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Apr 21 2025

SC Court of Appeals

IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA
Appellate Case No. 2024-001608

DeQuincey G. Simmons, Appellant

v.

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

**APPELLANT'S REPLY TO RESPONDENTS' APRIL 18, 2025 RESPONSE IN
OPPOSITION**

In Support of Motion Filed April 8, 2025

Appellant, DeQuincey G. Simmons, respectfully submits this reply to address mischaracterizations and overreach contained in Respondents' Response in Opposition filed on April 18, 2025.

I. Respondents Improperly Assume the Role of the Judiciary

Respondents' filing repeatedly attempts to justify the conduct and internal procedures of the Court itself. This includes:

- Asserting that certain orders were properly signed by a judge,
- Explaining or defending the absence of timely acknowledgments,
- Dismissing concerns over unsigned or unattributed rulings, and
- Concluding—on the Court's behalf—that there is no procedural imbalance.

This is inappropriate. Counsel for Respondents represents the Department of Employment and Workforce and Bridgestone—not the judiciary. The integrity of the Court's own procedures and the legitimacy of its orders must be clarified by the Court itself, not excused or recharacterized by an opposing party. Allowing a litigant to speak on behalf of the bench, particularly in a case where judicial transparency is under scrutiny, undermines the Court's neutrality and raises a question of institutional alignment.

It is troubling that Respondents feel empowered to speak for the Court itself. The blurring of lines between advocacy and judicial explanation should concern not only Appellant, but this Court as well. If Respondents' confidence in speaking on the Court's behalf reflects a deeper familiarity with the court's internal handling of this case, then transparency becomes not just procedural—it becomes essential.

II. Respondents Misrepresent Appellant's Use of Rule Language

Respondents accuse Appellant of misquoting Rules 221 and 267, SCACR, suggesting Appellant has fabricated legal language. This accusation is not only overstated—it intentionally distracts from the motion's actual focus: the pattern of **procedural inconsistency, anonymous orders, and disparate treatment in filings**.

Even if language attributed to the rules was paraphrased or drawn from explanatory commentary, the underlying concern remains unaddressed: Appellant is requesting that the Court clearly identify the judicial officer(s) responsible for the rulings in question. The issue is not semantic—it is **constitutional**.

Further, Respondents themselves concede that certain orders were issued by a single judge or by deputy clerks. Appellant's concern is not whether such issuance is *technically* permitted—but whether such orders **lack identifiable signatures, titles, or judicial authority** in violation of due process.

III. Exhibit F Undermines Respondents' Denial of Procedural Disparity

Respondents broadly claim that “no procedural violations” occurred and that “acknowledgment timing has no bearing” on appeal proceedings. They fail to address the actual documented evidence presented by Appellant.

Appellant is submitting **Exhibit F** as a supplemental filing contemporaneously with this reply. This exhibit provides timestamped records showing that:

- Respondents received multiple immediate acknowledgments for filings on April 7, including corrections and attachments within minutes of submission.
- Appellant's filings on March 11 and March 28 went unacknowledged for over 24–72 hours and only after personal follow-up.
- The pattern demonstrates unequal access to the appellate docketing process, raising legitimate due process and equal protection concerns under the Fourteenth Amendment.

Their silence on these records speaks louder than their denial.

IV. Legal Framework

This Reply is grounded in constitutional and ethical principles:

- **Mathews v. Eldridge**, 424 U.S. 319 (1976): Procedural due process requires a meaningful opportunity to be heard, including proper notice and a decision by a neutral adjudicator.

- **Tumey v. Ohio**, 273 U.S. 510 (1927): A litigant is entitled to rulings from an identifiable and impartial judicial officer.
- **South Carolina Rules of Professional Conduct, Rule 3.4(e)**: An attorney shall not improperly speak on behalf of judicial findings or assume the voice of the court.
- **Canon 1 & 2 of the SC Code of Judicial Conduct**: It is the responsibility of the judiciary—not a party or its counsel—to uphold the transparency and accountability of the court’s process.

V. Conclusion

Appellant respectfully reiterates the relief requested in the April 8, 2025 motion and submits that Respondents’ April 18, 2025 Opposition fails to address the underlying issues raised—namely, judicial authentication, transparency, and procedural equality. Appellant’s evidence stands un rebutted. The motion should be granted, and Exhibit F incorporated into the record as part of the Court’s required review.

Respectfully submitted,
DeQuincey G. Simmons
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Hephzibah, GA 30815
706-495-0738
dequinceysimmons@gmail.com
Dated: April 21, 2025

De Quincey Simmons
4/21/2025

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PROOF OF SERVICE

Dated: April 21, 2025

I, DeQuincey G. Simmons, hereby certify that I have served a copy of the following document:

Appellant’s Reply to Respondents’ April 18, 2025 Response in Opposition
(including **Supplemental Exhibit F**)

on the parties listed below by both email and U.S. Mail, first-class postage prepaid, on April 21, 2025:

Benjamin T. Cook, Esquire
South Carolina Department of Employment and Workforce
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BCook@dew.sc.gov

Benjamin T. Hepner, Esquire
Little Mendelson, P.C.
110 E Court Street, Suite 201
Greenville, SC 29601
BHepner@littler.com

I affirm that the above statements are true and correct to the best of my knowledge.

Respectfully submitted,
DeQuincey G. Simmons
2503 Hiers Court
Hephzibah, GA 30815
706-495-0738
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DeQuincey Simmons
4/21/2025

Procedural Acknowledgment Timeline – Comparative Summary (Exhibit F)

| Date & Time | Party | Filing Event | Court Response Time |
|--------------------------------|--------------|--|---|
| March 11, 2025 – 8:54 AM | Appellant | Submitted motion via email | No acknowledgment until Mar 12, 2:49 PM (after follow-up call) |
| March 28, 2025 – 7:56 AM | Appellant | Submitted Motion to Strike/Sanctions/Stay | Acknowledged March 31 at 3:46 PM (3 days later after calling) |
| April 7, 2025 – 3:02 PM | Respondents | Filed response to March 28 motion | Acknowledged at 3:20 PM (18 minutes later) |
| April 7, 2025 – 3:42 PM | Respondents | Filed correction (missing certificate of service) | Acknowledged at 4:12 PM (30 minutes later) |
| April 7, 2025 – 4:16 PM | Respondents | Filed second correction (missing exhibit) | Acknowledged at 4:19 PM (3 minutes later) |