

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Circuit Court Judge  
Walton J. McCloud, Circuit Court Judge

Case No. 2023-001005

Donald R. McCabe and Marion J. Smith,

Respondents,

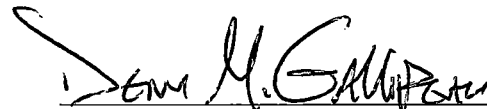
v.

Dennis Gallipeau,

Appellant.

APPELLANT'S REPLY BRIEF

January 2, 2024



Dennis M. Gallipeau, *pro se*  
1920 Ashford Lane  
P.O. Box 210134 (mailing address)  
Columbia, SC 29210  
(803) 238-8735  
Appellant

Appellant respectfully submits his Reply Brief.

The first issue on appeal asks the Court to determine whether or not Section 16-9-10, et seq, of the South Carolina Code of Laws creates a civil remedy for persons “grieved, hindered or molested” by the perjury and or subornation of perjury in a civil action. It is Appellant’s position that the statute, as written, does indeed create such a civil remedy. The language of the statute is clear and unambiguous, and the case law cited by the circuit court, *Doe v. Martin*, 373 S.C. 390 (2007) is indeed the controlling case law. That case is the only case Appellant relies upon and it is his position that *Doe* supports Appellant’s position. This is not a complicated issue, there is no need for additional or extensive briefing for the Court to determine this question of law, the law speaks for itself and Appellant would hope that this Court would agree with him in this case of first impression.

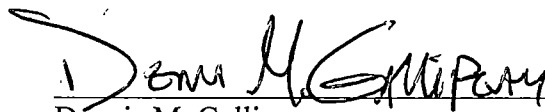
The second issue on appeal is whether or not the circuit court erred when it held a hearing via WebEx after Appellant made it very clear that he would not consent to hearing a motion for default judgment via the WebEx forum and whether or not the circuit court abused its discretion when it allowed service of the motion for default judgment by email only. Appellant has submitted his two (2) emails in his supplemental designation of matter to be included in the record. Those two (2) emails speak for themselves and the transcript of the hearing that Appellant included in his original designation of matter is also very clear that (1) the court accepted service by email and (2) the court entertained a motion for default judgment without any entry of default.

Appellant has also included the Affidavit of Marion J. Smith; his supplemental answers to interrogatories (which contradict his affidavit testimony) as well as Supreme Court

Administrative Orders 2022-00029 and 2022-000583 which both address service by or upon pro se and or unrepresented parties. Both of those Orders are clear. No further briefing is required.

Contrary to Respondent's bold assertion that Appellant has "abandoned" his arguments, while self-serving for respondents, is patently absurd. Appellant is a 71-year-old senior citizen acting without the benefit of counsel and is doing his utmost best to comply with this Courts rules and procedures, which is no easy task. And should this Court desire additional briefing then perhaps it could appoint counsel to represent Appellant given the important nature of these issues presently before this Honorable Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis M. Gallipeau", written over a horizontal line.

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PROOF OF SERVICE



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I certify that I have caused to be served Respondents, Donald R. McCabe and Marion J. Smith, Appellant's Reply Brief by US First Class Mail to Respondents counsel of record, Stephanie Trotter Kellahan, 4500 Fort Jackson Blvd., Suite 250, Columbia, SC 29209 on January 2nd, 2024

  
Dennis M. Gallipeau

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