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THE STATE OF SOUTH CAROLINA
In the Supreme Court

SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
J. DERHAM COLE COMMON PLEAS COURT JUDGE

LAUNEIL SANDERS.....APPELLANT(Plaintiff)

V.

WILLIAM H. RHODES.....APPELLEE(DEFENDANT)

WILLIAM B. DARWIN.....APPELLEE (DEFENDANT)

JANNETH SANDERS.....APPELLEE(DEFENDANT)

"AMENDED" RECORD ON APPEAL

LAUNEIL SANDERS, PRO SE APPELLANT, (Plaintiff)
4005 HIGHWAY 11
INMAN, S.C. 29349 (864)578-0922

WILLIAM H. RHODES ATTY FOR BURTS, TURNER, RHODES
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SPARTANBURG, S.C. 29304 (864)585-8166

WILLIAM B. DARWIN, ATTY FOR SPARTANBURG COUNTY
HOLCOMBE BOMAR
100 DUNBAR STREET, SUITE 200
SPARTANBURG, S.C. 29306

JANNETH SANDERS
593 SHORELINE BLVD
BOILING SPRINGS, S.C. 29316 (864)497-6018

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
J. DERHAM COLE COMMON PLEAS COURT JUDGE

LAUNEIL SANDERS.....APPELLANT(PLAINTIFF)

V.

WILLIAM H. RHODES.....APPELLEE(DEFENDANT)

WILLIAM B. DARWIN.....APPELLEE (DEFENDANT)

JANNETH SANDERS.....APPELLEE(DEFENDANT)

TITLE PAGE

(CASE # 2011191726)

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4005 HIGHWAY 11
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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
J. DERHAM COLE COMMON PLEAS COURT JUDGE

LAUNEIL SANDERS.....APPELLANT(RESPONDENT)
V.
WILLIAM H. RHODES.....APPELLEE(DEFENDANT)
WILLIAM B. DARWIN.....APPELLEE (DEFENDANT)
JANNETH SANDERS.....APPELLEE(DEFENDANT)

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Launeil SANDERS,

Janneth E. SANDERS and BURTS, TURNER and
RHODES and SPARTANBURG COUNTY, DEFENDANT(S)

PLAINTIFF(S)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN** (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other

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M. HOPE BLACKLEY

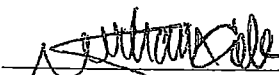
IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

This matter was before this court on defendants' motion to dismiss the complaint pursuant to *Rules 9(b), 12(b)(1)(6) and (8), SCRPC*, and *S. C. Code Sections 63-3-530(A)(2) and 15-36-100* and "other statutory and common law" and pursuant to *S. C. Code Section 15-36-10* seeking sanctions against the plaintiff for filing a frivolous Complaint.

Plaintiff filed this civil action; (1) asserting "Lawyer Malpractice" against Richard Rhodes and his law firm for filing a "frivolous, fraudulent, false triple corrupt Divorce Proceedings against me"; (2) seeking an Order requiring the County to intervene to regulate the conduct of lawyers in the practice of law; (3) seeking an Order barring Janneth Sanders from filing any "future frivolous, false filings in Family Court concerning me and Divorce"; (4) seeking an Order requiring establishment of a \$580,000 trust fund in the names of his children to be funded by the defendants, and (5) claiming emotional distress resulting from the frivolous and fraudulent filings.

After consideration of the presentation made and the applicable statutory and case law this Court finds that the defendants' **motion to dismiss** should be and is therefore **granted**. *Hall v. Fedor, 349 SC 169 (Ct.App. 2002)* (attorney-client relationship is necessary to maintain an action for lawyer malpractice); *S. C. Code Section 15-36-100* (in professional negligence cases an affidavit of a qualified expert must accompany the complaint); *Article V, S.C. Constitution* (the Supreme Court is vested with sole authority to regulate the practice of law); *S.C. Code Section 63-3-530* (Family Court has exclusive jurisdiction to hear and determine actions relating to marital litigation and matters related thereto)

The Court is not convinced by a preponderance of evidence that the plaintiff knew he was advancing a frivolous claim before this Court and therefore the defendant's **motion for sanctions** should be and is therefore **denied**. The plaintiff is however admonished that *pro se* representation is fraught with pitfalls and perils and a *pro se* litigant is subject to the same rules as licensed attorneys when prosecuting or defending a matter in the courts of this State.


J. Derham Cole, Presiding Judge

This judgment was entered on the 28 day of January, 2011, and a copy mailed first class this 28 day of January, 2011 to attorneys of record or to parties (when appearing *pro se*) as follows:



Launeil Sanders
4005 Highway 11
Inman, South Carolina 29316

William H. Rhodes, Esq.
Post Office Box 3408
Spartanburg, South Carolina 29304

William B. Darwin, Esq.
Post Office Box 1897
Spartanburg, South Carolina 29304

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)


CLERK OF COURT, M. Hope Blackley


STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

LAUNEIL SANDERS

IN COMMON PLEAS COURT
CASE NO.

Plaintiff
VS.

2010-CP-42-5527

JANNETH E. SANDERS
BURTS,TURNER AND RHODES,C/O RICHARD RHODES
SPARTANBURG COUNTY
DEFENDANTS

“ORIGINAL COMPLAINT”

I. HISTORICAL FACTS

A. That on October 4, 2010, RICHARD RHODES, c/o Burts, Turner and Rhodes filed a frivolous, fraudulent, false triple corrupt Divorce Proceedings against me. This is Family Law case # 2010-DR-42-2870.

B. In these filings Richard Rhodes files erroneous, false , fraudulent proceedings as per the South Carolina Statutes only four Grounds For Divorce pursuant to the South Carolina Statutes 20-3-10 are (1) Adultery, (2) Desertion for a period of one year, (3) Physical cruelty, (4)Habitual Drunkenness. I fit into **none** of these grounds for divorce, and my wife has No Grounds for eligibility for Divorce. Janneth Sanders is not eligible for divorce on any grounds currently; she does not have any eligibility. Thus the Presiding Judge Erred in granting a separate maintenance and delivered extreme emotional distress on me at the hearing on October 18, 2010. That nowhere in Richard Rhodes October 4, 2010, filing does he state any sufficient GROUNDS for Divorce as defined by the South Carolina Constitution and South Carolina General Assembly.

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C. At the October 18, 2010, hearing Presiding Judge issued an illegal, fraudulent, false inaccurate Separate Maintenance which is causing me a severe emotional distress and has to be corrected.

D. **For example, the State of South Carolina is chiefly interested in protecting the Sanctity of Marriage.** The State is vitally interested in the continuance of rather than the dissolution of, a marriage. Divorce is not favored or encouraged but is **discouraged.**

This action filed by Burts, Turner, and Rhodes, the Richard Rhodes goes in the opposite direction of the South Carolina Statutes 20-3-10. The Law will not force a divorce upon a party entitled to it, if he does not then desire it. (1964) 243 S C 447, 134 S E 2d 394. The South Carolina Constitution is a limitation upon the power of the legislature to allow divorce upon any ground other than these enumerated therein. Shaw v. Shaw (1911) 256 S C 453, 182 S E 2d 865.

E. You see, this filing of this erroneous, false wanton, reckless, flagrant, fraudulent action is detrimental to my FAMILY! It cannot be tolerated, and some severe punishment must be rendered To Burts, Turner, and Rhodes, the Richard Rhodes and Spartanburg County. The Clerk of Court must intervene also and pursuant to Frivolous lawsuits pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act , S.C. Code Ann. 15-36-10 et seq. must appropriately sanction Richard Rhodes of Burts, Turner and Rhodes. That the Spartanburg Clerk of Court must also set up an AFFIDAVIT that each attorney must sign that verifies they have followed the South Carolina Statutes and have complied with the Law. This affidavit will be kept on file by the Clerk. That Richard Rhodes is BEING SUED for His Lawyer Malpractice in this action.

F. That the October 18, 2010, hearing is detrimental to MY FAMILY as it destroys our family. It rips me wide open, and requires me to vacate a home which I borrowed from my Retirement Savings and built it with my own Sweat!

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SPARTANBURG COUNTY
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K. HOPPE-CLARKE

II. OTHER HISTORICAL FACTS

A. That my daughter and wife have been looking at new houses for the past year. That my wife tried to get a loan for a new house, but her credit was so bad that she was rejected. So my wife and daughter had made up their minds, they didn't want to stay living in the current house, did not want to wait to build a "New House" bigger than our old existing house. So my wife decided to sue me and get control of the \$18,120 (\$1510 per month) so that she would have more money to figure in her credit file. This \$18,120 is my Children's' U.S. Social Security Benefits which are paid to me every month by our government.

B. Right after Thanksgiving my wife decided to reconcile and let me Co-Reside with the family if I bought a new larger house in Spartanburg District 2 School District.

C. In January 2010 my wife, Janneth Sanders said to me " Take \$17,500 out of your RETIREMENT ACCOUNT AND PURCHASE THE HOUSE AT 593 Shoreline Blvd., Boiling Springs, S.C. 29316-6164, and I will reconcile and cancel the Divorce Proceedings, and we will live in that house as a Family Unit with our two Biological Children." In February 17, 2010, I purchased the said Home with my RETIREMENT MONEY of \$17,500. Janneth Sanders did have reconciliation, did discontinue the Divorce Proceedings and we moved into our said New Home. Now with conversation with our daughter she wants to cancel Our Reconciliation and disregard it. My daughter, Dorothy Love Sanders, has admitted being the Instigator in the Divorce proceedings and is also an Instigator in this current action.

D. That Richard Rhodes is going to pay a high price for filing this false, fraudulent, triple corrupt action, and for his deliberate, willful, wanton Lawyer Malpractice. It cannot be allowed to go unpunished. Some severe punishment must be sanctioned against him for all the emotional distress he has caused ME!

III. FIRST CLAIM FOR RELIEF

A. That Burts, Turner and Rhodes, the said Richard Rhodes, shall fully reimburse Janneth Sanders the \$2500 that she has paid him to date. That there exists no other alternative as Richard Rhodes filed this false, frivolous, fraudulent Lawsuit. If the

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SPARTANBURG COUNTY
DISTRICT 2
JAN 18 2010
5:52 AM
A. DREW BRADLEY

only thing you had to do was to pay money to a Slick Willie attorney, AMERICA WOULD REALLY BE IN A SAD, SAD

CONDITION. That Mr. Richard Rhodes has to be held fully accountable for His Actions and His Deliberate Willful Lawyer Malpractice.

IV. SECOND CLAIM FOR RELIEF

A. That defendant SPARTANBURG COUNTY must also intervene. They must set up with Clerk of Court, Hope Blackley an AFFIDAVIT TO BE SIGNED BY ALL WHO FILE COMPLAINTS (AND SHALL INCLUDE FAMILY LAW COURTS), and that this affidavit shall be kept on file with the original complaint. As pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act , S.C. Code Ann. 15-36-10 et seq., all lawyers must verify they have followed the Law. That it is imperative to send message to all Family Law Presiding Judges that **"determinations on if the party filing any future divorces is fully eligible under the South Carolina Statutes 20-3-10"** before any and all "Orders" issued by the Presiding Judges. Richard Rhodes lawyer malpractice shall not go unpunished.

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V. THIRD CLAIM FOR RELIEF

A. That of defendant, Janneth E. Sanders, I desire the Court to issue an ORDER barring any future frivolous, false filings in Family Law Court concerning me and Divorce. She is not entitled to any Divorce under any proceedings and the South Carolina Statutes. Thus, I move for this ORDER from the Court barring any future frivolous filings by Janneth E. Sanders.

VI. FOURTH CLAIM FOR RELIEF

A. That my spouse, Janneth Sanders, **does not want** a divorce. What she is really mad about is that she could not get approved for a new home loan. Thus, she decided to sue me for my U.S. Social Security Benefits that I draw monthly for my two biological children. This amounts to \$1510 per month, \$18120 per year. I have agreed and have transferred this \$1510 per month to her First National Bank account, starting in December 2009. But what this frivolous, false, fraudulent action filed by Richard Rhodes is that ,if successful, it will cost his client, my spouse, Janneth E. Sanders, almost

\$580,000 over 30 years assuming she would outlive me by almost 30 years. You see, my spouse, Janneth Sanders, is thirty years my younger, and if I Die at 80 years old, she would be 50 years old at my death. And she would start drawing my U.S. Social Security Benefits of \$1493 per month at my death. **If Janneth Sanders lives to be eighty years old, she would draw almost \$580,000, over one half million dollars from our U.S. Federal Government from my U.S. Social Security**

Benefits. Thus, I move for as Fourth Claim that a Trust Fund be opened in the names of my two biological children and that this "Trust Fund" will be paid in amount of \$580,000 by Spartanburg County and Burts, Turner and Rhodes' Insurance Carriers. Thus, my son Colonel Tony Sanders and my daughter Dorothy Love Sanders will have TRUST FUNDS set up in their names in the amounts of \$290,000 EACH paid by Spartanburg County's Insurance Carrier and Burts, Turner and Rhodes Insurance Carrier.

