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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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

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Appellate Case No. 2024-001608

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DeQuincey G. Simmons,

Appellant

v.

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

Respondents

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**RESPONDENTS' RESPONSE IN OPPOSITION TO  
APPELLANT'S MOTION TO STAY PROCEEDINGS**

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Respondents South Carolina Department of Employment and Workforce (“Department”) and Bridgestone Americas Tire Operations (“Bridgestone”) hereby submit this Response in Opposition to Appellant’s Motion to Stay Proceedings filed on May 23, 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

and argues that this action should be stayed for reasons which this Court previously determined were unfounded.

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. Moreover, given Appellant's past pattern of conduct in this action in filing numerous frivolous motions, Respondents respectfully request that this Court issue an order imposing sanctions against Appellant.

## **I. INTRODUCTION**

In the Motion, Appellant seeks to stay this action citing alleged defects and/or improprieties in the orders issued by this Court. Specifically, Appellant takes issue with the Court's May 14, 2025, order directing Appellant to file the Record on Appeal and argues that a stay is necessary because (1) the Court has failed to rule upon his previously filed motions, and/or (2) the Court's prior rulings are "unsigned, attributed to clerks, or otherwise devoid of judicial authorship." (Motion at 1-2). Simply put, Appellant's arguments are entirely false and illegitimate, the Motion does not raise a justiciable issue and patently fails to articulate any basis for this Court to stay this action.<sup>1</sup> Thus, the Motion is manifestly without merit and should be summarily denied.

## **II. ARGUMENT**

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<sup>1</sup> Notably, these are the *same* baseless and flawed arguments he made in his April 5, 2025, Motion, and corresponding reply brief – filed on April 21, 2025 – which this Court previously denied on May 7, 2025.

**A. Appellant’s Motion Lacks Merit and Should be Summarily Denied.**

Appellant does not cite any procedural rule or other authority which supports his request to stay this action. He also fails to make any cogent argument that a stay is necessary here. Instead, Appellant makes the same legally flawed and unsupported arguments that he presented in his April 8, 2025, motion and April 21, 2025, reply which this Court – in denying Appellant’s prior motion – determined were totally unfounded. As such, Appellant’s Motion should be summarily denied.

In fact, the Motion contains inapplicable and incorrect citations which Respondents have previously identified as incorrect or non-existent, which is positive proof that Appellant’s Motion lacks merit and is entirely frivolous. For example, Appellant cites to Rule 267, SCACR and argues that rule imposes procedural obligations for judicial orders. (Motion at 2). Notably, Rule 267 *does not* apply to judicial orders. Instead, Rule 267 applies to “Form of Papers” and sets forth formatting and filing requirements for pleadings submitted by an appellant or appellee to this Court. *See* Rule 267, SCACR. However, that rule *does not* apply to the “proper form of decisions” of this Court as Appellant argues in his Motion.

Similarly, Appellant incorrectly argues that Rule 269, SCACR relates to “legal orders.” Rule 269 addresses the filing of frivolous appeals, petitions, motions or returns. *See* Rule 269, SCACR. However, that rule *does not* state – as Appellant argues – that “[l]egal orders, especially those imposing deadlines and possible sanctions, must be signed by an appellate court judge.” (Motion at 2).

While Appellant may be a pro se litigant, he certainly is capable of accessing and reviewing the applicable rules of procedural, and therefore is entirely capable of identifying the procedural rules that support his filings and correctly citing the applicable rules. However, Appellant plainly misrepresents and/or misstates procedural rules in the Motion, an act which notably can be found in his prior filings. Misrepresenting and/or misstating procedural rules is entirely improper for even a pro se litigant and ultimately is sanctionable.

