

March 20, 2014

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MAR 28 2014  
SC Court of Appeals

Judge John Few  
Judge Jasper Cureton  
South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC

Re: 2008-OP-23-5245  
2009-141246  
and all related matters  
wrongly separated

Dear Judges Few and Cureton,

I have just received your letter dismissing my cross-appellant and laying blame on me. With any respect due, you have missed the obvious in this case and allowed pre-conceived prejudices to effect a profound and most prejudicial judgment against an innocent South Carolina family. It is clear that high dollar representation, ironically funded by electrical cooperative members such as me, have ruled the day. You are additionally mistaken in your order for if you had carefully and open-mindedly reviewed the filings you would see that I and I alone, met each deadline especially the one you yourself set, Judge Few, that all briefs be submitted by September 3, 2013. I compiled and at great sacrifice and inconvenience to me and to my family. The Court journal, which a lawyer checked for me, fails to note my submissions, fails to note they were timely and even early on occasion, and fails to record what I submitted. You are sitting on pre-paid shipping labels and fees for returns I never received and obviously were not recorded. This process and your Order is unfair and prejudicial to the ends of justice if that matters at all. I say it does and is exactly why my husband and I diligently fought for over seven (7) years against this wrongfully and maliciously brought lawsuit in the first place.

You see we never owed Blue Ridge Electrical Coop anything as they were paid in full exactly how they alone billed me each and every month for over 30 years. I was never late. I never short-changed them. They and they alone selected and installed and monitored the equipment of their choice. They shot from the hip with their rash and scandalous allegations of being a debtor and started harassing our family in 2007, which has continued for over 7 years. They foolishly and maliciously named my husband, Steve Gresham, as a Defendant when he was never and had never been a member of Blue Ridge Electrical Coop, a fact they ultimately were forced to admit in jury trial many years later.

Interestingly, you pop me and effectively execute me with your Order when the facts in this travesty are clear. Let's see - it was Blue Ridge who failed to resolve the matter, as attorneys are ethically required to do prior to instituting lawsuit so to avoid frivolous litigation. They did not. They didn't even try. I spent hundreds of dollars trying to make them see the folly of such a lawsuit and volunteer David Thomas prevailed on them as well with no results as Blue Ridge was committed from the start to sue me and my husband. Why? I think because their key witness Denise McCormick was mad at being challenged by me as to the bill and swung her weight around because she had the power to do so. The heck with the facts. And

representation? When a firm is being paid by the hour and a hefty fee from an electrical coop, why not? Understanding or attempting to get to the real facts need not get in the way when they is a mighty profit to be had. And it was and is being had. I would estimate that Blue Ridge has paid well over \$400,000.00 to sue us for what started as an alleged debt of approximately \$9,000, never owed in the first place.

This is exactly why I have repeatedly raised the issue of Sanctions and the frivolous claims act because it is the picture perfect textbook example of a frivolous, unthought-out, poorly conceived, absurd claim. Their lawsuit has taken quite a toll on my family and me. There is not a day nor has there been a day in seven years that we do not think about it, react about it, worry about it, and hope for justice to at last finally prevail as it did at the three-day jury trial when we won at every juncture and fairly so. Twelve regular peers, residents of Greenville County, hearing all the facts that the trial judge would allow them to hear (refusing to let them hear more facts of help to us at the last minute, contrary to the court initial plan), listened and listened intently, finding unanimously in our favor on Blue Ridge's complaint and on my counterclaim, and I might add, even despite the trial judge's biased extra charge he handwrote at the last minute on trespass. I produced that handwritten charge for this Court and I alone. Sounds not only suspect to me that I had to do that but incredible in the interests of real justice that your order ignores such as this.

There is no doubt in my mind and in the mind of others familiar with the case who are not paid by Blue Ridge, that the deck was stacked from the beginning against us. I believe you know it deep in your heart. I had faith that you would do the right thing but that hope has been dashed with your recent order and I stand by that. Whether you feel that because Blue Ridge has so many lawyers now in this matter, without proper substitution or addition as I have paid for in motion and duly noted, or whether I did not purchase your house when offered some years ago on McIver Street, Greenville and you just don't like me, or a combination of factors, a grave injustice has been done. It appears to me that your mistaken Order setting forth facts as you wish them to be, scapegoating me for the comedy of errors Blue Ridge has set in play, is wrong, prejudicial, and offensive. I redid my filings several times and I did not lie as Blue Ridge did when they presented to the Court that the transcript had been destroyed. Curious that portions of the trial transcript were allegedly destroyed. Curious that my testimony was deleted. Curious that my testimony when the trial judge prejudicially attacked me in front of the jury was destroyed when I had placed my objections to his mistreatment on the record, that also being destroyed. Curious even more that I was not advised of the destroyed transcript for a long, long time – even a year or so – though had communicated with the court reporter and was advised that the transcript was delayed but coming soon. Curious that I was never presented or allowed to see the transcript, led to believe that the entire transcript was destroyed when I finally demanded at open court on the record in Anderson when we had our first reconstruction hearing, to see it when I figured out that they must be some part of the transcript in existence due to the conversation I was hearing from the other side. Curious. And finally, when I

received some several weeks later a voluminous transcript with only a small segment missing, I scratched my head in disbelief. Curious. In my opinion, the other side wanted a retrial. They wanted a mistrial when things began to look bad for them. Remember they brought this lawsuit, not I and not my husband who was not even a Blue Ridge coop member. They had two full years to prepare their lawsuit and get their ducks in a row for trial. They poorly performed at trial and BECAUSE they did not look at the facts. Yes, they had the facts. They just ignored them. They knew my husband was never a Blue Ridge Coop member. They just hoped no one else would notice. They knew I did not owe them a penny and had monthly for over 30 years paid my bill in full but they just ignored the facts in their possession and hoped I would either settle OR rulings would go in their favor as they only wanted a Bench Trial. I changed all that with request for a jury trial. The jury did not lie. Their verdict spoke the truth.