VII. FIFTH CLAIM FOR RELIEF

A. That I, Launeil Sanders, have been very emotionally upset over these Divorce Filings and have endured a deep emotional distress over these frivolous false fraudulent Filings

For when my former spouse died of liver cancer in 1990, I did not think that someone (THE GOVERNMENT) COULD STEAL YOUR own TWO Biological Children

However, IT HAPPENED! In July 25, 1990, I had an Evil, Evil sister in law who was a police officer for the City of Gastonia, North Carolina. She gained an "Emergency Custody Order" in Gaston County, North Carolina, 90-CVD-2566 in Gaston County , North Carolina. **I, Launeil Sanders, my spouse, and my Two Biological Children**

HAD NEVER, EVER LIVED IN GASTON COUNTY, NORTH CAROLINA. We had lived in Lincoln County, North Carolina, for a total of ten years, and in Spartanburg County, South Carolina, for a total of six months. Gaston County, North Carolina, never had Jurisdiction and committed criminal felonies, and other criminal misdeeds in removing children from Spartanburg County, South Carolina, to Gaston County, North Carolina. I have fought for 20 years in the U.S. District Courts to try to get Justice. I have pending litigation in U.S. Federal Western District of North Carolina, Charlotte

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 M. POPP-BACCHLE

Division in Charlotte, North Carolina, on behalf of my two biological children. However, the U.S Federal District Courts are so corrupt that they prohibit you access unless you have Millions of Dollars.

CONSTITUTIONAL AND STATUTORY PROVISIONS

INVOLVED

1. My U.S. Constitutional and U.S. Civil Rights were destroyed as in North Carolina's own James vs. Pretlow, N.C. Supreme Court ruled the surviving parent has all power and authority over His Biological children. The Biological Children's' Rights were violated as it prohibited them the privacy and secure Rights of sharing life with their Biological Father. The parents and children had never even lived in Gaston County, North Carolina. Gaston County never had Jurisdiction. No "Emergency Order" should have been allowed. Georgia West, the Gastonia Police Officer, was the one who lived in Gaston County.

2. My U.S. Constitutional First , Fourth, and Fourteenth amendments were violated. I was never allowed to challenge Jurisdiction, Venue, or any parameters. In Court, I was not allowed to present evidence on the fact that Gaston County Police Officer had attempted to murder her estranged husband in 1972, 1980 and was later murdered in 1985 in Kernersville, North Carolina, for which his homicide is still unsolved. It definitely was rigged against me in

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M. HOPE BRADLEY

Police Officer Georgia West's friendly Court. I never had a chance. **So that Spartanburg County and Burts, Turner, and Rhodes Insurance Carrriers shall pay me a total of \$1,500,000 for Emotional Distress for their Lawyer Malpractice and for deliberately violating my RIGHTS.** You see, I got totally screwed in 1990 by Gaston County, North Carolina, but today, I'm going to STAND UP AND VIROROUSLY DEFEND MY RIGHTS THIS TIME.

VII. SIXTH CLAIM FOR RELIEF

A. That I, Launeil Sanders, have been very emotionally upset over these Divorce Filings and have endured a deep emotional distress over these frivolous, false, fraudulent filings. That there is a U.S. Supreme Court precedent setting case for Punitive Damages. That this case is **Pennzoil Company V. Texaco Inc., 481 U.S. (1987)** No.85-1798 Argued January 12,1987 and Decided April 6,1987. In this case, the U.S. Supreme Court ruled that Punitive Damages in the Ratio of 9:1 of Punitive Damages to Actual Damages were reasonably approved. So thus, pursuant to the **Pennzoil Company V. Texaco Inc., 481 U.S. (1987)** No.85-1798. **I ask that the Court approve Punitive Damages in the amount of \$13,500,000.**

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 SPARTANBURG COUNTY
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 HOPE BLACKLEY

WHEREFORE, HAVING FULLY SET FORTH THE ORIGINAL COMPLAINT, the Plaintiff prays as follows:

1. That a **JURY TRIAL of all Claims and other issues is requested.**
2. That Plaintiff requests that any and all other relief that the Presiding Judge may deem necessary also be allowed.
3. That the reimbursement of Janneth Sanders in the amount of \$2500 be immediately refunded to her by Burts, Turner and Rhodes, the said Richard Rhodes.
4. That defendant Spartanburg County be required to have the Clerk of Court, Hope Blackley, be required to install Affidavit to be filed with all complaints and to be kept in the file with the Original Complaint.

- 5. That the ORDER be issued by Court that prohibits defendant, Janneth Sanders, from filing any future actions in Family Law Court against me, Launeil Sanders.
- 6. Thus, I move for as Fourth Claim that a Trust Fund be opened in the names of my two biological children and that this "Trust Fund" will be paid in amount of \$580,000 by Spartanburg County and Burts, Turner and Rhodes' Insurance Carriers. Thus, my son Colonel Tony Sanders and my daughter Dorothy Love Sanders will have TRUST FUNDS set up in their names in the amounts of \$290,000 EACH paid by Spartanburg County's Insurance Carrier and Burts, Turner and Rhodes Insurance Carrier.
- 7. That defendant Spartanburg County and Burts, Turner and Rhodes shall pay to me, Launeil Sanders, for Emotional Distress and Lawyer Malpractice and for deliberately violating my RIGHTS a sum of \$1,500,000.
- 8. That defendant Spartanburg County and Burts, Turner and Rhodes shall pay to me, Launeil Sanders, for Emotional Distress and Lawyer Malpractice and for deliberately violating my RIGHTS in Punitive Damages in amount of \$13,500,000.

RESPECTFULLY SWORN ON THIS THE 15th DAY OF October, 2011

Launeil Sanders

COLONEL LAUNEIL ("Neil") SANDERS
 593 Shoreline Boulevard
 Boiling Springs, South Carolina 29316-6164
 Telephone (864) 578-6637; CELL (864) 497-6018
 Email: colonel_launeilsanders@yahoo.com

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 SPARTANBURG COUNTY
 2010 OCT 15 AM 10:52
 M. HOPE BLANKLEY

PERSONALLY APPEARED BEFORE ME ON THIS 15th DAY OF October, 2011.

Diane P. Smol

 NOTARY PUBLIC

MY COMMISSION EXPIRES: Jan. 5, 2011

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE FAMILY COURT
SEVENTH JUDICIAL CIRCUIT

Janneth Sanders,)
Plaintiff,)

vs.)

Launeil Sanders,)
Defendant.)

AMENDED COMPLAINT
2010-DR-42-2870

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2010 OCT 19 PM 4:12
M. HOPE BLACKLEY

The Plaintiff would respectfully show the court:

1. The Plaintiff and the Defendant are husband and wife having been married in the State of Tennessee on February 26, 1994.
2. The Plaintiff and the Defendant are citizens and residents of the County of Spartanburg, State of South Carolina, and this court has jurisdiction of the parties and of this action.
3. The parties have two minor children: Dorothy (DOB: 12/26/94) and Tony (DOB: 6/10/03).
4. The parties previously separated and a Separate Maintenance Action was filed on October 23, 2009; a Temporary Order dated November 23, 2009 awarded custody of the parties' two minor children to the Plaintiff (See C/A 2009-DR-42-3042); the Plaintiff attempted a reconciliation, but it was unsuccessful.
5. Irreconcilable differences have again arisen between the Plaintiff and the Defendant, and the parties ceased living together as husband and wife on October 19, 2010; she believes that she is entitled to a Decree of Separate Maintenance.
6. The Plaintiff believes that she should have custody of the parties' two minor children with the Defendant having reasonable visitation and that the Defendant should pay as

Exhibit 2 10

child support the monthly social security benefits he receives on behalf of the two minor children.

7. The Plaintiff maintains family health insurance which is deducted weekly from the Plaintiff's check; the Plaintiff believes that the Defendant should be required to reimburse the Plaintiff each month for one-half of the total costs; and that each party be responsible for one-half of any uncovered medical and dental expenses for the minor children.

8. The Plaintiff believes that she should be entitled to reside in the marital home, or in the alternative, for the Defendant to provide reasonable lodging for the Plaintiff and the parties' two minor children.

9. The Plaintiff believes that the court should equitably divide the marital property and marital debt in a manner that is fair and just.

10. The Defendant is retired, but he has assets and income which the Plaintiff believes is greater than hers; the Plaintiff believes that discovery is necessary so that a proper determination can be made by the court for purposes of support, alimony, and equitable division.

11. The Plaintiff wishes to reserve the issue of alimony until discovery can be completed.

12. The Plaintiff believes that she is entitled to an award of attorney's fees for the bringing of this action.

13. The Plaintiff believes that the court should issue a mutual restraining order prohibiting either party from bothering, molesting, or mistreating the other in any way.

14. The Plaintiff believes that the court should issue a mutual injunction prohibiting either party from disposing of, encumbering, secreting, or destroying any marital assets during the pendency of this action.

WHEREFORE, the Plaintiff prays as follows:

(a) For a Decree of Separate Maintenance;

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SPARTANBURGH COUNTY
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M. SLOPE BLACKLEY

(b) For custody of the parties two minor children...

reasonable visitation;

(c) For the Defendant to pay, as his child support, the monthly social security benefits that he receives on behalf of the parties two minor children;

(d) For the Defendant to be required to reimburse the Plaintiff each month for one-half of the total costs of the family health insurance and for each party to be responsible for one-half of any uncovered medical or dental expenses on the minor children;

(e) For the issue of alimony to be reserved pending discovery in the case;

(f) For the parties to engage in discovery for purposes of determining child support, alimony, and equitable division;

(g) For a reasonable award of attorney's fees;

(h) For the court to issue a mutual restraining order;

(i) For the court to issue a mutual injunction;

(j) For such other and further relief that the court may deem just and proper.

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CLERK OF COURT
SPARTANBURG
2010 OCT 19 PM 4:12
M. HOPE BLACKLEY

BURTS, TURNER & RHODES
Attorneys for the Plaintiff
P.O. Box 3408
Spartanburg, SC 29304
(864) 585-8166

By: Richard H. Rhodes
Richard H. Rhodes

October 19, 2010

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE FAMILY COURT
SEVENTH JUDICIAL CIRCUIT

Janneth Sanders,)
Plaintiff,)
vs.)
Launeil Sanders,)
Defendant.)

COMPLAINT
2010-DR-42-2870

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FAMILY COURT
SPARTANBURG COUNTY
2010 OCT -14 AM 10:23
M. HOPE BLACKLEY

The Plaintiff would respectfully show the court:

1. The Plaintiff and the Defendant are husband and wife having been married in the State of Tennessee on February 26, 1994.
2. The Plaintiff and the Defendant are citizens and residents of the County of Spartanburg, State of South Carolina, and this court has jurisdiction of the parties and of this action.
3. The parties have two minor children: Dorothy (DOB: 12/26/94) and Tony (DOB: 6/10/03).
4. The parties previously separated and a Separate Maintenance Action was filed on October 23, 2009; a Temporary Order dated November 23, 2009 awarded custody of the parties' two minor children to the Plaintiff (See C/A 2009-DR-42-3042); the Plaintiff attempted a reconciliation, but it was unsuccessful.
5. Irreconcilable differences have again arisen between the Plaintiff and the Defendant, and she believes that she is entitled to a Decree of Separate Maintenance.
6. The Plaintiff believes that she should have custody of the parties' two minor children with the Defendant having reasonable visitation and that the Defendant should pay as

child support the monthly social security benefits he receives on behalf of the two minor children.

7. The Plaintiff maintains family health insurance which is deducted weekly from the Plaintiff's check; the Plaintiff believes that the Defendant should be required to reimburse the Plaintiff each month for one-half of the total costs; and that each party be responsible for one-half of any uncovered medical and dental expenses for the minor children.

8. The Plaintiff believes that she should be entitled to reside in the marital home, or in the alternative, for the Defendant to provide reasonable lodging for the Plaintiff and the parties' two minor children.

9. The Plaintiff believes that the court should equitably divide the marital property and marital debt in a manner that is fair and just.

10. The Defendant is retired, but he has assets and income which the Plaintiff believes is greater than hers; the Plaintiff believes that discovery is necessary so that a proper determination can be made by the court for purposes of support, alimony, and equitable division.

11. The Plaintiff wishes to reserve the issue of alimony until discovery can be completed.

12. The Plaintiff believes that she is entitled to an award of attorney's fees for the bringing of this action.

13. The Plaintiff believes that the court should issue a mutual restraining order prohibiting either party from bothering, molesting, or mistreating the other in any way.

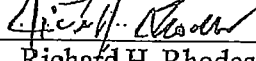
14. The Plaintiff believes that the court should issue a mutual injunction prohibiting either party from disposing of, encumbering, secreting, or destroying any marital assets during the pendency of this action.

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CLERK OF COURT
SPARTANBURG COUNTY
2010 OCT -4 AM 10:29
M. HOPE BLACKLEY

WHEREFORE, the Plaintiff prays as follows:

- (a) For a Decree of Separate Maintenance;
- (b) For custody of the parties' two minor children with the Defendant having reasonable visitation;
- (c) For the Defendant to pay, as his child support, the monthly social security benefits that he receives on behalf of the parties two minor children;
- (d) For the Defendant to be required to reimburse the Plaintiff each month for one-half of the total costs of the family health insurance and for each party to be responsible for one-half of any uncovered medical or dental expenses on the minor children;
- (e) For the issue of alimony to be reserved pending discovery in the case;
- (f) For the parties to engage in discovery for purposes of determining child support, alimony, and equitable division;
- (g) For a reasonable award of attorney's fees;
- (h) For the court to issue a mutual restraining order;
- (i) For the court to issue a mutual injunction;
- (j) For such other and further relief that the court may deem just and proper.

BURTS, TURNER & RHODES
Attorneys for the Plaintiff
P.O. Box 3408
Spartanburg, SC 29304
(864) 585-8166

By: 
Richard H. Rhodes

September 30, 2010

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 OCT -4 AM 10:29
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Launeil Sanders,)
Plaintiff,)

vs.)

