

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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

Appellate Case No. 2024-001608

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Apr 18 2025

SC Court of Appeals

DeQuincey G. Simmons,

Appellant

v.

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

Respondents

**RESPONDENTS' RESPONSE IN OPPOSITION TO
APPELLANT'S MOTION TO CLARIFY COURT ORDERS,
REQUIRE JUDICIAL AUTHENTICATION, AND STAY
PROCEEDINGS**

Respondents South Carolina Department of Employment and Workforce (the Department) and Bridgestone Americas Tire Operations (Bridgestone) hereby submit this Response in Opposition to Appellant's Motion to Clarify Court Orders, Require Judicial Authentication, and Stay Proceedings filed on April 8, 2025 ("Motion").

Appellant's Motion relates to orders issued by this Court concerning Appellant's prior motions and/or administrative orders pertaining to procedural deadlines in this case.

Ultimately, Appellant’s Motion presents no legitimate issue for this Court and otherwise fails to demonstrate that Appellant is entitled to any of the relief he seeks in the Motion. As such, Respondents respectfully submit that Appellant’s Motion is manifestly without merit and should be summarily denied.

I. INTRODUCTION

In the Motion, Appellant seeks to obtain an order from this Court “to clarify a series of unsigned and inconsistently attributed orders, confirm the judicial identity of the individuals issuing rulings in this matter,” and asks this Court to stay this action “pending the resolution” of alleged “constitutional and procedural violations.” (Motion at 1). Appellant specifically takes issues with what he identifies as “five formal orders – dated December 30, 2024; January 28, 2025; February 20, 2025; March 7, 2025²; and April 7, 2025,” which he argues “imposed legal consequences or resolved contested motions.” (*Id.* at 1). He further contends that the orders themselves are not binding because “they were not issued by an identifiable judicial officer . . . in accordance with Rule 269, SCACR.” (*Id.* at 7).

Appellant further argues that the orders identified in the Motion are procedurally improper because of the signatures on the orders or the identity of the individual who signed the purported order. Appellant contends that the orders purportedly violated Rules 221 and 267 of the South Carolina Appellate Court Rules (“SCACR”) and Judicial Cannons 1, 2, and 3(B)(8) of the South Carolina Code of Judicial Conduct. (*Id.* at 2-3). He also argues that this Court’s April 7, 2025, order specifically violates Rule 267, SCACR, and specifically alleges that the April 7 order improperly relied upon Respondents

arguments and is unsigned. (*Id.* at ..) He further contends that the timing of the Court’s acknowledgment of the parties’ filings amounts to a denial of “equal access to the appellate process,” and that those order violate his right to due process under the United States Constitution. (*Id.* at 4).

Finally, Appellant argues that a stay of this action is warranted because motions he has submitted “have gone unaddressed, unresolved, or have been dismissed without judicial explanation.” (*Id.* at 6).

Ultimately, none of Appellant’s arguments are legitimate and his Motion fails to actually raise a justiciable issue. Thus, the Motion is manifestly without merit and should be summarily denied.

II. ARGUMENT

A. Appellant Misstates Appellate Court Rules in the Motion.

In the Motion, Appellant cites South Carolina Appellate Court Rules (“SCACR”) 221 and 267. In so doing, Appellant purports to quote Rule 221 stating the rule “requires that ‘[a]ll decision of the appellate court shall be by written opinion, order or memorandum opinion . . . [and] shall contain the names of the judges participating in the decision, and the name of the judge delivering the opinion or order.’” (Motion at 2). Critically, Rule 221 does not contain the language that Appellant attributes to it. *See* Rule 221, SCACR.

Moreover, SCACR 220, the appellate rule concerning opinions, also does not contain the language that Appellant represents is a direct quote from applicable procedural rules. *See* Rule 220, SCACR. Hence, Appellant appears to have, once again, fabricated legal authority in his filings. Notably, this Court previously warned him against doing so

in its April 7, 2025, Order addressing Appellant’s “motion to strike Respondents’ brief and for sanctions for procedural violations and unjustified extensions.” (Ex. E to Appellant’s Motion).

