dhaller@hallerlawfirm.com

I, Allen Sires being duly sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request the Appeal be filed and service made without costs.

Allen Sires – *Pro se* class representative..... Allen Sires 5/16/23

Sworn to and Subscribed before me
This ____ day of May, 2023

RECEIVED
MAY 16 2023
SC Court of Appeals

Notary Public for South Carolina
My commission expires _____

Order

___ Leave is granted to proceed in forma pauperis without payment of the filing fee and service cost.

_____ Leave is denied to proceed in forma pauperis.

Dated: _____, 2023. _____
Judge/Clerk of Court

_____, South Carolina