

Jenny A. Kitchings, Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

VIA email only to ctappfilings@sccourts.org.

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

Ms. Kitchings,

I am in receipt of your July 18, 2023 letter in which you **demand** that I file a bound copy of the March 3rd version of the Record on Appeal ("ROA") within 10 days of your letter or my appeal will be dismissed. There is no need for you to make such threats.

Rule 267(f) SCACR which dictates the number of copies each party is required to submit for all appeal documents points to a August 25, 2021 order of the Supreme Court. That order states that a party can submit just one copy electronically unless the court determines the need for additional copies. If the Court determines a need for additional copies then the order states -

**"(d) Request for Additional Copies.** In the event the Appellate Court determines that additional copies are needed, they will be requested from the lawyer or party submitting the document. These additional copies must comply with any binding or cover color requirements specified by Rule 267, SCACR.", Supreme Court order pertaining to the reduced number of copies required in appellate matters, appellate case no: 2020-000447.

See Black's Law Dictionary, 6th edition, pg 1304 where **request** is defined as follows:

"An asking or petition. The expression of a desire to some person for something to be granted or done, ...".

A request is clearly not a demand. Demand is defined in Black's Law Dictionary, 6th edition, pg 429 as follows:

"The assertion of a legal right; a legal obligation asserted in the courts. An imperative request preferred by one person to another, under a claim of right, requiring the latter to do or yield something or to abstain from some act."

Accordingly, should any lawyer or party fail to fulfill a "request" by the court for an additional copy their appeal cannot be dismissed as a request is only an "expression of a desire". Nonetheless, I have no problem doing what you requested once we determine which version of the ROA I should submit to the court in a printed, bound form.

July 19, 2023  
**RECEIVED**  
**Jul 19 2023**  
SC Court of Appeals

I filed the ROA on March 17th ("Incorrect ROA") believing that Respondent had not filed their initial brief and designation of matter that was due to be filed the previous day, March 16th, since it had not shown up in the on-line case tracker by their due date. I then discovered that Respondent did timely file their initial brief and designation of matter, it just took longer than usual to show up in the on-line case tracker. In V. Claire Allen's March 21st letter (see copy attached as Exhibit A), she informed me that the Incorrect ROA was premature because it was filed before Respondent's initial brief was filed. So on April 3rd I filed a corrected ROA ("Correct ROA") that includes Respondent's timely filed and served designation of matter. However, because you and Allen were attempting to defraud me, the Correct ROA was refused and was not filed. So now you are demanding a bound copy of the Incorrect ROA which Allen stated was premature, does not include Respondent's designation of matter, and does not align with my Final Briefs that were written to refer to the Correct ROA.

To correct the mess that you and Allen have intentionally made of the record for this appeal, I suggest that you change the "event information" field for the Correct ROA and associated documents from "correspondence-incoming (Record on Appeal)" to "Record - Record on Appeal filed". Further, the Correct ROA was refused filing because the appeal was allegedly being held in abeyance until Respondent's motion to consolidate was decided. Respondent's motion to consolidate was decided and denied by the Court on May 2nd. Accordingly, the alleged but non-existent abeyance would have expired on May 2nd. As a result, the Correct ROA can no longer be considered "premature" so it should now be marked for what it is, the Record on Appeal.

Why is this appeal still marked with the status of "abeyance" when Respondent's motion to consolidate was decided almost three (3) months ago on May 2, 2023? A decision by the Court for Respondent's motion was the reason given for why this appeal was allegedly being held in abeyance (see last paragraph of Exhibit A). So how long do you plan to keep this perfected appeal in an alleged by non-existent state of abeyance? Having failed to defraud me into missing a deadline so that you could dismiss my appeal, is this your new plan, i.e., block my appeal from ever getting heard? It appears to be so! As a ministerial court officer you must know that you and Allen can never claim "judicial immunity" for all the damages you two have knowingly and intentionally done to me. Causing all these unnecessary delays is also damaging me and my family.

Finally, please advise, as soon as possible, which version of the ROA I should submit as the bound copy, i.e, the Correct ROA or the Incorrect ROA.

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

cc: Sarah P. Spruill, P.O. Box 2048 (29602), Greenville, SC 29601  
Brett Osborne, 190 Aviation Lane, Gold Hill, NC 28071



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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March 21, 2023

Ryan Powell  
25056 Timberlanke Drive  
Fort Mill SC 29708

Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings)  
Appellate Case No. 2019-000979

Dear Mr. Powell:

The Court is in receipt of the exhibit that you wish to attach to your appellant's initial reply brief. If you would like for your exhibit to be considered by the Court, the document will need to be listed in the designation of matter. Briefs cannot have attachments to them.

The record on appeal was filed before the appellant's initial reply brief and is considered premature, therefore, it will not be considered. Both parties' designations of matter must be included in the record on appeal, pursuant to Rule 210, SCACR.

The timelines for perfecting this appeal will be held in abeyance pending a ruling on the motion to consolidate.

Very truly yours,

A handwritten signature in blue ink, appearing to read "V. Claire Allen".

CLERK

cc: A. Parker Barnes, III, Esquire  
Sarah P. Spruill, Esquire  
Brett Osborne