

RECEIVED

FORM 14

SEP 11 2023

SC Court of Appeals

DESIGNATION OF MATTER TO BE

INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

(In The Supreme Court)

APPEAL FROM HORRY COUNTY

Court of common Pleas

Debra McMaslin Common Pleas Judge

Case No 2023-000822

McCutchen Esq For

Deborah Cole

Respondent,

V.

Joseph A. Stagar Pro Se

Appellant.

DESIGNATION OF MATTER TO BE

IN THE RECORD ON APPEAL

Appellant propose the following be include in the Record of Appeal

Pg1

Joseph Stagar
9758 Little River Rd. NW
Ash, NC 28420

FORM 14

Pg2

Appellant proposes the following be included in the Record on Appeal:

1. **Summons and Complaint with Request for Admission August 26, 2021 Filed. NO ANSWER MAILED BACK to Plaintiff**
2. **Motion for Default Judgment September 30, 2021**
3. **Answer from Defendant pulled off Horry county Clerks File Defendant Cole acting as Pro Se No Replies sent by Mail to Plaintiff**
4. **Electronic Notification pulled off of Horry Clerks File by Appellant. Respondent Attorney not in Compliance with court.**
5. **Motion to Compel Default Judgment October 29, 2021**
6. **Electronic Notification sent Twenty four more times to Respondents Attorney Luther O McCutchen, III. The Plaintiff Must be served by Traditional means (U.S. CERTIFIED MAIL, REGISTERED, RESTRICTED) ORDERD by CIRCUIT COURT**
7. **Before Court Hearing started Attorney McCutchen and Presiding Judge Mccaslin were taking about his Uncle and there family inter action had for years. The Judge should have taken herself off the case (Bias and being Prejudice to the Pro Se Plaintiff)**

FORM 14

Pg 3

8. Transcript of Proceedings pp. 2-18-23; pg3-5-15 /17-18 /
22-24; / pg4-11-12/ pg5-21-24;/ pg 6-1-5; 8-9; / pg8-12-18; / pg9-1-3;/
Pg10-16-20;/

EVIDENCE

Summons and Complaint with Request for Admission

August 26 2021 ; Motion For Default Sept 30, 2021; **NO REPLY
FROM DEFENDANT BY U.S. MAIL;**

**All answers from McCutchen Esq did not follow the Courts
ORDER to send Joseph A, Stagar Pro Se “ The following people
have not been served electronically by the Court. There for,
they MUST be served by the TRADITIONAL MEANS.**

**McCutchen Esq for Deborah Cole the Respondent TURNED A
BLIND EYE TO THE ORDER OF THE COURT TWENTY FOUR
TIMES WITH ELEVEN ORDERS**

CONCIUSION

The Respondent according to the Rules of Civil Procedure was
and has been served the right way. According to Presiding
Judge Debra McMaslin Rules are Rules ignorance of the law is
not an excuse puls the judges personal animus

FORM 14

Pg 4

RE From page 3 Conclusion

The Judge McMaslin and the Horry County Court system has showed Bias, and exhibits prejudice to the Pro SE Plaintiff

The Animus Doctrine Involves scrutinizing the reason government action if the exhibits Bias toward a pro se attorney is not JUSTIFIABLE on any GROUNDS

I certify that this designation contains no matter which is irreverent to this appeal

September 6, 2023

Joseph A. Stagar
Joseph A. Stagar Pro SE

9758 Little River Rd Nw

Ash North Carolina 28420

Appellant (910) 287-7711

August 2, 2021

Pilot House 4490 Mineola Ave

Little River, SC 29566

Cc Deborah Cole

7020 3160 0002 0734 1154

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL



7020 3160 0002 0734 1154

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail-Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Sent To
Pilot House
 Street and Apt. No., or PO Box No.
4490 Mineola Ave
 City, State, ZIP+4®
LITTLE RIVER SC 29566

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

On July 24, 2021 with your business establishment full of people you verbally in a loud voice accused me of being a pedophile. When my wife and myself left you continued to accuse me of being pedophile to your customers. This is not the first time in an open bar you have accused me. On July 25 you accused me of the same thing in front of your bartender and then barred my wife and myself. This is a slander harming my personal reputation of telling one or more other people something untrue and damaging about me. I DO HAVE ENOUGH PROOF TO PROVE PRIMA FACIE CASE. (Res Ipsa loquitur) plus this does not DSM5. To remedy this situation you have choices publically apologize to me wife and myself with the known people that you have slandered me to or you will leave me no choice but to take you into District Court or small claim court for monetary restitution. You have 14 business days to respond or the choice will be made for you.

