

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Alex Kinlaw, Circuit Court Judge

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SC Court of Appeals

Case No.: 2022-CP-23-01799

Appellate Case No: 2024-001914

J. Mereinda Fisher, Individually, and as Respondent, Member of Fisher and Reid, LLC,
.....Respondent.

v.

Cynthia J. Glenn, individually, and as Member of Fisher and Reid, LLC, and Carolina Birth
Center, LLC d/b/a Carolina Water Birth,.....Appellant.

INITIAL BRIEF OF RESPONDENTS

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RESPONDENTS' STATEMENT OF ISSUES ON APPEAL

- I. THE TRIAL COURT PROPERLY CONSIDERED APPELLANTS' CHALLENGES TO JURISDICTION AND THE COURT HAS BOTH PERSONAL AND SUBJECT MATTER JURISDICTION TO HEAR THE CASE
- II. THE TRIAL COURT DID NOT ERR BY PROCEEDING TO HEAR THE MOTION HEARINGS WITHOUT REQUIRING REINSTATEMENT
- III. THE TRIAL COURT PROPERLY GRANTED RESPONDENTS' MOTION TO DISMISS BECAUSE APPELLANTS' COUNTERCLAIMS FAIL TO PLEAD FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION
- IV. THE TRIAL COURT PROPERLY GRANTED RESPONDENTS' MOTION TO STRIKE BECAUSE A PRO SE LITIGANT CANNOT REPRESENT APPEAR ON BEHALF OF CORPORATE ENTITIES

RESPONDENTS' STATEMENT OF THE CASE

On April 6, 2022, Respondents, J. Mereinda Fisher, individually (“Fisher”), and as Member of Fisher and Reid, LLC (“F&R”) (collectively the “Respondents”) filed a Complaint against the Appellants, Cynthia J. Glenn, individually (“Glenn”), and as Member of F&R, and Carolina Birth Center, LLC d/b/a Carolina Water Birth (“CBC”) (collectively, the “Appellants”). Respondents asserted eight (8) causes of action against the Appellants: (1) breach of fiduciary duty and S.C. Code Ann. §33-44-409 (1976); (2) accounting; (3) negligent misrepresentation; (4) breach of contract; (5) quantum meruit; (6) promissory estoppel; (7) disassociation of Glenn from F&R; and, (8) injunctive relief (R. p. ____). On May 4, 2022, Appellants were served with the Summons and Complaint by personal service upon Glenn, individually, and as registered agent for F&R and CBC at 111 Commons Way, Greenville, SC 29611 (R. p. ____). After numerous extensions were granted to answer the Complaint while settlement discussions were ongoing with Appellants’ former attorney (R. p. ____), Glenn, appearing *pro se*, filed an Answer and Counterclaims on June 2, 2023 on behalf of herself and the remaining Appellants, F&R and CBC (R. p. ____). Appellants also filed a Motion to Dismiss alleging abuse of process, failure to prosecute and failure to act in good faith (R. p. ____).

On July 10, 2023, Respondents filed their Reply to Appellants' counterclaims (R. p. ____) and a motion to dismiss Appellants' counterclaims pursuant to Rules 12(b)(5) and 12(b)(6), *SCRPC* (R. p. ____). On July 17, 2023, Appellants filed a motion to strike/dismiss the case, or, in the alternative, motion for summary judgment; a motion for sanctions; and a reply to Respondents' Motion to Dismiss (R. p. ____).

On February 6, 2024, Respondents served Appellants with Interrogatories and Requests for Production¹. On February 14, 2024, Appellants filed a document captioned "Notice to Principal is Notice to Agent/Notice to Agent is Notice to Principal" in which Glenn, who now identified herself as Cynthia-Jane: Glenn to "rescind, revoke, cancel....and make void *ab initio* all signatures, belonging to me, on all previously filed documents" in the case (R. p. ____). On April 22, 2024, Respondents filed a Motion to Strike, Motion to Dismiss, and Motion to Compel Discovery Responses. (R. p. ____). On April 24, 2024, Appellants filed a Notice to Court of lack of personal and subject matter jurisdiction (R. p. ____). On May 28, 2024, Respondents filed a Motion to Amend the Complaint to add a cause of action for judicial dissolution of F&R along with a copy of the proposed Amended Complaint². On May 30, 2024, Respondents filed a Notice of Hearing for Respondents' Motions to Dismiss and Strike Appellants' Counterclaims, Motion to Compel Discovery Responses, and Motion to Amend the Complaint (R. p. ____). On June 24, 2024, Appellants filed a Writ of Notice of Error (R. p. ____). On August 5, 2024, Respondents filed a *Lis Pendens* against the real property owned by F&R and located at 111 Commons Way, Greenville, SC 29611 (R. p. ____). On September 16, 2024, Appellants filed a Motion for Special

