THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

APPELLATE Case No. 2013-002785

Bobby Knight,

Appellants,

v.

RECEIVED
JUN 18 2014
SC Court of Appeals

Companion Property and Casualty
Insurance Company of South Carolina;
Robertson Hollingsworth & Flynn Law Firm with;
Paul R. Ryan, as an Individual & a Partner:

Respondent(s)

Appellant's Return to the Motion to Dismiss the Appeal

Bobby Knight, Appellant
3940 Hottinger Avenue
North Charleston, SC 20405
(843) 735-0814

Counsel of Record:
Theodore Manos
% Robertson Hollingsworth & Flynn Law Firm
177 Meeting Street, Ste 300
Charleston, SC 20401
Attorney for Respondents
(843) 723-6470

I. Appellant's Actual Status: FACTS, BACKGROUND, PROCEDURES:

I.a. Opening Statement of the **Appellants INITIAL BRIEF**: as of June 11, 2014:

Statement of the Case *(Excerpted in part)*

23. The SC Appeals Court ORDER granted permission to this Appellant file the INTIAL BRIEF and Designation of Matter within 30 days of May 14, 2014. The ORDER was received on May 17, 2014 and this pleading is timely with that instruction.
24. The Appellant, Norman Robert "Bobby" Knight owns the Sole Proprietorship named Construction Group LLC a South Carolina based business entity. IT is not a corporation as IT has been treated wrongfully and continuously by these specific Respondents since January 2012 is both Federal and this State Court litigation matters.
25. The Appellant filed a case in Charleston County Common Pleas against these Respondents for **Recission** of the bond contract indemnified by the Appellant, as an individual, for Construction Group LLC, a Sole Proprietorship, and for other related good causes of action. ***See Complaint at ¶ No's 5 – 17.1.***
26. The case, **FILED August 5, 2013** was dismissed by Respondent's Motion (R.12) and a Subpoena by the Appellant was quashed based solely on the assertion that the Appellant's business Construction Group LLC was a corporation and that IT must be represented by an attorney only. William Runyon withdrew at USDC without a court order. See *Carolina Truck Stop No.20* equires a written order for attorneys to withdraw. No USDC order exists. These SC Courts, including the USDC Court as well, wrongfully applied that stigma about Construction Group LLC as being a corporation and that the Appellant was not an attorney and could not represent IT's interests. The entity, is in fact, doing business as Construction Group LLC, has at all times pursuant to this matter and since IT's creation operated as a Sole Proprietorship; IT is identified by the SC Revenue Ruling #98-11 and recognized by The United States Treasury Tax Schedules; The United States Small Business & HUBzone Administration; and same for other exhibits presented to the Court below in the Appellant's Second Motion to Reconsider. (see Record on Appeal). The Respondents misused this "*Bobby Knight is*

not an Attorney" defense to completely silence the Appellant from making a defense of **the Clean Hands Doctrine in USDC** and this *venomous absolutism* was wrongfully and blindly carried over into the **Court of Common Pleas in Charleston County** – the court below.

27. The Honorable Judge Frank Addy presided over all matters in this case. The Appellant timely appeals: (1) the quashing of IT's Subpoena to FLETC GLYNCO for the un-sanitized copy of the criminal investigative report by Lt. Davis FLETC CHAS dated February; and (2) the FORM 4 ORDER granting the Respondents a R.12 Dismissal and (3) the two ORDERS that denied the Appellants two Motions for Reconsideration.

I.b. BEGIN the Appellant's Return to Respondent's Motion to Dismiss the Appeal. SCAC R.240(e).

The Respondents' Motion to Dismiss the Appeal comes without a "Notice of" a Motion to the Appellant: A SCAC R.240 pleading.

All the Appellants Motions at the Court below did give the Respondents a Notice of and Motion together and both Motions to Reconsider sought relief and had a combined result from Judge Addy to allow the Appellant to appear *pro se*. The Notice also invited the Respondents *"to file a response within 10 days when the Plaintiff will begin to move for a rehearing on the matter, if you are so minded."* No responses to the Plaintiff were given on either Motion.