AFFIDAVIT OF RICHARD H. RHODES
2010-CP-42-5527

Janneth E. Sanders, Spartanburg)
County, Burts, Turner & Rhodes,)
and Richard H. Rhodes,)
Defendants.)


PERSONALLY appeared before me, **RICHARD H. RHODES**, who after being duly sworn, states the following:

My name is Richard H. Rhodes, and I am an attorney with the South Carolina Bar. I am a partner with Burts Turner & Rhodes. On October 4, 2010, I filed a Motion, Summons, and Complaint on behalf of Janneth Sanders in connection with a Family Court action seeking a Decree of Separate Maintenance (reference is made to C/A 2010-DR-42-2870). At that time, the parties were still residing together and the Court required Janneth Sanders to vacate the home and amend her pleading. On October 19, 2010, Janneth Sanders vacated the marital home, and I filed an Amended Motion, Summons, and Complaint again seeking a Decree of Separate Maintenance. Both of these Complaints are attached to this Affidavit as Exhibits 1 and 2.

All of the information that is contained in the Complaint was obtained through information and documentation provided by Janneth Sanders prior to filing the Family Court action.

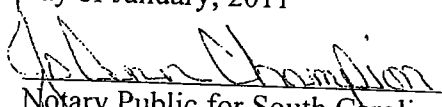
16

This Affidavit is being submitted to certify all information asserted in the Family Court action was obtained through information received from my client, Janneth Sanders. This Affidavit is to further certify that no request was made to the Court to seek relief that the Court was not authorized to give.



RICHARD H. RHODES

SWORN TO before me this 25th
day of January, 2011

 (SEAL)
Notary Public for South Carolina

My Commission Expires: 9/20/2016

17

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

JANNETH E. SANDERS

CASE NO. 2010-DR-42-2870

Plaintiff
VS.
LAUNEIL SANDERS

DEFENDANT

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 OCT 12 AM 10:09
M. HOPE BLACKLEY

"AFFIDAVIT OF LAUNEIL SANDERS AND ANSWER TO COMPLAINT"

I. EXECUTIVE SUMMARY

A. That I, LAUNEIL SANDERS, AM A VIETNAM VETERAN.

B. ANSWER TO COMPLAINT AND AFFIDAVIT

1. That I agree we were married in Atoka, Tennessee on that date.
2. In #2, that I, Launeil Sanders, am a Citizen of Spartanburg County and reside at 593 Shoreline Boulevard, Boiling Springs, South Carolina 29316-6164.
3. In # 3, I agree to the marriage date and the two minor children who were born.
3. To #4 The "**Slick Willie**" attorney Richard Rhodes is trying to not be honest with the Court, is deliberately trying to mislead the Court and Commit fraud and malfeasance. This should not be tolerated by the Presiding Judge. In January 2010 my wife, Janneth Sanders said to me "**Take \$17,500 out of your RETIREMENT ACCOUNT AND PURCHASE THE HOUSE AT 593 Shoreline Blvd., Boiling Springs, S.C. 29316-6164 and I will reconcile and cancel the Divorce Proceedings, and we will live in that house as a Family Unit with our two Biological Children.**" In February 17, 2010, I purchased the said Home with my RETIREMENT MONEY of \$17,500. Janneth Sanders did have reconciliation, did dismiss the Divorce Proceedings and we moved into our said New Home. Now with conversation with our daughter she wants to cancel Our Reconciliation and disregard it. Janneth Sanders' word is no good, her word is Worthless, and she has deliberately Lied. The Presiding Judge should not reward her for her lies.
4. The statement by her "**Slick Willie**" attorney Richard Rhodes on page one of Complaint is INACCURATE, UNTRUE, AND COMPLETE FALSEHOOD----"the Plaintiff attempted a reconciliation, But it was unsuccessful." This statement is totally untrue and attorney Richard Rhodes should be sanctioned for it!

5. THERE **ARE NO** IRRECONCILABLE DIFFERENCES AT PRESENT, and there is a real question on to if she, Janneth Sanders, is entitled to Degree of Separate Maintenance. For she, Janneth Sanders does not possess ANY GROUNDS UNDER THE SOUTH CAROLINA STATUTES FOR GROUNDS FOR DIVORCE AND HER "Slick Willie" attorney Richard Rhodes has not stated any! There are only four grounds in the South Carolina Statutes ,of Which, are (1) physical cruelty (2) Drunkenness state (3) Adultery and (4) Separation from each other for period for one year. She, Janneth Sanders, does not possess any grounds for Divorce Proceedings and her 'Slick Willie" attorney Richard Rhodes should be SANCTIONED. She, Janneth Sanders, is not entitled to any Degree of Separate Maintenance.

6. In item # 6 I agree that I would consent to her having Custody and Control of Our Two Biological Children, even though it is not in Childrens' Best Interests. The \$755 per child , for a total of \$1510 has been Deposited into Janneth Sanders banking account since December 2009, and will not be changed. She, Janneth Sanders, has had full control and disbursement of this \$1510 since December 2009.

7. That I agree to pay for one-half of the Hospitalization Health Insurance Premiums that are deducted for her Employer's check. This is to be based on a 52 week year.

8. With respect to where she and the two Biological Children are to reside is as already stated in #3 of this AFFIDAVIT SHE, JANNETH SANDERS GETS FREE RENT NOW AND WANTS TO CONTINUE GETTING FREE RENT AS SHE CANNOT HANDLE THE EXPENSES. **The Mortgage Payment on the Home at 593 Shoreline Blvd., Boiling Springs, S.C. 29316-6164 is \$1450 per month.** Janneth Sanders will not pay this Mortgage Payment nor does she want to help out with the Mortgage Payment.

With respect to other lodging, I own the Home at 4005 Highway 11, Inman, South Carolina 29349-7307, as I Borrowed my RETIREMENT MONEY TO BUILD THIS HOUSE AND IT IS PAID FOR. Thus, she and the Two Biological Children could move back into this house at this 4005 Highway 11 and could reside there with Free Rent for the year period. Once the year is up she could either purchase the house or pay a Specified Rent, if she and children continue to live in house for after the year's period.

9. That I believe the Court should equitably divide the marital property and marital debt in a manner that is both fair and just, without any slick willie provisions from attorney Richard Rhodes.

10. That again the Slick Willie attorney Richard Rhodes is lying to the Court as her income is larger than mine, and Attorney Richard Rhodes should be Sanctioned for lying to the Court. Janneth Sanders makes approximately \$30,000 at her Employer plus she draws the \$18,120 from the U.S. Social Security Benefits she gets automatically deposited into her account every month by U.S. Social Security. So she makes approximately \$48,000 versus my \$27,000. All of this lying to the Court should not be tolerated by the Presiding Judge.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
OCT 12 AM 10:03
STEPHEN ACKLEY

11. Janneth Sanders is not entitled to any Alimony; and she, Janneth Sanders should not ever be awarded any Alimony.

12. In the first action that Janneth Sanders filed, she paid all of her attorney fees. In this case also, Janneth Sanders has to be prepared to pay her own Attorney fees.

13. I, Launeil Sanders, do not believe a "Restraining Order" is Justified and it should not be granted. There are no reasons for any Restraining Order to be Implemented.

14. That I, Launeil Sanders, do not believe that any Mutual Injunction is warranted, and at this time no injunction should be Issued.

WHEREFORE, THE DEFENDANT prays as follows:

(a) Degree of Separate Maintenance;
That the Presiding Judge seriously consider if any Grounds for Divorce EXIST and that a Degree of Separate Maintenance is not required. And additionally, Launeil Sanders motions the Court for an Additional 30 days (Cooling Off Period) until I have had additional time to talk with my wife and daughter.

(b) For custody of the parties two minor children with the defendant having reasonable visitation;

That I will not fight custody of the two Biological Children

(c) That Janneth Sanders . In item # 6 I agree that I would consent to her having Custody and Control of Our Two Biological Children, even though it is not in Childrens' Best Interests. The \$755 per child , for a total of \$1510 has been Deposited into Janneth Sanders banking account since December 2009, and will not be changed. She, Janneth Sanders, has had full control and disbursement of this \$1510 since December 2009.

(d) That I will pay one-half of the Hospitalization Insurance Premiums that she has deducted from her monthly Employer's Salary.

(e) That NO ALIMONY should ever be awarded. NO alimony should be granted.

(f) For the parties to engage in discovery for equitable distribution. No alimony will be granted and the child support is fixed at the U.S. Social Security Benefits of \$1510 per month deposited into Janneth Sanders banking account..

(g) That Janneth Sanders will pay her OWN attorney fees just as she did during the first occasion.

(h) That the Court deems it unnecessary for any Restraining Order to be Issued at this time.

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CLERK OF COURT
SPARTANBURG COUNTY
OCT 12 AM 10:03
T. HOPE BACKLEY

- (i) That the Court deems it unnecessary for any Mutual Injunction to be issued at this time;
- (j) For such other and further relief that the Court may deem just and proper.

RESPECTFULLY SWORN ON THIS THE 12th DAY OF October, 2010

Launeil Sanders

COLONEL LAUNEIL ("Neil") SANDERS
 593 Shoreline Boulevard
 Boiling Springs, South Carolina 29316-6164
 Telephone (864) 578-6637; CELL (864) 497-6018
 Email: colonel_launeilsanders@yahoo.com

PERSONALLY APPEARED BEFORE ME ON THIS 12th DAY OF October, 2010.

Diane P. Smith

 NOTARY PUBLIC

MY COMMISSION EXPIRES: - Jan 5, 2011

CERTIFICATE OF SERVICE

That we, Launeil Sanders, the undersigned certify that we have this date served a copy of "AFFIDAVIT OF LAUNEIL SANDERS ANSWER TO COMPLAINT" by depositing a copy of same in the United States Mail, first Class, with sufficient postage attached thereto, to following address:

BURTS, TURNER AND RHODES
 Attorneys for Plaintiff
 P.O. Box 3408
 Spartanburg, South Carolina 29304
 Phone 864- 585-8166

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2010 OCT 12 AM 10:03
 M. HOPE BLACKLEY

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COMMON PLEAS COURT
3 Launeil Sanders,)
4 Plaintiff,) TRANSCRIPT OF RECORD
5 -vs-) 2010-CP-42-5527
6 Janneth Sanders,)
7 Defendant.) January 25, 2011
8 Spartanburg, South Carolina

9
10 B E F O R E:
11 HONORABLE J. DERHAM COLE, JUDGE
12

13
14 A P P E A R A N C E S:
15 WILLIAM HARDWICK RHODES, ESQUIRE
16 RICHARD RHODES, ESQUIRE
17 Attorneys for the Defendant
18 WILLIAM B. DARWIN, JR., ESQUIRE
19 Attorney for the Defendant Spartanburg County

20
21 Linda D. Moffitt
22 Circuit Court Reporter
23
24
25

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Motion -- page 3.

No sworn testimony; no exhibits entered into evidence.

1 THE COURT: All right. This is Launeil Sanders vs.
2 Janneth Sanders and Burts Law Firm and Spartanburg County.

3 You're Mr. Sanders, the plaintiff.

4 THE PLAINTIFF: Yes, sir, that's correct, Judge Cole.

5 THE COURT: All right. And, Mr. Rhodes, you're here
6 on behalf of the Burts Law Firm?

7 MR. WILLIAM HARDWICK RHODES: And also Richard Rhodes,
8 Your Honor.

9 THE COURT: And Richard Rhodes?

10 MR. WILLIAM HARDWICK RHODES: Yes, Your Honor.

11 THE COURT: And Mr. Darwin is here on behalf of the
12 county.

13 MR. DARWIN: Yes, sir.

14 THE COURT: All right. Whose motion?

15 THE PLAINTIFF: Your Honor, I filed, I filed,
16 originally filed, the motion for emergency hearing.

17 THE COURT: Okay.

18 THE PLAINTIFF: And on that, you know, my wife,
19 Janneth Sanders, did not file a response to this lawsuit
20 that I filed in October.

21 THE COURT: Okay.

22 THE PLAINTIFF: So I filed an additional affidavit and
23 a default judgment with you. You know, it was filed before
24 this hearing. And, and I'd like to -- in that I just ask
25 that you, you know, not grant or, you know, to go ahead and

1 on this family lawsuit that was filed against me in
2 October, and then Judge Sinclair ruled in October that she
3 was to vacate the house and find a place to live, but she
4 didn't do that.

5 Her attorney, Richard Rhodes, just moved her over into
6 an Extended Stay Hotel for three weeks, and he refiled.
7 And then of course she, she got took, they took. Judge
8 Sinclair moved another order on November 15th, or that I
9 was to vacate the premises on November the 18th. And
10 that's when I filed the emergency hearing, because I didn't
11 really want to vacate the premises on November the 18th.

12 And then a contempt hearing was held on me on
13 November 24th, and I was found in civil contempt by Judge
14 Fraley. But Rhodes didn't let my wife give testimony at
15 this civil contempt hearing. And at the civil contempt
16 hearing I was found in civil contempt and was ordered also
17 to have to pay Richard Rhodes \$1,300.

18 And in the affidavit that I filed just a few weeks
19 before this hearing to you I've asked that I not have to
20 pay that. The \$1,300 should come from my wife, you know,
21 that was ruled. And Judge Fraley would have dismissed if
22 he'd known that we had had sexual intercourse three weeks
23 in the same household while this order was issued. See,
24 the order was issued that I had to vacate on November the
25 18th.

1 THE COURT: Well, let me ask you this.

2 You filed an action here asking me to interfere with
3 the implementation of an order signed by a family court
4 judge?