Joseph A. Stagar

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if YES, enter delivery address below:</p>	
1. Article Addressed to: <i>Pilot House</i> <i>4490 Mineola Ave</i> <i>Little River SC 29566</i>		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation® <input type="checkbox"/> Signature Confirmation Restricted Delivery	
 9590 9402 6583 1028 8736 81 2. Article Number (Transfer from service label)		Domestic Return Receipt	
PS Form 3811, July 2020 PSN 7530-02-000-9053			

STATE OF SOUTH CAROLINA

IN THE DISTRICT COURT

COUNTY OF HORRY

Joseph A. Stagar

Plaintiff

SUMMONS

Deborah Cole

Defendant

FILE NO

2021 CP 20 5745

TO THE DEFNDANT ABOVE -NAMED

YOU ARE SUMMONED and

Required to answer the complaint herein, a copy of which is herewith served upon you, and served a copy of your answer to this complaint upon the subscriber, at the address shown, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Conway, SC

August 26, 2021

Joseph A. Stagar
Joseph A. Stagar Plaintiff for

Plaintiff *Pro se*

Address 9758 Little River Rd. NW.

Ash, N.C. 28420

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2021 AUG 26 A 10:17

FILED
HORRY COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Joseph A. Stagar Pro SE

Plaintiff

Vs

Deborah Cole

Defendant

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

CIVIL ACTION NO.

2021 Op 26 5745

COMPLAINT

JURY TRIAL REQUESTED

Definition of Slander

RENEE N. DAVIS
CLERK OF COURT
HORRY COUNTY, SC

2021 AUG 26 AM 10:17

FILED
HORRY COUNTY

JURISDICTIONAL STATEMENT

1. Joseph A. Stagar, Plaintiff is a citizen and resident of Brunswick County, NORTH CAROLINA
2. Deborah Cole is a resident in Horry County, South Carolina represented by legal counsel:
3. This action arose in Horry County, South Carolina
4. The cause of this action is for Slanderous and verbal accusing the **PLAINTIFF, CRIMINAL ACT**

CAUSE OF ACTION

ACCUSING FALSELY JOSEPH A. STAGAR OF BEING A PEDOPHILE

In a public business establishment

The Plaintiff herein, coming forth-Pro se. complaining of the Defendant, would respectfully show unto this Honorable :

On August 4, 2021 Plaintiff sent a Certified letter with Return Receipt demanding

A publically apologize to the Plaintiff and my wife, bartender also the people in your business establishment on July 24, 2021 and July 25, 2021

RELIEF SOUGHT

PLANTIFF JOSEPH A. STAGAR requests the court find the Defendant Deboarh Coles

In violation of State of South Carolina STATUTE 16-7-150: any person who shall with malicious intent origin; utter, circulate or publish false statements or matter of concerning another the effect of witch shall tender to injure such person in his character or reputation SHALL BE GUILTY OF

I violation of FEDERAL 28US, CODE s 4101 the term "defamation" means any action or other proceeding for, LIBEL, SLANDER, or SIMILAR CLAIMS alleging that forms of speech are false "having caused damage to reputation or emotional distress have presented any person in false light, or have resulted, in action dishonor on condemnation off any person

DIAGNOSTIC CRITERIA FOR PHEDPHILIE DISORDER DMS-5 302, (f65.4)

- 1. With prepubescent children over a period of at least 6 months**
- 2. The INDIVIDUAL has action these sexual urges have caused serious distress**

That the Defendant be ordered to pay \$225,00 thousand dollars (TWO HUNDRED AND TWENTY FIVE THOUSAND DOLLARS) FOR SLANDER and order to pay all court cast now and in the future

For any such other and further relief as may be just and proper

Further sayeth naught PRO SE *Joseph A. Stagar*

Joseph A. Stagar

NOTARY

Kentley Lipps
SIGN AND SWORN BEFORE ME THIS

24 DAY OF AUGUST 2021

KENTLEY LIPPS
Notary Public, State of South Carolina
My Commission Expires 01/20/2031

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Joseph A, Stagar, Pro Se
Plaintff

Vs.