In addition, Appellant cites cases which he purportedly believes support his Motion, but a review of that authority demonstrates that those cases are entirely irrelevant to the issue presented in the Motion and/or do not actually contain the holdings which Appellant contends they contain.<sup>2</sup> For example, *Tumey v. State of Ohio*, is a prohibition-era case concerning the authority of a mayor to serve as the judicial officer for a trial of a town citizen, who was accused of unlawfully possessing intoxicating liquor, where the fine imposed upon the defendant was paid to the mayor. *See Tumey v. State of Ohio*, 273 U.S. 510 (1927). The *Tumey* case did not involve a ruling that requires judicial orders to have an “identifiable decision-makers [or] transparent rulings,” as Appellant argues. *See id.*

Likewise, *Chafin v. Chafin* involved a question regarding orders that children be "returned to their countries of habitual residence," under the Hague Convention on the Civil Aspects of International Child Abduction. *Chafin v. Chafin*, 133 S.Ct. 1017 (2013).

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<sup>2</sup> Appellant’s citation to *In re Murchison* is likewise unclear, and Respondents have been unable to locate a case containing that title which might be applicable here. As such, Respondent did not include an analysis of that authority here.

However, that case did not involve any “constitutional requirement for neutral, identifiable decision-makers and transparent rulings,” as Appellant states in his Motion.

Finally, Appellant also cites to “*Salk v. Leiner*, 344 S.C. 568 (Ct. App. 2001)” as authority that he argues states that “[a]n appellate court cannot substitute staff authority for judicial rulings. Procedural orders affecting appeal deadlines or dispositive matters require judicial input.” (Motion at 2). However, counsel for Respondents have been unable to locate any case with this citation and case name. Thus, it appears that Appellant – once again – has fabricated procedural rules and/or case citations in a filing to this Court. Rather than presenting a legitimate legal argument, Appellant utilizes the Motion as an (improper) mechanism to support his unilateral decision to “decline[] to file any . . . briefs or filings in this matter,” and expressly states that he “will not proceed . . . or continue participation” in this matter. (Motion at 2). In doing so, Appellant inadvertently confirms that he *did not file* a final appellate brief, as he was required to do weeks ago. (*Id.* at 1) (stating that “Appellant cannot in good faith” comply with any directions of the Court “such as preparing a brief.”). Critically, his tactic is entirely improper and does not serve as a basis to stay this action.

Likewise, Appellant employs the Motion to threaten this Court with further filings. (*See* Motion at 2) (referring to “Exhibit F (prepared and ready for filing)” while incorrectly arguing that he has suffered any improper treatment). Doing so obviously is procedurally improper, and resorting to such tactics further demonstrates that Appellant’s Motion is illegitimate, unsupported, and ultimately frivolous. Indeed, rather than pursuing any legitimate appellate issue, Appellant has instead used this appeal to harass Respondents by

filing numerous illegitimate motions, in some instances, relying upon falsified or non-existent legal authority, which is also true of the present Motion.

Once again, Respondents recognize that Appellant has elected to proceed pro se in this action. However, his decision to do so does not excuse him from the obligations imposed under the applicable appellate court rules, namely those imposed by Rule 267(b), SCACR.

Based on the foregoing, Appellant's Motion lacks any legitimate argument and clearly is a frivolous filing presented solely for the purpose of delaying this appeal. Moreover, given the history of this case, including the untimeliness of this appeal, Appellant's failure to file a proper final appellate brief and to timely and properly file the Record on Appeal, and Appellant's continued abuse of this Court's filing process by filing baseless motions which rely upon false, non-existent, and/or inapplicable legal authority, Respondents submit that sanctions against Appellant are warranted. Accordingly, Respondents respectfully request that this Court dismiss this appeal based upon Appellant's repetitive abuse of this Court's process and/or award Respondents attorneys' fees incurred for responding to the Motion.

### **III. Conclusion**

For all the foregoing reasons, Respondents respectfully request that this Court deny Appellant's Motion and for an Order from this Court dismissing this appeal and/or an award of attorneys' fees to Respondents.

Respectfully Submitted,

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June 3, 2025