5 THE PLAINTIFF: Yes, right.

6 THE COURT: All right. And what authority do you
7 think I have to do that?

8 THE PLAINTIFF: Well, Your Honor, it should have been
9 dismissed on November the 24th at the civil, you know,
10 civil contempt hearing. We've, we've had sex three times
11 at the 593 Shoreline Drive.

12 THE COURT: Well, what I'm asking you is what do you
13 perceive to be my authority to interfere with the
14 implementation of a family court judge's order.

15 THE PLAINTIFF: Well, as a common pleas court judge
16 under the statutes if, if, if a frivolous, fraudulent
17 lawsuit was filed, which was what was done in October, and
18 which was done again in November, amended, you know, still
19 frivolous and fraudulent filed against me, then I
20 assumed -- I know you have the authority to rule either way
21 that you rule. You have the authority over some
22 fraudulent, frivolous action that was filed. And under the
23 statute you have the authority.

24 THE COURT: Okay. Which statute is that?

25 THE PLAINTIFF: Well, I'm not sure which statute that

1 is, Your Honor.

2 THE COURT: All right. What else would you like to
3 tell me about it?

4 THE PLAINTIFF: I, I just got a copy of these here, so
5 I don't really know what's --

6 THE COURT: Well, they're going to explain that in
7 just a minute, and then I'll give you a chance to read it.
8 Do you have anything else you need to tell me?

9 THE PLAINTIFF: No, sir, I don't think so right at
10 this time.

11 THE COURT: All right. I'm going to go over here, and
12 then they'll present their positions, and then I'll come
13 back to you, and you can respond to it.

14 THE PLAINTIFF: Okay. Thank you, Your Honor.

15 MR. DARWIN: Your Honor, if you don't mind I'd like to
16 approach and hand you a copy of South Carolina Code Section
17 63-3-530.

18 This is the statute that gives the family court
19 exclusive jurisdiction over a number of matters including
20 the matters that are the subject of Mr. Sanders' lawsuit.

21 As he conceded to you when you were asking questions
22 about this case, all of -- this litigation arises out of
23 the family court litigation that was brought by his wife
24 against him. Therefore, the family court has exclusive
25 jurisdiction over those matters.

1 When you determine jurisdiction you look at the state
2 of affairs at the time that jurisdiction is invoked, and
3 family court came first in this case. And all of his
4 complaints are arising out of the rulings of family court
5 judges, so his only remedy is to go back to family court
6 and challenge those rulings. He can't do it in circuit
7 court.

8 Why Spartanburg County is a party in this case I'm not
9 really sure unless he's asking just for injunctive relief
10 against Spartanburg County.

11 I don't have a motion right now in front of the Court,
12 but I would ask for clarification of why Spartanburg County
13 is in the case. I don't believe Mr. Sanders is seeking
14 monetary damages. So apparently the only thing he's
15 seeking is injunctive relief from this Court.

16 THE COURT: All right. Mr. Sanders, what is the claim
17 that you have against Spartanburg County?

18 THE PLAINTIFF: Against -- the claim that I have
19 against Spartanburg County is for any attorneys in
20 Spartanburg County that do file frivolous, fraudulent
21 lawsuits that are not based on the South Carolina statutes,
22 which is what was done in this case against me, because my
23 wife did not meet any of the four eligibility conditions
24 for divorce. And then you had to have eligibility then for
25 separate decree of maintenance. So I want Spartanburg

1 County to require the clerk of court an affidavit signed by
2 any attorney that they have followed the statutes, the
3 South Carolina statutes, as they are.

4 THE COURT: All right. What authority do you perceive
5 that the political subdivision Spartanburg County would
6 have over the practice of law in South Carolina?

7 THE PLAINTIFF: Well, I don't know to answer your
8 question, Judge. I'm not sure how to answer that.

9 THE COURT: You're just doing it out of an abundance
10 of caution?

11 THE PLAINTIFF: Yeah, I guess, but --

12 THE COURT: All right. Mr. Darwin, do you understand
13 now why you've been brought in?

14 MR. DARWIN: Yes, sir. And I would move to be
15 dismissed from the case.

16 Obviously, there's Rule 11 out there that affords a
17 litigant the opportunity to challenge a lawsuit on the
18 grounds that it's a frivolous proceeding, but they wouldn't
19 be a Spartanburg County rule. That's a rule of civil
20 procedure that the state has enacted.

21 And, again, all of his complaints arise out of what
22 happened in the family court. The family court has
23 exclusive jurisdiction. That's where this entire matter
24 needs to be.

25 THE COURT: All right. Let me hear from Mr. Rhodes.

1 MR. WILLIAM HARDWICK RHODES: May it please the Court,
2 Your Honor.

3 In my answer to Mr. Sanders' complaint and also the
4 motion to dismiss I set forth numerous bases for dismissal
5 of the complaint.

6 I think the bottom line is that Mr. Sanders doesn't
7 understand the distinction between asking for a decree of
8 separate maintenance and a divorce. And one of the
9 affidavits that I've handed up to the Court which was
10 signed by Richard Rhodes who filed the pleading
11 representing Mr. Sanders' wife shows that the request for
12 relief or requested relief was a decree of separate
13 maintenance. And that is allowed under the exclusive
14 jurisdiction as set forth in the statutes handed up to the
15 Court. I believe it's 2(a) if I am not mistaken. The
16 statute's been handed up.

17 But there -- but the basis that I've asked for this to
18 be dismissed, Your Honor, is under the rules of procedure
19 12(b)(1), subject matter jurisdiction, exclusive
20 jurisdiction rests with the family court.

21 All of the matters that have been raised have to do
22 with the allegations that the complaint filed in family
23 court is somehow false and corrupt because there's no
24 grounds for a divorce. Well, his wife has not yet asked
25 for a divorce. She's only asked for a decree of separate

1 maintenance, which she's free to do under the statute.

2 Next, Your Honor, under 12(b)(6) from reading his
3 complaint I don't see any factual basis or legal basis
4 that's been asserted that would justify an allegation of
5 legal malpractice against Richard Rhodes or Burts, Turner
6 and Rhodes. Additionally, under Rule 12(b)(8), another
7 action's already pending between the parties, and so
8 therefore on the same matters, therefore this action has to
9 be dismissed. Both actions cannot be pending.

10 Mr. Sanders in his complaint raises as part of his
11 damages some event that occurred back in 1990 when he lost
12 his children. And somehow he wants to tie that in with the
13 fact that his wife is now seeking a decree of separate
14 maintenance, and he wants to use that as a basis to say
15 that he's got emotional distress and that we should be
16 responsible to pay him \$1.5 million in actual damages and
17 \$13.5 million in punitive damages.

18 I would -- in his complaint he states that he's been
19 fighting over this matter for 20 years. I would assume
20 that some decision has probably been made within this 20
21 years on the merits of the case and so it should be barred
22 my res judicata. The damages that he's claiming are
23 extremely speculative.

24 One of the claims for damages has to do with in the
25 event that his wife obtains a divorce from him in the

1 future, which she might, once she satisfies one of the
2 bases for divorce that she will not be entitled to his
3 social security benefits. And he believes that we should
4 be required to put some \$580,000 into a trust account for
5 his children. Well, if his wife wants to get a divorce and
6 give up any rights to his social security benefits, she's
7 free to do that.

8 Next, Your Honor, under a code section 15-36-100 any
9 time an action is filed for professional negligence an
10 affidavit from an expert must be filed with it. And if
11 it's not, then the case must automatically be dismissed.
12 No affidavit has been provided or filed in this case.

13 In addition to my motion to dismiss, Your Honor, I've
14 also filed a motion for sanctions. There is absolutely no
15 legal or factual basis for what's being asserted in the
16 complaint. I mean, he's seeking damages that have
17 absolutely no relation whatsoever to an action that was
18 brought by his wife for a decree of separate maintenance.
19 Again, again, we sought separate maintenance, not a
20 divorce. So the four grounds won't make any difference.

21 There are blatant lies on the face of the complaint
22 itself. The complaint -- well, under the complaint he
23 claims that he's suffered emotional distress as a result of
24 the hearing in family court. He also indicates that the
25 Court issued an order on October the 18th that was illegal,

1 false and fraudulent. Well, interestingly enough, the
2 hearing was held on the 18th, but his complaint was filed
3 on the 15th. So he filed this complaint saying that he's
4 been emotionally harmed before the hearing was ever even
5 held.

6 On top of that the judge never even issued an order on
7 the 18th. All he did was say that the pleading needed to
8 be amended and he wanted the parties to be living under
9 separate roofs before the action was brought for a decree
10 of separate maintenance.

11 I don't know where Mr. Sanders comes up the numbers of
12 approximately \$2 million in actual damages, \$13.5 million
13 in punitives, but I would respectfully ask Your Honor for
14 some sanctions against Mr. Sanders for our -- for us having
15 to defend this and spend time answering and filing motions
16 and appearing here today and wasting the Court's time.

17 THE COURT: All right. Mr. Sanders, do you want to
18 respond to Mr. Darwin and/or Mr. Rhodes?

19 THE PLAINTIFF: Yes, Your Honor.

20 I think, Your Honor, if you go back and review what
21 Richard Rhodes filed in October nowhere does he list any
22 four of these charges of the conditions for divorce that
23 are required by the South Carolina statutes, which are
24 detailed in the affidavits that I have filed and the
25 affidavit I filed in this lawsuit.

1 But the affidavits I filed in the October -- what he
2 filed in October, the four conditions for a divorce, I meet
3 none of those. So it's fraudulent. It's false. You know,
4 I meet none of those four.

5 And then Judge Sinclair said that she had to get
6 another place to live, which she didn't do that. See, this
7 slime scum attorney, Richard Rhodes, says, well, we'll put
8 you in an Extended Stay. But that's not what Judge
9 Sinclair told them to do.

10 Judge Sinclair told her to get another place to live.
11 So then three weeks later, then we have another hearing in
12 November, and all Richard Rhodes did was he just xeroxed
13 what he filed in October and refiled.

14 Nowhere in anything he filed in October, anything he
15 filed in November, that Richard Rhodes filed, details which
16 one of those four South Carolina statutes he's filing
17 under. So it's fraudulent. It's false. It's not even
18 truthful, you know.

19 And this 1980 shouldn't grant that. That's for sure.
20 You know, you shouldn't grant any sanctions, Your Honor. I
21 mean it's -- the attorneys have to follow the South
22 Carolina statutes.

23 And, you know, she's not even -- my wife wasn't even
24 entitled to any eligibility for a decree of maintenance
25 because she hadn't been separated for a year. She didn't

1 have any physical cruelty. There's no habitual
2 drunkenness, and the other fourth reason that's on those
3 four conditions for a divorce.

4 So what Mr. Rhodes did is took her money, took her
5 \$2,000, and, oh, yeah, we'll get you a divorce. Well,
6 that's not what the law's about. The law is about
7 following the South Carolina statutes. And he's not done
8 that.

9 And this 1980 and this \$1,300 attorney fees that I had
10 to pay, that should come out of my wife's attorney fees.
11 We had sex three times. And I'll have to refile back in
12 family court, I guess, to get the judge to dismiss this
13 lawsuit. But, you know, it's not right. If you're going
14 to follow the South Carolina statutes all attorneys should
15 be required to follow the South Carolina statutes. And
16 that's why I sued Spartanburg County, to make sure that
17 they get an affidavit in the file, the original complaint
18 that's filed, that will require that that attorney has
19 followed the South Carolina statutes.

20 Richard Rhodes hasn't followed anything under the
21 South Carolina statute. He hasn't detailed in what he
22 filed in October, what he filed in the amended. November
23 is just a xerox of what he filed in November -- in October.

24 And I don't think it's fair, you know. I really
25 believe you have the authority to try to straighten it out,

1 you know, where attorneys just think they can take the
2 money and get them a divorce if they don't have no
3 eligibility for a divorce, they don't have any eligibility
4 for a decree of separate maintenance.

5 You see, I know, Your Honor. I speak from the heart.
6 I know what I'm talking about, because, see, I had a
7 sister-in-law who was a corrupt police officer for
8 Gastonia. She got an emergency custody order, and she
9 stole my kids, you know, in 1990. I never got them back.
10 And 20 years ago, and I never got them back, you know.

11 That's illegal. You can't come down and kidnap them
12 out of South Carolina and take them up there and get some
13 slim scum attorney to sign an emergency order, oh, yeah,
14 sign the emergency order and you've the kids. But you
15 never get them back, see.

16 That's what it is all about. It's about attorneys
17 following the South Carolina statutes. There's four
18 grounds for a divorce. That's what's filed. And a decree
19 of separate maintenance, she wasn't even eligible for that
20 because we had sex in the household three times while
21 Sinclair's order was signed. So, in essence, it should be
22 dismissed.

23 THE COURT: All right. Did you have a lawyer in the
24 family court hearing?

25 THE PLAINTIFF: No, I didn't.

1 THE COURT: And you don't have one now.

2 THE PLAINTIFF: No, I don't.

3 THE COURT: You don't, you don't choose to have one?
4 You just made a decision not to have a lawyer assist you.

5 THE PLAINTIFF: Yeah, I made a decision not to have
6 one.

7 THE COURT: Okay. Are you still at the Shoreline
8 Boulevard address?

9 THE PLAINTIFF: No. I'm at 4005, what I filed on the
10 papers for you. It's on the affidavit I filed for you.

11 THE COURT: 4005 Highway 11, Inman.

12 THE PLAINTIFF: Right. That's on the affidavit I
13 filed with you.

14 THE COURT: Okay.

15 THE PLAINTIFF: But you certainly shouldn't grant his
16 \$1,980 and you shouldn't grant any sanctions, you know,
17 because it's uncalled for.

