

FORM 13,
BRIEF OF APPELLANT, BY RICHARD SMITH

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Patrick C. Fant III, Circuit Court Judge

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JUL 08 2025

SC Court of Appeals

Case No. 2022-CP-23-03460

P. Christopher Smith, Jr.
Esquire, James P. Walsh, Esquire
Legal Representative of Srikanth Pilla,
Clemson University International Center Automotive Research (CUICAR),

Respondent,

v.

Richard Smith,

Appellant.

BRIEF OF APPELLANT

Richard Smith
912 S Mechanic St
Pendleton, SC, 29670
(864) 238-6970
ProSE as Appellant

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TABLE OF AUTHORITIES

As ProSe party, Plaintiff acknowledges the complexity of case and isn't currently aware of any specific precedent or case law directly addressing the exact circumstances of this matter, particularly with regard to the involvement of public institutions. As such, Plaintiff hasn't cited any particular case law but has referenced applicable statutes, regulations, and rules relevant to the claims made.

Plaintiff reserves the right to supplement this Table of Authorities as additional legal research is conducted or as the court provides further guidance on case law and precedents pertinent to this matter.

STATEMENT OF ISSUES ON APPEAL

- 1) Did Court of Common Pleas fail to adhere to their own guidelines set forth in the Memorandum Policies of Greenville County Court of Common Pleas?
- 2) Did Court of Common Pleas ignore plaintiff's claim that fraudulent documents were provided by defendant?
- 3) Did Court Common Pleas overlook the granted motion in which the Plaintiff provided proof of Statute of Limitations?
- 4) Did Court of Common Pleas realize that some publications related to the case were released after filing?
- 5) On what grounds did the judge grant summary judgment in favor of defendant, given that they presented no evidence of intellectual property or ownership of America's First Composite Center? Why is there no paper trail or communication from the defendant dated prior to plaintiff's proof? What's the definition of a Founder by law?
- 6) Why did the judge grant summary judgment in favor of defendant when he failed to understand the subject matter and allow the defendant to provide misleading documents?
- 7) Did Court of Common Pleas recognize that the defendant playing on formalities or loopholes in an attempt to dismiss the case, while the Plaintiff struggles with his ProSe status because of the power of the University (David vs. Goliath)
- 8) How can educators (i.e., employees) practice plagiarism under the umbrella of a State University in an industry partnership program funded by taxpayer money, without facing any consequences? What's the impact on the program, particularly when the State's Standard Statute of Limitations doesn't cover Business Development projects? What are the legal consequences and Code of Ethics of a University that covers up plagiarism, promotes the plagiarist, and seeks credit, receive grants and awards in the name of the plagiarist?
- 9) Why did the Court of Common Pleas didn't exercise the Plaintiffs civil right to enter a jury trial, and present witnesses, while allowing Defendant, to tell his side of the story, how he became a composite specialist and the founder of America's First Composite Center?

STATEMENT OF THE CASE

On June 22, 2022, the Plaintiff, Richard Smith, filed his original complaint seeking compensatory damages and asserting the founding rights of the Clemson Composite Center. The Case No. 2022-CP-23-03460 is centered on allegations of intentional fraud and bad faith.

On April 26, 2024, Judge Patrick Fant III granted Summary Judgment in favor of the Defendant, Dr. Pilla. On May 17, 2024, Smith filed and served his Notice of Motion for Reconsideration. The motion for reconsideration was denied.

An appeal was filed on June 3, 2024 with the South Carolina Supreme Court in Columbia, South Carolina - Appellate Case No. 2024-000925.

STANDARD OF REVIEW

The Pro Se appellant, Richard Smith, asserts his right to appeal the grant of summary judgment under the South Carolina Court of Appeals and South Carolina Supreme Court.

The Appellate Courts must review the trial court's decision de novo, evaluating the case without deference to the lower court's findings. The Appellant respectfully ask the court to determine whether the trial court erred in granting summary judgment, considering whether there are genuine issues of material fact and whether the trial court misapplied the law.

