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Mar 25 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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Linda Kennedy and Marsha Fink
Appellants

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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Appellants Motion: "MOTION: FOR A NEUTRAL TRIBUNAL/JUDGES TO REVIEW ALL STRUCTURAL AND OTHER CONSTITUTIONAL ISSUES, AND RECUSAL, SMJ CHALLENGE, AND FRAUD ON THE COURT, DISMISSAL AND HEREIN AND OTHERWISE LISTED

v.

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; Marsh Stamm; Allen Riha; Ray Grenier; Grant Ferrendelli; and Charles Carpenter

Respondents.

Appellate Case No. 2025-000859

Trial Court Case No., 2022 CP 0400592

Dr. Linda Kennedy and Dr. Marsha Fink Object to the erroneous style of the case that is not the Record filing for the legally related back motion.

954-279-3785.

Disclaimers: ***Not proofread*** *due to* ***ADA Qualifying Disabilities intentionally and maliciously caused and weaponized by the SC Judges with financial and other interests in their case****, making it hard for litigants to see and (along with other physical*

disabilities handicapping P-Appellant's without Reasonable Accommodations granted). These ADA Qualified Disabilities cause P-Appellants great disadvantages and lack Equal Protection and violate the ADA Laws that ***MANDATE*** *Courts to comply, and cause P-Appellant's great pain and lesser functions without reasonable accommodations granted by law, due to these same judges. P-Appellants briefs and Motions since 2024 have mainly been cut/paste from other documents written or submitted with few corrections due to these Disabilities caused and weaponized by these Judges and their refusal to honor ADA Reasonable Accommodations by law for their own advantages in spite of ADA Advocates submitting letters to guide them in the Mandatory compliance laws they ignore. P-Appellant's are more than capable when they have the reasonable accommodations which are least restrictive and granted to the Murdaugh lawyers when no disabilities are even claimed through Selective Prosecution of these cases as seen herein. P-Appellant's case tells on what really happened in the Murdaugh and the Prosecutor/Defense/Murdaugh/ Supremes all want to free or greatly reduce Murdaugh's punishment as a fellow Aristocrat in this Aristocratic/Groomed Elite, Entrenched Oligarchy, where the law is a mere suggestion, while they are running a Legal Machine Criminal Enterprise (LMCE) as seen herein through the Murdaugh/Laffitte cases, P-Appellants case, and many others (****See Asbestos Docket as one example****, where this is the other reason why the Courts want to bury P-Appellants case, because they describe and show Insurance Fraud and Insurance Reserve Fraud in P-Appellant's case, Murdaugh/Laffitte's cases, and in the Asbestos Docket, and how this Entrench Aristocratic/Groomed Elite are able to run a Legal Machine Legal Enterprise (LMCE) out of the State, under color of law). This Appeals Court is taking cases handed off to them from Trial Courts, to continue the same bad faith tactics to refuse and obstruct their appeals, and the court can because they purposely do not analyze SMJ Adjudication as a Condition Precedent to receiving Constitutional power to hear a case, so they can cover for each-others crimes, and instead treat Constitutional guarantees as mere suggestions, and because the Supremes oversee all secret discipline of lawyers and judges to make sure there is no punishment for ignoring the Constitution, they have crated quite a tax-free, for profit LMCE for themselves and their Aristocratic/Groomed Elite Colleagues).*

Anyone who wants to complaint of length, repetition, lack of organization, spelling and so forth, get the courts to follow the law so P-Appellants can get mandatory (not discretionary) Reasonable Accommodations that are least restrictive and require less than the Court gave Murdaugh without disabilities, especially when the 10th Cir Judges caused and weaponized these disabilities against two elderly cancer fighting survivors with physical health issues. These Judges need to try to write/type when these Judges can't see screens or type when they cannot use their hands thumbs, wrists arms and elbows because their fellow judges physically abused them. .. where both need surgery to fix due to the abuse P-Appellants

have endured by these Judges to try to save their meritorious case. Then complain. This is P-Appellants best when one of the two is having seizures also for lack of sleep, again, caused by the same Judges and weaponized also by these court protecting the LMCE who are trying to win on taking advantage of the Elderly and Disabled in Abuse and Exploitation bad acts..

MOTION: FOR A NEUTRAL TRIBUNAL/JUDGES TO REVIEW ALL STRUCTURAL AND OTHER CONSTITUTIONAL ISSUES, AND RECUSAL, SMJ CHALLENGE, AND FRAUD ON THE COURT, DISMISSAL AND HEREIN AND OTHERWISE LISTED.

COMES NOW **Dr. Linda Kennedy and Dr. Marsha Fink, Pro Se, filing jointly, (P-Appellants), Per Neutral Judges Inherent power and SCACR Rule 240 AND applicable parts of Rule 221, Rule of Subject Matter Jurisdiction, Recusal , Extremely Fraud on the court, Violations of Constitutional Law, including Structural Violations, that call for Void Judgment and Defaults and entries of Judgement for P-Appellants who won their case long before an evidentiary hearing by law. Inherent power by NEUTRAL JUDGES correct wrongs and all other Rules that will correct this miscarriage of Justice and allow very hardened criminals and those who hired them no consequences for their deadly actions, and demands Constitutional Rights be followed and Defended as per Judges Oaths and SMJ Adjudication limited powers, and incorporate by reference The SMJ Challenge based on Fraud on the Court by the Court filed 3/23/26, and the Mandatory 3/23/26, and all Exhibits in these motions and corporations they make.**

The Appeals Court was obviously orchestrating with Defense and the Supreme Court to Dismiss P-Appellants case, as quickly as possible this past week through a "CYA" Order from Judge Kristi Curtis trying to rewrite the record that is clear on its face and mirrored by P-Appellants to try to keep the SC Orwellian "Ministry of Truth from further rewrites. no matter how many Constitutional violations they need to manipulate. This

1984 illusion is very real in SC Courts as the Trial Court, Appeals Court and Supreme Court all use the same tactics as if from a hive mind mentality, discussed as "Entrenchment" with proof of same that the Courts do not want anyone to read (See Subject Matter Challenges on this case, on Murdaugh, and Asbestos cases by P-Appellants).

Seeing this, at the first email ever sent to P-Appellants by the Court notifying P-Appellants of Judge Curtis' Order, P-Appellants knew the set up was on. They filed the SMJ and MANDATORY Recusal motions the day the rush to judgment Appeal Brief was to be turned in as they still have not received ADA Reasonable Accommodations forcing the Court to provide them with Equal Protection/Access to the Courts to fully participate.

The ADA Reasonable Accommodations are the least restrictive of all possible Accommodations. 90 day block of time/200 pages to be reviewed closer to the due date to make sure this is sufficient under P-Appellants ADA Qualified Disabilities. . .many of them the lower Court judges caused in full brutality of two older cancer patients who were already weak but willing. Sleep depriving these ladies of up to 4 days in a row at a time since 2023 forward, while sitting nonstop typing and starring at a computer caused severe nerve damage in Dr. Kennedy's limbs making it very hard to type for long periods of time. See Ex. 1A-1G. And she also received severe eye damage where she cannot see computer screens for significant periods of time without taking long breaks to recover. Dr. Fink has experience both of this, but also started getting seizures, with the first being at Judges Mcintosh's feet in his courtroom that was on the TV monitors to prove there was no faking there. She was hauled away in an Ambulance.

Instead of the Court stopping this barbaric and ruthless practice, they doubled down for more damage, punishment and to try to force P-Appellants to give up their claims for criminal reasons. P-Appellants would not do so, and continued to get brutalized by these 10th Cir. Judges who were openly trying to give Defense a predetermined win for reasons stated herein briefly.

Needless to say, the proxies of the Judges are ruthless in their own right and the courts are going to side with those who are very dangerous even with P-Appellants having recorded and written admissions, and more evidence even on the collusion with the attorneys, the Judges, and Justin Bamberg steering Judges Taylor into this case, and the Supremes then picking him to be further involved in the mirror image of P-Appellants case, Murdaugh and Murdaugh 2.0 (P-Appellants case). These are issues the public needs to understand. . .who are the proxies, and what happens to them when they help State Actors. . .totally protection and more money for behaving criminally where it helps the LMCE.

When this case was first filed in 3/17/22, P-Appellants through their were 11 Defendants involved in very serious and deadly attacks on them at a campground in Townville referred to herein as Lake Hartwell RV Resort and Cabins, LLC. (LHRVRC).

P-Appellants had moved to SC for Dr. Kennedy to get a life-saving surgery for Stage IV cancer and was not expected to survive. Dr. Fink accompanied here and was going to drive her van to Florida and take care of Dr. Kennedy's Dogs after she passed. But, Dr. Kennedy survived.

After 6 months recovery in a Hotel, Dr. Fink decided to help Dr. Kennedy really fully get back on her feet before she returned to Florida. They decided to go for an outdoor experience in a campground and purchased a nice two-bedroom camper and structure to rent. The issues started soon after they arrived, but long story short, the clientele there were involved in Meth Lab/Distribution, Grow House/Distribution, Porn and Child Trafficking, theft of Campers and Boats with forged names on titles and so forth. THESE ARE THOSE PROXIES! The are the ones being protected by the Courts who already admitted their guilt and schemes they colluding with Judges on to help the judges steal awards of innocent people and much more (See Murdaugh/Asbestos).

