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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2024-001016

Dennis Gallipeau,

Appellant,

v.

Sheriff of Richland County;
and Calary Alvarez,

Respondents.¹

MOTION FOR REHEARING

Appellant, Dennis Gallipeau, appearing *pro se*, respectfully moves the Court for rehearing pursuant to Rule 221(a) and (c) of the June 20, 2024 Order dismissing his appeal.

The points supposed to have been overlooked and or misapprehended by the Court are: (1) the Order on appeal resolved all issues as to appellant whose interests are separate and distinct from the other party (SLED); (2) the Order on appeal is a final judgment as to all issues against respondents SHERIFF and ALVAREZ; (3) the lower court retains jurisdiction over

¹ SLED is not a party to this appeal. Appellant's notice of appeal was confusing on this point.

matters not affected by the appeal (claims against SLED), pursuant to Rule 241(a); (4) the lower court is deliberately and intentionally interfering with and denying appellant his right to appeal pursuant to Rule 201; and (4) justice delayed is justice denied.

ARGUMENT

Four and a half years into this litigation a circuit court judge granted a motion for judgment on the pleadings filed by respondents SHERIFF and ALVAREZ. Defendant SLED did not join in the motion for judgment on the pleadings and the Form 4 Order did not nor does it affect appellant's claims against SLED. SLED is not a party to this appeal. While it is true that the Form 4 Order "indicates that it does not end the case" and it did direct respondents' counsel "to submit a proposed order" (within 15 days), no Order has been entered by the circuit court judge and more troubling is that no judgment has been entered either. It is appellant's contention that the circuit court judge is knowingly interfering with and delaying appellant's right to appeal and the reason for this is quite simple; the circuit court judge knows the judgment will not stand up on appeal. The circuit court judge could not have read the complaint upon which judgment for respondents was granted, or the memorandum of law filed by appellant at the circuit court judge's invitation at the end of the hearing on April 15, 2024.

Rather than dismissing this appeal, justice would be better served by requiring the circuit court judge to enter a final judgment against respondents, with or without the filing of any "proposed order" so that this Court may consider the issues on appeal while his claims against SLED continue in the circuit court. In addition to the primary issues on appeal, appellant has preserved for appeal additional issues including: (a) an order foreclosing any deposition of ALVAREZ or any additional discovery directed to ALVAREZ (Objection to Form 4 Order, filed September 6, 2023 and (b) a Form 4 Order entered August 25, 2023 which allowed respondents'

counsel to answer the interrogatories directed to each respondent, answers which appellant has characterized as “a disgrace” and “affront to justice” during the hearing on April 15, 2024, and in his memorandum in opposition to motion for judgment on the pleadings, filed 04/19/2024. The circuit court judge could not have read appellant’s memorandum, let alone the operative complaint.

Accordingly, appellant asks the Court to reinstate this appeal and to instruct the circuit court judge to, at the very least, enter the judgment this Court needs for this appeal to go forward and for justice to be served not intentionally delayed.

July 2, 2024



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Rehearing was served upon opposing counsel by first class mail this 3rd day of July, 2024 addressed to:

Robert Garfield
2019 Park Street
Columbia, SC 29201



Dennis M. Gallipeau