And s truly amazing part of this whole debacle is why you and the court administration have not raised cain about the destroyed transcript. I don't get it. My one seems the least bit curious or upset that after such a long time in preparation supposedly and with unbelievable late notice and with a trial judge charged with preserving the integrity of the trial and making sure all runs correctly, testimony was deleted or destroyed or both. Reminds me of Rosemary Woods and Nixon. The dog ate the homework like I said in court when I heard about it. I have reported the debacle and suspicious event promptly to the court administration and was told no one else had. Curious. I received communication back after several attempts to get them to respond that I should tell my "case worker." Curious. Obviously they haven't a clue as to what is going on. I certainly hope that you as appeals officers of the court have made it your mission to get to the bottom of the deleted transcript especially as you have attacked me, the truly innocent party in this whole tragic affair. Isn't it curious that you blame me when I am and have always been the innocent, not-at-fault party as so found by a 12-member, impartial jury? Curious and wrong.

Throughout this entire debacle, my husband and I put off important health issues to keep flexible with the hopes of going to court earlier than we did and to get this tragic matter behind us, knowing we had the true facts. I put off multiple surgeries and because of the delays, had worse problems because I did not address them as promptly as medically recommended. Why? Because I was trying to take care of this unjust matter and do what the Court wanted. Funny and sad that now despite all my huge efforts and of my husband with the entire support of my family, you attack me for delays. Oh my goodness, it was unbelievable to read what you wrote.

Because of delays from the court, we had painful drawn-out medical issues and I noticed the court after the jury trial that we would be unavailable for a while due to them that had been on hold. I see you didn't jump down the throats of those on the other side for their delays – mother's illness, their own illness, staff delays, lost and destroyed records and more. No, you reserved your anger, totally misplaced and unwarranted toward me, the innocent party who never owed the alleged debt in the

first place, sued with her husband for years who never was a member of Blue Ridge Electrical Coop, forced to contend with a destroyed transcript which was duly reconstructed mostly thanks to me maintaining records, having the other side misrepresent to the Court with nary a harsh word to them; failing to impose essential sanctions for an obviously frivolous lawsuit; and worse, allowing a Trespass to occur on my property resulting in a taking without compensation or permission without even a flinch at the injustice of it all and blaming me.

It is outrageous. I stand by each and every word herein. It is a grave miscarriage of justice that you have issued such an order. This matter is within the discretion of the court and you have abused your discretion in my mind. I speak the truth and not paying Blue Ridge extortion in the first place because it was not true, started this travesty, which has snowballed into 'hell.'

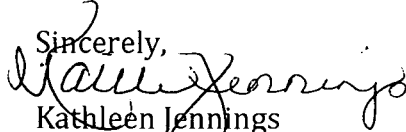
I had the Greenville Country Clerk of Court's office send you original exhibits along with my timely filed appeal brief so do note that you are in possession of those. I paid for that submission as I paid out of pocket the thousands I have been forced to spend on this appeal. We have had no money to hire an attorney and were forced to precede pro se. We are still paying for the medical care, funeral of our son, other costs, and our own care and do not have a cooperative membership to fund us without question. That is wrong too speaking as an excellent cooperative member as was finally acknowledged at trial.

You had the power to stop such a travesty and injustice as this. You had the moral authority to do so. I ask you to reconsider and take this rightful, just action and accept the appeal briefs I have always and timely filed. I complied with your original time schedule. The other side did not. I worked my life around your scheduling. The other side did not. They just kept taking on more lawyers but the rules seemingly do not apply to them. I have always thought that the court would eventually work its way around to a retrial because Blue Ridge lost. Heck with the facts and heck with a just jury verdict. Blue Ridge wants two bites at the apple. It is clear to me. It was wrong of the trial judge to disallow punitive damages. Wrong. They were correctly and long pled. To be denied them at the 11<sup>th</sup> hour just before jury argument after about three years of notice is just wrong and against the case law.

Lastly, I want this support pole, not even a power pole and not even serving anyone, as the development never materialized thankfully, to be REMOVED from my property. It is offensive and it deprives me the full use of my land and with no payment for the taking. Blue Ridge has tried on several times to put even more meter boxes on my property but this lawsuit stymied them. They have raised our rate I am told. You have now allowed them more attack reins on my family. Obviously, cost is no object for them as they have proved that. It is wrong and that should matter to you. Justice is not blind in that fashion.

I doubt you have read this. If read at all, it is probably by a clerk who is too afraid and unaware of the real political world to cross you or point out the glaringly obvious wrongs. You have allowed with your recent order, a travesty to occur and you have the moral and legal duty to correct it. I pray you do. Please forward this correspondence to all those whom you copied as we cannot keep paying and paying for a case wrongly brought in the first place. Move the trespassing pole. Move the pole. We want our land back and we want this to be over with apology made to us. Your attack is unjust as was this entire complaint. Please do the right thing and let real justice and equity prevail.

Sincerely,



Kathleen Jennings  
1524 Highway 11  
Landrum, SC 29356

cc: Larry Brandt  
P.O.Box 738, Walhalla, SC 29691

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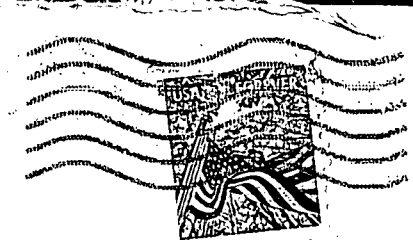
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