¹ The Court granted Respondents' Motion to Compel Discovery, which is not an appealable Order, and therefore the motion and discovery requests are not being made part of the record.

² The Court granted Respondents' Motion to Amend the Complaint, which is not an appealable Order, and therefore the motion and proposed Amended Complaint are not being made part of the record.

Appearance to challenge jurisdiction, dispute of the *Lis Pendens* filed under 2024LP2300640, and, demand for expungement (R. p. _____).

On October 10, 2024, a hearing was held before the Honorable Alex Kinlaw, Jr. Counsel for Respondents appeared as well as Glenn although she later claimed at the hearing that she was not actually Glenn (R. p. _____). By Form 4 Orders filed October 11, 2024, and by formal Order filed October 22, 2024 (the "Order"), the Circuit Court granted Respondents' Motion to Dismiss the Appellants' Counterclaims pursuant to Rule 12(b)(6), *SCRCP*; Respondents' Motions to Strike Appellants' Counterclaims; Respondents' Motion to Compel; and Respondents' Motion to Amend the Complaint. The Court further denied Appellants' Motions to Dismiss (R. p. ____). On October 16, 2024, Appellants prematurely filed (prior to the filing of the Order) their Notice of Appeal with this Court asserting that they were challenging jurisdiction based upon Rules 12(b)(1) (2), (3), (4), (5), and (7) (R. p. ____). On October 24, 2024, Respondents served Appellants with a copy of the Order (R. p. ____). Appellants did not file a Motion to Reconsider the Order.

FACTS

The Respondents' Complaint sets forth the following allegations against the Appellants, none of which have been determined by the fact-finder:

Fisher has been a licensed midwife since 1993 and a certified professional midwife ("CPM") since the mid-1990s (Pl's Comp. ¶ 7). In February 2021, Glenn, a licensed midwife approached Fisher and asked if Fisher was interested in establishing a birth center known as Carolina Birth Center ("CBC"). Fisher agreed and they began to search for a location for the birth center (Pl's Comp. ¶ 7).

On June 11, 2021, Fisher and Glenn purchased property for the birth center located at 111 Commons Way, Greenville, SC 29611 under the name of F&R, a South Carolina limited liability company equally owned by Fisher and Glenn (Pl's Comp. ¶ 7; R. p. ____).

Birthing centers by midwives are licensed through the Department of Health and Environmental Control (DHEC) now known as the South Carolina Department of Public Health (DPH). Therefore, upon the purchase of the facility, it was necessary for Fisher and Glenn to obtain a DHEC license to operate the birth center. Glenn pursued the DPH license under Carolina Birth Center, LLC, but promised Fisher that she would add Fisher as a Member to the LLC so that Fisher could deliver babies under the DHEC license. (Pl's Comp. ¶ 10).

Between February 2021 and December 2021, Respondent and Glenn held themselves out as a joint venture for the Business (R. p. ____). The existence of the joint venture was supported by various facts, including, an operating account opened by Fisher and Glenn identified as Fisher & Reid, LLC d/b/a Carolina Birth Center; the equal division of profits for approximately ten (10) months; Fisher's and Glenn's names were on the company business card and both were listed on the CBC website (Pl's Comp. ¶ 11).

