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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Linda Kennedy and Marsha Fink

MOTION For P-Appellants ADA Reasonable Accommodations Demand to be Clearly Answered by the Appeals Court in a Real Order and Clear Opinion, signed by a Real Judge(s).

v.

Appellants

Lake Hartwell Resort and Cabins, LLC, a/k/a Lake Hartwell Resort and Cabins, a/k/a Lake Hartwell Campers and Cabins, a/k/a Lake Hartwell Management, a/k/a Chris Vellanti, a/k/a, Christopher Vellanti; Christopher Vellanti, as a Member and Personally; Yvonne Goldman, as a General Manager and Personally; Frank Pellegrini; Fritzie Maroto; Jennifer Burdette; Marsha Stamm; Allen Riha; Ray Grenier; Grant Ferrendelli; and Charles Carpenter

Respondents.

Appellate Case No. 2025-000859

MOTION FOR P-APPELLANTS ADA REASONABLE ACCOMMODATION DEMAND TO BE CLEARLY ANSWERED BY THE APPEALS COURT IN A REAL ORDER AND REAL OPINION SIGNED BY THE JUDGE(S).

General Disclaimer: (THIS IS **NOT** A 221(C) which is an improper rule in this situation, NOR any other request for reconsideration or rehearing, but for clarification on what the Court ruled specifically on the above Motion which does not fall under the rule state anyway).

General Disclaimer: P-Appellants object to the style of the case on all pleadings in the Court of Appeals.

General Disclaimer: P-Appellants incorporate by reference the entire Motion filed 1/30/26 and all its Attachments and are using at least (Ex 1, 2, 29 in this single Motion, plus the facts)

MOTION FOR P-APPELLANTS ADA REASONABLE ACCOMMODATION DEMAND TO BE CLEARLY ANSWERED BY THE APPEALS COURT IN A REAL ORDER AND CLEAR OPINION SIGNED BY THE JUDGE(S).

To avoid confusing the Appeals Court or its Laffitte Lawyer so P-Appellants list one and only one Motion in the heading of the Margin and again stated just below the style, and there are no objections listed on or near the single Motion so there should be no confusion about not complying with the clarification of the Motion regarding Reasonable Accommodations demanded by P-Appellants as herein demanded. Objections to the "correspondence" are listed in the larger Motion filed on 1/30/26.

MOTION

Comes now Dr. Linda Kennedy and Dr. Marsha Fink, Pro se, making demand per the Constitution that speaks against Order vagueness: McCravy v. Union Ins. Co., 317 S.C. 51, 52, 451, S.E. 2d 388, 389 (Ct. App. 1994), U.S. Const. amend. XIV (Due Process, Equal Protection), the Supremacy Clause, U.S. Const. art. VI, cl. 2 (Supremacy Clause), SC Due Process, S.C. Const. art. I, § 3 (Due Process). Federal Statutes/law that applies to SC, 42 U.S.C. § 12132 (ADA Title II), ADA Regulation: 28, CFR Part 35, 35.130, 152, 160; Tennessee v. Lane, 541 U.S. 509 (2004), 42 U.S.C. § 1983 (civil rights deprivation), Canon 1 (Integrity/Independence), Canon 2 (Impartiality), Canon 3 (Duties of Judicial Office), with De Novo Standard of Review.

"A court order should be sufficiently clear to allow the parties to understand their rights and obligations if it is vague or ambiguous the proper procedure is to request clarification or a more definite statement." McCravy v. Union Ins. Co., 317 S.C. 51, 52, 451, S.E. 2d 388, 389 (Ct. App. 1994). P-Appellants have done this repeatedly with fake responses and even a Laffitte Lawyer writing correspondence which is not an order, nor signed by a Judge as an Order, and an alleged Deputy Clerk, which she is not, cannot command litigants on legal matters.

MOTION FOR P-APPELLANTS ADA REASONABLE ACCOMMODATION DEMAND TO BE CLEARLY ANSWERED BY THE APPEALS COURT IN A REAL ORDER AND CLEAR OPINION SIGNED BY THE JUDGE(S).

