In the Supreme Court of South Carolina

Penn America Insurance Company and Global Indemnity Group, LLC, Respondents,

v.

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S.C. SUPREME COURT

Morris Beach Hutson a/k/a M.B. Hutson, Petitioner.

Appellate Case No.:_____

From Richland County Court of Common Pleas

Case No.: 2020-CP-40-03810

Hon. Daniel Coble, Circuit Court Judge

Order Dated: July 14, 2026

(Petitioner respectfully moves for expedited consideration. Good cause exists because Petitioner is suffering ongoing and irreparable harm from an injunction and related judgment allegedly procured by extrinsic fraud upon the court. Under South Carolina law, relief from a judgment obtained by extrinsic fraud is cognizable under Rule 60(b), SCRCP, and the court retains power to grant relief where fraud has prevented a full and fair presentation of the case. See Rule 60(b), SCRCP; Gainey v. Gainey, 382 S.C. 414, 675 S.E.2d 792 (Ct. App. 2009).

Expedition is necessary because a delay will materially prejudice Petitioner, prolong the effect of the challenged injunction, and risk mooting related proceedings and requested relief. Orders concerning injunctions are immediately appealable under S.C. Code Ann. § 14-3-330(4), reflecting the recognized need for prompt appellate review where injunctive relief is at issue).

Introduction

Petitioner seeks review of the Court of Common Pleas' July 14, 2026, order denying relief from and refusing to dissolve or terminate a permanent injunction entered on January 9, 2025, in Case No. 2020-CP-40-03810. Petitioner respectfully requests that this Court reverse the July 14, 2026, denial order, vacate and dissolve/terminate the permanent injunction, and remand with appropriate instructions; or, alternatively, grant a stay/suspension/modification of the injunction pending appeal. The July 14, 2026, order denied relief from the permanent injunction entered January 9, 2025, in Case No. 2020-CP-40-03810.

Jurisdiction and Appealability

This appeal is taken from an interlocutory order that refused to dissolve or terminate an injunction. Interlocutory orders granting, continuing, modifying, or refusing injunctions are immediately appealable under S.C. Code Ann. §

14-3-330(4). Procedure for interlocutory appellate review and motions practice is governed by the South Carolina Appellate Court Rules, including requirements for notices of appeal, motions, and record designation. Stays and supersedeas pending appeal are governed by SCRCP Rules 62(c) and 62(g). The procedures for injunctions in the trial court are governed by SCRCP Rule 65. Relief from orders based on fraud, including fraud on the court, is addressed by SCRCP Rule 60(b).

Statement of Issues Presented

1. Whether the permanent injunction must be dissolved or terminated because it was procured through fraud on the court/extrinsic fraud, including engineered non-appearance via defective hearing notice and use of an obsolete address despite contemporaneous knowledge and use of Petitioner's correct address to serve the order. The injunction was entered after the court recited that Petitioner "failed to appear," and service records show post-hearing service to Petitioner's correct street address, while hearing notices had been mailed to a post office box and returned as undeliverable.

2. Whether the circuit court erred by denying Petitioner's motion to dissolve/ terminate the injunction on timeliness or procedural grounds where the record demonstrates notice defects, fraud on the court/extrinsic fraud, and

due process violations. The July 14, 2026, order denied relief following opposition asserting untimeliness and a duty to update the address, without the pre-hearing notice defects being cured.

3. Whether due process violations—including lack of adequate notice and opportunity to be heard—require vacatur and dissolution/termination of the injunction. Hearing notices to an obsolete post office box were returned undeliverable before the October 16, 2024, hearing; immediately thereafter, counsel served the proposed and executed order at Petitioner's known street address, 1545 Biltmore Street, Orangeburg, SC 29115.

4. Whether a stay, suspension, or modification of the injunction should issue pending appeal to prevent ongoing irreparable harm. Petitioner seeks interim relief to prevent ongoing harm from the injunction while this appeal is decided.