Between June and December 2021, Respondent asked Glenn repeatedly to add her to the address change application for CBC through DPH. Initially, Glenn's response was that adding her to the license would create additional requirements for the license to be approved, but that she would be added once the license was approved. Respondent justifiably relied on Glenn's position at that time. However, when the new license was finally issued on December 23, 2021, Glenn advised Fisher that they had to enter into a written partnership agreement before she would add the Fisher to the DHEC license (Pl's Comp. ¶ 11).

In December 2021, Glenn demanded that the parties have a written Partnership Agreement, and Glenn's proposed partnership agreement describes the Business as a "joint venture." Initially,

Respondent was willing to enter into a partnership agreement with acceptable terms to protect the rights of both Respondent and Glenn. However, as soon as Respondent began negotiations regarding the agreement, Glenn resisted, ramped up her efforts to exclude and alienate Respondent from the Business, and even alleged that the parties never formed a joint venture. Glenn's efforts to exclude Respondent from the joint venture included the following acts: removing Fisher's name and information from the website on or about March 1, 2022; changing the phone provider for CBC and causing all phone calls to CBC to be routed to Glenn's cell phone; refusing to engage Respondent in discussions regarding the Business; by illegally placing Fisher on trespass notice from the property owned by F&R and changing the locks to the facility; and, by excluding Fisher from all client appointments by blocking Fisher from viewing the CBC calendar (Pl's Comp. ¶ 12).

After the filing of the Complaint, Glenn obtained representation and the parties engaged in lengthy settlement discussions. Ultimately, those settlement discussions failed and the parties resumed litigation (R. p. ____).

Glenn fired her attorney and proceeded to appear in the case *pro se*. As set forth in the Statement of the Case, Glenn filed a Reply and Counterclaims and other motions in her own name, Cynthia J. Glenn and listed her address as 111 Commons Way, Greenville, SC 29615. Beginning with her filing of April 24, 2024, Glenn appeared to assume a different identity under the pseudonym Cynthia-Jane: Glenn or Cynthia J. Glenn TM and began, for the first time, to contest personal and subject matter jurisdiction based upon "Cynthia J. Glenn" not being the same as "Cynthia-Jane" and revoking her prior signatures (R. p. ____).

At the hearing on October 10, 2024, Glenn appeared and introduced herself as Cynthia-Jane of the family Glenn. Glenn advised the Court that she was present "under special appearance" (R. p. ____). She advised the Court that she previously filed a special appearance with the Court

(R. p. ____). She further advised the Court that she “did not believe” she was the same Glenn named in the pleadings (R. p. ____). The Court then allowed her to read her statement into the record (R. p. ____). Glenn stated that she was present to “challenge jurisdiction and dispute the *lis pendens*.” She then stated that the case had been previously resolved, and therefore, she was not going to discuss the case (R. p. ____). Glenn stated that she withdrew her signature to her previously filed answer and counterclaim when she realized she was not a party to the case (R. p. ____). Then, Glenn definitively advised the trial judge that she was not the person involved in the litigation (R. p. ____).

Glenn also told the Court that she does not have a driver’s license or a birth certificate and that she is a non-citizen. Based upon Glenn’s representation that she was not the Glenn named in the pleadings, the Court advised Glenn that she could not challenge jurisdiction at which point Glenn left the courtroom (R. p. ____).

Respondents’ counsel positively identified Glenn as being in the courtroom. The Court proceeded to hear Respondents’ motions in Glenn’s absence (R. p. ____).

STANDARD OF REVIEW

Rule 12(b)(6)

On appeal from the grant of a motion to dismiss for failure to state facts sufficient to constitute a cause of action, appellate courts are concerned only with whether the allegations of the complaint, which must be accepted as true, state a cause of action. Rule 12(b)(6), *SCRCP*; *Chestnut v. AVX Corp.*, 413 S.C. 224, 776 S.E.2d 82 (2015).

