

The State of South Carolina  
In The Court of Appeals

Appeal From Spartanburg County  
Honorable Martha M. Rivers

**RECEIVED**  
AUG 22 2025  
SC Court of Appeals

Appellate No. 2025-000306

Trial Court No. 2024-CP-42-02781

Carnie Morris III . . . . . Appellant

vs

Dr. Gary W. Poliakoff . . . . . Respondent

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Appellant's Reply To Respondent's  
motion To Dismiss Appeal and  
suspend Time To file Final Brief of Respondent

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Carnie Morris III  
Perry Carr, Inst.  
430 Oaklawn Rd  
Pelzer, S.C. 29669

In reply to the Respondent's motion To Dismiss on page #2 under the captioned motion, Appellant did in fact serve a copy of the Record on Appeal on the Respondent.

It is evident on page #2, 4th paragraph, the Respondent concedes that Appellant filed his 78-page Initial Brief of Appellant. The Respondent have misrepresented the true and accurate fact. The appellant's Initial Brief was filed along with the Record on Appeal.

When the Appellant was notified that a transcript of the proceeding had to be ordered, Appellant notified the court and supplied the court with a copy. All of the deficiencies were complete within the time frame that the court ordered. Appellant complied with all the deficiencies of the court.

In Reply to Arguments

I. Appellant's appeal should not be dismissed for failure to comply with the S.C. Appellate Court Rules. Appellant have complied with all the procedural requirements to include filing the Record on Appeal. Respondent should not have the time suspended to file their final Brief.

II. Appellant's compliance with the S.C. Appellate Court Rules have not compromised Respondent's ability to advocate their response to Appellant's meritorious appeal.

In reply to last paragraph on pg<sup>th</sup> 4 of the Respondent's Motion To Dismiss, Rule 201, SCACR, a transcript of the proceedings was served on the Respondent and the S.C. Court of Appeal. The appellant did, in fact order the transcript before the deficiency letter and received it also. Transcript and Record on Appeal was sent to all parties.

The Respondent will try and have this Court to believe that Appellant didn't file & serve anything for this Court to review. See [attached Exhibits]

The appellate Court Rules were complied with by the appellant. Appellant's claims are predicated on founded allegations and supported by the record. The trial court's dismissal of the underlying action was not grounded on well-established legal principles, to include expiration of the statute of limitations, absence of any legal duty owed by Respondent to Appellant and failure to state a cognizable claim.

## Reply

In any proceeding before a tribunal where one party has brought suit against another, there exists a fundamental fairness, which ensures that neither party will mislead the tribunal in determining the issues raised in the suit, or engage in conduct involving misrepresentation of the issues of the suit in an attempt to induce the tribunal to find for the party perpetrating the fraud, deceit, dishonesty or misrepresentation. When a party fails to adhere to this fundamental fairness, it not only belittles and degrades the constitutional obligation of the tribunal, but it also infringes upon the rights of the opposing party to a just, fair and impartial decision by the tribunal.

- In his Initial Brief Appellant specifically stated he is raising the following issues on Appeal:
- (A) Was the Common Pleas Court in error in requiring (Pro Se) Appellant to file affidavit of expert witness?
  - (B) Does the Appellant's allegation and claims state a cause of action for which relief can be granted?
  - (C) Does the statute of limitations under the Tort Claim Act apply to this cause of action?
  - (D) Did the Defendant/Respondent attempt to use extortion and/or quid pro quo tactics for personal gain for his clients?

The Respondent, in his Initial Brief, has presented an issue which Appellant did not raise in his Brief, and is attempting to present the issue as the one which was raised by Appellant. Specifically, Appellant never raised the issue: "2. whether the circuit court correctly held that Respondent owed no legal duty to Appellant as a non-client". Appellant never raised this issue on appeal. The issue raised by Appellant stated above in (D), deals with the Respondent's use of extortion and quid pro quo tactics against Appellant for the personal gain of his clients. An issue which the Respondent has failed to even address in his Initial Brief.