Once Defendants found out that P-Appellants were past Attorney Legal Reform whistleblowers in Virginia against the that Legal Machine, that was acting very similarly to SC, and P-Appellants would not act the same to go along to get along, and instead started openly protecting and warning the public of these bad apples in SC Government, the Defendants became very worried as P-Appellants saw too much of what was going on at LHRVRC.

The future Defendants started attacking P-Appellants who were just trying to heal as now Dr. Fink got her cancer back (3rd time) and Dr. Kennedy was trying to learn to walk again (2nd bout with cancer), P-Appellants realized they were in the middle of some turf war between these gangs of criminals running their operations through LHRVRC, and law enforcement was well aware of it and did nothing. Anderson County Sheriff's Department has a long line of corruption with their Clerk of Courts, C. Reena Thomason being related to E.E. Duck Cooley and King Henry Campbell, two of the Cocaine dealer and car thieves

working the scam through the Sheriffs office and the 10th Cir. Courts. C. Reena Thomason is one of the RACKETEERS in P-Appellants case.

After a while, it was clear that the violence against P-Appellants was becoming much more escalated with them being poisoned by Defendant/Racketeers and friend of the Courts, Jennifer Burdette, their camper was in the line of fire as these Defendants tried to burn it down with P-Appellants inside with Dr. Kennedy's beloved dogs, tried to steal the camper on many occasions, tried to kidnap (there words) a camper and dog sitter, and assaulted her, tried to hire M-13 an international killer gang that was in SC at the time, talked about strangling P-Appellants to watch and enjoy the life faint from their eyes, and these accounts went on daily, escalating with each attempt on P-Appellants health and life.

Plaintiffs finally got out of there when the could but knew that something much bigger was going on there to account for the brutalizing when P-Appellants were trying to heal and then go back to their places in Forida.

After they left in September 2021, the gang at LHRVRC started turning on each other because they no longer had a common enemy to focus on. In so doing, they were blackmailing and being violent with each other, and eventually they started reporting each other to the Sheriff's Department trying to be the first to go on the offense once no money could be extracted from each other.

Thereafter, in February 2022, P-Appellants were still being hunted down by some of these gang members and decided to just file suit, which they did on 3/17/2022. Shortly thereafter, some of the blackmailers who were being terribly stalked by the other

blackmailers contacted P-Appellants with apologies and wanted to stop the attackers still on the attack. P-Appellants were not aware of the blackmailing portion of this, but just wanted to be finished with these gang members and be left alone.

P-Appellants decided to file in February 2022 and filed March 17, 2022. Shortly after P-Appellants filed suit, the alleged "apologetic" gang members gave P-Appellants about 2,000 pages of Defendant Group Texts where they were discussing what they were going to do, or did to P-Appellants and what they were going to do next, and they were all laughing and competing with each other as to who could harm them worse.

It took a long time to get through the Group Texts and P-Appellants still have more than they have never been able to search out for evidence because they have so much already from their own investigative work before any attorneys were involved. The Group texts proved much of what P-Appellants were claiming was true in their claims in the suit, but it was much worse than they knew.

In various sections of Group Texts, and more evidence provided by some Defendants later, and many recorded statements, it was clearly stated that Defendant Racketeer Jennifer Burdette, a friend of the 10th Cir Courts through her government father, was setting up meetings with these 10th Cir. judges, Rivers Lawton Mcintosh, Jesse Cordell Maddax, Jr. and Robert Scott Sprouse and others who were protecting these LHRVRC illegal operations with the Anderson County Sheriff, just like old times (See Sheriff Cooley, King Henry Campbell, Anderson Clerk of Courts C. Reena Cooley, Coleman Thomason).

RACKETEER Defendant Burdette and many other of the RACKETEERING DEFENDANTS had secret, unilateral meetings with these Judges and others long before P-Appellants left LHRVRC, and long before they ever though of a lawsuit. The scheme the Judges were running with Allianz Insurance, other state actors, the lawyers and Proxie Defendants is called Insurance Fraud/Insurance Reserve Fraud. This is where the Judges hire proxies, and in this case the LHRVRC gang to create catastrophic injury or wrongful death against P-Appellants who they all knew were Legal Reform activities from the past, doing a lot of positive damage to the Virginia corruption in government and the courts, including getting people fired and teaching the public how to protect themselves through books like Holodeck Law, which is referenced in other writings herein, seminars, radio and tv interviews, and so forth all for free. The Clerk of the Supremes of Virginia was one of the fired persons, because he was ignorant enough to write down his schemes and P-Appellants caught him in it. His bosses fired him rather than be discovered themselves. This is how government crimes work.

P-Appellants knew that the crimes against them by the gang had increased daily to where there was no more fear by the Defendants of getting caught. They had a green light, to take open, violent shots at P-Appellants, but P-Appellants didn't know why they were gaining in confidence. . .now they know.

Besides getting Group Texts, P-Appellants also did recorded statements of these Defendants who were Court proxies that were doing the Courts dirty work and other recorded statements. Some Proxies got P-Appellants other evidence that they would use at time later, if needed. It was very specific as to who was involved from the State end and

why. After many conversations with these very dangerous people, they admitted to more of the fraud that P-Appellant recognized was going on in the Court as they had hired an attorney who they caught colluding with Defense who was ghost writing P-Appellants amended complaints without their knowledge, and where Defense had defaulted many times in the case, losing, but for P-Appellants attorney covering it up and all of them telling stories and writing history to make it appear by moving hiring dates of P-Appellants attorney, and so forth to try to make it look like P-Appellants attorney wasn't hired until up to 3 months after the contract date, to say how could P-Appellants attorney collude with the other side if was not yet hired? Little did they know that P-Appellants had been recording all their conversations with their attorney (legal in SC), because they could see something was very wrong with defense friendly representation that was extremely ridiculous to a first-year law student let alone trained past lawyers who had seen a lot of corruption in their work.

Shortly thereafter, the Lawyers tried to create chaos because they knew P-Appellants were on to them, but they did not know that their attorney was being recorded. So P-Appellants got some very damaging evidence about the Conspiracy between the lawyers, before Dodd left the scene and found out about he being recorded on a bunch of lies and baits and switches to cover for himself and the Defense attorney's lies, but that only worked if their was no tape. They realized they were trapped and just had to ruin the case as much as possible before getting P-Appellants attorney away from the action.

Later, they would prove what they already could see through other documentation they have not yet used, to prove Judges/Attorneys/Allianz/State Actor/Proxie Invovelment in

this scam, that is a true Murdaugh Scam . . .which the State/Defense and the Supremes are trying hard to get Aristocratic Murdaugh off, as they are all feigning the case and on the same side, just like Becky Hier Hills is Aristocratic Kin to Murdaugh. . .those jury contacts were not unintentional. . .they were giving Murdaugh fake appealable issues.

On February 11, 2026, Murdaugh's appeal before the Supreme Court was to be heard, and P-Appellants filed a valid Subject Matter Jurisdiction Motion based on Fraud on the Court. The Supremes could not hear it because they were the subject of it. But they hide the filing and heard the case anyway, then had the clerks mislabel the filing and file it two days later. Since then nobody has replied and the case continues, which is 100% illegal, but in SC the law is "do as thou whilst, that is the whole of the law". . .if you are the Aristocrats/Groomed Elite.

And that brings the reader to now. . .P-Appellants trial Court case was eventually dismissed on a fake Evidentiary hearing that could not happen and could not dismiss a case. It was covering some 162 documents that were not contested for the most part, and if they were, they were not lost or sanctioned. These documents were trying to force a case forward, when Colluding and RACKETERING was caught on tape recording and in the records, and the Judges and others involved in the underlying case, refused to Recuse even though they were presiding over their own guilt/liability, which is total nonsense. But Criminals who do this are not going to suddenly follow the law. And the problem is systemic in SC. The trial court can act criminally because they are covered by the Appeals Court who is covered by the Supreme Court, who is not accountable to anyone.

These branches of government are all equally corrupted and work as one branch not three, with the illusion of party's and checks and balances to hide the Oligarchy. They use the system to redistribute wealth in SC to their Aristocratic/Groomed Elite through their created LMCE. This is an Oligarchy style of government where the few entrenched "RULE" the many and one gets nothing but what the King Grants (called Immunity).

Seeing that the Murdaugh case was a mirror image of P-Appellants case, P-Appellants made that very known, made many public notices to the government and elsewhere, and made it extremely relevant in their case that Aristocratic kin in the 10th Cir. and 14th Cir. were running the same Murdaugh scams that were much worse that the State wanted the public to know. . .many more criminals. . .many more crimes. . .much more detailed and layered.

Eventually on February 11, 2026 as stated, P-Appellants SMJ Jurisdiction that requires everything to stop and independent tribunals to review since it involved the Supreme Court judges, Defense/State, etc. And all was ignored, because the law and facts do not matter in SC. . .it is about Aristocrats/Groomed elite using the Courts as the wealth transfer processing plant. (See Holodeck Law: Dr. Kennedy said this over 25 years ago in one of her books as a lawyer in Virginia).

This SMJ filing with the Supremes talked about how P-Appellants case, describing the Legal Machine Criminal Enterprise in SC (LMCE), and the Oligarchy made of Aristocrats/Groomed Elite are running SC, with a ridiculous amount of proof that took any guesswork away. They are all related to each other. . .the Laffittes. . . Murdaugh. ..