In reviewing the dismissal of an action pursuant to Rule 12(b)(6), *SCRCP*, the appellate court applies the same standard of review as the trial court. *Williams v. Condon*, 347 S.C. 227, 553 S.E.2d 496 (Ct.App.2001). In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on

allegations set forth in the complaint. *Spence v. Spence*, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006). If the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the Respondent, would entitle the Respondent to relief on any theory, then dismissal under Rule 12(b)(6) is improper. *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999); *Stiles v. Onorato*, 318 S.C. 297, 457 S.E.2d 601 (1995). “The question is whether, in the light most favorable to the Respondent, and with every doubt resolved in his behalf, the complaint states any valid claim for relief.” *Gentry v. Yonce*, 337 S.C. 1, 5, 522 S.E.2d 137, 139 (1999). The complaint should not be dismissed merely because the court doubts the Respondent will prevail in the action. *Toussaint v. Ham*, 292 S.C. 415, 357 S.E.2d 8 (1987); *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247–48 (2007).

Rule 208(b)(1)(B), SCACR

The Appellant is required to present “a statement of each of the issues presented for review. The statement shall be concise and direct as to each issue, and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.” Rule 208(b)(1)(B), SCACR.

ARGUMENT

I. THE TRIAL COURT PROPERLY CONSIDERED APPELLANTS’ CHALLENGES TO JURISDICTION AND THE COURT HAD BOTH PERSONAL AND SUBJECT MATTER JURISDICTION TO HEAR THE CASE

Statement of Issues on Appeal/Issue Preservation

As an initial matter, other than some conclusory statements made in Section Four (4) of their Brief, Appellants fail to set forth which parts of the Order constitute error or an abuse of discretion by the lower court. Appellants also failed to file a motion to reconsider pursuant to Rule

59(e), *SCRCP* to preserve for appeal the Order's findings and conclusions Appellants contend were improper. Furthermore, as set forth in Rule 208(b)(1)(B), *SCACR*, judicial review is limited to the issues raised by the Appellant. Appellants' brief focuses on a challenge to the lower court's jurisdiction to hear this matter, which Respondents will address below. Appellants addressed the jurisdiction issue at the hearing before leaving the courtroom. The remaining issues or points raised in Appellants' Brief are quite disorganized, making it difficult to distill Appellants' arguments. It is questionable whether any or all other issues are preserved for appellate review. "It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the [circuit court] to be preserved for appellate review." See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). Further, Appellants cite no relevant legal authority to support their position, instead relying on conclusory statements. See *Mulherin-Howell v. Cobb*, 362 S.C. 588, 600, 608 S.E.2d 587, 593-94 (Ct. App. 2005) (finding party abandoned an issue on appeal by failing to cite any supporting authority and making only conclusory arguments). With the foregoing problems and concerns regarding Appellant's brief in mind, Respondents address the Appellant's issues on appeal as follows:

Personal Jurisdiction and Failure to Allow Statement Regarding Jurisdiction, Venue, Insufficiency of Process, Failure to State a Claim, Failure to Join Parties, Another Action is Pending, and Subject Matter Jurisdiction

Appellants' first issue is that the trial court erred by not considering the challenge to jurisdiction prior to hearing motions and by not allowing "Cynthia" to present her statement regarding jurisdiction. Appellants' third issue is duplicative of the first issue in that it raises objections to personal jurisdiction as well as subject matter jurisdiction, venue, insufficiency of process, failure to sufficiently state a claim, failure to join parties, and that another action is pending. Appellants' fourth issue is duplicative of the first issue challenging personal jurisdiction. Respondents will address each alleged error.

Pursuant to Rule 12(h)(1), *SCRCP*, Appellants are required to raise their challenges to personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or another action is pending between the same parties for the same claim (the “Rule 12(h)(1) motions”) in a pre-answer motion or in their initial responsive pleading. Otherwise, said challenges are waived. Appellants failed to properly preserve these issues for review.

Appellants’ Responsive Pleading

In Appellants’ responsive pleading to the Plaintiffs’ Complaint (the “Answer”), Appellant admits that Glenn was a citizen and resident of the State of South Carolina, County of Laurens; that F&R had its primary place of business in Greenville County, South Carolina; and, that CBC had its primary place of business in Greenville County, South Carolina (R. p. ____). Furthermore, in Paragraph six (6) of the Complaint, Respondents alleged that the Court has jurisdiction over this action and that venue was proper in the Greenville County Court of Common Pleas (R. p. ____). Appellants’ responsive pleading did not respond to Paragraph 6, and therefore, the allegation is deemed admitted (R. p. ____); Rule 8, *SCRCP*.

