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IN THE SUPREME COURT OF SOUTH CAROLINA

Jul 16 2026

Linda Kennedy and Marsha Fink,
Petitioners,

S.C. SUPREME COURT

v.

Lake Hartwell Resort and Cabins, LLC, et al.,
Respondents.

Supreme Court No.: 2026-001282

Appellate Case No.: 2025-000859

Trial Court Case No.: 2022-CP-04-00592

AFFIDAVIT for FILINGS ON 7/16/26

NOTE REGARDING ADA / ACCESSIBILITY

Petitioners submitted the Cert filing under severe ADA-qualifying visual, limb, structural, neurological, cancer, and many other physical disabilities with the most relevant being intentionally caused, exacerbated, and weaponized by State actors and all SC courts in this case, to include the Supremes. Petitioners require least-restrictive reasonable accommodation (including 60 block time and 200 expanded pages to cover the facts of the underlying case never heard, through Fraud on the Court by the Court and Void ab initio Trial, Appeal and Supreme Court lack of Subject Matter Jurisdiction) and time to review records, with recovery time, to provide a meaningful and full presentation, and that denial of such accommodations has repeatedly been used to engineer procedural dismissals to hide substantive facts that involve corruption in SC Government/Courts. Petitioners need more pages for this as they are both nearly blind at this stage of writing and trying to write with one eye open and other such mechanism to over come the intentional and malicious acts of the SC State Court Judges and their lawyers. This doc needs to be included in ADA Reasonable Accommodation expansion and note all has been rewritten from memory due to eye and limb issues and Dr. Fink dealing with losing half of her hip bone due to these attacks by the Court and neither can continue to be sleep deprived over this or overworked any longer as this aggravates the disability more.

Dr. Linda Kennedy

Filing Jointly

Dr. Marsha Fink

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***USE EMAIL FOR ALL COMMUNICATIONS**

REASONABLE ACCOMMODATIONS DEMAND, already made on all documents. Needed 60 Block Days, 200 PAGES, for initial Brief already Noticed, already requested with filing and no Order Received, and 40 Block Days, and 100 Pages, for Reply that must be ordered before this matter goes past the ADA Demand, and Same with the Rehearing Denials, that demand was

made for the very documents filed due to ADA Disabilities that the SC Courts thus far have never honored and often not even given a clear order, which makes the Return Moot.

The following has been written with many aids and mics and not proofed for accuracy or spelling/grammar/organization due to ADA Reasonable Accommodations needed and Noticed to all Courts repeatedly. Please see ADA Motion which states conditions. Petitioners were not able to write the last 20 pages as they cannot see the screen any longer and are haging a hard time typing and need this to be included in the ADA Reasonable Accommodations.

AFFIDAVIT OF MARSHA FINK

PERSONALLY APPEARED before me the undersigned, who, being duly sworn, deposes and states as follows, based on my own personal knowledge:

1. I am a Petitioner in the above-captioned matter and a resident of the State of South Carolina. and otherwise. I am over eighteen years of age and competent to testify to the matters stated herein as of this 7/16/26 day.
2. I submit this affidavit in support of Petitioners' Motion for Reasonable Accommodation under Title II of the Americans with Disabilities Act, to establish facts within my personal knowledge that are not otherwise reflected in the record on appeal.
3. I submit this affidavit also in support of the Cert. and Reply to Cert, to establish facts within my person knowledge that are not otherwise reflected in the record of the Trial and Appeals Court or which cannot be retrieved due to ADA Qualifying Disabilities.
4. November 28, 2023, following a thirty-day period during which Petitioners worked through repeated overnight sessions without sleep — including a stretch of three,

approaching four, consecutive nights — I collapsed with seizure-like symptoms in the courtroom of the Honorable R. Lawton McIntosh, at the feet of the presiding judge. Emergency medical services were called to the courthouse. I lost my hearing aids and contact lenses during this incident.

5. Following this incident, a treating neurologist and other neurologists attributed my seizure-like episode to sleep deprivation. I was thereafter placed on seizure medication, which I was recently seen and Order to stop. My medicals documenting this are in Ex. 2.
6. On about February 6, 2025, I experienced a third major seizure-like collapse at a storage facility approximately fifteen to twenty minutes North of my residence in Townville, SC, following another period of sleep deprivation and approximately two hours of physical lifting of heavy boxes before collapsing. I was transported to the nearest appropriate emergency facility unconscious, by Dr. Linda Kennedy who was with me lifting also.
6. I have sustained significant, cumulative physical injury during the course of this litigation, including approximately half the loss of my hip bone on x-ray, at least six compression fractures of my spine, and a resulting loss of height of approximately five to six inches. I have documentation of these conditions, including X-ray reports and other imaging, which I can provide as exhibits. With some listed as Ex. 2 in the accompanying ADA Motion filed this same day.
7. As of the time of the first seizure-like event on November 28, 2023 in front of Judge McIntosh with other witnesses, I lost the hearing aids I relied upon and was, at the time of the January 2025 oral evidentiary Ambush proceedings, still in the process of testing replacement devices, including bone-conduction hearing aids. I could not reliably hear

courtroom proceedings during this period without functioning hearing aids, and I requested accommodation on this basis, which was not meaningfully granted, nor was an ADA officer on site as claimed by the Columbia office. I eventually got some ordered by going through building compliance with no assistance from the court who denied the ADA accommodation.

8. McIntosh claimed that the court was complaint because they had a cement lift at the building, not even trying to understand ADA Law at all.
9. No physician has, at any point, made any finding contradicting or casting doubt upon my seizure disorder, my hip and back, or its medical origin starting in November 2023 due to Judge McIntosh's Sua Sponte Ambush and Unconstitutional hearing to dismiss Petitioners case by manipulating the law that is not Constitutional, when Petitioners were given intentionally and maliciously insurmountable, and legally impossible tasks to perform on limited time, that were not even our duty to perform,
10. I also witnessed Dr. Linda Kennedy staying up every other night with 3-4 going into these hearings starting with the 11/28/23 Sua Sponte Ambush by McIntosh.
11. She reports that she cannot see screens and print after a few minutes or working, and her upper limbs from elbow down are not conducting electricity properly, which is diagnosed by doctors that she needs surgery. I can visibly see that her forearms are half way swollen . . .the insides of each forearm, and that her hands get very swollen and red when working on the computer. She has to stop and break for a long period before she tries to continue. She is of little help in searching records because she can't see the writing any longer from what I have seen and heard. She has also fought genetic kidney stones since

I have known her in the 1980's and is passing stones as this is being written because she is very strong and takes the pain in order to get these documents in and tries to protect me from more hostility from the court also, in spite of both of us working on the case.

12. The facts stated in this affidavit are true and correct to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NOT.



Marsha Fink, Affiant

Sworn to and subscribed before me

this 16 day of July, 2026.



Notary Public for South Carolina

My Commission Expires: Feb 22, 2034