Mcintosh. . . .Maddox. . ..Mullen. . . .Deloach. . . . McMaster . . . and with many conflicting relationships Limehouse/Mcintosh/Laffitte, Mcintosh/Murdaugh/Mullen/Maddox/Taylor (Wagner)/Dr. Maddox/Laffitte/Deloach, Kittridge/Laffitte/Lay/Protopapas/Taylor Murdaugh/Maddox/Mcintosh/ and so much more including the Appellants and other Judges which P-Appellants have left along thus far. The Legislators are similarly situated.

About a week ago, for the first time ever, a Clerk sent an email telling both sides (not that the other side is participating as the judge does all their advocating in an obvious violation of Neutrality), that 10 days from Judge Kristi Curtis' Order on the ADA, but still constructively denying it, the Appeals Briefs were due. This threat was normally threatened by the Court through deceptions, to avoid giving P-Appellants the block time/pages needed to cover the facts and the frauds of the lower court in the full Presentation of the Appeals Brief which was P-Appellants alleged right.

The Judges would not even budge on the 90 day block/200 pages, because of the proven Disabilities, that are ADA Reasonable Accommodation mandated rights, determined liberally by the Court if they are following the law. Further, the Appeals Court never even tried to discuss with P-Appellants their independent needs at the forefront that P-Appellants in good faith presented. P-Appellants even provided medicals and reasons why this was necessary, along with deteriorating conditions due to the Courts refusal to allow for ADA Reasonable Accommodations as requested that were needed as requested, which made total sense from the record.

The Appeals Court, as did the Trial Court, totally ignored and played games of hide-seek, gaslighting, refusing to clarify vague orders that didn't say anything about ADA issues, but the Court continued to say they did and kept calling P-Appellants request to clarify a vague order, that didn't even exists as the Appeals Court had real interests not to allow P-Appellants black time/pages necessary because they were involved in the outcome that was predetermined and were hiding the SC LMCE that could not allow P-Appellants to ever be heard. The Trial Court would not point to the Order that ruled on the ADA Reasonable Accommodations; granted or denied. They even had Laffitte partner Jasmin Smith write a letter posing as a judge, but signing as a Deputy Clerk who didn't even work for the Court in that capacity since 2015 and before. Smith was making threats and calling it an order when it was not and she could not sign non-ministerial documents anyway. The Court then tried to back date the website and some signatures of smith to make it look like she worked there, but P-Appellants already got meta tags and can prove that is not true.

Normal Judges with no intertest in the case do not lie this much to cover up something that should not be happening, if this were just another case. Their bad and deceitful behavior.

So P-Appellants knowing the fix was going to be executed, wrote a SMJ Challenge to the Appeals Court, and a Mandatory Recusal Motion both having to be heard by neutral judges . . .not the accused. and now a rewrite.. .a rush to rule on things they cannot rule on and dismiss all in the same moment, and where SMJ and Recusals must be heard by Neutral judges, not the ones being accused. And they have made it final and sending it to

the trial court because they must seal P-Appellants case, and erase all that was said, even though it is already up on some websites and being updated as this is written.

Further, Kittredge's SMJ connected the dots on why P-Appellants had to be buried to save Murdaugh's case as P-Appellants case tells on what really happened with Murdaugh and the Feigned State/Defense/Supremes made for TV show trial/Show appeal. They want P-Appellants case to disappear as they are ready to release the reversal for Murdaugh, their Kin and brethren on fake appealable issues by Becky Hill.

In the SMJ Challenge to the Appeals Court, P-Appellants also included the Asbestos scam docket run by the Supreme Court receiving billions in tax-free profits by creating a similar scam to P-Appellants Evidentiary Hearing-Sanction-dismissal. . .and default since Mcintosh withheld the filing himself. . . a filing turned in on time, even though the Appeals Court is claiming we defaulted and it was late. This is a straight LIE! We are tired of the lies form the Court. . .which shows it is obviously not neutral.

Ex. 2A, shows a picture of Dr. Fink entering the Courthouse on the due date on February 26, 2025, at 3:36 p.m. and had to turn the document into the Clerk who called Mcintosh's clerk who came to pick up the document and take it to Mcintosh. Ex. 2B, shows a close up of the same picture showing Dr. Fink walking into the back of the courthouse reserved for handicapped people, and employees of the courthouse, to take the answer to the bogus and fraudulent Evidentiary Hearing, to the 1st floor Clerk's office in Anderson Country at the Common Pleas Court. P-Appellants recorded everything knowing the lies

that would come out to cover for each others' crimes in the LMCE. P-Appellants are NOT new.

Mcintosh later refused to file the document meaning you all can try to lie all around this, when it is the State who is acting unconstitutionally by not filing the document and then writing an order and filing that like honest courts would do. Mcintosh obstructing justice and obfuscating evidence is to be punished not the victims of this charade. . .the RACKETEERS feigned case, just like Murdaugh and the Asbestos Docket. It is Mcintosh that is acting totally unconstitutionally so the Judges could obstruct justice by tampering with the record so the Appeals Court can later lie for them to try to further fix the predetermined outcome with nonsense this Court knows is not true. Mcintosh decided he was not going to file it over our objections, which were also not filed, just like you all do with your records of obstructing and Obfuscation of the Record. It's the Ministry of Truth at work again. . .you, the Appeals Court and the Supremes do it too. . . P-Appellants record everything! . . . copy everything. . . . copy meta tags from everything. Even the Appellate Court website showing Jasmin Smith didn't work at the Appeals Court when she wrote the Laffitte/intimidation letter on your behalf trying to trick P-Appellants, while impersonating a judge. And the Supreme Court empowered Mcintosh to obfuscate/tamper with the record and say P-Appellants should quit if they were concerned with their health issues. . .how is that an ADA compliant statement? It's as bad as the Appeal's Court showing their true motives.

More Appeal Court lies only further prove SMJ and Recusal are both right on point, and not permitted to be a footnote blanket denial on the same day as total dismissal, that concerned the very people "ruling" over their own guilt and liability in this matter. The

pictures of Dr. Fink in that courthouse in plenty of time before filing was over, has been caught on film knowing this could happen now, so the Appeals Court couldn't lie later as it was clear P-Appellants were not going to get any real justice in SC if the trial courts acted so blatantly Unconstitutional and criminal and the Supreme Court was backing the trial court's stealing awards to earn favor and money in the LMCE wealth redistribution center under color of law.

And further, and the Appeals and Supreme court knows this as a matter of law, when they are not taking part in a feigning and charade like now, that a judge cannot perform a sua sponte evidentiary hearing with no lawyers participating and keeping out all witnesses and evidence, and doing it right after it was clear the quitting attorneys could not get a 12b6 without P-Appellants fired attorney there to throw it to them. . . .they admitted this on or about December 15, 2023. The Evidentiary hearing cannot happen at this point in the case, nor can it happen to dismiss a case, while the Defense is trying to dismiss P-Appellants on such bogus statements is they did not comply with Virgin Island Custom and other such frivolous and irrelevant feigning that the Courts were looking for to dismiss on any reason at all. . .just to hand it off to the next conveyor belt court. . .the Court of Appeals who can get the case and run out the appeal with more charades and lies.

P-Appellants seeing their was no chance to comply, decided to use common sense to answer the questions of Mcintosh that he would not clarify. So P-Appellants asked the jury of public opinion, without being able to see or type, if a judge had no interest in the case and was truly neutral, would he stop discovery for 3 years, no depos, no subpoens/witnesses and call and evidentiary hearing that is vague, no lawyers are

involved, and with no time or pages available to be able to answer? Would judges rewrite the Rules of Civil Procedure in order to make up another hearing with the help of Allianz and attorneys form both sides, to try to create a reason to dismiss P-Appellants case, when if honest, they would let the rules play out and not want such drama if they didn't have interests in fixing the case. Fixers break laws to hide their crimes. . .normal judges go by the rules and avoid the dramas of not doing so because they do not hold interests they have to hide. This is just common sense and the law and Judges actions must make sense and appear reasonable.

The evidentiary hearing further cannot be used after 3 years of litigation where there were no objections or winning contests against P-Appellants that whole time and P-Appellants were not permitted to schedule unless Elizabeth Beasly, the scheduler said so, which is an entire different set of frauds by the Clerk of Court C. Reena Thomason and the Scheduler that P-Appellants finally caught the two of them hiding Orders from P-Appellants to try to force defaults. Only one would lose and Beasley no longer works there as the Clerk has more Aristocratic Maddox blood in her.

These filings were in good faith, necessary to at least try to get past the stonewalling, which was not going to happen, and the matters were moot and part of P-Appellants trying to fight the RACKETEERS trying to end their case, and get their discovery, challenged Defense when there attorney previously had covered up for Defense lawyers many defaults and losing attempts to cheat. Lazy Judge syndrome is not P-Appellants issue, but that of the Court.

ARGUMENTS

Using some visual and verbal aids and cannot be proofed.

ALL JUDGEMENTS AND RULINGS AGAINST P-APPEALLANTS FEIGNED CASE THAT P-APPELLANTS HAVE CONTESTED, INCLUDING REFUSAL OF RECUSING WHILE JUDGING THEIR OWN QUILT/LIABILTIY, REFUSAL TO HONOR SMJ CHALLENGE WHILE JUDGING THEIR OWN GUILT AND LIABILITY, THIS ALLEGED FINAL RUSH TO JUDGMENT FOR NEFARIOUS REASONS INVOLVING JUDICIAL THEFTS OF AWARDS, FEIGNED MURDAUGH CASE AND FEIGNED ASBESTOS HEARINGS/SETTEMENT AND OTHER WHERE THE APPEALS COURT IS LYING AGAINS THE RECORD ITSELF TO BOLSTER ENTIRELY UNCONTITUIONAL STRUCTURAL ACTS THAT ARE NOT HARMLESS BUT GROUND FOR VOIDING AND DEFAULTING.

