

MOTION TO ADD NEW EVIDENCE  
HOLDER PROPERTIES  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Daniel Coble, Circuit Court Judge

Appellant Case No. 2024-001242  
Case No. 2023-CP-400-4408

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JAN 16 2026  
SC Court of Appeals

**Kamarah Reynolds-Hall**

**Appellant,**

**v.**

**Jammie Robinson, John Dixon,  
Dominic Hill, Joseph Hunter, Anthony  
(AJ) Lawson, Javon Benson, Jahmar  
Brown, Cincere Scott, Jasmine  
Alexander-Coleman, Holder  
Properties, University of South  
Carolina, Defendants,**

**Respondents.**

**University of South Carolina  
Holder Properties**

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MOTION TO ADD NEW EVIDENCE

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I come now asking the Honorable Court for approval of the **MOTION TO ADD NEW EVIDENCE OF NICOLE MARTIN** who was concealed from the appellant and judge in the original hearing record. The evidence was discovered through reasonable diligence during the appeals.

### **STANDARD OF REVIEW**

However, "[p]ro se litigants are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleadings," **Moore v. Agency for Int'l Dev., 994 F.2d 874, 876 (D.C.Cir. 1993).**

**The Rules of Civil Procedure** are designed to ensure that both parties go to trial knowing what all evidence exists, rather than being sandbagged by the opposing side by that which holds information and evidence.

### **Rule 12(b)(6) of the Federal Rules of Civil Procedure (or a motion for judgment on the pleadings under Rule 12(c))**

A claim is sufficient to withstand a motion to dismiss under **Rule 12(b)(6) of the Federal Rules of Civil Procedure (or a motion for judgment on the pleadings under Rule 12(c))** only when accepting as true the facts alleged in the complaint but not any legal conclusions, the claim has facial plausibility that it allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. **Iqbal, 556 U.S. at 678; see also Twombly, 550 U.S. at 570.**

### **Under Section 1, Rule 37 of the Rules of Court,**

The requisites for newly discovered evidence as a ground for a new trial  
(a) the evidence was discovered after the hearing (b) such evidence could not have been discovered and produced at the trial with reasonable diligence.

**US Postal Laws prohibits the opening of mail not ADDRESSED TO THEM. There is no way possible anyone would not open the contents unless illegally opening the certified mail that contained the Summons and Complaint**

### **(SCACR) Rule 613 of the Supreme Court**

**A self represented litigant must provide written authorization to be served by email.**

The appellant wants the opportunity to challenge the verdict of the lower court with the newly discovered evidence of **Nicole Martin**. The knowledge of the information would show the intent of the respondent to prevent a fair hearing or trial.

### **SERVICE OF PROCESS-Nicole Martin**

Courts generally prefer to re-solve cases based on their actual merits rather than technicalities such as improper service. The courts will allow an plaintiff another opportunity to correct the service before dismissing. **However, "[p]ro se litigants are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleadings," Moore v. Agency for Int'l Dev., 994 F.2d 874, 876 (D.C.Cir. 1993).**

The newly discovered evidence of **Nicole Martin** is important because her actions impacted the Service of Process and would have changed the outcome of the hearing if known.

**Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

1. Interrupt the Proper Service
2. Federal Laws will be violated
  - 18 U.S. Code § 1701 - Obstruction of the mail**
  - 18 U.S. Code § 1702 - Obstruction of correspondence**
  - 18 U.S.C. § 1703(b) (opening, destroying, or detaining mail without authority)**

**October 2, 2023. Nicole Martin started her new job at Holder Properties with a start date of October 2, 2023.**The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Holder Properties should have returned the Summons and Complaint** when Nicole Martin started work on October 2, 2023. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Holder Properties** was in possession of the Summons and Complaint for **a total of 261 days of 365 days in a year**. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

The affidavit of Adam Sonenshine should not have been admitted. The appellant was not giving a chance to review the witness statement. The attorney didn't have an agreement to serve the plaintiff by email.

Adam Sonenshine hired Nicole Martin to be a Property Manager while she worked her last week at CMM Realty.

Nicole Martin last work week was September Sept 25-29, 2023 with CMM Realty.