Deborah Cole
Defendant

IN THE COURT OF COMMON PLEAS
15th JUDICIAL COURT

Civil Action No 2021-CP-26-5745

**PLAINTIFF' REQUEST FOR
ADIMISSIONS**

FILED
HORRY COUNTY
2021 AUG 26 A 10:17
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY SC

TO THE DEFENDANT in Civil Action _____ -CP-

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, you are hereby served with written request for Admissions of Fact and Request for Genuiness of Documents for the purpose of the pending action only. Such Requests for Admissions, pursuant to the Rule, Shall be deemed admitted unless within thirty (30) days from the date hereof, the undersigned at their address shall receive a written answer or objection. If objection is made, the reason therefor shall be stated.

The answer to these Requests shall specifically deny the mater, or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. Any such denial shall fairly meet the substance of the requested admissions and when good faith required that you qualify an answer or deny only part of the matter witch is requested to be admitted, you shall specify so much of the Request as being true, and qualify or deny the remainder.

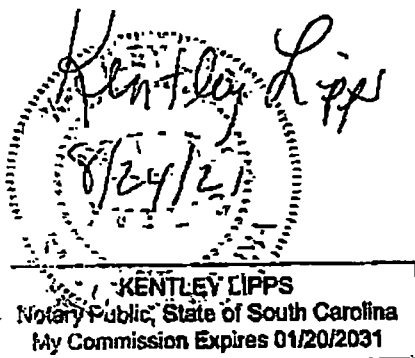
1. Does the Defendant own the business called Pilot House 4490 Mineola Ave Little River South Carolina
2. Does the Defendant work at the Pilot House every day
3. Does the Defendant know the definition of PEDOPHILE
4. Does the Defendant know the definition of Slander
5. Did the defendant call the Plaintiff a Pedophile verbally in a loud voice with the establishment full of people on July 24, 2021.
6. Did the Defendant call the Plaintiff a pedophile in front of your bartender on July 25, 20021
7. Has the Defendant before July 24, 2021 called the Plaintiff a Pedophile and did a criminal background check on the Plaintiff

YOU WILL HERBY TAKE NOTICE, that if you fail to admit these Requests for Admissions, and if the undersigned thereafter proves the truth of the mater, the undersigned shall apply to the Court for Order requiring your client, to pay the reasonable expenses incurred in making such proof, which shall include reasonable expense.

Should a sworn denial of the request be received and the Plaintiffs hereafter prove the genuineness of the truth of the matters of fact set forth above Plaintiffs will apply to the Court for an order requiring the Defendant to pay the reasonable expenses, including the cost of depositions, travel expenses, and witness fees.

We reserve the right to supplement statements.

On the 26 day of August 2020



Joseph A. Stagar Pro SE

9758 Little River Rd Nw

Ash North Carolina 28420

JOSEPH A. STAGAR
PLAINTIFF

September 20,
2021

~~DEBORAH COLE~~
DEFENDANT

ANSWER: 2021-CV-26-5745

1. Yes.

2. No.

3. Yes.

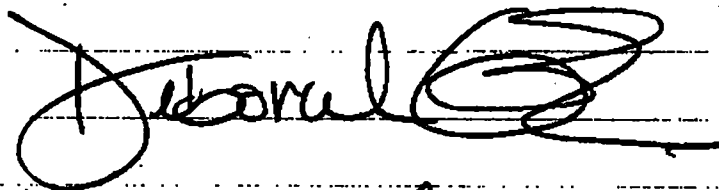
4. Yes.

5. No.

6. Dont Recall.

7. No = No.

FILED
Horry County
2021 SEP 23 PM 4:09
RENEE N. BLYVIS
CLERK OF COURT
HORRY COUNTY, SC



DEBORAH COLE

138 Old Sawmill Rd
Little River, SC

29566
(843) 734-0360

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 10-21-2021 04:44:30 PM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Service/Certificate Of Service
Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Deborah Cole for Deborah Cole
Joseph A Stagar for Joseph A Stagar
Deborah Cole for Deborah Cole
Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 11-02-2021 11:05:36 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Motion/Other
Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar
Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 12-30-2021 10:37:39 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Notice/Notice of Hearing Notice/Notice of Hearing
Filed by or on behalf of: Cecilia Cessna