THIS IS ALL REGUARDING VOID JUDGMENTS, FRAUD ON THE COURT IGNORED, LACK OF SUBJECT-MATTER JURISDICTION INGORED, MANDATORY RECUSAL IGNORED, ADA VIOLATIONS IGNORED, DENIAL OF DUE PROCESS IGNORED, LIES ON THE TRUTH ABOUT THE CHARADE EVIDENTIARY HEARING TO JUSTIFY STRUCTURAL CONSTITUTIONAL VIOLATIONS, AND RICO IMPLICATIONS

This case presents a systemic collapse of constitutional procedure by SC Trial, Appeals and Supreme Courts. The courts:

a. concealed and denied **subject-matter jurisdiction (SMJ)** challenges, (Appeal/ Supremes).

b. refused **mandatory recusal** while ruling on their own alleged misconduct, (Trail/Appeal/Supremes),

c. denied **ADA accommodations** while using those denials to create default, (Trail/Appeal/Supremes), and trying to make their lies and mislabeling, and gaslighting look like good faith attempts to comply. Further they did not take into account P-Appellants individual needs that Appellants continued to address with the court totally ignoring their explanations. The same requests would be granted even if no disability on a complex and voluminous matter like Murdaugh causing

selective enforcement. They need Murdaugh to win. They need P-Appellants to lose and be silenced.

d. imposed **impossible procedural burdens**, (Trail/Appeal/Supremes),

   i. **<u>Appeals and 50 ways to deny a mandated law/not discretionary, without ever admitting it</u> so the disfavored target will not be able to have meaningful due process and a full right to an Appeal**

   Presentation: 50 pages for 20,000 documents, 30 increments that could stop at any time leaving P-Appellants unable to budget time and rest sufficiently so they could see, type, not have seizures, not be lifting heavy boxes in a rush repeatedly do to sudden changes by the Appeals threatening to end the case.

   ii. **<u>Trial/Supremes creating an Asbestos</u>**-like Discovery-Sanction lien, but in this case, they don't' care if P-Appellants are denied discovery and instead they create an Evidentiary Hearing-sanctions lien, through impossible parameters meant to make it impossible to win. And Trial/Supremes allowing Mcintosh this ridiculous evidentiary hearing that a first year law student knows is not permissible, and where sanctions are not explained as to what document is not proper and why so P-Appellant had a chance in their total 20 pages including exhibits to address 162 documents which means over 8 documents had to be convincingly covered per page, which is ludicrous and again no ADA reasonable accommodations granted or allow to be filed, and not enough time to

prepare (10 active days), no witnesses to authenticate, no depositions or discovery (one late small amount that were moot by time they arrived after years of P-Appellants pushing to get them.

e. **intercepted and manipulated filings**, (Trail/Appeals/Supremes);

i. **Supremes:** Don't file the Murdaugh SJM and go forward with Murdaugh, where they are clearly ready to reverse and remand and need P-Appellants case finished as orchestrated with the Appeals Court.. . that is what this is all about now. Just as P-Appellants have state in these SMJ Challenges. They must have P-Appellants case silences and buried to help fellow Aristocrat Murdaugh "get away with murder." . . .and more.

They mislabel the filing later when they finally turn it in and do not respond to it. They must get a neutral hearing to hear and should stop all hearings and proceedings but have not.

ii. **Appeal**: Label ADA Motions incorrectly, claim there is an Order addressing this when there is not, call all demand for constitutionally clear order and the court calls these 221(c) attempts to reconsider when the rule is not even relevant and Constitutionally vague orders must be made cleared and are not reconsiderations. Misquote the hearing of an Motion, Call a Motion regarding ADA a Motion for Objections which doesn't' even

make sense, refuse to file Motions, refuse to answer motions, sent a Laffitte lawyer in to try to intimidate P-Appellants, act like a judge, call a letter an order and threaten to dismiss and make other legal conclusions, and then claiming she is a deputy clerk when she was in 2015 and before, and then attempts to back date websites and signatures to pretend she was an employee of the Court when she was a partner in a favored firm that will do anything for points with the appeals/Supremes, even this. P-Appellants kept the meta data showing backdating by the Appeals court and Jasmin Smith. (See SMJ challenge that wasn't even read most likely).

Also the SMJ CHALLENG and the Recusal Fraud on the court Motions filed 4/23/26, were mislabeled to hide this from the pubic, as alleged "correspondence, and only after caught, were they changed to Motion for SMJ Challenge and Recusal Because Fraud on the Court by the Court.. Ex 3A., 3B.

iii. **Trial**: Judges reviewed all filings before permission to file when no vexatious conduct was found. If court didn't like that P-Appellants were documenting court corruption in their case it was not filed and no record would show it was kept from being filed, like the above alleged late filing of the evidentiary hearing documents which is an outright lie. P-Appellants have to take pictures of their

presence just to try to stop the massive amounts of lying going on in these courts.

f. acted as **advocate for non-responding parties**,

i. Judges cannot give the opposing counsel a pass. .. and then argue for them as an Order, with no way P-Appellants can respond without calling it a reconsideration under 221(c). Judges cannot act as prosecutors or adversaries by speaking on behalf of one side. They cannot be judges and prosecutors etc., in the same case. Defense has defaulted on all Motions and Judges need to recuse for neutral judges and their motions need to be void as to the wrong doers, while P-Appellants are protected. And entry for P-Appellants needs to be finally entered, and paid in full. P-Appellants will provide the Judgment upon request.

1. **Appeals Court** does this regularly and all is defaulted, including their ruling on the SMJ, Recusal, Final Order, ADA issues and all granted to P-Appellants. Please enter judgment for P-Appellants.

2. Supreme Court did this with the SMJ Challenge stating that the attorneys are waiving their right to respond. There is no record of attorneys waiving rights, therefore there is an Ex parte communication. The matters are void as to the Court's right to

responded, and the Attorneys, and Judgment for P-Appellants who are movants in this challenge, need to be entered along with all else they demanded as the Court and Attorneys voided themselves from the case, and Murdaugh must return to prison with no more appeals.

g. conducted a **sua sponte evidentiary hearing without due process**,

i. The notice was incorrect because an entire trial was occurring and not an evidentiary issue in good faith by the adversary (not the judge adversary).

ii. See above, no witnesses, subpoenas discovery, depos, no lawyer participation, no time, no significant pages, judge stealing jury away and playing judge, jury, prosecutor, vague demands to show cause with no clarification and so forth. This is an evidentiary hearing-sanction by Judges that cannot preside over the case and refused to recuse. Court decides not to file an intercepted filing, and makes it late to say there is a default. . .see Ex. ____. Appeals using every flimsy excuse and outright lies to predetermine the outcome now because the Supremes need to drop the Murdaugh fixed ruling and can't do it while P-Appellants are still around. . .just as they claimed in the SMJ Challenges.

h. **mischaracterized filings to avoid ruling**, See all three courts doing this more than not to avoid ruling, avoid public scrutiny, cause more money and time for P-Appellants to clear up the record constantly wearing them down and trying to gage their treasure chest, which is sufficient to continue.

i. **altered the record post hoc**, by calling the SMJ Challenge a "correspondence-incoming (Objection), then later, after this fixed ruling, it says Motion-Subject Matter Jurisdiction for fraud on the court challenge." and

j. **simultaneously denied motions and dismissed the case**, eliminating all opportunity for neutral review. The Appeals Court denied the SMJ Challenge in a footnote. . .with no opinion or order so it is not an order. Same with the Recusal. Neither can be heard by the Appeals and Supreme Court judges as they are the subject of these actions.

k. **No stay or specific numbers of days before any due date was given was made, and all the matters are final with the Court not waiting for post-judgments motions. If the Allianz last funds have not yet been released illegally, they will be once this order arrives at the Trail Court per a rule 221b according to them. This and the fact Murdaugh and now Asbestos dockets are being challenged and have too much in common with P-Appellants case to let P-Appellants case remain open, are reason for the sudden rush and ignoring any time delays that must happen. All these Judges in the Appeal and Supremes are added to the**

RACKETEER list as they are a part of the LMCE schemes to redistribute wealth to themselves and each other in the LMCE, under color of law.

These actions render all resulting orders **void ab initio**, constitute **fraud on the court**, caused Defense to Default on all it chose not to participate in and the judges even more reasons to recuse, and supports waiver of immunity and actions for liability and criminality under **RICO**. The criminals pursuits are starting to be pursued now that the record is so slanted in favor of everything claimed by P-Appellants.

I. SUBJECT-MATTER JURISDICTION WAS CONCEALED, MISLABELED, AND UNLAWFULLY DENIED

Subject-matter jurisdiction is non-waivable and must be resolved first and not by footnote and not by interested parties being accused who must recuse.

"Without jurisdiction the court cannot proceed at all in any cause." *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1869).

"A judgment rendered without subject-matter jurisdiction is void." *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998).

Here:

1. Plaintiffs' SMJ motion was **filed as "correspondence"**,
2. it was **not properly docketed**,
3. it was **denied by the very judges challenged**, and
4. the court proceeded to dismiss the entire case.