18 THE COURT: All right. Here's what I'm going to do.

19 I'm going to make a decision. I'll reduce it to
20 writing. I'll mail a copy of that decision to everybody.
21 And I'll mail it to you at 4005 Highway 11, Inman, address.

22 THE PLAINTIFF: Right, right.

23 THE COURT: Okay. You should have that the next ten
24 days or two weeks, I'm guessing. Okay.

25 THE PLAINTIFF: Okay, Your Honor.

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THE COURT: All right. Thank you.

MR. DARWIN: Thank you, Judge.

END OF REQUESTED TRANSCRIPT OF RECORD.

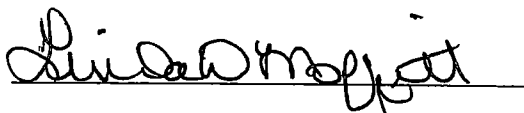
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 25th day of January 2011.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 29, 2011



Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

JANNETH E. SANDERS

CASE NO. 2010-DR-42-2870

Plaintiff
VS.
LAUNEIL SANDERS

DEFENDANT

"AFFIDAVIT OF LAUNEIL SANDERS AND ANSWER TO AMENDED COMPLAINT"

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 OCT 28 AM 9:21
M. HOFFBLACKLEY

I. EXECUTIVE SUMMARY

A. That I, LAUNEIL SANDERS, AM A VIETNAM VETERAN.

B. ANSWER TO COMPLAINT AND AFFIDAVIT

1. That I agree we were married in Atoka, Tennessee on that date.
2. In #2, that I, Launeil Sanders, am a Citizen of Spartanburg County and reside at 593 Shoreline Boulevard, Boiling Springs, South Carolina 29316-6164; AND MY WIFE, Janneth Sanders temporarily resides at Extended Stay Inn in Spartanburg, South Carolina.
3. In # 3, I agree to the marriage date and the two minor children who were born.
4. To #4 The unscrupulous, unethical attorney Richard Rhodes is trying to not be honest with the Court, is deliberately trying to mislead the Court and Commit fraud and malfeasance. This should not be tolerated by the Presiding Judge. In January 2010 my wife, Janneth Sanders said to me " **Take \$17,500 out of your RETIREMENT ACCOUNT AND PURCHASE THE HOUSE AT 593 Shoreline Blvd., Boiling Springs, S.C. 29316-6164 and I will reconcile and cancel the Divorce Proceedings, and we will live in that house as a Family Unit with our two Biological Children.**" In February 17, 2010, I purchased the said Home with my RETIREMENT MONEY of \$17,500. Janneth Sanders did have reconciliation, did dismiss the Divorce Proceedings and we moved into our said New Home. Now with conversation with our daughter she wants to cancel Our Reconciliation and disregard it. Janneth Sanders' word is no good, her word is Worthless, and she has deliberately NOT TOLD THE TRUTH. The Presiding Judge should not reward her. Our reconciliation was successful until intervention by daughter.

5. The statement by her unscrupulous, unethical attorney Richard Rhodes on page one of Complaint is INACCURATE, UNTRUE, AND COMPLETE FALSEHOOD----"the Plaintiff attempted a reconciliation, But it was unsuccessful." This statement is totally untrue as our reconciliation was successful and to-date we **do not** have any irreconcilable Differences. With respect to her living at the Extended Stay Inn on October 19, 2010, this does not comply with the ORDER of presiding Judge Sinclair. The Motion for Degree of Separate maintenance should be DENIED until she has moved into her separate permanent residence as in the ORDER. Her clothes, furniture, and all other things are still in the house. The childrens' things are still in the house, and they come over to house in mornings and afternoon; and I take my son to school every morning. She has to be forced to comply with Presiding Judge Sinclair's ORDER. THERE **ARE NO** IRRECONCILABLE DIFFERENCES AT PRESENT, and there is a real question on to if she, Janneth Sanders, is entitled to Degree of Separate Maintenance.

6. In item # 6 I agree that I would consent to her having Custody and Control of Our Two Biological Children, even though it is not in Childrens' Best Interests. The \$755 per child , for a total of \$1510 has been Deposited into Janneth Sanders banking account since December 2009, and will not be changed. She, Janneth Sanders, has had full control and disbursement of this \$1510 since December 2009.

7. That I agree to pay for one-half of the Hospitalization Health Insurance Premiums that are deducted for her Employer's check. This is to be based on a 52 week year.

8. With respect to where she and the two Biological Children are to reside is as already stated in #4 of this AFFIDAVIT SHE, JANNETH SANDERS GETS FREE RENT NOW AND WANTS TO CONTINUE GETTING FREE RENT AS SHE CANNOT HANDLE THE EXPENSES. **The Mortgage Payment on the Home at 593 Shoreline Blvd., Boiling Springs, S.C. 29316-6164 is \$1450 per month.** Janneth Sanders will not pay this Mortgage Payment nor does she want to help out with the Mortgage Payment.

With respect to other lodging, I own the Home at 4005 Highway 11, Inman, South Carolina 29349-7307, as I Borrowed my RETIREMENT MONEY TO BUILD THIS HOUSE AND IT IS PAID FOR. Thus, she and the Two Biological Children could move back into this house at this 4005 Highway 11 and could reside there with Free Rent for the year period. Once the year is up she could either purchase the house or pay a Specified Rent, if she and children continue to live in house after the year's period.

9. That I believe the Court should equitably divide the marital property and marital debt in a manner that is both fair and just, without any provisions from attorney Richard Rhodes.

10. That again the attorney Richard Rhodes is lying to the Court as her income is larger than mine, and Attorney Richard Rhodes should be Sanctioned for lying and not telling the truth to the Court. Janneth Sanders makes approximately \$30,000 at her Employer plus draws the \$18,120 from the U.S. Social Security Benefits she gets automatically deposited into her account every month by U.S. Social Security. So she makes

approximately \$48,000 versus my \$27,000. All of this not being truthful to the Court should not be tolerated by the Presiding Judge Sinclair.

11. Janneth Sanders is not entitled to any Alimony; and she, Janneth Sanders **should not ever be awarded any Alimony.**

12. In the first action last year that Janneth Sanders filed, she paid all of her attorney fees. In this case also, Janneth Sanders has to be prepared to pay her own Attorney fees.

13. I, Launeil Sanders, do not believe a "Restraining Order" is Justified and it should not be granted. There are no reasons for any Restraining Order to be Implemented.

14. That I, Launeil Sanders, do not believe that any Mutual Injunction is warranted, and at this time no injunction should be Issued.

WHEREFORE, THE DEFENDANT prays as follows:

(a) Degree of Separate Maintenance;

That the Presiding Judge seriously consider if any Grounds for Divorce EXIST and that a Degree of Separate Maintenance is **not** required. And additionally, Launeil Sanders motions the Court to Deny the Motion as she has not complied with Judge Sinclair's ORDER of October 18, 2010, to move into a permanent residence of her own. The Extended Stay Hotel is not a permanent residence.

(b) For custody of the parties two minor children with the defendant having reasonable visitation;

That I will not fight custody of the two Biological Children

(c) That Janneth Sanders . In item # 6 I agree that I would consent to her having Custody and Control of Our Two Biological Children, even though it is not in Childrens' Best Interests. The \$755 per child, for a total of \$1510 has been Deposited into Janneth Sanders banking account since December 2009, and will not be changed. She, Janneth Sanders, has had full control and disbursement of this \$1510 since December 2009.

(d) That I will pay one-half of the Hospitalization Insurance Premiums that she has deducted from her monthly Employer's Salary.

(e) That NO ALIMONY should ever be awarded. NO alimony should be granted.

(f) For the parties to engage in discovery for equitable distribution. No alimony will be granted and the child support is fixed at the U.S. Social Security Benefits of \$1510 per month deposited into Janneth Sanders banking account.

(g) That Janneth Sanders will pay her OWN attorney fees just as she did during the first occasion.

(h) That the Court deems it unnecessary for any Restraining Order to be issued at this time.

(i) That the Court deems it unnecessary for any Mutual Injunction to be issued at this time;

(j) For such other and further relief that the Court may deem just and proper.

(k) That again defendant motions the Court to DENY their Motion as they have not COMPLIED with Presiding Judge Sinclair's October 18, 2010, ORDER.

RESPECTFULLY SWORN ON THIS THE 29th DAY OF October, 2010.

Launeil Sanders

COLONEL LAUNEIL ("Neil") SANDERS
593 Shoreline Boulevard
Boiling Springs, South Carolina 29316-6164
Telephone (864) 578-6637; CELL (864) 497-6018
Email: colonel_launeilsanders@yahoo.com

PERSONALLY APPEARED BEFORE ME ON THIS 27th DAY OF October, 2010.

Humblerley Kimberley
NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-17-15
CERTIFICATE OF SERVICE

That we, Launeil Sanders, the undersigned certify that we have this date served a copy of "AFFIDAVIT OF LAUNEIL SANDERS ANSWER TO AMENDED COMPLAINT" by depositing a copy of same in the United States Mail, first Class, with sufficient postage attached thereto, to following address:

BURTS, TURNER AND RHODES
Attorneys for Plaintiff
P.O. Box 3408
Spartanburg, South Carolina 29304 PHONE 864-585-8166

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 OCT 28 AM 9:21
M. HOPE BLACKBERRY

**SOUTH CAROLINA APPEALS COURT
P.O. BOX 11629
COLUMBIA, SOUTH CAROLINA 29211**

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

LAUNEIL SANDERS

IN COMMON PLEAS COURT
CASE NO. 2010-CP-42-5527

Plaintiff
VS.

JANNETH E. SANDERS
BURTS,TURNER AND RHODES,C/O RICHARD RHODES
SPARTANBURG COUNTY
DEFENDANTS

“INITIAL SOUTH CAROLINA APPEAL’S COURT BRIEF”

I. EXECUTIVE INTRODUCTION

A. That I, Launeil Sanders, file this Appeal Brief for the Court to review:

B. That Judge Cole ERRED in several instances:

1. That defendant, Janneth Sanders, never, ever filed any response to the original complaint. That I filed a Default Judgment before the Common Pleas Court on January 25, 2011, Hearing and Judge Cole ERRED as he did not follow Law and issue Default Judgment.

2. ,That the South Carolina Supreme Court requires a Mediation Hearing in about six months after the complaint has been filed. In this particular instance No Mediation Hearing has been held to determine which issues can be settled prior to Jury Trial. Thus, Judge Cole had no priority, prestige, or authority to Dismiss against defendants Spartanburg County and Burts Turner and Rhodes.

3. That Richard Rhodes did File a Frivolous Lawsuit against Me, Launeil Sanders, in October 2010. He has not been punished for His Action, nor any action taken against Him. That Richard Rhodes did not possess any grounds for Filing this Divorce Action and Punishment should be rendered against Him.

c. That Judge Cole ERRED on January 25, 2011; and it should be kicked back to the Common Pleas Court for Trial.

II. ISSUES AND ARGUMENTS DISCUSSED

A. First Issue

1. That Judge Cole should have issued Default Judgment Against Janneth Sanders on the January 25, 2011, Hearing. That Judge Cole ERRED and did not follow South Carolina Law , and South Carolina Common Pleas Court Rules and Law. That it doesn't matter whether he felt he had Authority, Power, or Prestige to intervene in a Family Law case; as there were many, many violations in the Family Law situation. His First Priority was to intervene and Rule as South Carolina Law, and Issue Default Judgment against Janneth Sanders. Defendant, Janneth Sanders, never, ever filed any response to the original complaint filed in October 2010. That I filed a Default Judgment before the Common Pleas Court on January 25, 2011, Hearing and Judge Cole ERRED as he did not follow Law and issue Default Judgment. Thus, this action should be reversed and remanded back to the Common Pleas Court for trial.

B. Second Issue

1. That Judge Cole ERRED as HE did not consider that the Plaintiff, Attorney Richard Rhodes never, ever had ANY GROUNDS for filing this Divorce Action as his Client , Janneth Sanders, never, ever possessed any of the four Grounds that the South Carolina General Assembly said was Required when filing such action. Judge Cole ERRED as he should have Issued Action to require Richard Rhodes to define his Grounds he Filed under, for in the October 2010 and November 2010 Documents filed by Richard Rhodes before the Court, nothing is ever shown for which of these FOUR GROUNDS he is filing this action.

C. Third Issue

1. That Mr. Richard Rhodes is Guilty of Legal Malpractice as he did file a frivolous, illegal lawsuit against me, Launeil Sanders. That Mr. Richard Rhodes should have had one of the Four Grounds for Divorce Filing, and should have stated them in the Documents before the Court in Order to receive a Degree of Separate Maintenance. Mr. Rhodes did not accomplish this nor did he come close to accomplishing this.

D. Fourth Issue

1. That with respect to my 1990 Issue when my WIFE, who died of Liver Cancer, I had a triple Corrupt Police Officer Sister in Law, Georgia West, who kidnapped my TWO BIOLOGICAL CHILDREN FROM 4729 Worden Drive, Spartanburg, South Carolina, AND TOOK THEM TO GASTONIA, NORTH CAROLINA, (GASTON COUNTY, WHERE NEITHER OF PARENTS HAD EVER LIVED). She, the triple corrupt COP, Georgia West, got An Emergency Custody ORDER, in violation of North Carolina Law # 90-CVD-2566, and after July 25, 1990, I NEVER EVER GOT MY TWO BIOLOGICAL CHILDREN BACK! You see, I have SUED Gaston County and the State of North Carolina in U.S. Federal Court many times, but the U.S. Federal Court Doesn't Care about Family Law CRIMES, or any other kind of Federal Kidnapping. You, simply never get access to the U.S.