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar
Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 01-04-2022 04:24:25 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Event(s):

Order/Order Cover Sheet \$25.00

Document(s) Submitted: Proposed Order/Protection from Court Appearance

- Exhibit/Filing of Exhibits

Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp:	03-24-2022 09:58:43 AM
Court:	CIRCUIT COURT Common Pleas Horry
Case Caption:	Joseph A Stagar VS Deborah Cole
Document(s) Submitted:	ADR/Notice of ADR ADR/Notice of ADR
Filed by or on behalf of:	Cecilia Cessna

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 08-12-2022 09:38:19 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Notice/Notice of Hearing Notice/Notice of Hearing
Filed by or on behalf of: Cecilia Cessna

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar
Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 10-25-2022 03:44:58 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Service/Certificate Of Service

Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 01-03-2023 01:47:49 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Service/Certificate Of Service

Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 04-28-2023 11:40:21 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Service/Certificate Of Service
Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar
Joseph A Stagar for Joseph A Stagar

1 Joseph A. Stagar,) Court of Common Pleas
 2 Plaintiff,) Fifteenth Judicial Circuit
 3 vs.) CASE NO. : 2022-CP-26-05745
 4 Deborah Cole,) Transcript of Record
 5 Defendant.

6 -----

7 April 24, 2023
 8 Horry County, South Carolina

9 **B E F O R E:**

10 The Honorable, Presiding Judge, Debra McCaslin

11 -----

12 **APPEARANCES:**

13 For the Plaintiff, Joseph A. Stagar, Pro Se

14
 15 For the Defendant, Deborah Cole
 16 Luther O. McCutchen, III, Esquire

17 Julie A. Kevish
 18 Official Court Reporter

19
 20
 21
 22
 23
 24
 25

1 P-R-O-C-E-E-D-I-N-G-S

2 (Whereupon proceedings convened Monday, April 24, 2023)

3 THE COURT: Mr. McCutchen, III?

4 MR. MCCUTCHEN: Yes, ma'am, good morning.

5 THE COURT: Mr. Stagar?

6 MR. STAGAR: Yes, ma'am.

7 THE COURT: I've got a Motion to Dismiss. This is a
8 slander case. It looks like there was a prior Motion to
9 Dismiss filed with the Court that they gave the plaintiff 30
10 days to amend the summons and complaint which was later
11 extended an additional ten days. The Complaint has been served
12 but no summons has been served. The Defendant moves for a
13 dismissal for failure to issue and serve a summons for lack of
14 subject matter jurisdiction and also for failure to state a
15 claim. In the alternative the defendant seeks to strike the
16 Complaint for failure to comply with the requirements. Mr.
17 Stagar, that puts the ball in your court.

18 MR. STAGAR: Yes, Your Honor, I'd like to take
19 judicial notice that it's both in the federal and the state,
20 Rule 201 that this should have not been so far brought because
21 when Mrs. Cole was served it was served at her place of
22 business, the last known place that she lived because her bar
23 ~~is on the bottom, she has an apartment that they lived in.~~ We
24 had a meeting that I asked for Mr. McCutchen. She was there,
25 her daughter was there, Mr. McCutchen, my wife was there, and

1 they were trying to say that they were not properly served, and
2 as far as the mailing goes, this goes to the last time they
3 were there because I did not know where they lived. They still
4 have an apartment and they use it. She's there just about
5 every day. ~~So in order to make sure that she was served I sent~~
6 ~~it there, registered return receipt and one of her bartenders~~
7 ~~signed for it and they were acting as her agent for the bar.~~
8 ~~They would sign paperwork, accept mail and that, and they would~~
9 ~~go ahead make change and everything else that was there they~~
10 ~~had to do. And according, if I can find it right here, they~~
11 ~~have 30 days to reply, because I had also sent them summons and~~
12 ~~complaint and request for admissions. Twenty-eight days after~~
13 ~~it was sent there was no reply by Mrs. Cole in any way, shape~~
14 ~~or form. I then waited an extra time of 56 days. I then went~~
15 ~~ahead, called the Clerk of Courts --~~

