

Jenny Abbott Kitchings

The Clerk of SC Court of Appeals

and V. Claire Allen

Deputy Clerk

1015 Sumter St.

Columbia, SC 29201

RECEIVED

FEB 18 2014

SC Court of Appeals

Re: H. Thad White V. Petrel International, LLC
Appellate Case No. 2014-000147

Dear Clerk and Deputy Clerk:

I am in receiving your letter of Jan. 27, 2014, concerning for Petrel International, LLC to retain an attorney for perfecting the appeal on its behalf. please be advised that Haiyan Lin is the single member of Petrel International, LLC. Under SC Code Section 12-2-25(B)(1), "a single member limited liability company which is not taxed for south Carolina income tax purposes as a corporation is not

regarded as an entity separated from its owner," see CFRE, LLC v. Greenville County, 395, S.C. 67, 716, S.E.2d 877 (2011). Therefore, Haiyan Lin as a single member limited liability company of Petrel International, LLC has right to be pro se to defend her own company as if for herself. This is her due process right, guaranteed by 14th amendment of U.S. Constitution. The case Renaissance Enterprises, Inc. v. Summit Teleservices 334 S.C. 649, 515 S.E.2d 257 (1999) does not apply to this case.

Under SC code of laws, a single member LLC is taxed as an individual, its single member shall be allowed to represent itself as pro se litigant. There shall be no double standards under the law. Equal protection under the law in any case is guaranteed by U.S. Constitution.

The very issue on this appeal is "whether Haiyan Lin shall represent the defendant, Petrel International, LLC, a single member limited liability company". In the lower court, Judge Paul M. Busch has accepted Haiyan Lin as pro se by allowing her represent the defendant, Petrel International, LLC. During the motion hearing on Nov. 21, 2013, he has heard and requested a proposed order from her, as attached herein. The acceptance of her legal representation by plaintiff's attorney is also evidenced through the reply to counterclaim.

As consistent with SC code of law and with lower court recognition of her Pro Se status, I hereby request the appellate court to allow me as Pro Se litigant for perfecting the appeal, so that ~~my~~ constitutional rights of due process and equal protection under law can be protected.

Feb. 12, 2014

3.

Sincerely
Haiyan Lin

State of South Carolina
County of Darlington

In the Court of Common Pleas

H. Thad White ----- Plaintiff

Vs.

Petrel International, LLC ----- Defendant

Case No. 2013 CP1600366

Proposed Order

RECEIVED

FEB 18 2014

ON

Motion For Order of Default SC Court of Appeals

The motion hearing for ~~order~~ order of default was held on Nov. 21, 2013 10:AM. The matter before the Court is for the resolution on the issue of "whether Haiyan Lin can represent the defendant, Petrel International, LLC, a single member limited liability company, and an order of default sought for."

On July 12, 2013, the plaintiff H. Chad White filed the "Motion for Order of Default." The motion referred the case John Doe V. McMaster, 355 S.C. 306, 585 S.E. 2d 773 (2003). The plaintiff argues that "Haiyan Lin

is not a licensed attorney in the state of South Carolina; that it was necessary for an attorney to represent Petrel International, LLC; and that the proceeding without an attorney constituted the unauthorized practice of law. Therefore, the Plaintiff, through his undersigned attorney, will move for an order of Default as to Defendant Petrel International, LLC."

On July 23, 2013, Haiyan Lin filed the Return to oppose the plaintiff's Motion For Order of Default on behalf of her single member limited liability company, Petrel International, LLC, as defendant in the case.

The Return referred to S.C. Code Section 12-2-25(B)(1), which states that "a single member limited liability company which is not taxed for South Carolina income tax purposes as a corporation is not regarded as an entity separated from its owner". See *CFRE, LLC Vs. Greenville County*, 395, SC 67, 716, S.E. 2d 877 (2011). It argues that "Haiyan Lin, as a

Single member of Petrel International, LLC, is entitled to appear pro se in a state court, and the John Doe Vs. McMaster does not apply to this case"; that "the plaintiff has failed to file an answer to the counter claim; the defendant therefore move to this court to object the plaintiff's Motion for Order of Default against the defendant, and to request an order of default for the defendant's counter claim against the plaintiff."

