

**IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA**

**Dequincey G. Simmons,
Appellant,**

v.

**South Carolina Department of Employment and Workforce,
and Bridgestone Americas Tire Operations, LLC,
Respondents.**

September 20, 2024

Appeal from the Administrative Law Court

Docket No. 23-ALJ-22-0429-AP

Judge: Chief Judge Ralph King Anderson III

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SC Court of Appeals

APPELLANT'S BRIEF

I. Introduction:

This appeal is submitted in response to the August 22, 2024, final order by the South Carolina Administrative Law Court (SCALC), which dismissed my case against the South Carolina Department of Employment and Workforce (SCDEW) and Bridgestone Americas Tire Operations. I, Dequincey G. Simmons, as a pro se litigant, have been subject to significant procedural errors, delays, and judicial oversights that have severely impacted my right to a fair hearing. From the mishandled reassignment of my case to Chief Judge Ralph King Anderson III on May 30, 2024, to the failure of the court to address motions and evidence I submitted, this case has been marred by irregularities.

The respondents, SCDEW and Bridgestone, have compounded these issues by submitting misleading affidavits, filing disorganized and redundant documents, and abusing procedural rules to delay justice. Despite providing documented evidence, such as FedEx tracking receipts and a notarized affidavit, confirming that I followed the court's filing requirements, my submissions were repeatedly ignored or dismissed without proper consideration. This appeal seeks to address these errors and seek appropriate remedies.

II. Statement of Issues:

1. The Respondents' Record on Appeal Lacked Structure and a Legal Brief

The respondents' record on appeal, submitted in July 2024, consisted of 151 pages of disorganized, redundant, and irrelevant documents, without a proper legal brief outlining their legal arguments. This submission violated SCALC Rule 37(B), which requires a concise history of the proceedings and a statement of each issue presented for review. The respondents' failure to submit a proper brief deprived me of the opportunity to respond effectively, which violated my due process rights. My objections and concerns about this were outlined in my July 13, 2024, motion for clarification (Exhibit E).

2. **Misleading Affidavits Submitted by Respondents**

The respondents filed misleading affidavits to obstruct the judicial process. Beth Hellmann's Affidavit (December 8, 2023) falsely claimed that Bridgestone was not properly served with the Notice of Appeal at its South Carolina address, ignoring the fact that I was instructed to serve them at their Ohio address, as confirmed by Exhibit J. Similarly, Kristi Chesley's Affidavit (April 4, 2024) falsely claimed that no additional copies were provided, despite the postal receipts and tracking information in Exhibit C (FedEx Proof/Affidavit), proving proper service.

3. **Court's Failure to Address My July 13, 2024 Motions**

On July 13, 2024, I submitted two motions:

- A response to the respondents' July 8 motion to dismiss (Exhibit D).
- A motion for clarification of the respondents' disorganized submission (Exhibit E).

Despite these motions being timely filed, the court failed to address them. This failure left me without clear guidance on how to respond to the respondents' motion and violated my procedural rights under SCALC Rule 37.

4. **Improper Reassignment and Failure to Address My Complaint**

My case was improperly reassigned to Chief Judge Ralph King Anderson III on May 30, 2024, under an order that referenced the incorrect docket number (20-ALJ-22-0320-AP) and unrelated parties. On June 3, 2024, I contacted Stephanie Perez, the law clerk for Chief Judge Anderson, to express my concerns. Despite submitting a formal complaint on June 4, 2024 (Exhibit M), this issue was never addressed.

5. **Court's Failure to Address My August 8, 2024, Motion for Sanctions**

On August 8, 2024, I filed a motion for sanctions against the respondents for submitting false affidavits and engaging in document dumping. Despite this motion being properly filed, the court did not address it, further denying me due process (Exhibit B).

6. **Improper Dismissal of My Case on August 22, 2024**

The court dismissed my case on August 22, 2024, citing a lack of merit, despite the respondents' procedural misconduct and failure to comply with court rules. The court also failed to consider the documented evidence proving that my filings were made on time and in accordance with the court's instructions.

III. Factual Background (Continued):

- **March 22, 2024:** Court Grants Extension of Time
The court erroneously granted the respondents an additional 15 days to respond, despite the fact that I had already responded on December 26, 2023. This unnecessary extension further delayed my case and caused confusion. I was forced to file the same response again on April 1, 2024 (Exhibit K).
- **April 4, 2024:** Affidavit of Kristi Chesley
On April 4, 2024, Kristi Chesley submitted a false affidavit, claiming that no additional

copies of the Notice of Appeal were provided to Bridgestone. This statement ignored the documented evidence proving that Bridgestone was served at its Ohio address (Exhibit J).

- **May 30, 2024: Reassignment of the Case to Chief Judge Anderson**
On May 30, 2024, my case was reassigned to Chief Judge Ralph King Anderson III under an order that incorrectly listed the docket number 20-ALJ-22-0320-AP and unrelated parties. I contacted the court's law clerk on June 3, 2024, and submitted a formal complaint on June 4, 2024, but this issue was never addressed (Exhibit M).
- **July 26, 2024: Motion for Summary Judgment**
On July 26, 2024, I filed a motion for summary judgment, arguing that the respondents had failed to present substantive legal arguments or raise genuine issues of material fact (Exhibit A). Despite the clear merits of my motion, the court failed to address it, further delaying justice.
- **August 8, 2024: Second Rule 40 Motion and Motion for Sanctions**
In response to continued procedural irregularities, I filed a Second Rule 40 Motion for Clarification and Modification on August 8, 2024, along with a motion for sanctions against the respondents for their misconduct (Exhibits B and G). Both motions were ignored by the court.
- **August 22, 2024: Court's Final Order Dismissing the Case**
The court dismissed my case on August 22, 2024, citing a lack of merit and procedural issues, despite the overwhelming evidence of the respondents' misconduct and procedural violations. The court also failed to consider the FedEx tracking receipts and affidavit proving that my filings were submitted on time (Exhibit H).