Courts cannot transform a specify request into a option under a different law, just to excuse inaction, especially an irrelevant law that does not apply to this situation. Clarifying Vagueness is a part of Due Process. In re Guardianship of M.D.C., 418 S.C. 284, 793 S.E. 2d 563 (2016). Avoiding tri-level misconduct and Fraud on the Court by the Court, is Fraud on the Court with De Novo review.

"An Appellant Court's opinion or Order must be sufficiently clear to permit meaningful appellate review. . ." State v. Mallett, 341 S.C. 300, 334 S.E. 2d 518 (1985). Calling a motion to clarify a "reconsideration" and using the wrong rule/law is procedurally improper. An entire write up of facts and objections are written on the large Motion sent with many exhibits on several issues on why P-Appellants are taking the actions they are taking.

Tennessee v. Lane, 541 U.S. 509 (2004), confirmed that the U.S. Congress validly **abrogated state sovereign immunity regarding the fundamental right of access to the Court including, but not limited to ADA Rights of P-Appellants construed most favorably to the P-Appellants, and where immunity is waived, and in combination of an ADA claim with a Due Process Claim, Constitutional Federal Questions arise.** This means that the State cannot manipulate this ADA Law or P-Appellants Rights under it, like they do in so many other situations, to stop litigants from protections under the law and for the Courts to totally control the legal avenues of litigants no matter what the law says.

A motion for reconsideration or rehearing have strict legal standards which P-APPELLANST ARE NOT SEEKING. a party seeking **clarification of an ambiguous Order**

(NOT A LAFFITTE LAWYER LETTER) is not required to invoke reconsideration rules. This clarification request is a distinct procedural request.

Purposefully leaving an Order (not a lawyer letter), vague to avoid reviewing trial misconduct can constitute denial of due process, a violation of the appellate court's duty to provide a reasonable ruling and of course fraud on the court by the court when an intentional cover up.

South Carolina courts have repeatedly stressed an appellate court may not evade its duty to decide issues presented orders must be sufficiently specific to allow enforcement and further proceedings. Finklea v. Finklea, 371 S.C. 460, 639, S.E.2d 309 (Ct App. 2006).

P-Appellants demands a clear statement or a more definite statement, whichever the Court chooses that gives all the information asked for herein, as to the Ruling allegedly made by the Court as described herein, about the Granting or Denial of the ADA Reasonable Accommodations of block-90 days and 200 pages, with review later, the reason why any denial might be Ordered, and state what steps the Court took to understand the P-Appellants needs and why. P-Appellants rely on (EX 1-2) herein attached to the large Motion that is filed separately but incorporated by reference herein and vice versa. Ex. 1, 2 are documented evidence of the Courts repeatedly refusal to rule or clarify, as well as a Laffitte lawyer letter and no Order signed by a Judge with his/their opinion and signed Order that is clear.

MOTION FOR P-APPELLANTS ADA REASONABLE ACCOMMODATION DEMAND TO BE CLEARLY ANSWERED BY THE APPEALS COURT IN A REAL ORDER AND CLEAR OPINION SIGNED BY THE JUDGE(S).

P-Appellants DO NOT SEEK A REVIEW OR RECONSIDERATION EVEN THOUGH THE RULE BEING USED IS INAPPORPRIATE AND THE STATE HAS BEEN NOTIFIED OF SAME AND REPEATS USING IT TO PURGE ALL TROUBLING MOTIONS FROM THE DESK OF THE APPEALS COURT WITHOUT RULING WHICH IS IMPROPER AND FRAUD ON THE COURT BY THE COURT.

P-Appellants DEMAND: First, a letter from a lawyer and calling it an "order" (small "o"), within the body, claiming to be a Deputy Clerk does not work as an Order. **P-Appellants DEMAND A SIGNED ORDER FROM THE JUDGE CLAIMING THEY DECIDED WHAT THIS OUTSOURCED LAFFITTE LAWYER CLAIMS IS THE TRUTH, EVEN THOUGH IT IS FILLED WITH DECEIT AND TRICKERY.**

P-Appellants DEMAND: the ADA reasonable accommodations of block-90 days and 200 pages, as a civil rights access filing and a Selective Prosecution filing:

- **This request arises under Title II of the Americans with Disabilities Act**
- **It seeks reasonable modification of court procedures to ensure meaningful access**
- **It is not a motion for reconsideration or rehearing**
- **A ruling is required under federal law**

Further, the "correspondence" filed by Laffitte lawyer, Jasmin Smith is affecting P-Appellants legal rights as an alleged "o"rder within the letter is being issued rather than judicial Orders that can be appealed or used elsewhere as P-Appellants preserve their

case. The Laffitte lawyer is claiming to be a signer identifying as "Deputy Clerk." She is not on the employee list of State Actors. (Ex. 29).