Appellant submits that the Respondent intentionally misconstrued and misrepresented the issues which he raised on appeal to mislead the tribunal in an attempt to induce the tribunal to find in its favor against Appellant. As their actions were intentional, there can be no other reason for this fraud, deceit, dishonesty and misrepresentation of the issues on appeal by the Respondent. Rule 407 SCAER, Rules of Prof. Conduct, Rule 3.3 prohibits a lawyer from knowingly making a false statement of fact or law to a tribunal.

Rule 407 SCACR, Rule 8.4 prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent's intentional actions misconstruing Appellant's issues on appeal and then misrepresenting them to the tribunal violated these Rules of Professional Conduct. Rule 413, SCACR, Rule 7 (a)(1) provides a violation of the Rules of Professional Conduct is grounds for discipline. Matter of Nix, — S.F.2d —, 2025 WL 1646830 (June 11, 2025); In re Givens, 411 S.C. 456 (2015).

Appellant further submits that the actions of the Respondent is tantamount to intrinsic fraud. Raby Const., LLP v. Orr, 358 S.C. 10, 594 S.F.2d 478 (2004), (intrinsic fraud is fraud which misleads a court in determining issues and induces the court to find for the party perpetrating the fraud). This is exactly what the Respondent is attempting to do by misconstruing the issues on appeal which Appellant has raised and misrepresenting those issues to the tribunal.

Conclusion

The appellant, Carnie Morris III, respectfully request that the S.C. Court of Appeals deny the Respondent's last ditch effort to belittle the appellant by falsely accusing him of not complying with the S.C. Appellate Court Rules. The Respondent is trying to confuse the record on appeal intentionally.

Respectfully submitted

Carnie Morris III  
Carnie Morris III  
Perry Carr. Inst  
430 Oaklawn Rd  
Petzer, SC 29669

State of South Carolina  
County of Spartanburg

S.C. Court of Appeals  
2025-000306  
2024-CP-42-02781

Cornie Morris III  
Appellant

Certificate of Service

vs

Dr. Gary W. Poliakoff  
Respondent

I, Cornie Morris III, certify that I have served the Respondent with a copy of Appellant's Reply to Respondent's Motion to Dismiss by placing a copy in the Perry mailroom hands for mailing, postage prepaid, addressed as follows:

Thomas A. Pendervis  
Pendervis Law Offices, P.C.  
710 Boundary St. Unit A1  
Beaufort, SC 29902-4188

I, Cornie Morris III, certify and verify under the penalty of perjury that the foregoing is true and correct.

Cornie Morris III  
8-14-25

State of South Carolina ) Court of Appeals  
County of Spartanburg } # 2025-000306  
# 2024-CP-42-02781

I, Carnie Morris III, having been duly sworn, depose and say the following:

1. Appellant Carnie Morris III filed a Notice of Appeal dated February 10, 2025
2. Appellant timely correct the proof of service of counsel for Respondent.
3. Appellant have complied with sending a copy of the Record on Appeal + Transcript to the Court and Respondent.
4. On March 19, 2025 Appellant filed and served his Initial Brief along with the Record on Appeal to the Court and Respondent. A total of 78 pages
5. Appellant refiled the Designation of Matters on the Respondent and the Court.
6. On June 16, 2025 Appellant filed the Reply Brief of Appellant, which the Court of Appeals received on June 18, 2025
7. On July 9, 2025 Appellant filed his final Brief and Record on Appeal by sending a copy to the Respondent.
8. Respondent Pendervis is trying to misconstrue the process and avoid the meritorious issues an appeal that the Appellant have raised.
9. Appellant Morris have fully complied with all of the court's deficiencies that the Court directed him to comply with.
10. Respondent is intentionally imposing unnecessary burden on the Pro Se Appellant.