A more similar motion was also prepared and sent to the United States District Court Chief Judge who placed my corporation vs sole proprietorship argument before the USDC about its ORDER and JUDGMENT Mr. Manos flaunts before this appeal court – like Mr. Manos did at the Court below. A USDC Motion is pending and is a part of the USDC Record. [*See* Appellant's Return to Motion **EXHIBIT "B"** attached hereto] Having not yet been heard, and based upon the same here for lack of subject matter jurisdiction, the presentation technically does not and cannot exist now that it is exposed and timely challenged.

There can be no *res judicata* where there is no *subject matter jurisdiction* over a NON EXISTENT corporation and party not so named in a case. Nor can *a tolling* be tabulated.

The Respondents have filed their new Motion to Dismiss the Appeal (signed June 10, 2014) after the Court of Appeals had ORDERED (May 14, 2014 & received by the Appellant May 17, 2014) that the INTIAL BRIEF and Designation of Matter are to be filed. [*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto]

The Appellant asserts that this Motion to Dismiss the Appeal is identical to the R.12 Motion to Dismiss the Complaint at the Court below and if allowed circumvents the whole Appeal due processes. IF continued and not DENIED, then the Motion to Dismiss – that does not address the SCAC ORDER GRANTING the Appellant time for delivering to the Clerk the INITIAL BRIEF of the Appellant and Designation of Matter. Mr. Manos is not compliant with SCAC R. 240(e) and R.221

The Appellant filed the SCAC R.240 Motion & Notice of Motion for a Docket Correction [*about an oversight from a SCAC Clerk's Administrative Order Dismissing the Appeal for not filing the INITIAL BRIEF and Designation of Matter w proof of having to wait an extraordinary amount of time for the transcript of October 16, 2013*] with Appellant's Proof of Service upon the Respondents counsel, Mr. Manos. The Appeal Court determined pleading was "*to reinstate the appeal*' and GRANTED the ORDER that this Appellant is allowed thirty (30) days [*thereby restarting the Appeal Rules process*] for the filing of the **INITIAL BRIEF and Designation of Matter** to timely follow. The SCAC Clerk was charged and delivered a copy of the ORDER to Mr. Manos for the Respondents at the same time and manner as to Mr. Knight, the Appellant.

Mr. Manos for the Respondents technically **'abandoned' any and all rights to raise a Rehearing of this Appeals reinstatement ORDER dated May 14th, 2014 of the SCAC** [*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto] **, and**

... when Mr. Manos did not Return to the proper Motion of the Appellant; especially by him (Manos) having knowledge of same with Proof of Service of both (1) the Appellant's SCAC Motion; and (2) the service of the Court of Appeals ORDER May 14th 2014 [*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto] already establishing the procedures forward:

He (Mr. Manos) set in movement more confusing delays and allows an **"Equitable Tolling"** in favor of this Appellant.

SCAC R.240(e) Mr. Manos filed no Return to the Appellant's Motion.

> **(e) Return to Motion.** Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return; provided, however, a return to a petition or motion for rehearing under **Rule 221** need not be filed unless requested by the court. The court may in its discretion enlarge or limit the time for filing the return. The provisions of Rule 240(c) shall apply to a return. **Failure** of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.

SCAC R.240(f) Mr. Manos had not taken the interest nor the time to file a **Return**; then this Appellant could have filed a **Reply** instead of this lengthy Appellant's Return to Mr. Manos' Motion to Dismiss the Appeal -- which is out of procedural steps with **SCAC R.221 Rehearing** from the May 14th 2014 SCAC ORDER. It is unfair and unjust to rehash a matter that, in and of itself, in the meat of the entire appeal... while the Court has ordered next steps which had already begun the initial briefing of countdown days.

> **R.240(f) Reply.** The moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve on all parties a copy of the reply. The provisions of Rule 240(c) apply to a reply.