The communication makes legal determinations (classification of motions, rejection of filings, alleged deadlines), P-Appellant demand confirmation that these determinations are made by a judge and reflected in that in a full, signed Order, with the written message on the Order, entitled "Order."

This matter is a violation of structural due process, and P-Appellants need an Order to act and to appeal improper rulings. Because ADA denial is federal statutory and constitutional territory, not just state procedure, this creates a different review pathway later on Appeal and in other venues, and P-Appellants need a meaningful appellate review preserved.

The refusal thus far to issue reviewable Orders on ADA and Fraud on the Court by the Court, using ignorance or procedural relabeling to avoid ADA rulings, legal decisions communicated through improper channels like through a Laffitte lawyer, creating barriers preventing presentation of claims through meaningful due process, is a Federal Question as to whether the state judicial system denied constitutional Access to the Courts and the answer is clearly yes. This lack of ruling, obviously, prevents meaningful appellate review.

WHEREFORE, for the foregoing reasons, P-Appellants need a **ADA REASONABLE ACCOMMODATION DEMAND TO BE CLEARLY ANSWERED BY THE APPEALS COURT IN A REAL ORDER AND CLEAR OPINION SIGNED BY THE JUDGE(S)**, in regard to these issues

raised herein, with Reasonable Accommodations being a block-90 days and 200 pages, with reviewable option based on ability once the deadline is closer.

P-APPELLANTS Demand that the Court clearly say "Granted" or "Denied," and say way if denied, and write how the Court took P-Appellants individual needs into the decision as they have explained that this block time/pages is necessary and why, and what law allows the Court to defy Federal Law where immunity is lost and Constitutional Federal Questions arise if vague, side-stepped, or denied, and need a clear record to any actions taken that go against P-Appellants legally protected interest.

Dr. Linda Kennedy, 1/30/26

Dr. Marsha Fink, 1/30/2026

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Respondents.

Appellate Case No. 2025-000859

PROOF OF SERVICE

Dr. Linda Kennedy, J.D., B.S., B.A. and Dr. Marsha Fink, J.D., B.A., *pro se*, certify that we have served copies of the **MOTION FOR P-APPELLANTS ADA REASONABLE ACCOMMODATION DEMAND TO BE CLEARLY ANSWERED BY THE APPEALS COURT IN A REAL ORDER AND CLEAR OPINION SIGNED BY A REAL JUDGE(S)** on Lake Hartwell RV Resort and Cabins, LLC, aka Lake Hartwell Resort and Cabins, LLC, Lake Hartwell Resort and Cabins, Lake Hartwell Resort and Cabins, Lake Hartwell Campers and Cabins, Lake Hartwell Management, Christopher Vellanti, Other, Christopher Vellanti, Corporately, as the Sole Member, Manager Employee and Individually, Yvonne Goldman, as General Manager, Employee and Individually, Jennifer Burdette, as Employee and Individually, Frank Pellegrini, as Employee and Individually, Fritzie Maroto (Moroto, other, Pellegrini) as Employee and Individually, Ray Grenier, as Independent Contractor and Individually, Grant Ferrendelli, as Independent Contractor and Individually and Charles Carpenter, as Employee and Individually, who are represented by Michael Neubauer, Esquire and Robert Mebane, Esquire of McAngus, Goudelock and Courie, LLC, 201 West McBee Avenue, 2nd Floor, Greenville, SC 29601 and on Marsha Stamm, as Co-Assistant Manager and Individually, Allen Riha, as Co-Assistant Manager and Individually, who are represented by James Cox, III, and Trevor Hughey, Grier, Cox and Cranshaw, LLC, 2001 Assembly Street, Suite 204,

Columbia, SC 29201 by depositing copies of it in the United States Mail, first class postage prepaid to their respective attorneys on January 30, 2026.

DATE:January 30, 2026

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