October 2, 2023 was her start date with the Respondent.

Nicole Martin is directly responsible for interrupting the delivery of the Summons and Complaint.

Nicole Martin was hired as Property Manager by **Holder Properties with a start date of October 2, 2023**.

**Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Holder Properties should have returned the Summons and Complaint** when Nicole Martin started work on October 2, 2023.

**Holder Properties** was in possession of the Summons and Complaint for **a total of 261 days of 365 days in a year**. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

Suppression and Concealment. The Respondent intentionally suppressed and concealed Nicole Martin actions from being discovered. This information would have affected the trial outcome of the newly discovered evidence that was concealed from the appellant. This is a violation of the obligation to disclose.

### **Abuse of Discretion**

1. The **Affidavit of Adam Sonenshine** should not have been admissible to rule **Service of Process**.
2. The appellant had no knowledge of Adam Sonenshine affidavit.

### **Procedural Error.**

1. Courts generally prefer to re-solve cases based on their actual merits rather than technicalities such as improper service. The courts will allow an plaintiff another opportunity to correct the service before dismissing.
1. The appellant had **25 days** that remained before the Statute of Limitation was set to expire. to send another Summons and Complaint so the trial could advance.
2. **The Judge should have allowed** the plaintiff another opportunity to correct the service before dismissing.
3. The court should have **granted a second hearing** to allow the appellant to investigate the affidavit of Adam Sonenshine.
4. In South Carolina, a pro se litigant has to consent in writing to service via email.
5. The Judge ruled the case of Respondent was **without prejudice**.

## NICOLE MARTIN

**US Postal Laws** prohibits the opening of mail not **ADDRESSED TO THEM**. There is no way possible anyone would no the contents unless illegally opening the certified mail that contained the Summons and Complaint

**Holder Properties concealed the knowledge of the Summons and Complaint and held it for** was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year.

Nicole Martin is the key person that is directly involved with interrupting the Service of Process.

1. Nikole Martin was hired as Property Manager by **Holder Properties with a start date of October 2, 2023.**
2. Nicole Martin was employed with **CMM Realty for 8 years 3 months. Property Manager-September 2015 to September 29, 2023.**
3. **Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**18 .S. Code § 1701 - Obstruction of the mail**

**18U.S. Code § 1702 - Obstruction of correspondence**

**18 U.S.C. § 1703(b) (opening, destroying, or detaining mail without authority)**

## PROPER SERVICE WAS INTERRUPTED-NICOLE MARTIN

Nicole Martin interrupted the **PROPER SERVICE** by opening the certified envelope that contained the Summons and Complaint. **HOLDER PROPERTIES.**

**Holder Properties concealed the knowledge of the Summons and Complaint and held it for** was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year.

## Nicole Martin violated Federal Laws

**18 U.S. Code § 1701 - Obstruction of the mail**

**18 U.S. Code § 1702 - Obstruction of correspondence**

**18 U.S.C. § 1703(b) (opening, destroying, or detaining mail without authority)**

## SERVICE WAS EFFECTED

**26 U.S.C. § 7502(f)(2).** Service is effective upon the date of delivery as shown in the delivery record of the commercial delivery service.

**Service is effective upon the date of delivery as shown on the return receipt.**

**NICOLE MARTIN and BRITTANY BLANTZ SHARED THE SAME OFFICE WITH FOR HOLDER PROPERTIES**

Nicole Martin is the key person that is directly involved with interrupting the Service of Process.

1. Nikole Martin was hired as Property Manager by **Holder Properties with a start date of October 2, 2023.**
2. Nicole Martin was employed with **CMM Realty for 8 years 3 months. Property Manager-September 2015 to September 29, 2023.**
3. Brittany Blantz and Nicole Martin both shared an office for the respondent in Columbia, Carolina. They are both property managers as general agents for Holder Properties.