16 THE COURT: Why did you wait 56 days?

17 MR. STAGAR: ~~Well, because to my knowledge she didn't~~
18 ~~have a lawyer. Mr. McCutchen came in at 56 days. He never~~
19 sent me a letter introducing himself, he never sent me a letter
20 stating that he asked the Court to go and extend his time. I
21 never received anything, so I went ahead and when I talked to
22 ~~the Clerk's office they went ahead, the girl punched up the~~
23 ~~number, looked at it and said, well, she went ahead and filed a~~
24 ~~admissions in handwriting on paper, paper to pen,~~ and I'll tell
25 you exact words I said, I said, no crap. She said, yeah, since

1 I am not astute on a computer I asked her how do I get it and
2 she walked me through it, and low and behold up popped up the
3 website which had the paperwork I put in, plus the paperwork
4 ~~Deborah Cole put in, and she did not mail me by certified mail~~
5 ~~or anything else, and the only way I found out about that is~~
6 through the Clerk and then when Mr. McCutchen finally went
7 ahead and mailed me a letter I requested, and that was past 30
8 days, I requested a meeting of Mr. McCutchen, Deborah Cole, her
9 daughter, my wife and I were there, and they were telling me
10 that, oh, you didn't properly serve, ~~but according to the rule~~
11 ~~of law they were served properly because how did she get the~~
12 ~~admissions paper and go ahead and return it.~~ Mr. McCutchen
13 never sent me the reply, and in that meeting there was a
14 spontaneous response from Deborah Cole's daughter, slammed her
15 hand down on the table and said, yeah, we used to live up
16 there. It's still an apartment. Mr. McCutchen asked me, he
17 said, what do you want to do, how do you want to settle this?
18 I said, \$150,000. They jumped up out of their chairs and left,
19 and according if I have time I can go ahead and find out where
20 it's a 30 day, they have to do it, and I can bring up all of
21 the pertinent information on it because this is going behind
22 the horse to go ahead get to the head, and all the innuendos
23 and lies that have been produced either through Mr. McCutchen
24 or Deborah Cole stating in there that there was no such thing,
25 there was nobody in the bar, there were 25 to 30 people.

1 MR. MCCUTCHEN: Objection, Your Honor. He's trying
2 to argue the merits of the case, and we're dealing with the
3 Rules of Civil Procedure and I would object to this monologue
4 about -- all of this was before the last order was issued.

5 MR. STAGAR: But according -- I'd like to have the
6 Court go ahead either put the default judgment back in because
7 of their shortcomings or go ahead put this into trial, one or
8 the other, because since I'm pro se, Mr. McCutchen just smiles
9 and laughs at me and thinks since I'm pro se I don't deserve
10 the same respect, but this is just frustrating. I request
11 that, that we go ahead, move it to trial and disregard his
12 motion because I did go ahead and punch everything in there,
13 and then since he said he wasn't properly served I switched to
14 the Sheriff to go ahead start serving.

15 THE COURT: Well, this is the problem, Mr. Stagar, is
16 that you haven't served the summons on him yet.

17 MR. STAGAR: Well, I've got a copy --

18 THE COURT: The Court told you that you had 30 days,
19 and then they extended it ten days and you still haven't done
20 it. We've got rules we've got to follow. That's why it's
21 always dangerous to represent yourself. Do you understand, we
22 have rules, and when you represent yourself I hold you to the
23 same standards as a lawyer because you're supposed to know the
24 rules.

25 MR. STAGAR: Okay, Your Honor, then since she didn't

1 ~~reply in the 30 days, what's good for the goose is good for the~~
2 ~~gander, that she never went ahead and replied, they never~~
3 ~~replied, he did not ask for an extension by the Court. He~~
4 ~~wasn't granted anything. He didn't apply, and what's good for~~
5 ~~me has got to be good for them.~~

6 THE COURT: Well, I can see where the motion for
7 default was denied. We hold default motions a little bit
8 different. ~~You know, we try not to hold people in default, if~~
9 ~~we can, but this is different than being ordered by the Court~~
10 to tell you you've got 30 days to issue a summons. The summons
11 sets forth the jurisdiction for this Court to summon somebody
12 to walk through those doors in here, do you understand that?

13 MR. STAGAR: Yes, Your Honor.

14 THE COURT: And you still haven't done it.

15 MR. STAGAR: Well, I didn't know it.

16 THE COURT: Well, the judge told you.

17 MR. STAGAR: Huh?

18 THE COURT: The judge told you you needed to do that.

19 MR. STAGAR: Oh, the judge told me and I did file the
20 Complaint and everything else, but I thought I put the summons
21 in it. I can still do reversible error on that.