When Plaintiffs exposed this, the appellate court **altered the record without notice**, attempting to conceal the misfiling. Plaintiffs preserved **date-stamped photographic evidence** of the before-and-after record. See Ex ___, ____.

This constitutes **fraud on the court**:

"Fraud upon the court…is a wrong against the institutions set up to protect and safeguard the public." *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944).

II. MANDATORY RECUSAL WAS VIOLATED—JUDGES RULED ON THEIR OWN MISCONDUCT AND DID SO IN A FOOTNOTE IN A CASE DISMISSAL ORDER THAT DISMISED THE ENTIRE CASE.

"No man is permitted to try cases where he has an interest in the outcome." *In re Murchison*, 349 U.S. 133, 136 (1955).

"Due process requires…an absence of actual bias." *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 883 (2009).

Rule 501, SCACR:

a. **Canon 1**: "A judge shall uphold…integrity and impartiality…"
b. **Canon 2(A)**: "A judge shall act…to promote confidence…"
c. **Canon 3(E)(1)**: "A judge shall disqualify himself…where impartiality might reasonably be questioned."

The judges:

a. refused recusal,
b. ruled on their own motions accusing them of misconduct,
c. did so in a footnote, with the SMJ Challenge, WHICH NEITHER ARE ORDERS, NO R PROPERLY REVIEWED, and

d. dismissed the case simultaneously with dismissing the entire case without a stay or time to do motions on the matter, or file the document, and already sent to the trial court who may need that order to get the last amounts of money laundering from Allianz who will be cya-ing because they know they are under investigation. The dates will show that they are RACKETEERING. The Court may try to seal the record also as they have been trying to strike and remove the record for a long time . . December 2023.

e. Took action on the case before the hard mail would have ever arrived at the Courthouse, as this was preplanned. P-Appellant often mail all by hard copy and email a sample of what is in the mail to the Clerks so they know what is coming. This Order was pre-determined and ready to be issued, until they got the two motions and then just footnoted the names and denied them because the Order needed to go out.

f. Took actions as if the matter is closed rather than waiting for post judgments motions, challenged, and notice of appeal to the U.S. Supremes on Federal Questions that give P-Appellants grave concerns on the rush to judgment as fast as they could do it. The footnoted SMJ Challenge due to Fraud no the Court by the Court and the Mandatory Recusal being footnoted shows the Order was already written and ready to be issued.

This is structural constitutional error.

III. FAILURE TO STAY PROCEEDINGS CREATED IMPOSSIBILITY AND DENIED DUE PROCESS

Pending SMJ and recusal required a **stay of all proceedings**. Instead:

a. deadlines continued,

b. impossible obligations were imposed, and

c. dismissal was issued simultaneously as a footnote in the Order dismissing the case upon denial. A footnote about two Motions in an Order to dismiss the case itself, is not an Order on the Motions/Challenge.

"The fundamental requirement of due process is the opportunity to be heard…at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

No meaningful opportunity existed. The entire Challenge and Motion to recuse were footnoted into the Dismissal already pre-written and only complicated by two very serious motions they denied without review and certainly without review by a Neutral adjudicator(s).

IV. ADA VIOLATIONS AND MISCHARACTERIZATION OF FILINGS

Plaintiffs repeatedly sought ADA accommodations. The court:

a. refused to rule,

b. mischaracterized requests as **Rule 221(c) rehearing motions**,

c. ignored worsening disabilities caused by its conduct.

"No qualified individual with a disability shall…be denied the benefits of the services…of a public entity." 42 U.S.C. § 12132.

"A public entity shall make reasonable modifications…" P-Appellants accommodation was the least restrictive. 28 C.F.R. § 35.130(b)(7).

Judges cannot claim words like Construed for the litigant without doing so. Substance is over form and Constitutional Rights have been violated.

The time Plaintiffs allegedly "had" was consumed by **fighting for basic access**, not preparing filings.

Judges cannot use procedure to keep a litigant form Due process or toher Structural Rights.

V. IMPOSSIBLE PROCEDURAL BURDENS AND AMBIGUOUS ORDERS

The Trial Court imposed:

a. **20,000+ pages of evidence**,
b. **162 documents**,
c. **10 active day deadline**,
d. **20 page limit to included exhibits**
e. **Over 8 documents needed to be covered per page**
f. **P-Appellants gave the judge the benefit of the doubt and felt he must have meant 20 pages per issue. Otherwise he would be so over the top Unconstitutional that P-Appellants did not think he would be that ignorant to give Due Process Structural Violation appealable issues away.**
g. ambiguous instructions (e.g., 20 pages total vs. per document).

The court:

a. refused to clarify,
b. later penalized Plaintiffs for reasonable interpretation.
c. to the dismissal of the entire case with tout a stay or time to do motions on the matter, or file the document,

“Due process requires notice reasonably calculated…to apprise interested parties…”

Mullane v. Central Hanover Bank, 339 U.S. 306, 314 (1950).

Impossible, wrong assertions, and unclear orders cannot support dismissal.

The Appeals Court Imposed:

a. 20,000 documents
b. Complexity of the case

c. ADA Reasonable Accommodations,

d. An entire Appeal Brief with specific references to 20,000 pages that P-Appellants can't see if they cannot take significant breaks to rest eyes, limbs and prevent seizures thanks to the intentional and malicious acts of the Judges, causing and weaponizing P-Appellants disabilities.

e. 30 days increments that could end any time and continually did,

f. 50 page max

g. to the dismissal of the entire case with tout a stay or time to do motions on the matter, or file the document,

VI. SUA SPONTE EVIDENTIARY HEARING AS A SUBSTITUTE FOR SUMMARY JUDGMENT

After failure of Rule 12(b)(6), the court:

a. created a **sua sponte evidentiary hearing**,
b. allowed **no discovery**,
c. blocked **witnesses, subpoenas, depositions**,
d. required immediate evidentiary proof.

This functioned as **summary judgment without Rule 56 protections**.

"The right to be heard…includes the right to present evidence." There were many meritorious issues in dispute, except that the Defendants already admitted to them and there were already defaults. *Powell v. Alabama*, 287 U.S. 45, 68–69 (1932).

P-Appellants already won their case several times over but the Courts would not enter the Judgements.

VII. JUDICIAL ADVOCACY AND FAILURE TO ALLOW RESPONSE in the Supremes, Appeal, Trial Courts.

No defense responses were filed. No waiver appears in the record.

Yet the court:

a. ruled as if opposition existed,

b. supplied arguments for Defendants.

"We follow the principle of party presentation." *Greenlaw v. United States*, 554 U.S. 237, 243 (2008).

Canon 3(B)(7):

"A judge shall not…consider ex parte communications…"

This is evidence of **judicial advocacy and orchestration**.

VIII. MANIPULATION OF FILINGS AND CLERK INTERFERENCE

Plaintiffs filed by delivering documents to the clerk. Instead:

In Trial Court:

a. clerk was instructed to send filings to chambers without filing,

b. filings were withheld or delayed,

c. later docketing made them appear "late," if they were filed at all.

"A paper is filed when it is delivered…" *United States v. Lombardo*, 241 U.S. 73, 76 (1916).

The court cannot create lateness and then rely on it.

IX. MANUFACTURED RECORD AND APPELLATE MISCHARACTERIZATION

The appellate court:

a. used Plaintiffs' the Trial Court 100–200 page filings against them, when the P-Appellants gave the Trail Court the benefit of the doubt and he would not clarify,

b. otherwise the direction of the court would created impossibility and the Appeals Court ignored the impossibility imposed below,

c. altered the record regarding SMJ filings, and rewrote it after caught in another illusion.

d. If P-Appellants mailed the documents which is not unusual because checks and other things cannot be emailed, then the box would not even have arrived until at least Wednesday, yet Tuesday they were dismissing.

e. They did not stay until the motions were properly considered.

f. issued **remittitur under Rule 221(b)** WAY TOO prematurely.

g. Footnoted SMJ Challenge and Recusal as an afterthought and this is not an Order on the SMJ/Recusal Motions, which also must be addressed by neutral judges not selected by the Courts involved in RACKETERING.

This prevents meaningful appellate review.

X. PATTERN OF CHAOS CREATION AND SUPPRESSION OF CLAIMS

The courts at all levels use this well worn tactic to steal justice from those with meritorious cases where they have financial interests in the case:

a. created procedural chaos,

b. limited time and pages,

c. suppressed filings exposing misconduct,

d. then used those constraints to dismiss.

This is intentional suppression of claims and record.

XI. VOID JUDGMENT AND PROTECTION OF INNOCENT PARTY

"No one shall be permitted to take advantage of his own wrong."
Southern Bank & Trust Co. v. Harrison, 245 S.C. 274, 140 S.E.2d 471 (1965).

Even where voidness is recognized, **innocent parties must not be harmed**.

The court's wrongdoing cannot extinguish Plaintiffs' rights.

XII. FRAUD ON THE COURT AND STRUCTURAL ERROR

The conduct includes:

a. concealment of filings,

b. denial of jurisdictional review,

c. record alteration,

d. ex parte conduct,

e. procedural manipulation.

f. Aristocratic/Groomed elite entrenchment

g. Creating a LMCE for redistribution of wealth under color of law. . .LMCE

h. Need to destroy P-Appellants case before Murdaugh and Asbestos cases get go to their next step led by the Feigned Courts and attorneys.