**Holder Properties concealed the knowledge of the Summons and Complaint and suppressed and concealed the possession of the Summons and Complaint for a total of 261 days of 365 days in a year.**

## **NICOLE MARTIN HOLDER PROPERTIES FALSE CLAIMS**

### **Claim 1. How they were served? Summons and Complaint**

**US Postal Laws prohibits the opening of mail not ADDRESSED TO THEM. There is no way possible anyone would know the contents unless illegally opening the certified mail that contained the Summons and Complaint**

It is against the law to keeping a package that does not belong to you could be considered a form of theft, regardless of the delivery error.

**CMM Realty is not a defendant in the lawsuit.**

Nicole Martin is the key person that is directly involved with interrupting the **Service of Process**.

1. Nikole Martin was hired as Property Manager by **Holder Properties with a start date of October 2, 2023.**
2. Nicole Martin was employed with **CMM Realty for 8 years 3 months Property Manager-September 2015 to September 29, 2023**

**Summons and Complaint listed Holder Properties as intended recipient not CMM Realty.**

1. **September 25, 2023 thru September 29, 2023.**

**Nicole Martin opened the certified mail addressed to HOLDER PROPERTIES that contained the Summons and Complaint.**

**Nicole Martin had a duty by law to return the certified mail that contained the summons and complaint to the post office. 18 U.S.C.A Code § 1703 (b) Opening, destroying, or detaining mail without authority)**

**Nicole Martin started the new job at Holder Properties with a start date of October 2, 2023.** The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**PS FORM 3811: Shows the date effected.**

**The PS Form 3811 has 2 areas that will show who the addressee listed as the intended recipient for the certified mail that contained the summons and complaint.**

Holder Properties was in possession of the Summons and Complaint for a **total of 261 days of 365 days in a year**. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Service was Effected**

**Service is effective upon the date of delivery as shown on the return receipt.**

**26 U.S.C. § 7502(f)(2).** Service is effective upon the date of delivery as shown in the delivery record of the commercial delivery service.

**Claim 2. The respondent claims there is no proof they have been served.**

**Summons and Complaint listed Holder Properties as intended recipient not CMM Realty.**

- 1. September 25, 2023 thru September 29, 2023.**
- 2. October 2, 2023. Nicole Martin was hired as Property Manager by Holder Properties with a start date of October 2, 2023.**

**Nicole Martin opened the certified mail that contained the Summons and Complaint had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**18 U.S. Code § 1701 - Obstruction of the mail  
18 U.S. Code § 1702 - Obstruction of correspondence  
18 U.S.C. § 1703(b) (opening, destroying, or detaining mail without authority)**

**October 2, 2023@Started work at Holder Properties**

**Nicole Martin was hired as Property Manager by Holder Properties with a start date of October 2, 2023.**

**Nicole Martin opened the certified mail that contained the Summons and Complaint had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Holder Properties should have returned the Summons and Complaint when Nicole Martin started work on October 2, 2023**

**Holder Properties was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Holder Properties is in direct violations of Federal Laws by claiming they didn't like the way the Summons and Complaint was received.**

**Holder Properties should have returned the Summons and Complaint when Nicole Martin started work on October 2, 2023. Holder Properties was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Claim 3. The respondent claimed there was no registered agent authorized to sign for the certified mail that contained the summons and complaint at CMM Realty.**

**US Postal Laws prohibits the opening of mail not ADDRESSED TO THEM.**

**There is no way possible anyone would know the contents unless illegally opening the certified mail that contained the Summons and Complaint.**

**Nicole Martin opened the certified mail that contained the Summons and Complaint had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Nicole Martin was hired as Property Manager by Holder Properties with a start date of October 2, 2023.**

**October 2, 2023@Started work at Holder Properties**

**Due Process was violated when Holder Properties did not return the opened certified mail back to the post office to be sent back to the sender which is the appellant.**

**Nicole Martin was hired as Property Manager by Holder Properties with a start date of October 2, 2023.**

**Nicole Martin opened the certified mail that contained the Summons and Complaint had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Holder Properties should have returned the Summons and Complaint when Nicole Martin started work on October 2, 2023**

**Holder Properties was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Holder Properties is in direct violations of Federal Laws by claiming they didn't like the way the Summons and Complaint was received.**

**Holder Properties should have returned the Summons and Complaint when Nicole Martin started work on October 2, 2023. Holder Properties was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.**

**Claim 4. The respondent claim suggested that the wrong property management company was served.**

Nicole Martin opened the certified mail that contained the Summons and Complaint had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**October 2, 2023. Nicole Martin started her new job at Holder Properties with a start date of October 2, 2023.** The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**October 2, 2023@Started work at Holder Properties**

**US Postal Laws prohibits the opening of mail not ADDRESSED TO THEM. There is no way possible anyone would know the contents unless illegally opening the certified mail that contained the Summons and Complaint**

It is against the law to keeping a package that does not belong to you could be considered a form of theft, regardless of the delivery error.