IV. Legal Argument:

1. **Respondents' Record on Appeal Violated SCALC Rule 37(B):**
The respondents' submission lacked a proper legal brief and failed to meet the requirements of SCALC Rule 37(B), which mandates that briefs must contain clear legal arguments supported by citations. The disorganized and redundant nature of their submission was intended to confuse the court and obstruct my ability to respond. The court's failure to address my motion for clarification on July 13, 2024, violated my procedural rights (Exhibits D and E).
2. **Misleading Affidavits Violated Rule 11(b)(3):**
The affidavits submitted by Beth Hellmann and Kristi Chesley contained false statements, violating Rule 11(b)(3), which requires factual contentions to have evidentiary support. These affidavits misled the court and delayed the proceedings. In **Henderson v. Southern States Cooperative, Inc., 231 S.C. 518, 99 S.E.2d 885 (1957)**, it was held that misleading affidavits are improper and grounds for sanctions.
3. **Failure to Grant Summary Judgment:**
My motion for summary judgment, filed on July 26, 2024, should have been granted under

Rule 56(c) of the South Carolina Rules of Civil Procedure, which allows for summary judgment when no genuine issue of material fact exists. In **Morrow v. Dyches, 328 S.C. 522, 492 S.E.2d 420 (Ct. App. 1997)**, the court held that summary judgment is appropriate when no factual disputes are raised. The respondents failed to provide substantive legal arguments or factual disputes.

4. Court's Procedural Errors and Delays:

The court's instruction on March 22, 2024, that I had an additional 15 days to respond to the motion to dismiss was unnecessary, as I had already responded on December 26, 2023. This unnecessary extension, coupled with the over 120-day delay in issuing the April 29, 2024, order, reflects a serious procedural mismanagement that prejudiced my case.

V. Requested Relief:

1. Reconsideration of Dismissal:

I request that the appellate court reconsider the **August 22, 2024** dismissal and remand the case for further proceedings.

2. Sanctions Against Respondents:

I request that sanctions be imposed on the respondents for their procedural misconduct and submission of false affidavits.

3. Grant of Summary Judgment:

I request that my **July 26, 2024 motion for summary judgment** be granted, as the respondents have failed to present substantive legal arguments or raise any genuine issues of material fact.

VI. Exhibits:

- **Exhibit A:** July 26, 2024 - Motion for Summary Judgment (not addressed by the court)
- **Exhibit B:** August 8, 2024 - Motion for Sanctions (not addressed by the court)
- **Exhibit C:** FedEx Tracking Proof/Affidavit of Dequincey Simmons signed by notary, August 8, 2024
- **Exhibit D:** July 13, 2024 - Response to Respondents' Motion to Dismiss (not addressed by the court)
- **Exhibit E:** July 13, 2024 - Motion to Clarify Respondents' Submission (no response from the court)
- **Exhibit F:** May 29, 2024 - Record on Appeal Index/Letter to Judge
- **Exhibit G:** August 8, 2024 - Second Rule 40 Motion for Clarification and Modification
- **Exhibit H:** August 22, 2024 - Order Dismissing the Case

- **Exhibit I:** December 11, 2023 - Response to Motion for Extension
- **Exhibit J:** Affidavits of **Beth Hellmann** and **Kristi Chesley**
- **Exhibit K:** December 26, 2023 - Response to Joint Motion to Dismiss for Lack of Jurisdiction
- **Exhibit L:** March 22, 2024 - Order Granting Extension of Time
- **Exhibit M:** May 30, 2024 - Notice of Reassignment (incorrect docket number)
- **Exhibit N:** Motion to Reconsider Extension of Time
- **Exhibit O:** April 4, 2024 - Respondents' Joint Response to March 22, 2024, Order
- **Exhibit P:** April 29, 2024 - Order Dismissing Respondents' Motion for Lack of Jurisdiction (over 120 days later)

VII. Additional Legal Argument: Importance of Supplying a Brief with Record on Appeal

Under **SCALC Rule 37(B)**, the importance of attaching a legal brief to the **Record on Appeal** cannot be overstated. The purpose of a legal brief is to provide a structured and clear statement of each issue presented for review. It also requires a concise history of the case proceedings, facts, and the nature of each party's legal arguments. Without a properly structured brief, the **Record on Appeal** becomes disjointed and hinders the opposing party's ability to respond, thus undermining the principle of fairness and due process.

In **Potter v. Spartanburg School Dist. 7, 395 S.C. 17, 716 S.E.2d 123 (2011)**, it was held that the failure to include a legal brief with an appeal submission results in procedural deficiencies that can lead to the abandonment of issues raised. By submitting 151 pages of disorganized and redundant documents without a supporting brief, the respondents violated **SCALC Rule 37(B)**, which severely compromised my ability to respond effectively to their filing.

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De Dequincey Simmons
9/20/2024

Docket No. 23-ALJ-22-0429-AP

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the **Appeal** was served upon the following parties by mailing the same via United States Postal Service, first-class postage prepaid, to their respective addresses as listed below:

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Dated this 20 day of September 20, 2024, .

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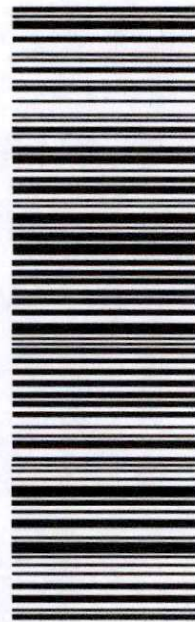
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