Federal Courts. You see, for ten years, MY SPOUSE and I, Launeil Sanders, had lived in LINCOLN COUNTY, Lincolnton, North Carolina. In this TEN years prior to moving to Spartanburg, South Carolina. Gaston County never, ever had JURISDICTION, and many Criminal felonies were Committed by Gaston County and its triple corrupt agents. I have been fighting for twenty years in the Corrupt U.S. Federal Court System and have never gotten ACCESS! I don't know when I will ever get access, but I do believe there is ONE CHRISTIAN in the U.S. 4th Circuit Appeals Court in Richmond, Virginia, who will eventually step forward in this specific Matter In Mr. William Hardwicke Rhodes before the Court on January 25, 2011, "I would assume that some decision has probably been made within this 20 years on the merits of the case and so it should be barred by Res Judicata." This is just another triple corrupt false statement by another irresponsible Attorney.

D. Fifth Issue

1. My U.S. Social Security Benefits would be DEPRIVED from going to my wife. That since my wife is 30 years my Junior, she has not thoroughly thought through the matter, and would be willing to give up approximately over \$750,000 assuming she outlives me by thirty years. The FORFITURE of this three- quarter of a Million Dollars has not been fully devoured by my spouse, Janneth Sanders. My spouse, Janneth Sanders, thinks she can come down and pay an Attorney money, "and that that Specified Attorney Will Get her Anything She Wants!" This type of philosophy and the severe misconduct by her Counsel, Richard Rhodes, is NOT ANY FORM OF JUSTICE.

D. Sixth Issue

1. Spartanburg County has to be held liable as, they as the County in which we live, must monitor all Conditions within the County. That Spartanburg County must play an important role in deriving "Livable Conditions" for all residents. As if many false deeds and actions are being perpetrated by corrupt attorneys, Spartanburg County must intervene and Establish Some Written Forms and or Formal Written Documents that would have to Be Signed by the Attorney(s) filing any Action in Common Pleas Court.

D. Seventh Issue

1. That my spouse , Janneth Sanders, and I, Launeil Sanders, had Sexual Intercourse three times from November 11, 2010, until November 23, 2010, in Violation of Judge Sinclair's November 2010 ORDER. That I filed Action and MOTIONS for Dismissalin February 2011. A hearing was Held in March 2011 in Family Law Court and MY MOTIONS were Disallowed. You see, MY MOTIONS to have the case Dismissed were Dismissed and Family Law Case Continued. My RIGHTS were equally Violated as there is no Such Thing as Equal Justice in the Spartanburg Family Law Court. It's about following the LAW, as Spartanburg County has to insure that all ATTORNEYS will

follow the Law and comply with the Provisions that the General Assembly of South Carolina Establishes.

E. Eighth Issue

1. Legal Malpractice by Attorney Richard Rhodes-- The legal malpractice by Attorney Richard Rhodes should be sanctioned, and sanctions against Richard Rhodes have to be assessed. Just because someone pays you money, doesn't mean you do not have To comply with the Law and the South Carolina General Assembly. Mr Rhodes has to be assessed penalties for the wanton, flagrant, deliberate violations of South Carolina Law. Mr Rhodes did not comply with the South Carolina Statutes, but should have. He Does not get a "Free Pass " to violate the South Carolina Statutes as if he did Nothing wrong.

RESPECTFULLY Submitted ON THIS THE 20 DAY OF FEB, 2012.

Launeil Sanders

COLONEL LAUNEIL ("Neil") SANDERS
4005 Highway 11
Inman, South Carolina 29349
Telephone (864) 578-0922
Email: colonel_launeilsanders@yahoo.com

CERTIFICATE OF SERVICE

That I, Launeil Sanders, the undersigned certify that we have this date served a copy of "South Carolina Appeal Brief" by depositing a copy of same in the United States Mail, with sufficient postage attached thereto, to following address:

1. BURTS, TURNER AND RHODES
c/o Richard Rhodes, Attorneys for Plaintiff
P.O. Box 3408
Spartanburg, South Carolina 29304
Phone 864- 585-8166

*mailed COPIES to ALL
Defendants in U.S. Mail*

Launeil Sanders

2. JANNETH E. SANDERS
593 SHORELINE BOULEVARD
BOILING SPRINGS, S.C. 29316-6164

3. SPARTANBURG COUNTY's Counsel
Holcombe Bomar P.A.
100 Dunbar Street, Suite 200
Spartanburg, South Carolina 29306
P.O. Box 1897
Spartanburg, South Carolina 29304

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY
CIRCUIT COURT

THE HONORABLE J. DERHAM COLE
CASE NO.: 2010-CP-42-5527

Launeil Sanders,Appellant

vs.

Janneth E. Sanders, Spartanburg County, and Burts, Turner and Rhodes, c/o
Richard Rhodes,Respondents

RESPONDENTS INITIAL BRIEF ON BEHALF OF
JANNETH E. SANDERS AND BURTS, TURNER AND RHODES,
C/O RICHARD RHODES

William H. Rhodes
Burts, Turner & Rhodes
Attorneys for Janneth E. Sanders and
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Spartanburg, SC 29304
Attorney for Spartanburg County

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ISSUE ON APPEAL

1. Whether the Circuit Court erred in granting the Respondents' Motion to Dismiss the Appellant's Complaint.

STATEMENT OF THE CASE

This is an appeal from an Order of the Circuit Court, which granted the Respondents'

Motion to Dismiss the Appellant's Complaint. The case history is as follows:

- October 4, 2010: Respondent Janneth Sanders, through her attorneys (Respondents Richard H. Rhodes and Burts Turner & Rhodes), filed a Summons and Complaint in the Spartanburg County Family Court, seeking among other things a Decree of Separate Maintenance from the Appellant [Reference being made to Case No.: 2010-DR-42-2870]. An Amended Complaint was filed October 19, 2010, which sought the same relief.
- October 15, 2010: Appellant filed the present case in the Court of Common Pleas. In the Complaint, the Appellant alleged legal malpractice and wrongdoing on the part of the Respondents for filing an action in Family Court.
- November 3, 2010: Respondents Richard H. Rhodes and Burts Turner & Rhodes filed an Answer to the Appellant's Complaint.
- November 3, 2010: In addition to filing an Answer, Respondents Richard H. Rhodes and Burts Turner & Rhodes filed a Motion to Dismiss the Appellant's Complaint.
- January 25, 2011: The parties presented arguments to the Honorable J. Derham Cole on the Respondents' Motion to Dismiss.
- January 28, 2011: Judge Cole signed a Form 4 Order, granting the Respondents' Motion to Dismiss.

This appeal has ensued.

STATEMENT OF THE FACTS

This case arises out of a Family Court action that was filed by Respondent Janneth Sanders [Ms. Sanders]. Ms. Sanders, through her attorneys, Respondent Richard H. Rhodes [Mr. Rhodes] and Respondent Burts Turner & Rhodes [Burts Law Firm], filed a Summons and Complaint in the Spartanburg County Family Court on October 4, 2010. In the Complaint, she sought, among other things, a Decree of Separate Maintenance from the Appellant [Mr. Sanders]. Mr. Sanders elected to proceed in the Family Court matter *pro se*.

In response to the filing in Family Court, Mr. Sanders filed an action in the Court of Common Pleas on October 15, 2010. Ms. Sanders, Spartanburg County, the Burts Law Firm and Mr. Rhodes were named as Defendants. Mr. Sanders alleged that the Family Court filing was frivolous, fraudulent and corrupt. More specifically, he alleged that neither Ms. Sanders, nor her attorneys had the right to file an action in Family Court because there was no statutory ground for a divorce under S.C. Code Ann. §20-3-10 (1976, as amended). In this action, Mr. Sanders sought the following relief:

- (a) For the Court to impose sanctions against Mr. Rhodes and the Burts Law Firm;
- (b) For the Court to compel the Spartanburg County Clerk of Court to establish new procedures to ensure compliance with South Carolina law;
- (c) For the Court to compel Burts Turner & Rhodes and Mr. Rhodes to reimburse Ms. Sanders' (Appellant's wife) attorney fees;
- (d) For the Court to intervene and enjoin the Family Court from continuing with the Family Court litigation;
- (e) For the Court to establish a trust fund, to be funded in the amount of \$580,000.00 by Spartanburg County and the Burts Law Firm;
- (f) For the Court to award damages of \$1,500,000.00 for emotional distress as a result of the Family Court proceedings and alleged legal malpractice; and

- (g) For the Court to award \$13,500,000.00 in punitive damages.

The Burts Law Firm and Mr. Rhodes Answered the Complaint, making reference to the pleadings filed in the Family Court, and specifically making reference to the Family Court Complaint, which sought a Decree of Separate Maintenance, not a divorce. In addition to denying most of Mr. Sanders' allegations, the Respondents asserted the following affirmative defenses:

- (a) Rule 12(b)(1), SCRCF – Exclusive jurisdiction of the Family Court to hear and decide the matters raised in Mr. Sanders' Complaint pursuant to S.C. Code Ann. §63-3-530(A)(2) (1976, as amended);
- (b) Rule 12(b)(6), SCRCF – Failure of Mr. Sanders to plead facts sufficient to constitute a cause of action;
- (c) Rule 12(b)(8), SCRCF – An action involving the matters contained in the Complaint was already pending in Family Court;
- (d) Res Judicata;
- (e) Lack of Ripeness; Lack of Standing; Speculative Damages;
- (f) Failure of Mr. Sanders to file an affidavit of an expert pursuant to S.C. Code Ann. §15-36-100(B) (1976, as amended); and
- (g) South Carolina Frivolous Civil Proceedings Sanctions Act [S.C. Code Ann. §15-36-10, et seq.].

The Burts Law Firm and Mr. Rhodes filed a Motion to Dismiss Mr. Sanders' Complaint based on the affirmative defenses asserted in the Answer. A hearing was held before the Honorable J. Derham Cole on January 25, 2011. After hearing arguments of the parties and considering the applicable statutory and case law, Judge Cole granted the Motion to Dismiss on the following grounds:

- (a) An attorney-client relationship is necessary to maintain an action for attorney malpractice (citing Hall v. Fedor, 349 S.C. 169 (Ct. App. 2002));

- (b) In professional negligence cases, an affidavit from a qualified expert is required to accompany the Complaint (citing S.C. Code Ann. §15-36-100);
- (c) The Supreme Court is vested with the sole authority to regulate the practice of law (citing Article V, S.C. Constitution); and
- (d) The Family Court has the exclusive jurisdiction to hear and determine actions relating to marital litigation and matters related thereto (citing S.C. Code Ann. §63-3-530).

STANDARD OF REVIEW

An appellate court applies the same standard of review as the trial court when reviewing the dismissal of an action pursuant to Rule 12(b)(6), SCRCP. Capital City Ins. Co. v. BP Staff, Inc., 382 S.C. 926, 74 S.E.2d 524 (Ct. App. 2009) (citing Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007)). In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on allegations set forth in the complaint. Id. The question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief. Id. (citing Plyler v. Burns, 373 S.C. 637, 645, 647 S.E.2d 188, 192 (2007)).

In considering a motion to dismiss pursuant to Rule 12(b)(1), SCRCP, the question of subject matter jurisdiction is a question of law for the court. Chew v. Newsome Chevrolet, Inc., 315 S.C. 102, 104, 431 S.E.2d 631 (Ct.App.1993) (citing Bargesser v. Coleman Co., 230 S.C. 562, 96 S.E.2d 825 (1957)). The Court of Appeals can decide questions of law with no deference to the trial court. Catawba Indian Tribe of S.C. v. State of South Carolina, 372 S.C. 519, 524, 642 S.E.2d 751, 753 (2007).

In the case at bar, it is respectfully submitted that the Circuit Court correctly applied the law in deciding to dismiss the Appellant's Complaint.

ARGUMENT

The Appellant filed this appeal out of mere disagreement with the Circuit Court's decision to grant the Respondents' Motion to Dismiss.

I. Failure to Assert Legal Authority; Abandonment of Arguments

The issues on appeal have not been clearly set forth in the Appellant's Initial Brief, and the Appellant has not cited legal precedent to support his arguments on appeal. It is respectfully submitted that the Appellant's arguments are conclusory and lack supporting authority and should, therefore, be deemed abandoned. Cole v. South Carolina Electric and Gas Co., 355 S.C. 183, 196, 584 S.E.2d 405, 412 (Ct. App. 2003) ("We decline to consider this argument because Cole's argument is not supported with citations to authority, and it is so conclusory as to be an abandonment of this issue on appeal."); First Sav. Bank v. McLean, 314 S.C. 361, 363, 444 S.E.2d 513, 514 (1994); see Glasscock, Inc. v. United States Fid. & Guar. Co., 348 S.C. 76, 557 S.E.2d 689 (Ct.App.2001) (short, conclusory arguments unsupported by authority are deemed abandoned).