**Nicole Martin last week at CMM Realty. September 25, 2023 thru September 29, 2023.**

**October 2, 2023. Nicole Martin started her new job at Holder Properties with a start date of October 2, 2023.** The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

Holder Properties was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year.

Under U.S. Law, the original recipient is the rightful owner of the package.

**The USPS has a clear process for return of mail that doesn't list you as the recipient and what should occur.**

**For mail that has never been opened, The US Postal Service has rules to return back to the Post Office.**

- Write "Return to Sender" or "Not at This Address" clearly
- Mark it on the front of the envelope
- Don't cover the original address
- Put it back in the mailbox or take it to the post office

**For mail opened by mistake, They are legally required to follow these steps:**

1. Don't read it.
2. Put it in a new envelope
3. Add the right postage
4. Write clear return instructions

**US Postal Laws prohibits the opening of mail not ADDRESSED TO THEM. There is no way possible anyone would no the contents unless illegally opening the certified mail that contained the Summons and Complaint**

**October 2, 2023. Nicole Martin started her new job at Holder Properties with a start date of October 2, 2023.**The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Holder Properties concealed the knowledge of the Summons and Complaint and held it for was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year.**

**NICOLE MARTIN**

**AFFADAVIT OF ADAM SONENSHINE**

**Affidavit of Adam Sonenshine      Filing 07/08/2024-20:59**

**The appellant was put at a disadvantage.**

The appellant states the **affidavit by Adam Sonenshine should not have been admitted by the court at the last minute.**

**American Bar Association**

**ABA Rule 4.1-Truthfulness in statements**

**ABA Rule 4.2-Misconduct. Maintaining the integrity of the profession**

**ABA Rule 4.1-Truthfulness in statements**

**Adam Sonenshine**, the chief operating officer and general counsel for Respondent, averred that Holder Properties, Inc has never been served with the lawsuit.

**Adam Sonenshine**, statement that he averred that Holder Properties had never been served with the lawsuit goes against **ABA Rule 4.1 and ABA Rule 4.2.**

The statement on the affidavit is not true.

**Summons and Complaint listed Holder Properties as intended recipient not CMM Realty.**

- 3. September 25, 2023 thru September 29, 2023.**
- 4. October 2, 2023.** Nicole Martin was hired to be Property Manager by Holder Properties with a start date of October 2, 2023.

**Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**18 U.S. Code § 1701 - Obstruction of the mail**

**19 U.S. Code § 1702 - Obstruction of correspondence**

**18 U.S.C. § 1703(b) (opening, destroying, or detaining mail without authority)**

**October 2, 2023@Started work at Holder Properties**

Nicole Martin was hired as Property Manager by **Holder Properties** with a start date of **October 2, 2023**.

**October 2, 2023. Nicole Martin and Brittany Blantz each worked for Holder Properties**

**Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**Holder Properties should have returned the Summons and Complaint** when Nicole Martin started work on October 2, 2023.

**Holder Properties** was in possession of the Summons and Complaint for a **total of 261 days of 365 days in a year**. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

Holder Properties is in direct violations of Federal Laws by claiming they didn't like the way the Summons and Complaint was received.

**Holder Properties should have returned the Summons and Complaint** when Nicole Martin started work on October 2, 2023. **Holder Properties** was in possession of the Summons and Complaint for a **total of 261 days of 365 days in a year**. The Respondent had a duty by law to return the certified mail that contained the summons and complaint to the post office.

