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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from South Carolina Workers'
Compensation Commission

Appellate Case No. 2023-000512

Alicia Ruffin, Employee/Claimant.....Appellant,

v.

Builders Firstsource, Inc. Employer.....Respondents
And Liberty Mutual Insurance
Company, Carrier,

OBJECTION TO RESPONDENT'S MOTION FOR COSTS

THIS MOTION FROM THE APPELLANT comes before the South Carolina Court of Appeals. The Appellant wishes to express the reasons as to why this court should not grant Opposing Counsel payment from the Appellant. First, The Supreme Court of South Carolina issued an Order denying Respondent when he requested the action for the Supreme Court. The Supreme Court states, "ruled as MOOT. Secondly, the South Carolina Workers' Compensation Judicial Review, refused to grant the Respondent's request for cost to the Appellant as part as their decision on February 17, 2022. "What an objecting party paid in attorney fees to defend a case is not relevant on the issue of whether what the defendant paid to prosecute the case is reasonable. . "*Nati'l Lloyds Ins. Co., 532 S.W.3d 794*

(Tex.2017) The Supreme court held as follows: “To the extent factual information about hourly rates and aggregate attorney fees is not privileged, that information is generally irrelevant and nondiscoverable because it does not establish or tend to establish the reasonableness or necessity of the attorney fees and attorney fees an opposing party has incurred. A party’s litigation expenditures reflect only the value that party has assigned to litigating the matter, which may be influenced by myriad party-specific interest. Barring unusual circumstances, allowing discovery of such information would spawn unnecessary case-within-a-case litigation devoted to determining the reasonableness and necessity of attorney-fee expenditures that are not at issue in the litigation”.

In this, case that discovery would be necessary in identifying Fraud on the Court. What the Respondents has entered evidence is not a TRUE BILL. and there are no details that specifically allocates that these fees apply to the Appellant; nor Appellant did not retain the Respondent for services, and it would be unethical and illegal if the Respondent provided services to the Appellant as to which to charge for.

In addition, the Petitioner has requested from Opposing Counsel all hearing recordings where the South Carolina Workers Compensation Commissioners adjudicated decisions. On September 16, 2020, hearing; Commissioners T. Scott Beck performed as attorney for Attorney Amanda Neely. All decisions subsequent decisions were adjudicated off-record and without Counsel or Representation; so that the Petitioner would not have sufficient evidence to appeal. **(Petitioner wishes to provide Proof)** There is more evidence of FRAUD against the court when Opposing Counselors Amanda Neely and Mary Kate Littlejohn submitted of tainted evidence. **(Petitioner wishes to provide Proof)** Also, Attorney J. South

Lewis II taking possession of holding in his file cabinet Liberty Mutual's check in the amount of \$3,012.25. (**Petitioner wishes to provide Proof**) Along with the withholding or providing misleading information regarding TTD funds; SC Workers Compensation Commission reported that the Petitioner received after the Commissioner T. Scott Beck commissioned to termination of payments TTD payments on November 30, 2020 and the commission to report those funds for over 2 years ; those funds amount to over \$1.5 million this includes 4% market value interest; and due to the failure to abide by the terms of the Fiduciary contract; the Petitioner has suffered, actual, statutory, and consequential damages, that has negatively affected the health of the Petitioner. These are just a few examples Fraud on the Court by the Court. The False statements made by Opposing and the Commissioners, and allowed by Judges and Chief Judges were made aware of and yet did not correct in their Final Decisions. Fraud vitiates everything it touches. The Appellant provided proof to Court of Appeals that Opposing Counsel was timely served. Under Jurisprudence, ("In general, once a person undertakes to speak that person assumes a duty to tell the whole truth and to make a full and fair disclosure as the matters about which person assumes to speak." (emphasis added) (Footnotes omitted)): **37 Am. Jur. 2d Fraud and Deceit § 204** ("[W]hen a party makes a disclosure upon a subject during negotiation, it has a duty to clarify the matter and ensure its is truthful[.]" (emphasis added))). The court noted, however, under our jurisprudence we have held "[w] here the peculiar circumstances give rise to a duty on the part one of the parties to a contract to disclose materials facts and the party remains silent to his or her benefit and the to the other party's detriment, the failure to speak constitutes fraud." The Fraud here being a Commissioner acting as an attorney. Decisions being adjudicated *off-record* without the presence of

Counsel or representation. TTD funds being re-directed or misappropriated, and settlement funds accepted into possession of Opposing and not properly documented and account for. All actions conducted by one or more parties of the court and Opposing Counsel should not be rewarded but should be noted on the record as DISHONORABLE ACTIONS; all those that hold South Carolina Bonds with the state of South Carolina's Department of Insurance, Secretary of State, and Secretary of Treasury.