This meets the definition of fraud on the court: "A deliberately planned scheme to interfere with the judicial machinery." *Hazel-Atlas*, 322 U.S. at 245.

"A court cannot act as judge, advocate, and gatekeeper of the record while denying access, manipulating procedure, and dismissing for noncompliance. Such proceedings are not judicial, they are unconstitutional."

The Court may not enforce procedural or administrative rules in a manner that nullifies federally protected rights under the Americans with Disabilities Act, as Congress expressly mandated that the Act "shall be construed in favor of broad coverage…to the maximum extent permitted." 42 U.S.C. § 12102(4)(A). Title II of the ADA further provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity," which includes the courts themselves. 42 U.S.C. § 12132.

The Supreme Court has made clear that access to the courts is a fundamental right that cannot be obstructed by state practices or procedures, holding that the State may not deny individuals "a meaningful opportunity to be heard" in judicial proceedings. Tennessee v. Lane. In that case, the Court specifically recognized that the ADA validly enforces the

constitutional guarantee of access to the courts, and that administrative convenience or existing court procedures cannot justify exclusion or denial of participation.

Consistent with that mandate, federal regulations require public entities to "make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability," unless doing so would fundamentally alter the nature of the service. 28 C.F.R. § 35.130(b)(7)(i). Courts are not exempt from this requirement and therefore cannot rely on internal rules, page limits, or scheduling constraints to deny accommodations necessary for meaningful participation.

The use of rigid procedural limitations, such as page limits, expedited timelines, or restrictions on filings, to curtail a litigant's ability to present claims, particularly where disability-related limitations are implicated, violates both the ADA and constitutional due process guarantees. The Supreme Court has repeatedly held that due process requires "the opportunity to be heard at a meaningful time and in a meaningful manner." Mathews v. Eldridge. Procedural rules that operate to deprive a party of that meaningful opportunity are unconstitutional as applied.

Moreover, courts have long recognized that procedural rules cannot be applied in a manner that deprives litigants of access to appellate review or the ability to fairly present their case. The right of access to the courts is itself constitutionally protected, and state actors may not impose barriers that effectively foreclose that access. See Bounds v. Smith (holding that the Constitution guarantees meaningful access to the courts).

Where a court enforces procedural mechanisms in a way that disproportionately burdens a disabled litigant, refuses reasonable modification of those procedures, and then limits the litigant's ability to present arguments through page or time constraints, the result is not mere case management, it is the denial of equal access, in violation of 42 U.S.C. § 12132, implementing regulations, and the Due Process Clause.

Accordingly, any reliance on administrative efficiency, docket control, page limitations, or expedited procedures to deny accommodations or restrict a litigant's ability to fully present claims, particularly on appeal, constitutes unlawful discrimination under the ADA and a denial of meaningful due process as a matter of law.

XIII. EVIDENTIARY HEARINGS:

In addressing the improper sua sponte evidentiary hearing and related procedural irregularities:

A. Improper Judicial Initiation of Evidentiary Hearing Without Discovery or Party Request

It is well-established that an evidentiary hearing is designed to resolve a defined factual dispute that cannot be determined on the pleadings or written submissions alone and must be conducted consistent with the adversarial process and due process guarantees. *See* **Goldberg v. Kelly**, 397 U.S. 254, 267–68 (1970) (requiring that parties "be allowed to present evidence and argument orally" and to "confront and cross-examine witnesses" when factual determinations are made). The purpose of such a hearing is not to replace the

structured procedural stages of litigation, nor to empower the court to act as an advocate or prosecutor.

In South Carolina, evidentiary hearings are properly requested by a party or held upon specific legal necessity — not unilaterally initiated by a judge following a defendant's failed Rule 12(b)(6) motion. See **Rule 12(b)(6), SCRCP** (motion directed to the pleadings only). When a court calls an evidentiary hearing sua sponte to "clarify" matters after denying dismissal, it risks bypassing both discovery and the neutral adjudicatory role guaranteed by the state and federal constitutions.

The South Carolina Supreme Court has emphasized that "a trial judge must not assume the role of advocate for any party or appear to decide factual disputes in advance of trial." *See* **In re Brown**, 408 S.C. 230, 234, 758 S.E.2d 925, 927 (2014). Likewise, evidentiary hearings are not designed to serve as summary judgment proceedings or as mechanisms to deprive a litigant of jury trial rights. *Cf.* **Celotex Corp. v. Catrett**, 477 U.S. 317, 322 (1986) (summary judgment proper only when discovery is complete and no genuine issue remains).

Here, the presiding judge convened an evidentiary hearing without prior discovery, depositions, subpoenas, or identification of witnesses—procedurally foreclosing Plaintiffs from assembling their case or rebutting the opposing side's claims. Such conduct effectively collapsed discovery, pretrial motions, and trial into a single coerced event, depriving Plaintiffs of the procedural safeguards provided by the South Carolina Rules of Civil Procedure and due process.

B. Improper Treatment of Amended Complaint and Violation of Binding Prior Order

The impropriety was compounded when the court ignored a prior judge's order authorizing Plaintiffs to amend their complaint and expressly holding that the amended complaint related back and superseded all prior versions. See **Rule 15(c), SCRCP** (relation back of amendments); *see also* **Hughes v. Water World Water Slide, Inc.**, 314 S.C. 211, 214, 442 S.E.2d 584, 586 (1994) ("An amended complaint supersedes the original complaint and becomes the only effective pleading in the case.").

Despite that binding order, the subsequent judge demanded that Plaintiffs account for and "explain" every prior complaint — all of which had been rendered moot by operation of law. No finding of procedural defect, fraud, or other justifying cause was made to reopen those pleadings. Such disregard of a prior judicial order constitutes legal error and undermines the principle of finality. *See* **Ex parte First Union Nat'l Bank**, 307 S.C. 560, 562, 416 S.E.2d 727, 729 (1992) (a judge "may not overrule another judge of concurrent jurisdiction in the same case").

The same judge then ordered Plaintiffs to prepare between ten and twenty thousand pages of evidence, recordings, and documents—condensed into twenty pages including exhibits—within a ten-day effective window before the hearing. The record further reflects that approximately 162 documents were "flagged" for inclusion without explanation, each containing hundreds or thousands of pages themselves. Even absent ADA disabilities, such

a demand was objectively impossible and constituted constructive denial of access to the court. *See* **Boddie v. Connecticut**, 401 U.S. 371, 377 (1971) (due process forbids procedures that "preclude a litigant's opportunity to be heard").

C. Evidentiary Hearing as Misuse of Judicial Power to Predetermine Outcome

An evidentiary hearing called sua sponte in this context, following the defense's failed motion to dismiss and in advance of discovery, is inconsistent with its legitimate purpose and instead functions as a vehicle for judicial overreach. South Carolina courts have cautioned that "the appearance of fairness is as important as fairness itself." **Matter of Gravely**, 321 S.C. 235, 240, 467 S.E.2d 924, 927 (1996). When a judge's procedural conduct departs from established norms in a manner favoring one side, due process and the right to impartial adjudication are violated. *See* **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868, 876–77 (2009).

The record shows no motion, stipulation, or procedural necessity that would justify this hearing. Instead, it appears designed to short-circuit the adversarial process, restrict Plaintiffs' evidentiary presentation, and shield potential misconduct from discovery. Such misuse of judicial authority contravenes both the South Carolina Constitution's guarantee of "open courts and due process," *S.C. Const. art. I, § 9*, and the Fourteenth Amendment to the United States Constitution.

D. Summary on Evidentiary Hearing;

Evidentiary hearings must serve justice, not predetermined outcomes. They are meant to clarify, not to replace, procedural regularity. By ordering an evidentiary hearing sua sponte, disregarding a binding prior order on amendment, and imposing impossible production deadlines, the presiding judge departed from law, violated Plaintiffs' due process rights, and created an appearance of bias that undermines confidence in the judicial process.

XIV. RICO IMPLICATIONS

Under **18 U.S.C. §§ 1961–1968**:

Pattern includes:

a. obstruction of justice,
b. denial of rights under color of law,
c. coordinated judicial and attorney conduct,
d. manipulation of court processes,
e. LMCE created for redistribution of wealth through the courts
f. Aristocratic/Groomed Elite Entrenchment
g. State run scams on the people and Feigned cases to cover it up.

"A person…conspires to deprive others of constitutional rights may be liable under RICO." *Sedima v. Imrex*, 473 U.S. 479, 497–98.

XV. CONCLUSION

The courts cannot:

a. hide and relabel jurisdictional filings,
b. refuse recusal and rule on their own conduct,
c. deny ADA rights and use that denial to create default,
d. impose impossible and unclear obligations,
e. intercept filings and manufacture lateness,

f. act as advocate for non-responding parties,

g. conduct evidentiary determinations without process,

h. alter the record, or

i. dismiss cases to avoid review.

These actions violate:

a. the **U.S. Constitution (Due Process Clause)**,

b. the **South Carolina Constitution**,

c. **ADA Title II**,

d. **SCRCP and SCACR rules**,

e. **Judicial Canons (Rule 501)**.

Last Thoughts:

1) **Courts cannot enforce procedural or administrative rules in a way that nullifies ADA rights**, and

(2) **Courts cannot use page limits, time limits, or procedural restrictions to deny meaningful access to the courts or appellate review**, especially where disability is involved.