The Return was unopposed by the plaintiff, since there was no reply being timely filed. According to case laws, the motion or cross-motion shall be deemed uncontested, and there shall be no right to argue orally in opposition unless responsive papers are timely filed and served, stating with particularity the basis of the opposition to relief sought."

"The adjudicative power of the court carries it the inherent power to control the order of its business to safeguard the rights of litigants." "The goal of the

prohibition against the unauthorized practice of law is to protect the public from incompetent, unethical, or irresponsible representation". Williams V. Barden Inc., 274 S.C. 275, 262 S.E. 2d. 881.

According to S.C. Code 12-2-25, "A single member limited liability company, which is not taxed for South Carolina income tax purposes as a corporation, is not regarded as an entity separated from its owner". Therefore, Haiyan Lin as a single member limited liability company, Petrel International, LLC has right to pro se to defend her own company as to for herself, guaranteed by 14th ammendment of U.S. constitution. The court also finds that the plaintiff relies on the arguments on whether a non-lawyer can represent a corporation in circuit and appellate court by referring to the case Renaissance Enterprises Inc. Vs. Summit Teleservices Inc, 515 S.E. 2d 257 (SC1999) is non responsive to the case pertaining to single member limited liability company. If a single member LLC is taxed as a individual, it shall be allowed to defend itself as

pro se litigant by its single member. There shall be no double standards under the law. Equal protection under the law is guaranteed by US constitution. The defendant has properly and timely filed her answer and counter claims according to SCRPC 12, and 13. Since the plaintiff has failed to file an answer to the counter claims to date, the counter-claims are deemed noncontested, and a default judgement shall be rendered.

Based on the above finding of facts and conclusion of law, the court here by issues an order of default judgement against the plaintiff. The damage hearing for the defendant's counterclaims shall be scheduled, and damages for the counterclaims shall be determined by jury as requested. It is so ordered.

Dec. 6, 2013

Haiyan Lin
Petrel International, LLC

The State of South Carolina
County of Darlington

H. Thad White ----- Plaintiff

^{Vs.}
Petrel International, LLC ----- Defendant

Case No. 2013-CP-160-0366

Certificate of Service

I, Haiyan Lin, certify that I have served the proposed order by depositing a copy of the same in US mail with postage paid, and addressed

to:

1. Judge Paul Bruce
P.O. Box 276
Pageland SC 29728
2. Bryan W Braddock
2231 W. Palmetto St Suite 203
Florence SC 29501

on Dec. 6, 2013.

Dec. 6, 2013.

Haiyan Lin
P.O. Box 1011
Columbia, SC 29202

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DARLINGTON)
)
 H. Thad White,)
)
 Plaintiff,)
)
 vs.)
)
 Petrel International, LLC,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOURTH JUDICIAL CIRCUIT
 CASE NO.: 2013-CP-16-0366

[Handwritten signature]

REPLY TO COUNTERCLAIM

FILED
 2013 DEC 27 PM 1:29
 SCOTT B. SUGGS
 CLERK OF COURT/R.O.D.
 DARLINGTON COUNTY, S.C.

The Plaintiff H. Thad White, replying to the Counterclaim of Defendant Petrel International, LLC, states as follows:

FOR A FIRST DEFENSE

1. The Plaintiff realleges each and every allegation contained in his Complaint as fully as if set forth verbatim herein and denies all allegations in the Counterclaim inconsistent with matters contained in the Complaint.

