

REPLY TO RETURN FOR PETITION FOR REHEARING

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2012-CP-40-04857

Lawrence Terry,

Appellant,

v.

Allen University,

Respondent.

REPLY TO RETURN FOR PETITION FOR REHEARING

RECEIVED
MAY 21 2014
SC Court of Appeals

Lawrence Terry
Post Office Box 24138
Columbia, South Carolina 29224
(803) 414-0760
Appellant, Pro Se

ORIGINAL

ARGUMENTS

I. THE ARGUMENTS IN THE OPINION ARE NOT THAT OF THE APPELLANT.

This Opinion is based on arguments that were never presented by the Appellant to this Court of Appeals and references a Motion to Dismiss which was stricken from the Record on Appeal and Briefs by two Orders of this Appeals Court. Please refer to the Appellant's Final Brief to confirm the issues and arguments submitted. Allen University was in Default. Lawrence Terry properly filed an Affidavit of Default against Allen University six days before Order to Dismiss. No extension of time was granted nor was any means of relief motioned for by Allen. On page one of the Opinion the Appellant's arguments were cited accurately and although some arguments were combined the argument that was used in the ruling of "1" on page two of the Opinion is unsubstantiated. That misinterpretation would completely change the dynamics of the Opinion, rulings, and the case as a whole. Ruling "3" on page two of the Opinion also incorrectly states, "As to whether the trial court erred in denying Terry's motion for default judgment". No Order denying said motion was ever filed or heard. Furthermore, it was not one my arguments. This Appeals Court's Order dated August 9, 2013 states, "Rule 210(c), SCACR ("The Record shall not...include matter which was not presented to the lower court or tribunal."); see also Rule 210(h), SCACR ("Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal."). With those motions being affirmatively removed, it would confirm Allen University did not file a response to the Amended Complaint making it impossible for them to now arguments for this court.

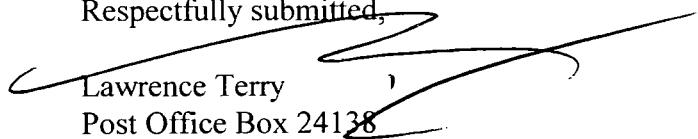
CONCLUSION

An abuse of discretion occurs when the order was controlled by an error of law or when the order is without evidentiary support. The Order of Dismissal by the trial court was controlled by an error of law in that Allen University was in Default at the time of the rendering of the Order. Based on Allen University's Default and Admitted Requests for Admissions, the Order is without evidentiary support. It would further imply that the trial court abused its discretion. The Appellant would be deeply prejudiced if this Opinion is allowed to stand and not corrected. Once combined, the words and meanings of my original issues and arguments seem to have been omitted or transposed unintentionally. This is why I petition this graciously fair court for relief. To aid in making a decision I have attached a copy of the First Set of Requests for Admissions that were supplied to Allen University along with the Complaint and Summons. All requests were deemed admitted based on Allen University's failure to respond and would abrogate any legitimate motion to dismiss, if one was presented. The Record on Appeal contains the Affidavit of Default and the two Orders of this Appeals Court confirm Allen University did not file anything in response to the Amended Complaint or the Initial Requests for Admissions.

For the reasons stated, this Court should rehear and rewrite its recent Opinion. It is also requested that this gracious court set a jury trial date to determine the damages in this default.

May 21, 2014

Respectfully submitted,



Lawrence Terry
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1 4. Immediately prior to Your answer to each Request for Information, or any part thereof, restate
2 the Request for Admissions or any part thereof.

3 5. Divulge all knowledge and/or information which is in the possession, custody or control of
4 You, Your attorneys, employees, investigators, agents, or other representatives or persons acting
5 on Your behalf.