Statement of the Case

Plaintiffs initiated this action for injunctive relief on August 10, 2020, and a temporary injunction issued on December 9, 2020. A hearing on a permanent injunction occurred on October 16, 2024, before the Honorable Daniel Coble, and on January 9, 2025, the court entered a permanent restraining order reciting that Petitioner "failed to appear." Service records reflect that the proposed and executed permanent restraining order was mailed to Petitioner at 1545 Biltmore

Street, Orangeburg, SC 29115, including a January 9, 2025, certificate/letter of service from Plaintiffs' counsel. Petitioner filed a motion styled as a complaint on May 27, 2026, seeking relief from the permanent restraining order for fraud on the court/extrinsic fraud, wrongful default declarations, and a new trial; opposing parties responded on June 23 and 24, 2026. On July 6, 2026, a clerk's Form 4 memorialized denial of the Motion to Alter, Amend, or Reconsider, and Judge Coble's denial order followed on July 14, 2026.

Statement of Facts

The permanent injunction order recites that Petitioner "failed to appear" at the October 16, 2024 hearing. Before that hearing, notices mailed to a post office box were returned undeliverable. Immediately after the hearing, counsel served the proposed and executed permanent order at Petitioner's correct street address, 1545 Biltmore Street, Orangeburg, SC 29115. Petitioner contends opposing counsel advanced a "default" narrative and used an obsolete address for hearing notice while using the correct address immediately thereafter to serve the order, constituting extrinsic fraud and wrongful default declarations. Opposing filings acknowledge returned hearing notices sent to the post office box and later service of the proposed/executed order to the Biltmore Street address, while arguing lateness and a duty to update address. The permanent injunction restrains Petitioner from filing further pro se litigation in South Carolina state courts against specified parties or related to claims previously ruled upon.

Standard of Review

Appeals from orders granting or refusing injunctions are reviewed for abuse of discretion, errors of law, and constitutional violations. Whether due process was afforded is a question of law reviewed de novo. Claims of fraud on the court or extrinsic fraud affecting the integrity of the proceeding warrant equitable relief.

Argument

I. The permanent injunction must be dissolved/terminated because it was procured through fraud on the court/extrinsic fraud and due process violations.

The record establishes that hearing notices were mailed to an obsolete post office box and returned as undeliverable before the October 16, 2024, hearing, while the proposed and executed injunction orders were promptly mailed to Petitioner's correct street address immediately after the hearing. This sequence supports an inference that Petitioner's nonappearance was the product of defective notice and that the injunction was obtained through conduct preventing a fair adversarial proceeding—hallmarks of extrinsic fraud and fraud on the court warranting vacatur and dissolution. The court's reliance on a "failed to appear" recital undercuts the integrity of the order where the record shows a lack of actual notice and immediate post-hearing use of the correct address. SCRCP Rule 65 requires adherence to procedural safeguards, including notice and opportunity to be heard, for injunctive relief. Due process forbids entry of a

permanent restraint absent adequate notice and a meaningful opportunity to be heard.

II. The circuit court erred by denying relief on timeliness grounds where the record shows extrinsic fraud and denial of due process.

The opposition below argued that Petitioner's challenge was untimely and that Petitioner bore responsibility to update his address, but it did not negate that the hearing notice was sent to an obsolete post office box and returned as undeliverable before the hearing. Relief from judgments obtained by extrinsic fraud or fraud on the court is not constrained by the ordinary one-year limit applicable to other Rule 60(b) grounds and may be sought within a reasonable time, including by independent action. Fundamental due process violations are structural errors not cured by laches where a party was deprived of notice and a fair opportunity to be heard. The July 14, 2026 order's reliance on timing without addressing the integrity of notice and the proceeding was an error of law and an abuse of discretion.

III. Wrongful "default" declarations and fraud on the court require equitable vacatur and dissolution.

Petitioner identified a pattern of "default" characterizations despite disputed notice and service, invoking fraud on the court/extrinsic fraud and seeking

equitable relief from the injunction. Courts possess inherent equitable power to set aside orders procured by fraud on the court and to dissolve injunctions founded on such misconduct. SCRCP Rule 60(b) authorizes relief for fraud and, where an appeal is pending, permits the trial or appellate court to act with appropriate leave and on proper motion.

