

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Lexington County  
Court of Common Pleas

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Appellate Case No. 2023-001005

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**RECEIVED**  
MAY 16 2024  
SC Court of Appeals

Dennis Galipeau,

Appellant,

v.

D. Ryan McCabe and Marion J. Smith,

Respondents.

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APPELLANT'S FINAL BRIEF

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In this appeal, this court is asked to decide whether the circuit court correctly interpreted S.C Code of Laws § 16-9-10, et seq. The only parts of the record relevant to this issue are: (1) Appellant's circuit court Complaint; (2) § 16-9-10, et seq, S.C. Code of Laws; (3) Judge Keesley's "Order on Defendants' Motion for Dismissal under Rule 12(B)(6) filed March 10, 2023" and (4) the case cited by His Honor: *Doe v. Martin*, 373 S.C. 390, 395 S.E.2d 245 (2007):

The second issue this Court is asked to decide is whether the circuit court judge abused his discretion by: (1) conducting the hearing via WebEx after Appellant clearly expressed his unwillingness to consent to such a hearing; and (2) accepting service of Respondents' Answer and Counterclaim upon the *pro se* plaintiff via email only. The only parts of the record relevant to these issues are: (1) Supreme Court Administrative Orders 2022-000582 and 2022-000029; and (2) the transcript of the hearing on Respondents' motion to dismiss.

All relevant parts of the record on appeal have been filed and submitted to this Court in Appellant's Designation and Supplemental Designation of Matter.

#### ARGUMENT

For the reasons set forth in Appellant's briefings, the circuit court misinterpreted the Legislature's intent when it enacted § 16-9-10, et seq. By its own language that statute establishes the right of "[ ] such persons as shall be grieved, hindered or molested by reason of the offense or offenses before mentioned that will sue for the same by action in any court of competent jurisdiction." And that there is only "[ ] one moiety of the fines," not a 'division' of such fine as the circuit court held.


As for the second issue on appeal, Supreme Court Administrative Orders 2022-000582 and 2022-000029 speak for themselves. The circuit court abused its discretion by violating both Administrative Orders.

#### RELIEF REQUESTED

Appellant asks this Court to: (1) reverse the circuit court's decision dismissing Appellant's claims against the Respondent and allow Appellant to develop his claims against the Respondents in the circuit court proceedings; and (2) to set aside the default and judgment by

default as to Respondents' counterclaims and to order the respondents to serve appellant with their Answer and Counterclaims via First Class Mail as required by the Rules of Civil Procedure, thereby allowing appellant to respond to respondents' counterclaims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis M. Gallipeau". The signature is written in a cursive style with a long horizontal stroke at the end.

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