Furthermore, the Answer did not contain any affirmative defenses challenging jurisdiction, process, service of process, venue, or pendency of another action. The first time Appellants challenged service of process was July 17, 2023 (R. p. ____); however, Appellants had already made an appearance in the action and the affidavits of service on file with the Court definitively show that service was proper (R. p. ____).

The first time Appellants raised a challenge to personal jurisdiction was April, 24, 2024 (R. p. ____). Prior to April 24, 2024, Appellants filed six (6) pleadings with the Court in which she failed to raise a challenge to personal jurisdiction.

Therefore, Appellants waived their right to challenge the Rule 12(h)(1) motions.

Even if Appellants had timely raised a challenge to the Rule 12(h)(1) motions, and the Court ignores the Appellants' admissions to the Answer set forth above, such a motion is without merit. Appellants fail to present any credible argument as to how or why they would be entitled to relief under any of the Rule 12(h)(1) motions. Furthermore, as to personal jurisdiction (Appellants' primary issue), "[a]lthough a court commonly obtains personal jurisdiction by the service of the summons and complaint, it may also obtain personal jurisdiction if the defendant makes a voluntary appearance." *Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP*, 373 S.C. 331, 337, 644 S.E.2d 793, 796 (Ct. App. 2007). "Voluntary appearance by [a] defendant is equivalent to personal service...." Rule 4(d), *SCRCP*. Finally, pursuant to S.C. Code Ann. §36-2-802 (1976), "a court may exercise personal jurisdiction over a person domiciled in, organized under the laws of, doing business, or maintaining his or its principal place of business in, this State as to any cause of action." Appellants admitted in their answer that F&R and CBC were operating and doing business in Greenville County, South Carolina.

The record is clear that the Appellants were properly served with the Summons and Complaint. (R. p. ____). Moreover, Appellants made a voluntary appearance in the case and filed numerous pleadings (R. pp. ____). Accordingly, Appellants' challenge to personal jurisdiction fails, as well as all of the other Rule 12(h)(1) motions raised by the Appellants.

Failure to Present Statement Regarding Jurisdiction

Appellants' second issue is that they were prevented from presenting their statement regarding personal jurisdiction. This so-called statement was never made part of the record before the Court; however, Glenn stated at the hearing that it was filed "as early as April the 24th." (R. p. ____). As stated *supra*, the April, 24, 2024 pleading was Glenn's first pleading to challenge personal jurisdiction. The Court allowed Glenn to read her "statement" in which she states she was there "challenge jurisdiction and dispute the lis pendens." Consistent with the April 24, 2024

pleading, Glenn stated she was not the actual Cynthia J. Glenn named in the pleadings. At this point, the Court made the proper determination that the only person who could challenge personal jurisdiction was Cynthia J. Glenn, since she, based upon her representations to the Court, was not an actual party to the case then she waived the right to present her arguments and evidence opposing Appellants' motions (R. p. ____). Glenn appeared to consent to the Court's finding and she left the courtroom (R. pp. ____). The Court found in the Order that "Glenn waived her right to present arguments and evidence opposing Plaintiff's motions and to present her own arguments in support of Defendants' Motion(s)." (R. p. ____).

Regardless of any alleged failure of the Court to provide Glenn with the right to present her statement, the trial court clearly has personal jurisdiction over the Appellants and Glenn's statements to the Court and her voluminous filings present no credible arguments to the contrary.

Failure to State Facts Sufficient to Constitute a Cause of Action, Failure to Join Parties and

Appellants mention these issues on pp. 21-22 of their Brief. None of the Appellants' arguments have any merit and were not raised to the trial court to rule upon. Therefore, these issues are unpreserved for appeal. Furthermore, a review of the Complaint shows that Respondents properly pled the causes of action, and moreover, the Order did not make any ruling regarding the merit of Respondents' case and Appellants retain the right to litigate all issues related thereto.