The Court of Appeals Remitted this case to the lower court or tribunal on March 13, 2024, was a suggestion. But an Order to be HONORED by the lower court or tribunal; the South Carolina Workers' Compensation Commission after repeated request from the Petitioner; has expressed no desire to HONOR the Court of Appeals *REMITTITUR*.

In any breach of duty which, without an actually fraudulent intent, gains an advantage to person in fault, or anyone claiming under him, by misleading another to his prejudice, or to the prejudice of anyone claiming under him; or 2. In any such act or omission as the law specially declares to be fraudulent, without respect to actual fraud. It is having been defined as "the concealment of material facts which one is bound under the circumstance to disclose." *Bankers Trust Company v. Brown, 2005 OK CIV App 1, ¶14, 107 P.3d 609 (quoting Varn v. Maloney, 1973 Ok 133 ¶18, 516 P.2d 1328)*. According to SC Rule 15(2)(B) Amended and Supplemental Pleadings-...***the court should freely give leave when justice so requires...and the amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out-or attempted to be set out -in the original pleading; or.***

In conclusion, the Appellant formally request copies of the Bid Bonds, PR Bonds, and Performance Bonds and request the Insurance Bond number of Attorney J. South Lewis II, - Attorney Mary Kate Littlejohn, Attorney Amanda Neely, Commissioner T. Scott Beck,

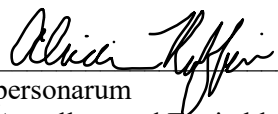
Alicia Ruffin v. Builders First Source/Liberty Mutual

Commissioner Avery Wilkerson, Commissioner Aisha Taylor, Commissioner Melody James, and Commissioner Gene McGaskill. in regard to this case in order to privately seek resolution and remedy for all incurred lost. The egregious actions of Officers of the court Lawyers and Judges constitute Fraud on the Court, and the Appellant will if not resolved, continue to seek Resolution and Remedy from all parties involved, since Fraud holds no Statute of Limitations and Legal Malpractice.

The Appellant concludes that on this court, Opposing counsel, Respondents and all affiliate parties have been served with this response, in accordance with SC court rules.

I Reserve all of my rights per UCC 1-308

Further affiant sayeth not!

By:  4/4/2024
Jus personarum
As: Appellant and Equitable Beneficiary

UCC 1-207.7
Without prejudice and Respectfully Submitted,

Counsel of Record:

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NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS' COMP. COMMISSION

COMMISSIONER WILLIAM CAMPBELL, COMMISSIONER MELODY L. JAMES
COMMISSIONER AISHA TAYLOR

APPELLATE Case No. 2023-000512

Alicia Ruffin, Claimant

Appellant,

v.

Builders Firstsource, Inc. Employer
And Liberty Mutual Insurance
Company

Respondent,

CERTIFICATE OF SERVICE

Please allow this statement to serve as CERTIFICATE of Service for the Appellant, **Alicia Ruffin** OBJECTION TO RESPONDENT’S MOTION FOR COSTS to certify that the undersigned has on this date served a copy of this order in the above-entitled action up all parties to this case by sending an email copy of this Objection to Respondent’s Motion for Costs to J. SOUTH LEWIS, II ESQUIRE by email and by depositing a copy of it in the United States Mail, postage, paid, addressed to his attorney of record J. South Lewis, II, Esquire 325 Rocky Slope Road, Ste. 201 Greenville, South Carolina 29607. Email: jslewis@wjlaw.net.

April 4, 2024,

s/Alicia Ruffin
563 Duncan Station Drive
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(864) 814-8350
Representing the Appellant,
Jus personarum
As.: Appellant and Equitable Beneficiary

Objection served via email and First-Class Mail:

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