All resulting orders are:

a. Neutral Judges default Attorneys on all matters and Fraud on the Court by the Court for being a judge and advocate for the favored parties in this feigned case.

b. **Neutral Judges VOID AB INITIO**, Feigned cases and otherwise cannot be brought forth under SMJ Adjudication principles and other reasons herein argued.

c. the product of **FRAUD ON THE COURT**, and

d. Neutral Judges must be **VACATED IN FULL**, with further proceedings before a **neutral tribunal**, and **with full preservation of Plaintiffs' rights to include sanctions against the offenders and feigners and entry of full judgement for P-Appellants regardless of limits and further rights for P-Appellants to pursue all other avenues without statute of limits due to prolonged litigation and charades played at their expense.**

e. Neutral Judges Review all SMJ/Fraud on the court/Recusals and make Constitutional Correct decisions and,

f. Provide P-Appellants reasonable notice to be heard if for any reason these Points are not enough or clear enough to overturn, strike and vacate all of what the Appeals Court, Supreme and Trial Court and attorneys have done to destroy P-Appellants meritorious case through every dirty trick it could come up with to the point that its financial and other interests are self-evident demanding these outcomes herein addressed.

Submitted

_____

Dr. Marsha Fink, J.D., B.A
P.O. Box 433
Townville, SC 29689
954-279-3785
Date: March 25, 2026

PLEASE USE EMAIL FOR EASE AND TO GET THE ATTENTION OF P-APPELLANTS AND HARD COPY AS A COPY OF THE EMAIL. Sosofunny1959@gmail.com, and please keep the tricks of mailing elsewhere to obstruct justice away from this case and P-Appellants, who know these tricks occur in SC government.

_____

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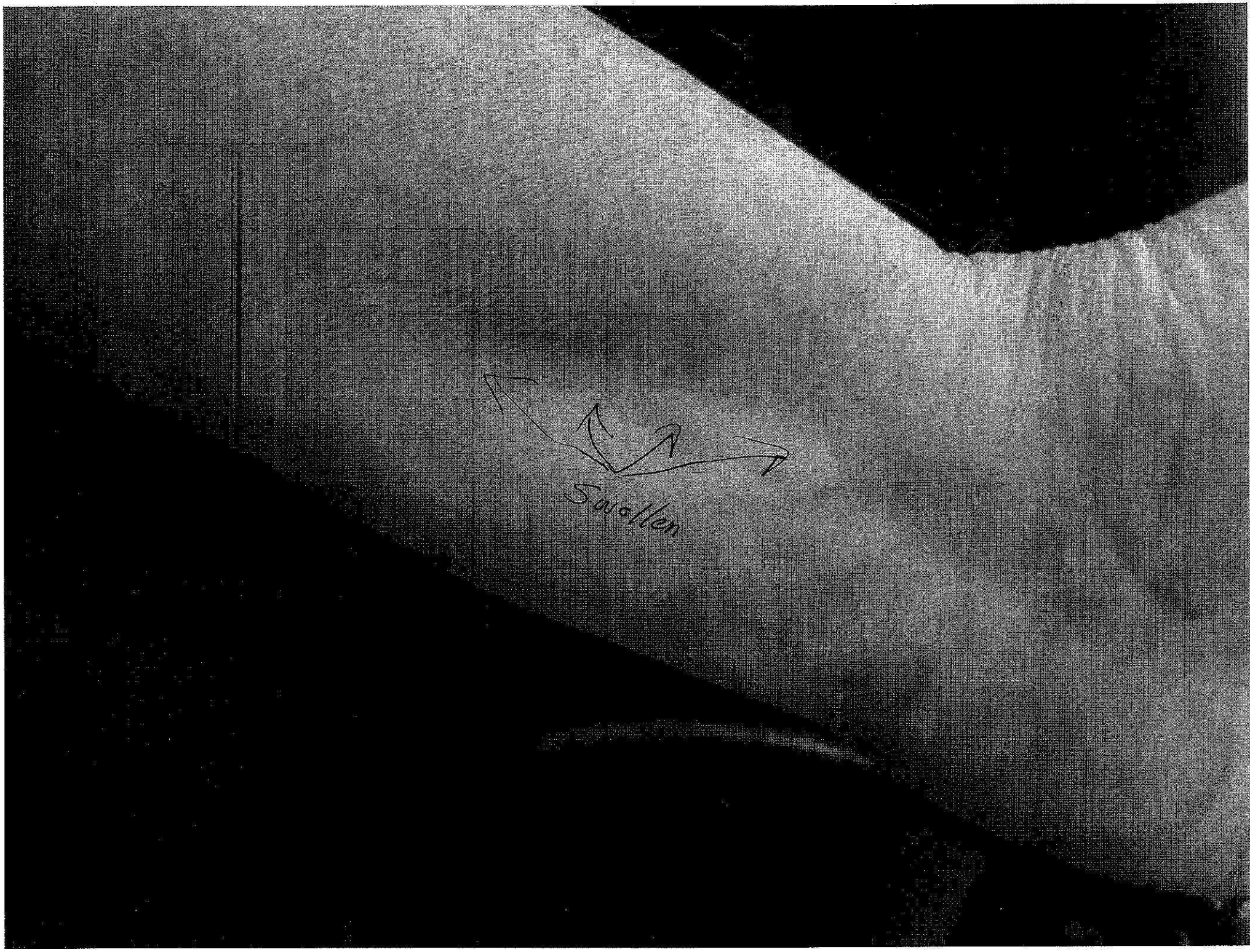
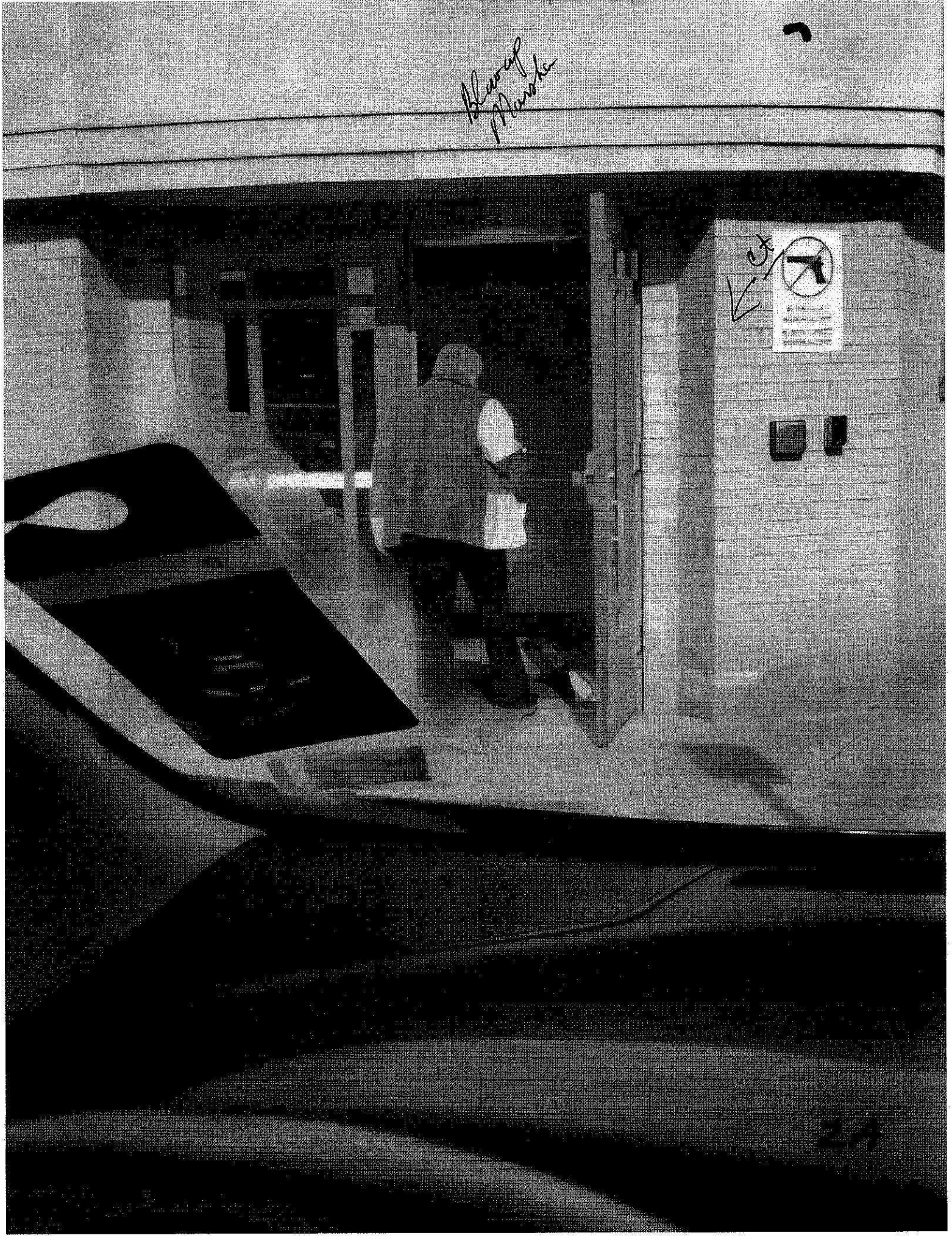

