

May 26, 2023

VIA EMAIL AND USPS MAIL

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
email to - ctappfilings@sccourts.org

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MAY 30 2023

SC Court of Appeals

Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings) #2019-000979.

Ms. Kitchings,

For some reason, unknown to me, there exists no evidence in the case record showing that the Court ever received the bound copy of my two final briefs that I mailed to the Court on May 9, 2023. According to USPS tracking information, my mail was delivered to the Court on May 11, at 7:29 am.

A bound copy of Respondent's Final Brief shows up in the case record as having been received but there exists no evidence in the case record showing that my two bound copies were received.

I have attached a copy of the filing letter that I included with my two bound documents, a copy of the receipt I have from Fed Ex where I had to purchase grey card stock, the receipt from USPS showing I purchased certified mail, the certified mail receipt showing that mail was mailed, and a copy of the USPS tracking information showing that mail was delivered to the Court.

Could you please look into what may have happened to my bound copies of my final briefs? If for some reason those bound copies were misplaced or cannot be located let me know. If on the other hand, evidence of the Court's receipt of my documents was just not filed into the case record, then please update the case record to show that the Court actually received my two bound final brief documents.

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

Cc: Sarah P. Spruill at her address of record
Brett Osborne, at his address of record

May 9, 2023

Clerk of Court, Court of Appeals
P.O. Box 11629
Columbia, SC 29211

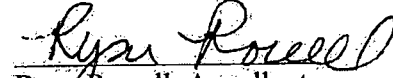
Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings) #2019-000979.

Dear Clerk,

Jenny Kitchings, recently sent me a letter requesting that the parties to this case submit ONE printed copy of their final briefs to the Court. I filed these documents electronically so they are already marked as having been filed.

Please find enclosed one printed copy of Appellant's Final Brief and Final Reply Brief, bound, each with the appropriate cover.

Sincerely,



Ryan Powell, Appellant
c/o. 25056 Timberlake Dr.
Fort Mill, SC 29708
RyanPowell607@proton.me

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SC Court of Appeals



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MAY 30 2023

SC Court of Appeals

Re: LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee, et al.;
C.A. No.: 2020-CP-46-00549;
Appellate Case No.: 2022-001650.

Ms. Kitchings:

I am in receipt of your May 23, 2023 letter informing the parties that the time is approaching for them to file and serve the record on appeal and their final briefs. However, I am extremely perplexed by your letter. This appeal was perfected on May 2, 2023 when I correctly, according to the appellate court rules and all court orders in effect at that time, filed and served my Final Brief.

Notwithstanding, and in violation of the rules and the court orders in effect at that time, Respondent finally got around to filing and serving its initial brief on May 12th. But their time for doing so expired on April 24th, according to Respondent's last extension order. Having missed their initial brief service/filing deadline, and this appeal having been correctly and timely perfected, Respondent lost its right to oppose my assignments of error raised in Appellant's Brief.

The appellate court rules neither place any obligation on me to recreate the Record on Appeal to include the matter that Respondent designated nor place any obligation on me to recreate my Final Brief. Therefore, the only way for me to have those obligations would be for Respondent to seek and be granted an order from the Court to compel me to do so. Even if the Court denies my Motion to Strike Respondent's Initial Brief and Designation of Matter, that would not create any obligation on me to recreate and re-file those two documents.

As of today, the Record on Appeal shows up in the online case record as being timely filed/served. As of today, my Final Brief shows up in the case record as being timely filed/served. See screenshot of the case record as of today attached as Exhibit A and fully incorporated herein by reference. If either one or both of those two documents had been erroneously filed and served during an actual abeyance, as you would have me believe, then they would either have not been filed into the case record or they would have been removed from the case record as your deputy clerk, V. Claire Allen, unlawfully did in my other appeal (case# 2019-000979). Accordingly, I have evidence in my hand showing this appeal has been perfected before Respondent's untimely filed and served initial brief.

Because this appeal has been timely and correctly perfected according to the rules and according to all court orders in effect at the time, you cannot lawfully dismiss my appeal under Rule 260(a) SCACR on the grounds that I refuse to recreate my work to accommodate Respondent's Brief filed/served after its deadline expired. If you do dismiss my appeal, you can and will be held personally liable, without immunity as clerks do not have immunity for their actions that end up damaging a person.

Finally, I have been using a different address for awhile now but you keep sending mailings to my old address, i.e., the property address from which I was illegally evicted. Please update the court's address of record for me to use my current address which is shown below.

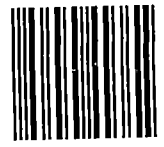
/s Ryan Powell
Ryan Powell, Appellant
287 East Hawfields
Pittsboro, NC 27312

Party Information			
Appellate Role	Party Name	Former	Attorney(s)
Appellant	Ryan Power	N	Self Represented
Respondent	LB Park, LLC	N	A. Parker Barnes, III Sarah P. Spruiell

Views		
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Event Information		
Filed Date	Event Information	Doc
05/23/2023	Correspondence - Outgoing (Bound Copy Letter)	
05/22/2023	Designation of Matter - Designation of Matter Filed	
05/22/2023	Initial Brief - Reply	
05/18/2023	Correspondence - Incoming (Appellant's Request to Hold in Abeyance)	
05/15/2023	Correspondence - Outgoing (Court's Response to (Letter from Appellant Regarding May 4, 2023 Letter))	
05/15/2023	Appellant's Motion - Strike	
05/12/2023	Designation of Matter - Designation of Matter Filed	
05/12/2023	Initial Brief - Respondent	
05/05/2023	Correspondence - incoming (Letter from Appellant Regarding May 4, 2023 Letter)	
05/04/2023	Correspondence - Outgoing (To Provide Initial Brief of Respondent)	
05/02/2023	Final Brief - Appellant	
05/02/2023	Non-Dispositional Decision - Order Denying Motion to Consolidate	
04/28/2023	Record - Record on Appeal Filed	
04/28/2023	Record - Proof of Service of Record on Appeal	
03/23/2023	Correspondence - Incoming (Filing Fee for Motion - Extension of Time (1st) Respondent's Initial Brief)	
03/21/2023	Correspondence - Outgoing (Court Declining to Rule on Order and To Hold in Abeyance)	
03/21/2023	Non-Dispositional Decision - Extension Granted	
03/20/2023	Motion - Extension of Time (1st) Respondent's Initial Brief	

287 E. Hawfields
Pittsboro, NC 27312

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