Appellant request that his pleadings and affidavit be construed liberally and not be held to lawyer's standards.

I, Carrie Morris<sup>III</sup> certify and verify under the penalty of perjury that the foregoing is true and correct.

Carrie Morris<sup>III</sup>  
8-14-25

State of South Carolina } S.C. Court of Appeals  
County of Spartanburg } #2025-CC0306

Carnie Morris III } Designated Matters To  
Appellant } Be Included on Appeal  
vs }  
Dr. Gary W. Pollock }  
Respondent }

I, Carnie Morris III certify that I have submitted the following documents Designated matters To Be Included on Appeal.

- 1) Summons + Complaint (2024-CP-42-02781)
- 2) Letter dated December 16, 2021  
Affidavit of Zandra Johnson-Scott
- 3) LW + T of Mary F. Morris (Draft)
- 4) Letter dated December 11, 2020  
Letter dated December 30, 2021
- 5) Order Granting Defendant's motion to Dismiss

Carnie Morris  
3-12-25

State of South Carolina ) S.C. Court of Appeals  
County of Spartanburg ) #2025-000306

Carnie Norris III  
Appellant

vs

Dr. Gary W. Poliakoff  
Respondent

Record on Appeal

The appellant Carnie Norris III in the above  
entitled case respectfully submit the Record on  
Appeal.

- 1) Transcript of Record dated October 30, 2024
- 2) Before Honorable Martha Rivers, Judge
- 3) Appearance: Carnie Norris/Pro Se
- 4) Thomas A. Penderus  
Attorney for Defendant

Carnie Norris

3-12-25

State of South Carolina } S.C. Court of Appeals  
County of Spartanburg } # 2025-000306

Carnie Morris III  
Appellant

vs  
Dr. Gary W. Poliakoff  
Respondent

Certificate of Service

I, Carnie Morris III, certify that I have served the Record on Appeal on the Respondents by placing a copy in the Perry mailroom hands for mailing, postage prepaid, addressed as follows:

Thomas A. Rendorvis  
Rendorvis Law Offices, P.C.  
710 Boundary St. Unit A-1  
Beaufort, SC 29902

I, Carnie Morris III, certify and verify under the penalty of perjury that the foregoing is true and correct

Carnie Morris III

3-12-25

Re: Carnit Morris #227226

Dr Gary Poliakoff  
C/A 2025-000306

Dear Honorable Harrison,

Pursuant to your letter dated March 12, 2025 which was received by me on 3-17-25, I forwarded to the Court and to the above listed party the record (transcript) Initial Brief and designated matters on 3-12-25.

By date of this letter, you should have already received my documents. would you please acknowledge receipt.

I, Carnit Morris #227226 certify and verify under the penalty of perjury that the foregoing is true and correct.

Carnit Morris  
3-17-25

State of South Carolina )  
County of Spartanburg ) S.C. Court of Appeals  
2025-000306  
2024-CR-42-02781

Carnie Morris III )  
Appellant ) Certificate of Service  
vs )  
Dr. Gary W. Poliakoff )  
Respondent )

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SC Court of Appeals

I, Carnie Morris III, certify that I have served the Respondent with a copy of the hearing transcript dated Oct. 30, 2024 by placing a copy in the Perry mailroom ready for mailing, postage prepaid, addressed as follows:

Thomas A. Bender's  
Bender's Law Offices, P.C.  
210 Boundary St, Unit A1  
Beaufort, S.C. 29902-4188

I, Carnie Morris III, certify and verify under the penalty of perjury that the foregoing is true and correct.

Carnie Morris  
8-14-25

Carnie Morris #527226  
Berry Corr. Inst. Q4B220  
430 Oaklawn Rd  
Peter, S.C. 29669

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ZIP 29669 \$002.44<sup>0</sup>  
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1200 Senate St  
Columbia, S.C. 29201

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SC Court of Appeals