II. Asserted Errors by Circuit Court

The Appellant's brief asserts various alleged error on the part of the Circuit Court. For clarity, these arguments will be addressed in the order raised in the Appellant's Initial Brief:

A. Respondent Janneth Sanders Default

The Appellant asserts error in the Court's decision to grant the Respondents' Motion to Dismiss because Respondent Janneth Sanders was in default. Mr. Sanders argued at the hearing that Ms. Sanders was in default. The issue of default, however, was not contained in the Circuit Court's Order. Additionally, no Rule 59(e) motion to alter or amend was filed with the Court to

preserve this issue for appeal. Where the Circuit Court fails to explicitly rule on a party's argument of an issue, and the party fails to make a Rule 59(e) motion, the issue is not properly preserved for review by the Court of Appeals. Flavor-Inn, Inc. v. NNCNB Nat. Bank of South Carolina, 309 S.C. 508, 424 S.E.2d 534 (Ct. App. 1992).

The Respondents respectfully submit that this issue should not be considered by the Court, as it was not properly preserved for appeal. The Respondents also submit that Respondent Sanders' default is of no significance. The Complaint filed by the Appellant is an attempt to allege legal malpractice. Respondents Burts Law Firm and Mr. Rhodes timely answered the Complaint. The only affirmative relief sought by the Appellant with respect to Ms. Sanders was an order enjoining her from taking further action in Family Court. The Circuit Court lacks the subject matter jurisdiction to issue such an order. S.C. Code Ann. §63-3-530(A). Therefore, the Appellant's argument is without merit.

B. Required Mediation

The Appellant asserts that the Court erred in dismissing his Complaint prior to having a "mediation hearing." The Respondents are unaware of any such requirement.

C. Grounds for Separate Maintenance

The Appellant makes a conclusory argument that the Family Court action filed by Mr. Rhodes was frivolous, as there was no ground for a divorce. The Respondents respectfully make reference to the Complaint filed October 4, 2010 and the Amended Complaint filed October 19, 2010. Neither of these Complaints contained a request for a divorce. Instead, Ms. Sanders sought a Decree of Separate Maintenance.

South Carolina clearly recognizes that a spouse does not need grounds that would merit a divorce in order to receive separate maintenance. Theisen v. Theisen, 394 S.C. 434, 716 S.E.2d 271 (2011) (citing Machado v. Machado, 220 S.C. 90, 103, 66 S.E.2d 629, 635 (1951)). The decision of whether to grant separate maintenance is solely left to the discretion of the Family Court. There was nothing about the Family Court filing that was frivolous or sanctionable. Therefore, it is respectfully submitted that this issue is without merit.

D. Legal Malpractice / Sanctions

The Respondent attempts to claim legal malpractice for the filing of a Complaint in Family Court that requests a Decree of Separate Maintenance, when there is no statutory ground for a divorce. The merits of this claim have already been addressed in this brief, and also by this Court in Theisen, *supra*. The Appellant cannot prevail on his claim as a matter of law.

The Circuit Court correctly held that an attorney-client relationship is necessary to maintain an action for attorney malpractice. Hall v. Fedor, 349 S.C. 169, 561 S.E.2d 654 (Ct. App. 2002). The Appellant was not represented by the Respondents. Rather, the Respondents represented the Appellant's wife in a Family Court matter.

The Circuit Court correctly held that in professional negligence cases, such as legal malpractice, an affidavit of a qualified expert must accompany the filing of the Complaint. S.C. Code Ann. §15-36-100. No such affidavit was filed or presented in this case.

The Appellant's claim for legal malpractice is without merit. The Circuit Court dismissed the Appellant's case on proper legal grounds, and no valid argument has been presented by the Appellant to have the Circuit Court's Order reversed.

E. Res Judicata / Issue from 1990 in North Carolina

The Appellant mentions the occurrence of some events in North Carolina back in 1990 where he allegedly lost his children. He states that suit has been filed in the U.S. Federal Court multiple times, but he has apparently not been given any relief. Based on the Appellant's assertions, it appears that some decision has been made in another tribunal, in which case *res judicata* would be applicable. A final judgment on the merits of an action precludes the parties or their privies from re-litigating issues that were or could have been raised in that action. Federated Dept. Stores, Inc. v. Moitie, 452 U.S. 394, 101 S.Ct. 2424 (citing Commissioner v. Sunnen, 333 U.S. 591, 597, 68 S.Ct. 715, 719, (1948)).

No allegations have been made to link these alleged events with the Respondents, and the Respondents do not know the relief sought by the Appellant. At the very least, the Appellant has failed to establish the necessary causal link to impose liability on any of the Respondents.

F. Social Security Benefits

The Appellant contends that by obtaining a divorce, Ms. Sanders will be losing the Appellant's social security benefits once he passes away. The Appellant's argument is not clear, but it seems that he is attempting to claim damages on Ms. Sanders' behalf, as a result of her decision to separate from the Appellant. In response to this issue, the Respondents would assert the following:

It is well settled law that the existence, causation and amount of damages cannot be left to conjecture, guess or speculation. Gray v. Southern Facilities, Inc., 256 S.C. 558, 183 S.E.2d 438 (1971) (citing Piggy Park Enterprises, Inc. v. Schofield, 251 S.C. 385, 162 S.E.2d 705 (1968)).

Standing to sue is a fundamental requirement for instituting an action. Connor Holdings, LLC v. Cousins, 373 S.C. 816, 44 S.E.2d 58 (2007) (citing Joytime Distribs. & Amusement Co. v. State, 338 S.C. 634, 639, 528 S.E.2d 647, 649 (1999)). To the extent that Ms. Sanders suffers any loss by not receiving the Appellant's social security benefits when he passes away, the Appellant lacks standing to make a claim on her behalf.

G. Spartanburg County to Establish Legal Procedures

The Appellant contends that Spartanburg County should be required to set up procedures that affect the practice of law. The argument is without merit. It is well established in South Carolina that the Supreme Court is vested with the sole authority to regulate the practice of law. Article V, S.C. Constitution.

H. Motions Dismissed in Family Court

The Appellant asks this Court to intervene and grant relief for decisions made by the Spartanburg County Family Court after the filing of the Appellant's Complaint in the Court of Common Pleas. These matters were not properly raised before the Circuit Court, and therefore these issues should not be considered on appeal. Further, these issues should not be raised in the Circuit Court, as the Family Court has the exclusive jurisdiction to hear and determine actions relating to marital litigation and matters related thereto. S.C. Code Ann. §63-3-530.

III. Appellant's Complaint Properly Dismissed

The Circuit Court properly dismissed the Appellant's Complaint pursuant to the following legal precedent: (A) Hall v. Fedor, 349 S.C. 169, 561 S.E.2d 654 (Ct. App. 2002) (attorney-client relationship is necessary to maintain an action for attorney malpractice); (B) S.C. Code Ann. §15-36-100 (In professional negligence cases, an affidavit from a qualified expert is

required to accompany the Complaint); (C) Article V, S.C. Constitution (The Supreme Court is vested with the sole authority to regulate the practice of law); and (D) S.C. Code Ann. §63-3-530 (The Family Court has the exclusive jurisdiction to hear and determine actions relating to marital litigation and matters related thereto). In his appeal, the Appellant has not advanced any legal arguments to show error by the Circuit Court. It is therefore respectfully submitted that the Circuit Court's dismissal of the Appellant's Complaint should be affirmed.

CONCLUSION

In light of the foregoing, it is respectfully submitted the decision of the Circuit Court, which dismissed the Appellant's Complaint, should be affirmed.

Respectfully submitted,

Burts, Turner & Rhodes
Attorneys for Janneth E. Sanders and
Burts, Turner and Rhodes c/o Richard Rhodes
P.O. Box 3408
Spartanburg, SC 29304
(864) 585-8166

By: *W H Rhodes*
William H. Rhodes

June 19, 2012

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Launeil Sanders,)
)
 Plaintiff,)
)
 vs.)
)
 Janneth E. Sanders, Burts Turner &)
 Rhodes, c/o Richard Rhodes, and)
 Spartanburg County,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT
 Case No.: 2010-CP-42-5527
 ANSWER OF DEFENDANTS
 BURTS TURNER & RHODES
 AND RICHARD RHODES

The Defendants, Burts Turner & Rhodes and Richard Rhodes, would respectfully show the Court:

FOR A FIRST DEFENSE

1. All allegations of the Plaintiff's Complaint not hereinafter admitted, modified or explained, are denied, and strict proof is demanded thereof.
2. Paragraph A [Historical Facts] is denied. An action was filed in Family Court, at the request of Janneth Sanders, seeking a Decree of Separate Maintenance; however, the Complaint did not request a divorce, and no allegations were made that were frivolous, false or fraudulent [Reference is made to Exhibit 1, which is a copy of the Complaint filed in Family Court].
3. Paragraphs B and C [Historical Facts] are denied. The Complaint filed with the Family Court sought a Decree of Separate Maintenance, not a divorce. The Complaint does not allege any fault grounds for a divorce, and it does not allege that the parties had lived separate and apart for one year, as no request was made for a divorce. Further responding to these allegations, the Plaintiff filed this action on October 15, 2010, and he asserts that he suffered

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emotional distress at the Family Court hearing on October 18, 2010. The allegations asserted by the Plaintiff in his Complaint are blatantly false, fraudulent and frivolous, as the hearing had not yet occurred at the time that the Complaint was signed and filed with the Clerk of Court.

Furthermore, contrary to the allegations contained in the Complaint, a Decree of Separate Maintenance was not issued after the October 18, 2010 hearing. The presiding judge ordered that the parties first separate before the Court would issue the Decree of Separate Maintenance.

4. In responding to Paragraph D [Historical Facts], the Plaintiff makes allegations about the policies behind the laws of the State of South Carolina. These are not factual allegations to which a response is required under the Rules of Procedure. Further responding to the allegations contained in this Paragraph, the allegations have no relevance, as no request for a divorce has been made.

5. In responding to Paragraph E [Historical Facts], the allegations are denied. Janneth Sanders acted within her rights to seek a Decree of Separate Maintenance, which is supported by the law of this State. The fact that she used an attorney, Richard Rhodes, to represent her in seeking the desired relief does not constitute legal malpractice.

6. In responding to Paragraph F [Historical Facts], no order was issued requiring the Plaintiff to vacate his home. Consequently, the allegations are denied. Although the Plaintiff may not want to be separated from his wife, Mrs. Sanders is permitted under the law to separate from the Plaintiff and seek a Decree of Separate Maintenance.

7. In responding to Paragraph A [Other Historical Facts], the general allegations are denied. It is admitted that pursuant to the Temporary Order issued by the Honorable James F. Fraley on November 23, 2009, the Plaintiff was ordered to pay Mrs. Sanders the Social Security

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COLUMBIA, SOUTH CAROLINA

benefits he receives on behalf of the minor children. This court-ordered payment is intended to be in lieu of child support, and these funds are for the benefit of the minor children.

8. In responding to Paragraphs B and C [Other Historical Facts], these Defendants are without sufficient information to admit or deny these allegations, and these allegations are therefore denied. The Defendants do admit that after the issuance of the Temporary Order in November 2009, Mrs. Sanders made an effort to reconcile with the Plaintiff; however, the reconciliation was not successful. As a result, Mrs. Sanders filed the underlying action in Family Court to again seek a Decree of Separate Maintenance. If the facts are as the Plaintiff alleges, these are matters to be raised in Family Court, not the Court of Common Pleas.

9. Paragraph D [Other Historical Facts] is denied, and strict proof is demanded thereof. No allegations have been asserted to support a claim of a false or fraudulent filing, and no allegations have been made to support a claim for legal malpractice.

10. Paragraph A [First Claim for Relief] is denied, and strict proof is demanded thereof. Further responding to these allegations, the Contract for Representation required an initial retainer of \$2,500, only \$600 of which has been paid by Mrs. Sanders. No allegations have been asserted (nor do they exist) to support a claim of fraud or frivolous actions by these Defendants. Further, no allegations have been asserted to support a claim of legal malpractice by these Defendants.

11. Paragraph A [Second Claim for Relief] is denied. Further responding to this Paragraph, this Court lacks jurisdiction to grant the requested relief.

12. Paragraph A [Third Claim for Relief] is not addressed toward these Defendants, and therefore no response is required. However, the relief requested is a matter that should be

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raised before the Family Court, and it is respectfully submitted that this Court does not have jurisdiction to issue a ruling on this matter.

13. Paragraph A [Fourth Claim for Relief] is denied. Mrs. Sanders has not yet made a request for a divorce; she has only asked for a Decree of Separate Maintenance. If she chooses to later seek a divorce, and she meets one of the statutory grounds for a divorce, she is entitled under the law to do so. Further responding to this Paragraph, the issue raised by the Plaintiff is not ripe, and the alleged future damages are speculative. Additionally, the Plaintiff lacks standing to assert a claim on behalf of Mrs. Sanders.

14. In responding to Paragraph A [Fifth Claim for Relief], the Defendants lack information upon which to admit or deny these allegations, and they are therefore denied. Furthermore, these allegations have no relevance as to these Defendants.

15. In responding to Paragraph 1 [Constitutional and Statutory Provisions], the Defendants lack information upon which to admit or deny these allegations, and they are therefore denied. Further responding, the allegations raised have no relevance as to these Defendants, and the case cited by the Plaintiff has no precedential value in this State.

16. In responding to Paragraph 2 [Constitutional and Statutory Provisions], the Defendants lack information upon which to admit or deny these allegations, and they are therefore denied. Further responding, the allegations raised have no relevance as to these Defendants or to Mrs. Sander's decision to seek a Decree of Separate Maintenance.

17. In responding to Paragraph A [Sixth Claim for Relief], the Defendants lack information about the Plaintiff's emotional or mental state, and therefore deny these allegations. The remaining allegations are denied. Further responding to the allegations, the Plaintiff has failed to allege or otherwise establish that he has sustained any actual damages that were the

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direct and proximate result of any wrongdoing by these Defendants, and no cause of action has been asserted to warrant an award of punitive damages.