IV. The injunction is overbroad and imposes unconstitutional restraints absent valid notice and narrowly tailored findings; dissolution is required.

The injunction bars Petitioner from filing further pro se litigation in South Carolina state courts against specified parties and on defined subject matters. Filing restrictions implicate the constitutional right of access to courts and require rigorous procedural safeguards, narrowly tailored findings, and a clear record of abusive litigation practices before entry. Where the order issued after defective notice and a nonappearance caused by returned mailings, the restraint cannot stand.

V. Alternatively, a stay/suspension/modification pending appeal is warranted.

A stay pending appeal is appropriate where there is a likelihood of success on the merits or serious questions going to the merits, irreparable harm absent a stay, a favorable balance of equities, and consistency with the public interest. SCRCP Rule 62(c) authorizes courts to suspend, modify, restore, or grant an injunction

during an appeal on terms that secure the rights of the adverse party. Given the breadth of the restraint, the demonstrated notice defects, and the constitutional interests at stake, irreparable harm is established, and preserving the status quo pending review is warranted.

Procedural Requirements and Compliance

This interlocutory appeal and consolidated motion are filed in accordance with S.C. Code Ann. § 14-3-330(4). Applicable SCACR provisions govern the notice of appeal, service, docketing, motions practice in the appellate court, and the record/appendix, and Petitioner will comply with all formatting, service, and filing requirements, including any supersedeas provisions. SCRCP Rules 62 and 65, and Rule 60(b), provide the procedural bases for stays, injunction practice, and relief from orders for fraud on the court.

Requested Relief

Petitioner respectfully requests that the Court enter an order providing the following relief:

1. Reverse the July 14, 2026, order denying Petitioner's motion to terminate/ dissolve the injunction. The July 14, 2026, order denied Petitioner's Motion to Alter, Amend, or Reconsider seeking relief from and termination/ dissolution of the permanent injunction.

2. **Vacate the January 9, 2025, permanent injunction and dissolve/terminate its restraints. The permanent injunction was entered on January 9, 2025, following an October 16, 2024, hearing at which the court recited that Petitioner "failed to appear."**

3. **Remand with instructions that any further injunctive proceedings occur only upon proper notice to Petitioner at his correct address, with express, narrowly tailored findings supported by admissible evidence, and in compliance with SCRCP 65 and due process. Service records show counsel used 1545 Biltmore Street, Orangeburg, SC 29115 as Petitioner's correct address when serving the proposed and executed order.**

4. **In the alternative, grant a stay, suspension, or modification of the injunction pending appeal pursuant to SCRCP 62(c) and 62(g), to prevent ongoing irreparable harm while this appeal is decided. Petitioner has sought a stay on the grounds that continuing enforcement restrains access to court based on an order obtained without adequate notice and that the appeal presents serious questions.**

Verification

I, Morris Beach Hutson, a/k/a M.B. Hutson, verify that the factual statements concerning the proceedings and record cited herein are true and correct to the best of my knowledge, information, and belief, based on the filings and orders in

Richland County Court of Common Pleas Case No. 2020-CP-40-03810.

References include the January 9, 2025, permanent injunction order and service materials; the May 27, 2026, motion; the June 23–24, 2026, responses; the July 6–7, 2026, Form 4; and the July 14, 2026, denial order.

Date: July 20, 2026

Columbia, South Carolina

Respectfully submitted, Morris Beach Hutson

Morris Beach Hutson a/k/a M.B. Hutson

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Orangeburg, SC 29115

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Certificate of Service

I certify that on July 20, 2026, I served a copy of this Consolidated Interlocutory Appeal and Motion to Dissolve/Terminate Injunction, or Alternatively For Stay/

Suspension/Modification Pending Appeal, and the Proposed Order, by Cynthia Exum, a senior approved by SCACR, upon counsel of record for Respondents at their addresses of record in Case No. 2020-CP-40-03810.

Date: July 20, 2026

Morris Beach Hutson