

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON
PLEAS FOR THE THIRD
JUDICIAL CIRCUIT

COUNTY OF SUMTER

Case No: 2022-CP-43-1781

R. Michael Ardis,

Plaintiff,

vs.

Sykes Enterprises Inc., a Business Process
Outsourcing Company; Vanessa Cox; Fausto
Salas; Johnny Villalobos; Latoya Walker-Cole;
Jane Does 1-5; and John Does 1-5,

Defendants,

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JUL 19 2024
SC Court of Appeals

**VERIFIED EXPEDITED MOTION PURSUANT TO RULE 59(E)
OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE**

Comes now the Plaintiff, R. Michael Ardis ("Plaintiff"), by and
through himself *pro se*,¹ and hereby respectfully moves this Honorable

¹ See *Erickson v. Pardus* 551 U.S. 89, 127 S. Ct. 2197 U.S., 2007. A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers. Pleadings in this case are being filed by the Plaintiff *in propria persona*, wherein pleadings are

Court pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. In support thereof the Plaintiff states the following:

1. On March 14, 2024, the Court entered an Order granting summary judgment to the defendants.

2. A motion for summary judgment was never filed as mandated by Rule 56(e) which reads as follows:

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall² be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for

to be considered without regard to technicalities. *Propria* pleadings are not to be held to the same high standards of perfection as practicing lawyers. See *Haines v. Kerner* 92 S. Ct. 594, also See *Powell v. Lennon*, 914 F2d 1459 (11th Cir 1990).

² The word "shall" has a mandatory connotation as opposed to the word "may" which has a permissive and discretionary connotation.

summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him. **(emphasis supplied)**

3. Attached as **Exhibit A** is a bonafide example of a properly filed motion for summary judgment pursuant to Rule 59(e) South Carolina Rules of Civil Procedure. **No such motion** was ever filed in the instant case.

4. The Plaintiff is *pro se* and does not have access to e-filing and the like. Accordingly, he did not receive the Order of the Court until Tuesday, March 19, 2024. Similarly, the Plaintiff is providing this Motion to the Court via email and will have to mail it and its attachments to the Court since he works out of town and does not have access to e-filing.

5. Rule 59(e) of the South Carolina Rules of Civil Procedure reads as follows:

(e) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order. **(emphasis supplied)**

6. Since the Plaintiff did not receive the Court's summary judgment Order until Tuesday, March 19, 2024, this Rule 59(e) Motion is being filed within the 10 days "after receipt of written notice" and is timely. Even assuming, *arguendo*, that had the Plaintiff received said Order on March 14, 2024 (but he did not), this Rule 59(e) Motion would still be timely as March 24, 2024, was a Sunday.

7. In the case of *Stanley v. S. States Police Benevolent Ass'n*, 435 S.C. 524 (2021), the South Carolina Supreme Court held in part as follows:

When a party receives an order containing relief that was not requested or contemplated, the party must present its objections to the issue to the trial court in a S.C. R. Civ. P. 59(e) motion to preserve the issue for appeal

8. The South Carolina Supreme Court has recently reaffirmed its legal reasoning outlined above in the cases of *Gibbons v. Aerotek, Inc.*,

441 S.C. 180 (2023), and in *Moses v. State*, 2024 S.C. App. LEXIS (2024). In *Gibbons v. Aerotek, Inc.*, 441 S.C. 180 (2023), the Supreme Court held in part as follows:

When an appellant neither raises an issue at trial nor through a S.C. R. Civ. P. 59(e) motion, the issue is not preserved for appellate review.

9. In *Moses v. State*, 2024 S.C. App. LEXIS (2024), the Supreme Court held in part as follows:

If a circuit court grants relief not previously contemplated or presented to the circuit court, the aggrieved party must move, pursuant to Rule 59(e), to alter or amend the judgment in order to preserve the issue for appeal.

10. There was never, ever any motion for summary judgment filed by the defendants in these matters. Furthermore, defense counsel, Jeffrey Lehrer knew this to be so and had a ethical obligation to bring this to the attention of the Court, yet he failed to do so.

11. The following are attached to this motion as Exhibits pursuant to Rule 59(e) South Carolina Rules of Civil Procedure:

- EXHIBIT B: Emergency Rehearing Motion (minus attachments), filed on January 29, 2024
- EXHIBIT C: Verified Contempt Motion against Jeffrey Lehrer (minus attachments), filed on January 31, 2024
- EXHIBIT D: Verified Motion for Disqualification and/or Recusal (minus attachments), filed on February 22, 2024
- EXHIBIT E: Verified Amended Motion for Disqualification and/or Recusal (minus attachments), filed on March 11, 2024
- EXHIBIT F: Order “granting” summary judgment that was never pled and was never brought up by the defendants, and said Order was the entire creation and work of the defense counsel, Jeffrey Lehrer who is in Direct Contempt of this Court. Please see Exhibit C
- EXHIBIT G: *Stanley v. S. States Police Benevolent Ass'n*, 435 S.C. 524 (2021)
- EXHIBIT H: *Gibbons v. Aerotek, Inc.*, 441 S.C. 180 (2023)
- EXHIBIT I: *Moses v. State*, 2024 S.C. App. LEXIS (2024)

12. Pursuant to Rule 59(e) South Carolina Rules of Civil

Procedure, the Plaintiff does hereby move to alter or amend the Order

granting a summary judgment that was never presented to the Court.

13. Pursuant to Rule 59(e) South Carolina Rules of Civil Procedure, the Plaintiff incorporates Exhibits A-I in this Motion and states that Judge Cothran has an ethical duty and obligation to hold hearings on those matters Noticed for Hearing but never heard as well as the attached Disqualification Motion and Amended Disqualification Motion as well as this Rule 59(e) Motion.

- Our judicial system should stand as the symbol of fairness and justice, and of equal protection dispensed to every citizen. An independent and honorable judiciary is indispensable to justice in our society. S.C. App. Ct. R. 501, Canon 1A. A judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. S.C. App. Ct. R. 501, Canon 2A. *In re Martin*, 437 S.C. 265

14. The Plaintiff requests a Ruling on this and his other pending Motions, which have been left dormant by the Court. The Plaintiff fully intends to Appeal this travesty of injustice and refer Judge Cothran and Jeffrey Lehrer for Disciplinary Proceedings.

WHEREFORE, based on the foregoing the Plaintiff requests as follows:

a) that the Court schedules a hearing on this Rule 59(e) Motion without delay in that this must be done in order for the Plaintiff to file an Appeal:

b) that the Court issues an Order which GRANTS the attached Verified Disqualification Motion and the Verified Amended Disqualification Motion in that Judge Cothran has neglected his duty as a Judge and has shattered the neutral and dispassionate role of a Judge and has become an active participant on the part of the defendants;

c) that the successor Judge holds hearings on those matters Noticed for Hearing but never heard by Judge Cothran;

d) that the Court finds Jeffrey Lehrer in Direct Contempt of this Court and that the Court refers Mr. Lehrer for Disciplinary Proceedings;

e) Granting such other and further relief as this Court deems just and proper to preserve the integrity of these proceedings.

Respectfully submitted this 25th day of March 2024.




R. Michael Ardis, *pro se*
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803.236.0859
michael.ardis2001@gmail.com

Sumter, South Carolina
March 25, 2024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing and its attachments have been furnished to the attorneys for the Defendants, via electronic mail, on this 25th day of March 2024.



R. Michael Ardis, Plaintiff

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