22 THE COURT: Well --

23 MR. STAGAR: I can still do reversible error on that,
24 they didn't answer.

25 THE COURT: Let me hear from Mr. McCutchen because I

1 wasn't here. I can see it on the computer what happened. If
2 you could just kind of sum it up for me?

3 MR. MCCUTCHEN: Well, Your Honor, we had previous
4 motions, we had a series of motions that resulted in the order
5 which Your Honor has referred to now where it was dismissed
6 with the right to redo it within 30 days but it's in the
7 Summons and Complaint, and in our Motion we've recited various
8 12(b) rules that are applicable to the matter, in this
9 particular matter, and the judge says, you've got 30 days and
10 then another 10 days to issue your Summons and Complaint of A,
11 B, C, D and E, that's it, and then that was the order of the
12 Court for its completion. We've got at least four provisions
13 in 12(b) which we believe would be applicable. Beyond that,
14 reciting a federal court statute in the claim and two criminal
15 statutes in the Complaint and we've got motions to strike all
16 those allegations, we don't think it even gets there. He
17 didn't comply with the order of the Court to amend his Summons
18 and Complaint and serve us with them, I think it's refutable,
19 Your Honor. That's our position and we ask for it to be
20 dismissed with prejudice. Thank you.

21 MR. STAGAR: Your Honor, I'd like to present, this is
22 the pen and paper for the Court, and ask Mr. McCutchen, does he
23 have one in his files? This is accusing me of being a
24 pedophile. This is what it's all about. That is a criminal
25 act in itself, and the statute also states that even though I

1 didn't do it. I can still be arrested, and when I stated that,
2 slander. Let me get this out. One moment, Your Honor.

3 THE COURT: Let me tell, you, Mr. Stagar, because I'm
4 going to read this order to you because Judge Seals signed this
5 order, and this was on September 2nd, so we're talking
6 September, October, November, December, January, February,
7 March, April, we're talking eight months ago, okay? And he
8 tells you he heard the defendant's motion to dismiss the case
9 pursuant to Rule 12 and Rule 11 and the Court ruled as follows:
10 The plaintiff's motion, that's your motion, for entry of
11 default and motion to enforce default is hereby denied. That's
12 already been heard. ~~This Court finds the Summons and Complaint~~
13 ~~were not properly served on the defendant pursuant to the Rules~~
14 ~~of Civil Procedure, whereby, if a Summons and Complaint is~~
15 ~~served by certified mail, same must be served by certified~~
16 ~~mail, return receipt requested, and delivery restricted to the~~
17 ~~addressee.~~ This was not done. The defendant's motion, which
18 is Mr. McCutchen's motion is hereby granted. That's on his
19 Motion to Dismiss, however, the Court is allowing you 30 days
20 from the date of this order to properly amend your Summons and
21 Complaint to state a proper cause of action and also to get it
22 served properly. Mr. Stagar, this has not been done, and it's
23 been eight months.

24 MR. STAGAR: Your Honor, plus, if I'm being held to
25 that for an error, Mr. McCutchen never answered --

1 ~~THE COURT: This just isn't some type of error that~~
2 ~~you can overlook, because it's proper service.~~ The case can't
3 ~~begin unless he's properly serviced.~~ Do you understand?

4 MR. STAGAR: Yes, ma'am.

5 THE COURT: That's what starts the ball rolling.

6 MR. STAGAR: Then we can go ahead and cure this, and
7 he's going to object. I can redo it or we can go ahead and
8 appeal it.

9 THE COURT: And this case has been going on --

10 MR. STAGAR: We can appeal it, we can take it up.

11 THE COURT: -- since 2022. Let me hear from you, Mr.
12 McCutchen.

13 MR. MCCUTCHEN: Your Honor, he didn't comply with the
14 order, it's clear. We've recited four different provisions
15 under 12(b) and (d) with the particular issue. In addition, we
16 talk about the elements that have been contained in the
17 Complaint itself, and the order also says, as Her Honor has set
18 forth, to amend his Summons and Complaint to state a proper
19 cause of action. It is our position he has failed to amend the
20 Summons and Complaint, he has failed to state a proper cause of
21 action and should be dismissed with prejudice, Your Honor, that
22 is our request here today.