Schwellen



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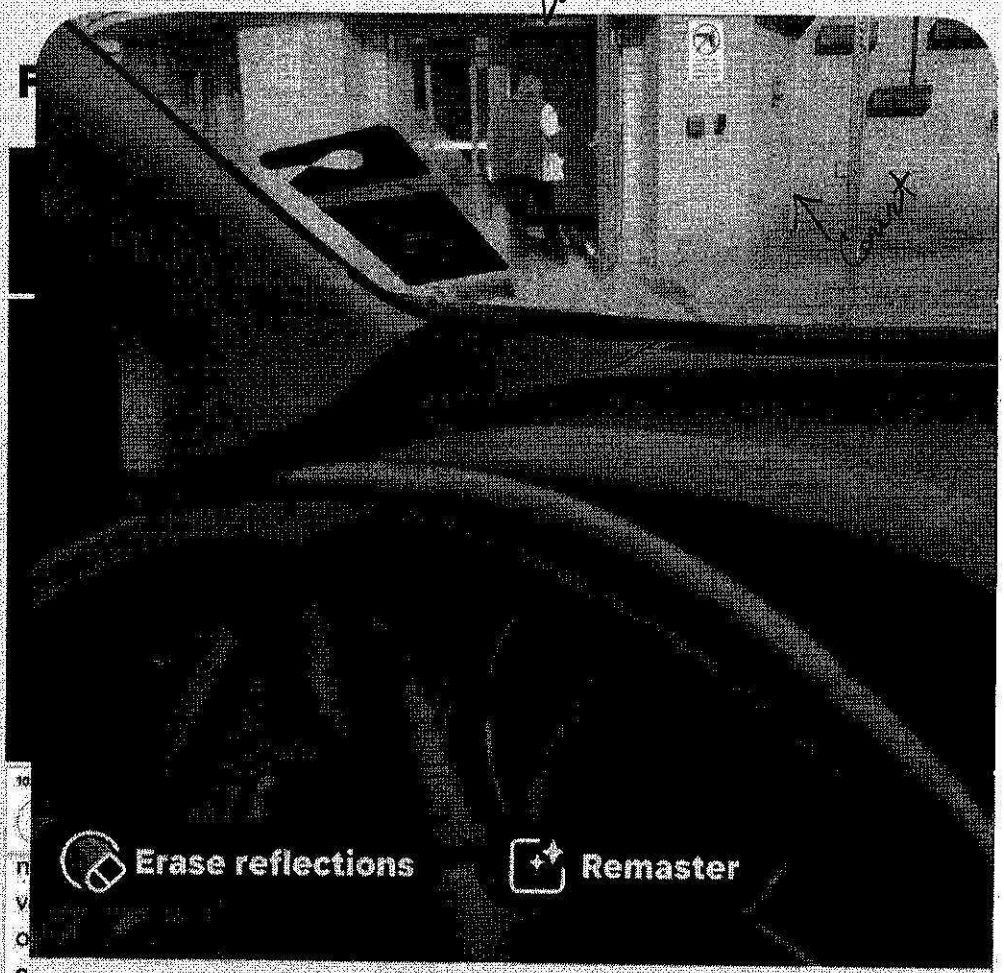
Marathon



Wednesday, February 26, 2025 · 3:36 PM ← TIME

20250226_153610.jpg

/Internal storage/DCIM/Camera

Samsung SM-S908U

4.14 MB | 3000x4000 | 12MP

ISO 12 | 23mm | 0.0ev | F1.8 | 1/348 s

2B

Event Information

Filed Date	Event Information
03/23/2020	Motion - Mandatory Recusal
03/23/2020	Correspondence - Incoming (Objection)
03/12/2020	Non-Dispositional Decision - Order - New C Part
03/06/2020	Correspondence - Outgoing (No Action Let
02/19/2020	Motion - New Constitutional ADA Reasonm
02/03/2020	Correspondence - Incoming (Correspondei
01/30/2020	Motion - Reasonable Accommodations
01/20/2020	Correspondence - Outgoing (No Action Let

34

Event Information

Filed Date	Event Information
03/24/2020 ★	Correspondence - Incoming (From Appell
03/24/2020 —	Dispositional Decision - Order - Dismiss
03/24/2020 ★	Correspondence - Incoming (From Appell
03/23/2020 ★	Motion - Mandatory Recusal
03/23/2020 ★	Motion - Subject Matter Jurisdiction for F
03/12/2020	Non-Dispositional Decision - Order - New Part
03/06/2020	Correspondence - Outgoing (No Action Le
02/09/2020	Motion - New Constitutional ADA Reason
02/03/2020	Correspondence - Incoming (Correspond

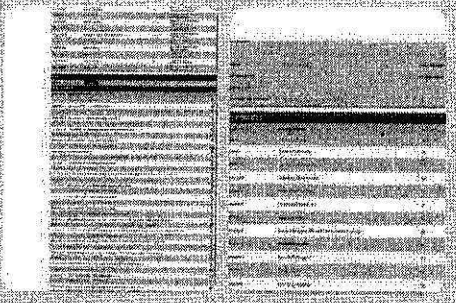
3B

11:56

Effect

Original Auto 01 02

Composition



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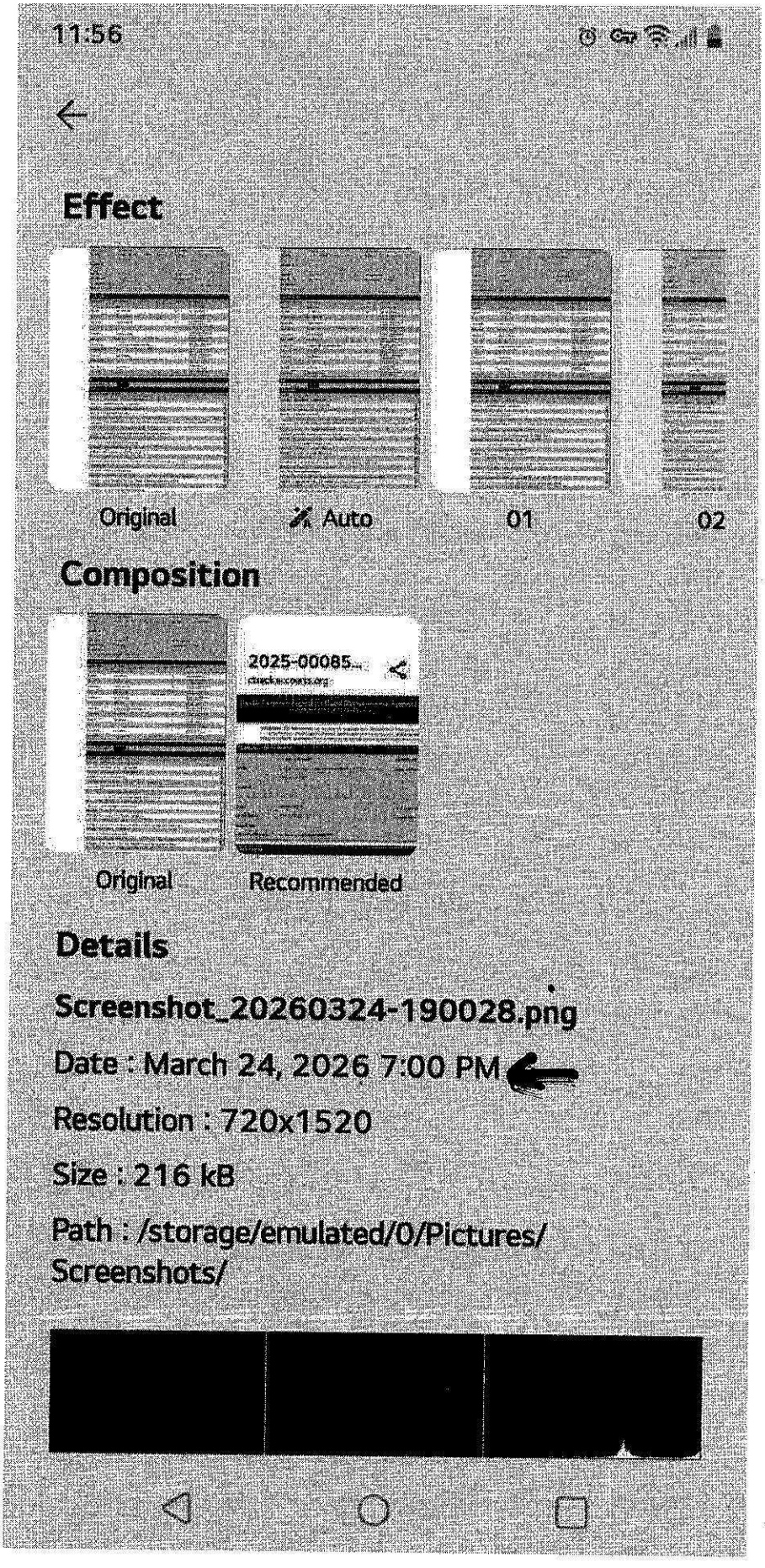
3C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Effect
Original
Auto
01
02
Composition
Original
Recommended
Details
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Date : March 24, 2026 7:00 PM
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Screenshots/

3D

RECEIVED
Mar 25 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Linda Kennedy and Marsha Fink

Appellants

v.

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

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 **Motion for a Neutral Tribunal/Judges to Review All Structural and Other Constitutional Issues and Recusal, SMJ Challenge and Fraud on the Court, Dismissal and Herein and Otherwise Listed** 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 March 25, 2026.

DATE: March 25, 2026

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