FOR A SECOND DEFENSE

2. The Plaintiff denies all allegations of the Counterclaim not hereinafter specifically admitted, qualified, or explained and demands strict proof thereof.
3. As to Paragraphs Sixteen (16), Twenty-One (21), Twenty-Seven (27), and Thirty-One (31) of the Defendant's Counterclaim, Plaintiff is informed and believes that he is neither required to admit or deny these Paragraphs. To the extent that a response is required, he denies the allegations contained within these paragraphs and demands strict proof thereof.
4. The Plaintiff denies the allegations of Paragraphs Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-Two (22), Twenty-Three (23), Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Twenty-Eight (28), Twenty-Nine (29), Thirty (30), Thirty-

ISSUE CERTIFIED COPY
Scott B. Suggs
 CLERK OF COURT/R.O.D.
 DARLINGTON COUNTY, SC

Two (32), Thirty-Three (33), Thirty-Four (34), Thirty-Five (35), and Thirty-Six (36) of Defendant's Counterclaim.

FOR A THIRD DEFENSE

5. The Plaintiff denies all allegations of the Counterclaim not hereinafter specifically admitted, qualified, or explained and demands strict proof thereof.
6. The Plaintiff would allege that the Counterclaim of the Defendant fails to allege facts sufficient to constitute a cause of action, and the counterclaims of the Defendant should be dismissed.

WHEREFORE, Plaintiff prays that the matters and things herein alleged be inquired into by this Honorable Court and this Court issue its Order:

- A. Dismissing the Counterclaim of the Defendant;
- B. Granting the Plaintiff all other relief sought in his Complaint; and
- C. Granting the Plaintiff such other and further relief as this Court may deem just and proper.

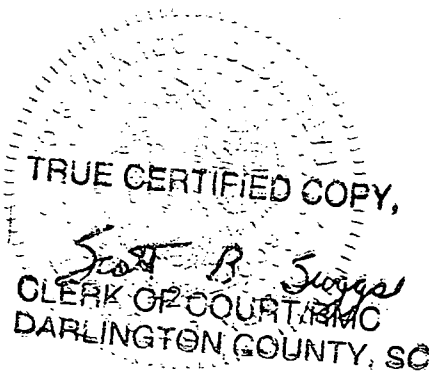
BRADDOCK LAW FIRM, LLC

By: _____

BRYAN W. BRADDOCK
ATTORNEY FOR PLAINTIFF
P. O. Box 14228
2213 W. Palmetto St., Suite 203
Florence, SC 29504
(843) 292-8780

Florence, South Carolina

November 12, 2013



FILED
2013 DEC 27 PM 1:29
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

State of South Carolina

County of Darlington

In the Court of Common Pleas

Case No. 13-CP-16-0366

H. Thad White - - - - - Plaintiff

^{Vs.}
Petrel International, LLC - - - - - Defendant

Reply on Reply to Counterclaim

and
Motion For Order of Default

The Defendant, Petrel International, LLC, replying to the Plaintiff's Reply Counter-Claim, state as follows:

1. The plaintiff's Reply to Counterclaim, dated Nov. 12, 2013, was filed on Dec. 27, 2013. It is out of time according to SC Rule of Civil Procedures. The Counterclaim was served on June 18, 2013. Any replay after 30 days of the services, is deemed out of time, and shall be deemed invalid.

Therefore, the plaintiff is in default on the counterclaims.

FILED
NOV 23 PM 11:53
SCOTT B. SUGGS, D.
CLERK OF COURT/CMC
DARLINGTON COUNTY, SC

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Scott B. Suggs
CLERK OF COURT/CMC
DARLINGTON COUNTY, SC

2. The non-replying on time is constitute the admissions on all of the allegations contained in the counterclaims.

3. The defendant assures that the counterclaims based on sufficient facts to constitute the cause of action, and will provide strict proof and explanation.

WHEREFORE, the defendant moves to this court to issue ~~order~~ of default on defendant's counterclaims against the plaintiff, and to schedule a damage hearing for relief sought in the counter claim.

Jan. 22, 2014

Petrol International, LLC/
Haiyan Lin
P.O. Box 7099
Columbia, SC 29202
TRUE CERTIFIED COPY.
CLERK OF COURT/BMC
DARLINGTON COUNTY, SC