23 THE COURT: Okay. I'm going to take it under
24 advisement and I'm going to issue an order.

25 MR. MCCUTCHEN: Thank you, Your Honor.

1 MR. STAGAR: Could I please just hand this to you,
2 Your Honor?

3 THE COURT: Well, you better stop that lawyer because
4 after he leaves I can't talk to you. We've got to have both
5 lawyers in the room.

6 MR. STAGAR: That's what I've been trying to do. I
7 want to hand this to the Court.

8 MR. MCCUTCHEN: I object it to it. It has nothing to
9 do with what's going on. I object.

10 THE COURT: I don't even know what it is, Mr.
11 McCutchen.

12 MR. MCCUTCHEN: It's something before the first order
13 was issued.

14 MR. STAGAR: No. Your Honor, this is when I sent her
15 the Summons and Complaint at the beginning and she waited 26
16 days. ~~She went up by herself and filed this on the admissions,~~
17 ~~but there were no rely to the Summons and Complaint. That~~
18 ~~should still be the prime factor of it, and he did not go ahead~~
19 ~~and contact me until 56 days. She did not retain a lawyer so~~
20 ~~she was acting pro se.~~

21 THE COURT: I'm just going to take, I'm not going to
22 look at anything that was before the order that was issued, but
23 I'm going to tell you this, the order, you probably need to
24 reread it. I tried to read it into the record, but it's also
25 for failure to state a claim in this case, and you haven't done

1 that either. So that needs --

2 MR. STAGAR: Well, I'll put the Summons in tomorrow.

3 THE COURT: I'm telling you, you've had eight months
4 to do it since September of 2022. Let me tell you one thing
5 about me.

6 MR. STAGAR: That's fine, Your Honor, he had --

7 THE COURT: If I want something done and I put a time
8 limit on it, I mean for it to be done.

9 MR. STAGAR: The laws of South Carolina, federal and
10 state law of South Carolina says they have to reply within 30
11 days.

12 THE COURT: They can't reply until you serve them
13 properly.

14 MR. STAGAR: I'm talking about the first time, Your
15 Honor. It shouldn't have went that far.

16 THE COURT: It doesn't matter, it wasn't served
17 properly. It starts the ball rolling and they are not required
18 to answer anything until they are served properly.

19 MR. STAGAR: But according to Haines there's supposed
20 to be leniency with a pro se litigant, and that is in the
21 Appellate Court in Greenville, the U.S. Supreme Court. That's
22 fine, Your Honor.

23 THE COURT: I try to be lenient on pro se, I do, but
24 I have to treat people fairly.

25 MR. STAGAR: Then I'm giving you notice, we're going

1 to appeal, and if that doesn't work --

2 THE COURT: -- sometimes ignorance of the law is not
3 an excuse, so I'm just telling you we can't drag the case on
4 and on.

5 MR. STAGAR: Well, Your Honor, it's my duty, I can go
6 ahead and I can appeal the case.

7 THE COURT: You can, but I haven't made my decision
8 yet, though. I'm taking it under the advisement. Okay?

9 MR. MCCUTCHEN: Thank you, Your Honor.

10 THE COURT: Thank you. I'll let you all know. I'll
11 have something out by the end of the week.

12 MR. STAGAR: Like I said, we can talk, they're not
13 reasonable, they don't want to talk about it. We had another
14 meeting and they offered to settle.

15 THE COURT: Thank you.

16 MR. STAGAR: Like they say, cheap suits.

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1 CERTIFICATE

2 STATE OF SOUTH CAROLINA

3 COUNTY OF HORRY

4 I, Julie A. Kevish, Official Court Reporter for the
5 State of South Carolina, do hereby certify that the foregoing
6 is a true, accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the Court of Common
8 Pleas for Horry County, South Carolina, on the 24th of April,
9 2023.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12 April 24, 2023

13

14

Julie Kevish

15

JULIE A. KEVISH
OFFICIAL COURT REPORTER

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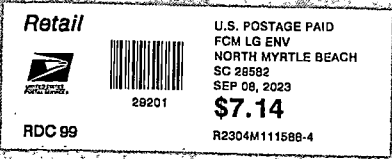
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