Subject Matter Jurisdiction

"Subject matter jurisdiction is the power to hear and determine cases of the general class to which the proceedings in question belong." *Majors v. S.C. Sec. Comm'n*, 373 S.C. 153, 159, 644 S.E.2d 710, 713 (2007). "The jurisdiction of a court over the subject matter of a proceeding is determined by the Constitution, the laws of the state, and is fundamental." *Peterson v. Peterson*, 333 S.C. 538, 547, 510 S.E.2d 426, 431 (Ct.App.1998). *Ex parte Cannon*, 385 S.C. 643, 654, 685 S.E.2d 814, 820 (Ct. App. 2009).

Appellants are correct that the issue of subject matter jurisdiction can be raised at any time, but they fail to identify how the trial court does not have subject matter jurisdiction in this case, and a mere conclusory statement is insufficient to raise an issue on appeal. However, a review of the Appellants' Complaint clearly shows that the circuit court has jurisdiction to hear and determine all eight (8) causes of action.

II. THE TRIAL COURT DID NOT ERR BY PROCEEDING TO HEAR THE MOTION HEARINGS WITHOUT REQUIRING REINSTATEMENT

Appellants' next issue appears to be that the Court could not hear Respondents' motions because the case needed to be reinstated. Appellants fail to show how or why this case needed to be reinstated and a review of the record shows that this case was never stricken from the docket or dismissed. Therefore, there was no need for the Court to reinstate the case before hearing the motions.

III. THE TRIAL COURT PROPERLY GRANTED RESPONDENTS' MOTION TO DISMISS BECAUSE APPELLANTS' COUNTERCLAIMS FAIL TO PLEAD FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION

As set forth above, Appellants are bound by the statement of issues presented on appeal and Appellants' brief fails to set forth how or why the lower court's Order constituted error or an abuse of discretion as to the Courts' dismissal of the Appellants' Counterclaims pursuant to Rule 12(b)(6), *SCRCP*. Nevertheless, out of an abundance of caution, Respondents present the following argument to show that the lower court's decision to dismiss Appellants' counterclaims was not error or an abuse of discretion. The trial judge found that he had carefully reviewed each of the counterclaims and that the counterclaims appeared to be affirmative defenses as opposed to causes of action that would give rise to any relief (R. p. ____). "A pleading which sets forth a cause of action, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds including facts and statutes upon which the court's jurisdiction depends, unless

the court already has jurisdiction to support it, (2) a short and plain statement of the facts showing that the pleader is entitled to relief, and (3) a prayer or demand for judgment for the relief to which he deems himself entitled.” Rule 8(a), *SCRCP*. Under each of the following counterclaims, either the claim is not a recognizable cause of action and/or Appellants fail to comply with the requirements of Rule 8(a), *SCRCP*:

(1) Counterclaim Maturing or Acquired After Pleading: This is not a recognizable civil cause of action under South Carolina law.

(2) Lost Customers: This is not a recognizable civil cause of action under South Carolina law.

(3) State Violations: Appellants fail to identify the state violations entitling her to relief.

(4) Injured a Patient: This is not a recognizable civil cause of action under South Carolina law and Appellants fail to set forth any facts in support of the claim that the Plaintiff injured a plaintiff.

(5) Medical Malpractice: Appellants fail to identify how they have a claim for damages for medical malpractice against the Respondents based upon some alleged injury to someone else.

(6) Reputation: This is not a recognizable civil cause of action under South Carolina law.

(7) Theft: This is not a recognizable civil cause of action under South Carolina law. Appellants appear to be alleging an intentional tort, but fail to plead causation and damages. *See generally Mellen v. Lane*, 377 S.C. 261, 659 S.E.2d 236 (Ct. App. 2008) (“proximate cause requires proof of both causation in fact and legal cause.”)

(8) Threats: This is not a recognizable civil cause of action under South Carolina law. Appellants appear to be alleging an intentional tort, but fail to plead causation and damages.

(9) Altered Documents: This is not a recognizable civil cause of action under South Carolina law. Appellants appear to be alleging an intentional tort, but fail to plead causation and damages.

(10) Vandalism: This is not a recognizable civil cause of action under South Carolina law Appellants appear to be alleging an intentional tort, but fail to plead causation and damages.

(11) Unclean Hands: This is an affirmative defense and does not constitute a cause of action.