**September 29, 2023. Nicole Martin last day at CMM Realty.**

**October 2, 2023. Nicole Martin employment start date for the respondent.**

**October 2, 2023 to July 2024. Nicole Martin and Brittany Blantz shared the same office as property managers.**

**October 18, 2023.** The respondent filed a motion to dismiss for insufficient service of process

## **NICOLE MARTIN**

**NICOLE MARTIN worked in the same office with Brittany McJunkin when the Summons and Complaint arrived at CMM Realty**

### **DEFAULT JUDGEMENT Rule 55(c) or Rule 60(b)**

Any such default or judgment by default shall be set aside pursuant to **Rule 55(c) or Rule 60(b)** if the defendant demonstrates to the court that the return receipt was signed by an unauthorized person.

A failure to forward a summons and complaint after receiving it does not constitute inadvertence or excusable neglect sufficient to put aside a default judgment.

**Sundown Operating Co.** The first task of a litigant who seeks for his default to be set aside is to provide a sufficient explanation for why he did not timely plead and must also provide reasons why letting him out of default would serve the interests of justice. *Roche v. Young Bros. of Florence, 318 SC 207,210-12, 456 SE2d. 897, 899-901 (1995)*

**NICOLE MARTIN worked in the same office and opened the mail only**

**Brittany McJunkin inadvertently signed for the unopened certified mail that contained the summons and complaint. A failure to forward a summons and complaint after receiving it does not constitute inadvertence or excusable neglect sufficient to put aside a default judgment.**

Nicole Martin last week at CMM Realty. **September 25, 2023 thru September 29, 2023.**

**US Postal Laws prohibits the opening of mail not ADDRESSED TO THEM.** There is no way possible anyone would know the contents unless it was illegally opening the certified mail that contained the Summons and Complaint

**Nicole Martin opened the certified mail that contained the Summons and Complaint** had a duty by law to return the certified mail that contained the summons and complaint to the post office.

### **October 2, 2023@Started work at Holder Properties**

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**Holder Properties concealed the knowledge of the Summons and Complaint and held it for was in possession of the Summons and Complaint for a total of 261 days of 365 days in a year.**

**The Rules of Civil Procedure** are designed to ensure that both parties go to trial knowing what all evidence exists, rather than being sandbag by the opposing side by that with holds information and evidence.

The Respondent intentionally concealed the name of **Nicole Martin** from being discovered and would have affected the trial outcome.

The evidence was discovered after the hearing and could not have been discovered and produced at the trial with **reasonable diligence**.

The newly discovered evidence of **Nicole Martin direct involvement** of the interruption of **Service of Process** with Holder Properties is grounds for a new trial.

The newly discovered evidence of the **Suppression and Concealment** of Nicole Martin is grounds for a new trial.

**Appellant prays for the following**

A reversal of the lower court ruling of **Insufficient Service of Process**.

For Honorable Court to **allow the new Evidence identifying Nicole Martin** who is central to the lawsuit.

For Honorable Court to review the **Abuse of Discretion** for errors.

For the Honorable Court to see if any **Procedural Errors** happened that the case could be sent back to lower court.

For the Honorable Court to send the case back to lower court because it was **dismissed without prejudice**.

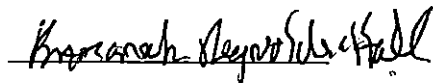
For the Honorable Court to send the case back to lower court because a **second hearing should have been granted**.

For the Honorable Court to send the case back to the lower court because **the Statute of Limitations was not expired**.

For the Honorable Court to send the case back to lower court because **the appellate had 25 days to resend the Summons and Complaint**.

For a court order granting **Default Judgement to the appellant in the amount of \$300,000.00**.

January 16, 2026



Catherine Garbee Griffin

3710 Landmark Drive, Suite 400

PO Box 8057

Columbia, South Carolina 29202

803-799-9091

**Attorney for Holder Properties**

David DeMasters

2838 Divine Street

Columbia, South Carolina 29205

803-799-9993

**Attorney for University of South Carolina**

Damon Christian Wlodarczyk

PO Box 12009

Columbia, South Carolina 29211

**Attorney for University of South Carolina**

Kamarah Reynolds-Hall

5 Alatera Court

Columbia, South Carolina 29229

803-237-6057

**PRO SE**