Critically, it also appears that Appellant has misrepresented the language that Appellant attributes Rule 267, SCACR. Appellant, while citing Rule 267, states that rule requests “each decision [from this Court] must ‘contain the names of the judges participating and the name of the judge delivering the opinion or order.’” No such language exists in Rule 267. *See* Rule 267, SCACR.

Ultimately, it appears that Appellant has, once again, misstated clear procedural rules or legal principles to this Court in one of his filings. Doing so is entirely improper, not to mention a clear violation of this Court’s prior warnings against citing non-existent citations and quotations.

B. Appellant’s Motion is Manifestly Without Merit.

As an initial matter, Respondents do not have any issue with the orders issued thus far in this action. Further, Respondents do not believe that any of the orders issued thus far are procedurally improper or otherwise irregular.

Rule 263(b), SCACR, permits the appellate *court* or *any* judge or justice thereof to extend the time for performing any act except for serving the notice of appeal. Hence, none of the orders issued in this case related to any extensions – including those signed by the Deputy Clerk of the South Carolina Court of Appeals – violate Rule 263, SCACR. Thus, there is nothing procedurally improper about the December 20, 2024; January 28, 2025; and February 20, 2025; filings in this action.

Likewise, Rule 240(j), SCACR, permits a single judge to rule on a motion rather than a panel of three judges. Thus, the orders issued in this action on December 30, 2024, March 7, 2025 and April 7, 2025, which are signed by a single judge of this Court, are also not procedurally improper.¹ Accordingly, Appellant fails to demonstrate that there is anything procedurally improper with any order issued in this action; therefore, none of the orders issued here violate any of Appellant's constitutional rights or his equal access to appellate process.

Indeed, there is no evidence that demonstrates any violation of any procedural due process rights has occurred here, nor is there any evidence to suggest that any such violation *might* have occurred in this appeal. Contrary to Appellant's arguments, the timing of this Court's *acknowledgement* of Appellant's prior filings has no impact on the merits of this case or the Court's resolution of the issues in this action. That applies equally to Appellant's motions filed in this action. In fact, no order has deemed any of Appellant's filings untimely or improper because the filings was not timely acknowledged. Simply put, the time between the electronic filing of a document with this Court and receipt of an acknowledgement email from the Court has *no impact* on the merits or resolution of any motion or issue presented to this Court. Thus, Appellant is entirely incorrect that this issue has any impact on this appeal.

¹ Appellant is equally incorrect that the April 7th order from this Court is unsigned, it clear *is signed*. Moreover, Appellant is incorrect that the April 7th order violated Rule 269, SCACR, based upon its reference to Respondents arguments in their return. Citing a party's argument in a submission to this Court in an order issued by the Court is not improper, nor is it evidence of judicial impropriety or a lack of impartiality by this Court.

Finally, Appellant argues in the Motion that this matter should be stayed pending the resolution of unidentified motions and to clarify orders. As set forth above, no order issued in this case requires clarification or is otherwise improper. Moreover, none of Appellant's motions have gone unresolved. Indeed, this Court has addressed each of his previously filed motions. Hence, there is no actual basis to stay this action.

Appellant's Motion fails to raise any legitimate legal issue or present any credible argument that any procedural violation has occurred in this action or that his ability to pursue this appeal has been negatively impacted at all. Thus, Appellant's Motion is manifestly without merit and should be summarily denied.

III. Conclusion

For all the foregoing reasons, Respondents respectfully request that this Court deny Appellant's Motion.

Respectfully Submitted,

Benjamin T. Cook

Benjamin T. Cook (Bar # 102216)

SC Department of Employment and Workforce

Post Office Box 8597

Columbia, SC 29202

(803) 737-0395 (phone)

(803) 737-0124 (fax)

Legal@dew.sc.gov

Attorney for Respondent

SC Dept. of Employment and Workforce



Benjamin Hepner (Bar No. 102734)

Little Mendelson, P.C.

110 E Court St., Suite 201

Greenville, SC, 29601

(864) 775-3200 (phone); (864) 484-8663 (fax)

BHepner@littler.com

Attorney for Respondent

Bridgestone Americas Tire Operations, LLC

April 18, 2025