(12) Misrepresentation: Appellants fail to allege how Respondents breached any duty to the Appellants, causation and damages.

(13) Pattern of Fraud: Plaintiff fails to plead any and all required elements of fraud under South Carolina law. *See Regions Bank v. Schmauch*, 354 S.C. 648, 582 S.E.2d 432 (Ct. App. 2003).

IV. THE TRIAL COURT PROPERLY GRANTED RESPONDENTS' MOTION TO STRIKE BECAUSE A PRO SE LITIGANT CANNOT REPRESENT APPEAR ON BEHALF OF CORPORATE ENTITIES

Again, as set forth above, Appellants are bound by the statement of issues presented on appeal and Appellants' brief fails to set forth how or why the lower court's Order constituted error or an abuse of discretion as to the Court Striking Appellants' Counterclaims based upon Glenn's inability to appear on behalf the corporate entities in this case. The Court found that the Counterclaims referenced above relate to defenses or claims Carolina Birth Center, LLC has as it relates to the operation of the joint venture under Carolina Birth Center, LLC. In *Renaissance Enter. v. Summit Teleservices*, 334 SC 649, 515 S.E.2d 257 (1999), the Court held that a non-lawyer cannot represent a corporation in South Carolina circuit and appellate courts. F&G and CBC are corporate entities, and therefore, the Answer, including all affirmative defenses and all Counterclaims filed by Cynthia J. Glenn on behalf of F&G and CBC are defective and it was proper for the Court to strike all defenses and Counterclaims pursuant to Rule 12(f), SCRPC.

CONCLUSION

Based upon the foregoing, Respondents ask this Court to affirm the lower court's decision.

Respectfully submitted,

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June 23, 2025

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Alex Kinlaw, Circuit Court Judge

Case No.: 2022-CP-23-01799

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RECEIVED
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J. Mereinda Fisher, Individually, and as Respondent, Member of Fisher and Reid, LLC,
Respondent.

v.

Cynthia J. Glenn, individually, and as Member of Fisher and Reid, LLC, and Carolina Birth
Center, LLC d/b/a Carolina Water Birth
Appellant.

PROOF OF SERVICE

I certify that I have served Respondent's Initial Brief and Designation of Matter on
Appellant, Cynthia J. Glenn, individually, and as Member of Fisher and Reid, LLC, and Carolina
Birth Center, LLC d/b/a Carolina Water Birth, electronically and by depositing a copy of it in the
United States Mail, postage prepaid to the following:

sandy@carolinawaterbirth.com

Cynthia J. Glenn, individually and as Member of Fisher and Reid, LLC,
and Carolina Birth Center, LLC d/b/a Carolina Water Birth
411 West Main Street, ICO Unit 87
Gray Court, SC 29645.

Respectfully submitted,

DUGGAN & HUGHES, LLC

s/Daniel R. Hughes

DANIEL R. HUGHES (SC Bar #72547)

457-B Pennsylvania Avenue

P. O. Box 449

Greer, SC 29652-0449

Telephone: (864) 334-2500

Facsimile: (864) 879-0149

ATTORNEYS FOR RESPONDENT

June 23, 2025

DUGGAN & HUGHES, LLC
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June 23, 2025

Via Email to ctappfilings@sccourts.org

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

**Re: J. Mereinda Fisher, individually, and Member of Fisher and Reid, LLC. v.
Cynthia J. Glenn, et al.
C.A. No.: 2022-CP-23-01799
Appellate Case No.: 2024-001914
File No.: DH22.0053**

Dear Sir or Madam:

Enclosed herewith please find Initial Brief of Respondents, Designation of Matter and Proof of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

DUGGAN & HUGHES, LLC



Daniel R. Hughes

DRH/tab
Enclosure

cc: **Via E-mail to sandy@carolinawaterbirth.com and Regular Mail**
Cynthia J. Glenn, individually and as Member of Fisher and Reid, LLC,
and Carolina Birth Center, LLC d/b/a Carolina Water Birth
411 West Main Street, ICO Unit 87
Gray Court, SC 29645.

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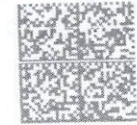
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