

The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-000147

RECEIVED
JUN 16 2014
SC Court of Appeals

The Honorable Paul M. Burch
Darlington County
Trial Court Case No. 2013CP1600366

Motion For Rehearing
and
Motion For Full Panell Review

The appellant, Petrel International, LLC hereby moves to this Court for Rehearing and for Full Panell Review on the issue of whether or not that Haiyan Lin, as single member of Petrel International, LLC, should be allowed to represent her own LLC as pro see, in the circuit court as well as in the court of appeal.

Attached are the communications between the court and Haiyan Lin, for Panell Review.

Until this day, the appellant has

not received any direct response from this court corresponding to her letter of Feb. 12, 2014. The appellant believes that under equal protection of Law, her letter deserves an answer from this court, just liking that the court has responded the letter of Jan. 28, 2014 by William J. Tuck, P.A. On March 4, 2014, this court has advised him that "if you desire to be relieved as counsel in this court, you must file the appropriate motion to be relieved." Should the appellant be required to file a motion instead of the letter, she should have been equally given an opportunity to present her argument before the court.

The equal protection under the law is guaranteed by 14th amendment of US constitution. The 30 days time limit should not start to count until the court's decision on the pending issue.

June 16, 2014

Petrel International, LLC
by Haiyan Lu

The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-000147

The Honorable Paul M. Burch
Darlington County
Trial Court Case No. 2013CP1600366

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SC Court of Appeals

Certificate of Service

I, Haiyan Lin, certify that I have served a copy of the Motion For Rehearing and Motion For Full Panel Review by depositing it in US mail on June 16, 2014 to

The Braddock Law Firm, LLC
cc. William J. Tuck
2231 W. Palmetto St. #203
Florence, SC 29503

June 16, 2014

Haiyan Lin
P.O. Box 1011
Columbia, SC 29202
803-404-7163



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1015 SUMTER STREET
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January 27, 2014

Petrel International, LLC
c/o Haiyan Lin
PO Box 1011
Columbia SC 29202

Re: H. Thad White v. Petrel International
Appellate Case No. 2014-000147

Dear Ms. Lin:

Haiyan Lin is advised that a non-lawyer individual cannot represent a corporation under *Renaissance Enterprises, Inc. v. Summit Teleservices*, 334 S.C. 649, 515 S.E.2d 257 (1999). Therefore, it will be necessary for Petrel International, LLC to retain an attorney to perfect the appeal on its behalf. Please notify the Court in writing of the name and address of the attorney who will be representing this company within thirty (30) days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William J. Tuck, Esquire

Jenny Abbott Kitchings

The Clerk of SC Court of Appeals

and V. Claire Allen

Deputy Clerk

1015 Sumter St.

Columbia, SC 29201

RECEIVED
2014 MAR 23 PM 4:58
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

FILED

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, SC 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 US Constitution. The case Renaissance Enterprises, Inc. v. Summit Telecommunications Services 334 S.C. 649, 515 S.E.2d 257, 98 SC 118 (1998) does not apply to this case.

SCOTT B. RUGER
CLERK OF COURT
ORANGE COUNTY, S.C.
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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 US 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 13 2014

ON

Motion For Order of Default

SC Court of Appeals

The motion hearing for 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

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

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 counter claims shall be scheduled, and damages for the counter claims shall be determined by jury as requested. It is so ordered.

Dec. 6, 2013

Haiyan Lin
Petrel International, LLC



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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February 28, 2014

Haiyan Lin
PO Box 1011
Columbia SC 29202

Re: H. Thad White v. Petrel International
Appellate Case No. 2014-000147

Dear Ms. Lin:

Our records indicate that the transcript in the above matter should have been ordered, pursuant to Rule 207 of the South Carolina Appellate Court Rules.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William J. Tuck, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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March 13, 2014

Haiyan Lin
PO Box 1011
Columbia SC 29202

Re: H. Thad White v. Petrel International
Appellate Case No. 2014-000147

Dear Counsel:

Upon reviewing your transcript correspondence, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A copy of this document was not provided to the Office of Court Administration as required by the SCACR. The address for Court Administration is 1015 Sumter Street, Suite 200, Columbia, SC 29201.
- Payment arrangements must be made with the court reporter for the transcript, pursuant to Rule 607, SCACR.
- Failure to document the date the transcript was ordered.

Very truly yours,

V. Claire Allen, Deputy
CLERK