6
7 6. If You object to any Request for Admission or part thereof on the grounds that it calls for the
8 provision of privileged communications between attorney and client, state: (a) the date on which
9 the communication occurred; (b) the parties to the communication; (c) the type of
10 communication, e.g., telephone conversation, personal conversation, etc.; (d) the identity of all
11 persons present when the communication took place, who overheard the communication, or who
12 read the communication; and (e) the identity of all persons to whom the communication has been
13 divulged.
14

15 7. If You object to any Request for Admission or part thereof on the grounds that it calls for
16 information protected by the "work-product" doctrine, state all facts on which You rely to
17 support the validity of such objection.
18

19 8. If any of the information requested in the following Requests for Admissions is stored in a
20 computer or any other means of electronic data compilation or storage, provide hard, i.e., printed
21 copies.

22 9. If an answer to any Request for Admission or part thereof is not provided to Plaintiff's counsel
23 within 30 days after service of these requests, it shall be deemed to have been admitted.
24

25 10. **"You" and "Your" shall refer to Allen University**, as well as all persons acting on Your
26 behalf, including, but not limited to, attorneys and their associates, investigators, employees,
27 agents and other representatives.
28

1 11. The "Property" shall refer to the property located at 1530 Harden Street, Columbia,
2 SC 29204, as well as any part, internal or external, thereof.

3 12. "Person" as used herein refers to any natural person and/or any association, joint venture,
4 partnership, corporation or other legal or business entity.

5 13. "His" as used herein shall be considered to include either the masculine or the feminine
6 gender.

7
8 14. "Document" shall mean any written, printed, typed, recorded or other graphic matter of any
9 kind or nature, whether produced, reproduced or stored on papers cards, tapes, belts, film or
10 computer storage devices or any other medium; and it shall also mean all tangible things
11 including writings, drawings, graphs, charts, photographs, models, machinery, and
12 instrumentalities within the scope of Rules 26 and 34 of the Rules of Civil Procedure, in the
13 possession and/or control of You or Your agents, attorneys, and any other person acting or
14 purporting to act on behalf of You or known by You to exist, including all originals, copies of
15 originals, non-identical copies or originals, and all prior drafts thereof.

16
17 15. "Identify" or "identity,"

18
19 a. when used in the reference to an individual, means and requires You to state: (1) his full name;
20 (2) his present business and home address; and (3) his present or last-known employer and his
21 present or last-known position with such employer.

22
23 b. when used in reference to a firm, partnership, incorporated or unincorporated association or
24 other legal or commercial entity, means and requires You to state: (1) its name; (2) the type of
25 entity that it is, e.g. firm, partnership, C corporation, etc.; (3) its licensed or otherwise registered
26 agent as required by law, if applicable; and (4) its place of incorporation or formation, as
27 applicable.
28

1 c. when used in reference to a document, means and requires You to state: (1) the date of its
2 preparation or compositions; (2) its author; (3) its intended recipient; (4) its title or designation;
3 (5) a summary of its contents; and (6) its present location and the person who has possession,
4 custody, or control of it.

5 d. when used in reference to a conversation, conference or meeting, or communication, means
6 and requires You to state: (1) its date and time; (2) its location; (3) the identity of all
7 participating, attending, or observing persons; (4) they identity of all documents that record,
8 summarize, or otherwise reflect the contents of the conversation, conference or meeting, or
9 communication; and (5) the method of communication, e.g. telephone, conference call, in-
10 person, etc.
11

12
13 16. "Expert" shall mean any person whom You claim or may claim: (a) possesses a special skill
14 or knowledge derived from his experience; and (b) is qualified to have an opinion or to state a
15 conclusion concerning any matter at issue in this litigation or is capable of aiding a jury in
16 determining the facts.
17

18 REQUESTS FOR ADMISSIONS

19 1. Admit that You submitted a Sworn Affidavit Of Marilyn Young to the South Carolina Court
20 Of Common Pleas on or about January 11, 2012.

21 2. Admit that You that reviewed the copy of the Plaintiff's transcript dated November 27, 2007,
22 which was filed with the Court on September 23, 2011.

23 3. Admit that after reviewing said 2007 transcript You noticed it had false grades on it.