ARGUMENTS

- 1) Defendant failed to comply with "Memorandum Policies of Greenville County Court of Common Pleas". Specifically, motions filed and scheduled before judges of this court must meet certain procedural requirements, including timely delivery of any supporting affidavits to Plaintiff. It's the responsibility of the filing party to notify all opposing parties of these requirements. Failure to comply with these procedures may result in dismissal of motion, in this case judgment of summary.
- 2) Plaintiff raises a claim of conflict of interest concerning the presiding Judge, pursuant to South Carolina Rules of Professional Conduct Rules 1.7.
- 3) Plaintiff asserts that Defendant has filed false or fraudulent documents with intent to mislead Court and improperly influence judgment, in violation of SC Code of Laws §16-13-240.
- 4) Plaintiff asserts that Defendant is in violation of South Carolina Code § 16-13-230. In this case, Plaintiff alleges that Defendant has breached their fiduciary duty by engaging in fraudulent conduct, misappropriating assets, and acting in a manner that is inconsistent with the trust relationship. Specifically, Defendant's actions have resulted in the misapplication or wrongful withholding of property or funds, directly contravening the terms of the trust and causing harm to the Plaintiff.
- 5) Plaintiff asserts that Defendant has violated terms of a Confidentiality

Agreement and misappropriated trade secrets in violation of South Carolina Trade Secrets Act, specifically SC Code Section 39-8-10 et seq. This law provides robust protections for trade secrets, including prohibiting the unauthorized disclosure, use, or acquisition of such secrets through improper means. In this case, Plaintiff asserts that:

- a) Defendant was privy to sensitive information protected under Confidentiality Agreement and South Carolina Trade Secrets Act.
 - b) Defendant has disclosed, used, or otherwise misappropriated this information in a manner contrary to the terms of Confidentiality Agreement and the protections set forth by South Carolina Trade Secrets Act.
 - c) Defendant's actions have resulted in significant harm to the Plaintiff's business, including loss of competitive advantage, potential market share, economic damage, and health issues.
- 6) Plaintiff asserts that several claims in this case are barred by the applicable South Carolina Civil Statute of Limitations, as provided in SC Code Title 15, Chapter 3, which governs time limits within which civil actions may be brought.

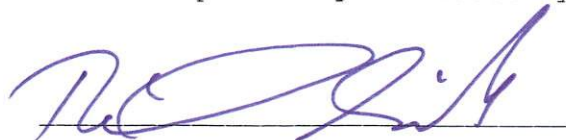
Under South Carolina law, different types of claims are subject to specific limitation periods, and failure to bring a claim within the designated period results in the forfeiture of the right to pursue legal action. The following issues, in particular, are subject to the limitations provided by law:

- a) Breach of Contract: Under SC Code § 15-3-530(1), actions for breach of a written contract must be brought within three years from the date the cause of action accrues.
- b) Fraud or Fraudulent Misrepresentation: Under SC Code § 15-3-530(7), actions based on fraud must be brought within three years from the date the fraud was discovered or reasonably should have been discovered.

CONCLUSION

For the reasons stated, the Court should reverse the judgment of the circuit court.

Respectfully submitted by



July, 4, 2025

Richard Smith (ProSE as Appellant)
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(864) 238-6970

**FORM 7
PROOF OF SERVICE OF A NOTICE OF REQUEST**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

Filing Appellant's initial brief and designation of matters
Appellate Case No.2024-000925

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SC Court of Appeals

Patrick C. Fant III, Judge, Greenville County
Trial Case No. 2022-CP-23-03460

Srikanth Pilla, Clemson University International Center Automotive Research (CUICAR),
Respondent,

V.

Richard Smith, **Appellant.**

PROOF OF SERVICE

I, Richard Smith certify, that I have filed an Appellant's initial brief and designation of matters the case No. 2024-000925, addressed to the South Carolina Court Appeals.

sent via email: to ctappfiling@sccourts.org, cssmith@clarksonwalsh.com

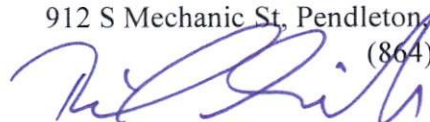
and mailed, via United States Mail, postage prepaid, on July, 5, 2025,

to: - Clarkson, Walsh & Coulter P:A.
s/ Christopher Smith Jr. , P.O. Box 6728, Greenville, SC 29606
- South Carolina Court of Appeals, 1220 Senate St, Columbia, SC 29201

Richard Smith, 912 S Mechanic St, Pendleton, SC 29670 [by personally delivering to the United States Post Office, ~~891 S Mechanic St, Pendleton, SC 29631~~ on July 5, 2025.

July, 5, 2025

Seneca R

ProSE for Appellant
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R. Smith, 912 S Mechanic St, Pendleton
SC, 29670



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SC Court of Appeals

South Carolina Court of Appeals
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Columbia, SC 29201

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