18. The Wherefore clause is denied in its entirety.

FOR A SECOND DEFENSE AND BY WAY OF MOTION
(Motion to Dismiss Complaint Pursuant to Rule 12(b)(1), SCRPC)

19. The Defendants repeat and reiterate the previous responses to the allegations contained in the Plaintiff's Complaint, as though these responses were fully re-alleged herein.

20. The majority of the allegations asserted in the Plaintiff's Complaint are related to the action filed in Family Court seeking a Decree of Separate Maintenance [which the Plaintiff improperly construes as being an action requesting a divorce]. These allegations appear to form the basis for the Plaintiff's claim that the filing was frivolous and fraudulent. The remainder of the Complaint makes allegations related to some alleged event that occurred in 1990, which has no relevance to these Defendants.

21. The Plaintiff's Complaint alleges, but fails to state with specificity, how the pleading filed in Family Court is false, fraudulent or frivolous, as required by Rule 9(b), SCRPC.

22. Pursuant to S.C. Code Ann. §63-3-530(A)(2), the Family Court has the exclusive jurisdiction to hear and decide the matters raised in the Plaintiff's Complaint.

23. In light of the fact that the Family Court has exclusive jurisdiction over the subject matter raised in the Complaint, the Plaintiff's Complaint should be dismissed pursuant to Rule 12(b)(1), SCRPC.

FOR A THIRD DEFENSE AND BY WAY OF MOTION
(Motion to Dismiss Complaint Pursuant to Rule 12(b)(6), SCRPC)

24. The Defendants repeat and reiterate all previous responses as though these responses were fully re-alleged herein.

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COLUMBIA, SC

32. As evidenced by Exhibit 1 to this Answer, and also by the allegations contained in the Plaintiff's Complaint, a lawsuit involving the matters raised in the Complaint is currently pending in Family Court.

33. If the Plaintiff contends that the pleading filed in Family Court is false, fraudulent, frivolous, and based on some ulterior motive of Mrs. Sanders, these matters need to be raised by the Plaintiff in Family Court.

34. In light of the fact that an action is pending between the same parties in Family Court, and the subject matter of the Complaint filed in this Court clearly relates to the same claim filed in Family Court, the Plaintiff's Complaint should be dismissed pursuant to Rule 12(b)(8), SCRPC.

FOR A FIFTH DEFENSE
(Res Judicata)

35. The Defendants repeat and reiterate all previous responses as though these responses were fully re-alleged herein.

36. The Plaintiff alleges, as part of his claim for emotional distress, the loss of his children in 1990 after the Plaintiff's former wife died. There are no allegations made that in any way relate this alleged matter to these Defendants.

37. The Plaintiff further states in his Complaint that he has "fought for 20 years in the U.S. District Courts to try to get Justice."

38. Upon information and belief, a decision on the merits by the District Court has been made with respect to the removal of the Plaintiff's children. Consequently, the Plaintiff's claim regarding this matter, and any issue related to it, should be barred by the doctrine of Res Judicata.

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FOR A SIXTH DEFENSE
(Claim Not Ripe; Lack of Standing; Speculative Damages)

39. The Defendants repeat and reiterate all previous responses as though these responses were fully re-alleged herein.

40. The Plaintiff's Complaint asserts, in part, damages of \$580,000, which would be sustained by Mrs. Sanders if she divorced the Plaintiff. The Plaintiff's rationale for these alleged future damages is that if Mrs. Sanders were to live for 30+ years after the Plaintiff dies, and the parties were still married, Mrs. Sanders would collect the Plaintiff's Social Security benefits. Consequently, she would be damaged by getting a divorce.

41. At this time, Mrs. Sanders has not requested a divorce; therefore, this issue is not ripe for the Court to review.

42. Assuming that this issue on damages was ripe for review, the Plaintiff does not have standing to make a claim for damages that his wife would sustain by deciding to divorce the Plaintiff.

43. Even if the issues of ripeness and standing were not before the Court, the damages being sought by the Plaintiff are speculative, as there is no way of knowing how long Mrs. Sanders will live.

44. In light of the foregoing, this claim for damages should be dismissed from the Complaint.

FOR A SEVENTH DEFENSE AND BY WAY OF MOTION
(Motion to Dismiss for Failure to File Affidavit as Required by S.C. Code Ann. §15-36-100)

45. The Defendants repeat and reiterate all previous responses as though these responses were fully re-alleged herein.

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CLERK OF COURT
SOUTH CAROLINA

46. Pursuant to S.C. Code Ann. §15-36-100(B), when an action is filed alleging professional negligence, the plaintiff is required to file, as part of the Complaint, an affidavit of an expert witness, which must specify at least one negligent act or omission claimed to exist, and it must set forth the factual basis for each claim raised.

47. The Plaintiff, in the present case, failed to file the requisite affidavit. Pursuant to S.C. Code Ann. §15-36-100(C)(1), the Complaint should be dismissed for failure to state a claim.

FOR AN EIGHTH DEFENSE AND BY WAY OF A COUNTERCLAIM
(Violation of S.C. Code Ann. §15-36-10 – Frivolous Litigation)

48. The Defendants repeat and reiterate all previous responses as though these responses were fully re-alleged herein.

49. The Plaintiff filed the present action alleging that these Defendants committed legal malpractice by filing a false, fraudulent and frivolous Complaint in Family Court.

50. The Plaintiff asserts that these Defendants filed an action seeking a divorce for Mrs. Sanders without having a legal basis.

51. As shown by Exhibit 1, these Defendants did not request a divorce; the Complaint merely requested a Decree of Separate Maintenance, which is clearly permitted under South Carolina law.

52. The Plaintiff claims that he has suffered severe emotional distress as a result of the action in Family Court. He also claims severe emotional distress, and seeks damages, as a result of an alleged incident that occurred in 1990, which has no relation to these Defendants or to Mrs. Sanders.

53. The Plaintiff alleges in his Complaint that he sustained severe emotional distress at the Family Court hearing, which was held on October 18, 2010, and he asserts that the

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FLORENCE COUNTY

presiding judge erred in issuing an "illegal, fraudulent, false inaccurate" Decree of Separate Maintenance, which caused severe emotional distress. However, the Plaintiff filed the Complaint on October 15, 2010, which was prior to the hearing. Furthermore, the judge did not issue a Decree of Separate Maintenance.

54. As set forth in the previous paragraph, the allegations contained in the Plaintiff's Complaint are false, and the Plaintiff's Complaint was filed in violation of Rule 11, SCRCPP, and the South Carolina Frivolous Civil Proceedings Sanctions Act.

55. The Complaint seeks sanctions against these Defendants and seeks an award for damages as a result of alleged legal malpractice; however, the Plaintiff's Complaint fails to provide a legitimate factual basis to make a claim for legal malpractice.

56. In addition to the foregoing, the Plaintiff's Complaint requests this Court to provide orders and remedies that are outside the scope of this Court's jurisdiction.

57. There is no legal basis to support an award for the monetary sums sought by the Plaintiff, which include a claim for speculative damages that the Plaintiff's wife might suffer in the event that she seeks and obtains a divorce from the Plaintiff.

58. There is also no legal or factual basis to support the Plaintiff's claim for punitive damages.

59. The Plaintiff's Complaint is frivolous and was filed for the purpose of harassing these Defendants and Mrs. Sanders.

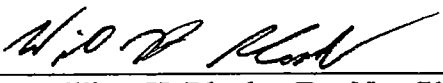
60. As a result of the Plaintiff's filing, these Defendants respectfully ask the Court to issue an appropriate sanction to deter this type of conduct from occurring in the future, and these Defendants respectfully request that this Court require the Plaintiff to pay the attorney's fees and costs associated with having to defend this action.

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WHEREFORE, having fully answered the Plaintiff's Complaint, the Defendants respectfully pray for the following:

- (a) that the Plaintiff's Complaint be dismissed with prejudice;
- (b) that the Defendant receive an award for attorney's fees and costs as a result of having to defend this frivolous Complaint;
- (c) that the Court impose an appropriate sanction on the Plaintiff for filing a frivolous Complaint; and
- (d) any such other and further relief as this Court deems just and proper.

BURTS TURNER & RHODES

By: 
William H. Rhodes (Bar No.: 73645)
P.O. Box 3408
Spartanburg, SC 29304
(864) 585-8166

Spartanburg, South Carolina

October 29, 2010

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M. HOPE BLANCHETT
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Case No.: 2010-CP-42-5527

Launeil Sanders,)
)
Plaintiff,)

**DEFENDANTS BURTS TURNER &
RHODES AND RICHARD RHODES
MOTION TO DISMISS**

vs.)

Janneth E. Sanders, Burts Turner &)
Rhodes, c/o Richard Rhodes, and)
Spartanburg County,)
)
Defendants.)

Defendants Richard H. Rhodes and Burts Turner & Rhodes hereby move the Court for an Order, pursuant to Rules: 12(b)(1), 9(b), 12(b)(6), and 12(b)(8) of the South Carolina Rules of Civil Procedure; S.C. Code of Laws: §63-3-530(A)(2) and §15-36-100; and other statutory and common laws of the State of South Carolina, dismissing the Plaintiff's Complaint in its entirety and with prejudice. Further, the Defendants respectfully move for an Order, pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act [S.C. Code Ann. §15-36-10], issuing a sanction against the Plaintiff for filing a frivolous Complaint, and requiring the Plaintiff to pay the Defendants for attorney's fees and costs as a result of having to defend this action.

This Motion is made upon the following grounds:

1. The matters raised in the Plaintiff's Complaint, to the extent that they have any relationship to these Defendants, are based upon the Plaintiff's disagreement with the Complaint filed in Family Court. The matters asserted in the Complaint; the validity of the Complaint; and the issue of whether there are improper ulterior motives on the part of Janneth Sanders, are matters that need to be decided by the Family Court. The Family Court has exclusive jurisdiction over these issues pursuant to S.C. Code Ann. §63-3-530(A)(2). Therefore, the Plaintiff's Complaint should be dismissed pursuant to Rule 12(b)(1), SCRPC.

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SPARTANBURG COUNTY

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EXHIBIT A

2. The Plaintiff's Complaint alleges legal malpractice on the part of these Defendants as a result of filing a Complaint in Family Court for a Decree of Separate Maintenance [which the Plaintiff improperly construes as an action for a divorce]. As shown by Exhibit 1, which is attached to the Answer of these Defendants, no request was ever made for a divorce. The Plaintiff's Complaint fails to allege any valid factual or legal basis to make a claim for legal malpractice, or any other cause of action. Therefore, the Plaintiff's Complaint should be dismissed pursuant to Rule 12(b)(6), SCRPC.

3. Since the Plaintiff's Complaint makes an allegation for professional negligence, the Complaint is subject to the requirements set forth in S.C. Code Ann. §15-36-100. The Plaintiff failed to comply with this statute, as no expert affidavit was filed with the Complaint. Pursuant to the terms of this statute, the Complaint must be dismissed pursuant to Rule 12(b)(6), SCRPC.

4. As evidenced by Exhibit 1, which is the underlying Family Court Complaint that has been attached to the Answer of these Defendants, and also evidenced by the allegations asserted in the Plaintiff's Complaint, an action involving these parties and the subject matter is currently pending in Family Court. Consequently, the Plaintiff's Complaint must be dismissed pursuant to Rule 12(b)(8), SCRPC.

5. The Plaintiff asserts in his Complaint that he has been involved in litigation in Federal Court over some of the matters asserted in the pleading. Given the nature of the Plaintiff's allegations, these Defendants have reason to believe that a decision on the merits has been made by a court of competent jurisdiction. Consequently, the Plaintiff's Complaint should be dismissed as being barred under the doctrine of Res Judicata.

6. The Plaintiff's Complaint seeks damages that do not exist, and the damages sought by the Plaintiff are speculative damages that could possibly be sustained by the Plaintiff's wife in the event that she chooses to divorce the Plaintiff, and she manages to live more than 30 years after

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MIDLAND COUNTY

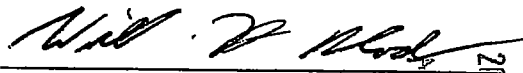
his death. These "damages" would come from the lost earnings that she could receive from the Plaintiff's Social Security benefits if she were married to him when he dies. This claim is not ripe for review, and the Plaintiff lacks standing to assert the claim. Therefore, this portion of the Complaint should be dismissed.

7. The Plaintiff's Complaint makes allegations that are untrue, and these false allegations can be determined from the face of the Complaint itself. The Complaint fails to allege any legitimate factual or legal basis to assert a cause of action against these Defendants. Furthermore, the Complaint asks this Court to grant relief and issue Orders that are outside the scope of this Court's jurisdiction. The Complaint was filed in violation of Rule 11, SCRPC, as well as the South Carolina Frivolous Civil Proceedings Sanctions Act. As a result of this frivolous filing, these Defendants have been required to expend time and incur costs. It is respectfully requested that this Court issue an appropriate sanction to deter this kind of conduct from occurring in the future, and it is also respectfully requested that this Court compel the Plaintiff to pay the costs and attorney's fees incurred by these Defendants by having to defend this action.

Respectfully submitted,

BURTS TURNER & RHODES

By:



William H. Rhodes (Bar No. 73643)
P.O. Box 3408
Spartanburg, SC 29304
(864) 585-8166

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CLERK OF COURT
SPARTANBURG COUNTY

Spartanburg, South Carolina

November 02, 2010