24 4. Admit that if You correct the Plaintiff's transcript by removing the fall 2003 grades, You
25 would have to return the financial aid money received for fall 2003 too.
26
27
28

1 5. Admit that You sent numerous Official Transcripts, for the years prior to 2008, of the Plaintiff
2 to multiple colleges and or universities.

3 6. Admit that You were negligent in handling the Plaintiff's student records.

4 7. Admit that You were negligent either presently or in the past with handling some students'
5 transcripts.

6 8. Admit that You made an error with handling the Plaintiff's 2007 transcript.

7 9. Admit that after You discovered an error within the Plaintiff's student records, You made at
8 least one attempt to correct it.

9 10. Admit that You did not disclose, to the Plaintiff, the fact that You have known since 2008 of
10 false grades being published on the Plaintiff's transcript when he disputed his grades in 2009.

11 11. Admit that You did not disclose that fact that You have known since 2008 of false grades
12 being published on the Plaintiff's transcript, prior to filing said Sworn Affidavit in 2012.

13 12. Admit that You have been negligent in handling financial aid money within the past 12 years.

14 13. Admit that You sent the Plaintiff's 2003 Official Transcript to Midlands Technical College
15 without Fall 2003 grades on it.

16 14. Admit that You were not taking students' attendance from the years of 2002-2003.

17 15. Admit that You have known that Your previous staff were not keeping accurate records.

18 16. Admit that it is Marilyn Young, current or previous Registrar at Allen University, having a
19 conversation with the Plaintiff on the audio disc previously sent to Your attorney, Nelson
20 Mullins Riley & Scarborough.

21 17. Admit that You have heard an audio disc of Your, current or previous, employee Marilyn
22 Young having a conversation with the Plaintiff Lawrence-Terry.
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1 18. Admit that You have known that Your Business Office was negligent in handling financial
2 aid money.

3 19. Admit that by not disclosing the fact You have known of false grades being published on
4 transcripts, You committed fraud.

5 20. Admit that for some unknown reason false grades were being published on the Plaintiff's
6 2007 transcript.

7
8 21. Admit that the Plaintiff's reputation was harmed because of the error on his 2007 transcript
9 made by You in a reasonably foreseeable way.

10 22. Admit that the error on the Plaintiff's transcript was a substantial factor in causing the
11 Plaintiff's harm.

12
13 23. Admit that every transcript prior to 2008 of the Plaintiff had false grades on them.

14 24. Admit that You know the definition of Negligent and or Negligence.

15 25. Admit that You know the definition of Fraud.

16 26. Admit that You know the definition of Libel.

17
18 27. Admit that based on Your Sworn Affidavit of Marilyn Young and other documents You have
19 viewed, You are guilty of Negligence.

20 28. Admit that based on Your Sworn Affidavit of Marilyn Young and other documents You have
21 viewed, You are guilty of Fraud.

22 29. Admit that based on Your Sworn Affidavit of Marilyn Young and other documents You have
23 viewed, You are guilty of Libel.
24

25
26 Date

27 Plaintiff Signature
28 Post Office Box 24138
Columbia, Sc 29224

PROOF OF SERVICE OF REPLY TO RETURN FOR PETITION FOR REHEARING

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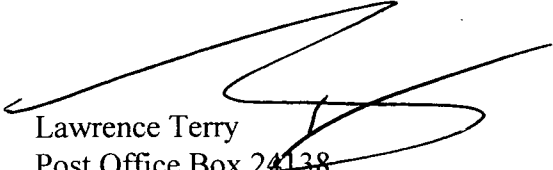
Allen University,

Respondent.

PROOF OF SERVICE

I certify that I have served the Reply to Return for Petition for Rehearing on Allen University by hand delivering copies on May 21, 2014, addressed to his attorney of record, Debbie W. Durban, Post Office Box 11070 Columbia, South Carolina 29211, Attorney for Respondent.

May 21, 2014


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