The Respondents' **Motion to Dismiss the Appeal circumvents the Law of the Case and it must be DENIED with all Due Prejudices in favor of the Appellant.**

Mr. Manos's R.240 New instant Motion thwarts the meaning and intent guided by R.221 if he is allowed "to simply drive around" his NO RETURNs policy of practicing the law: and in so doing the Appellant is being burdened and prejudiced unfairly. Resultantly, causing the extra expenses of these appeal to go higher and higher; and all because Mr. Manos did not file a Rehearing to the ORDER of May 14, 2014. [*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto]

RULE 221
REHEARING AND REMITTITUR

> **(a) Rehearing.** Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, **order,** judgment, or decree of the court. A petition for rehearing shall be in accordance with **Rule 240**, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court.

SCAC R.221 – Mr. Manos has tried to supplement the record with his Motion to Dismiss the Appeal; when, in fact, his only proper recourse to the ORDER of May 14th[*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto] - at this stage of the proceedings – would have been to have filed a **Petition for a Rehearing of the Appellants GRANTED Motion** that of which, Mr. Mano **did not file a Return** to same Appellant's Motion in the first place; which means that the Respondents' own "***Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition***" to the Briefs being filed as ORDERED. The time between the SCAC ORDER on May 14th and the Respondents Motion to Dismiss the Appeal on June 10th far exceeds the (15) days of time allotted by R.221(a) to Mr. Manos.

The Respondents Motion to Dismiss the Appeal attempts to confuse and it clearly circumvents the **Law of the Case.** Its attempt to a ***Failure*** *about* ***SCAC R.221(a)*** does not include *do-overs* for Mr. Manos' misusing a New Motion to Dismiss the Appeal SCAC R.240 and Exhibits that would have been more appropriately-applicable at his INTIAL BRIEF of the RESPONDENTS or had Mr. Manos been timely --- when the Rehearing of the May 14th ORDER was issued, **Additionally, R.221** states: "and **shall** state with particularity the points supposed to have been overlooked or misapprehended by the court." When, Mr. Manos's missing Return: the "shall state with particularity the points supposed to have been overlooked or misapprehended by the court" when there was No Return by Mr Manos listing points of contention about the Appellants Motion and the Motion was easily considered "consented to" by Mr. Manos anything about his client's only opportunity to speak on these issues about the ORDER that he did not Return too. This conundrum of

behavior prejudices this Appellant. If allowed and not DENIED, this judicial behavior is just plain wrong and unfair and manipulative dealing with the Courts about the Rules.

In fact, as a "point of continuing-contentions" or the lack thereof; about any Appellant presentations at all, Mr. Manos had filed no RESPONSE(s) to the Appellant's First Motion to Reconsider and to the Appellant's Second Motion to Reconsider at the Court below. [Respondents Exhibited them herein] Hon. Judge Addy made his combined and consecutive ruling(s) and after the Appellant received the Notice of Judgment/Order on December 7, 2013 as so it would be then like, there is this one case can only have one Judgment?

SUMMARY: Then the **Notice of Appeal** from any ORDER or Final Judgment of the Courts below, is how the Rules guide us. Mr. Manos is "*the pot calling the kettle black.*" His duty was to present a **Rehearing** of the May 14th 2014 SCAC ORDER [*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto] even while he did not file a RETURN to Knight's Motion. Mr. Manos' duty, as an Officer to the Courts, is not make the same arguments with a New Motion to Dismiss the Appeal that likens the R.12 Motion to Dismiss actually being appealed from the Court below – when his open procedural window was to timely file a Return to (the Appellants Motion) that by then/now had/has already been GRANTED and the appealed case is moving forward without any proper timely SCAC **R.221 Rehearing** either.

The Notice of Appeal was timely perfected by the Appellant.

The Notice of Appeal and Proof of Service and the $100 fee being paid then causing the SCAC Deputy Clerk who issued the January 27, 2014 Letter [*a part of the case docket*] giving the Appeal its own Case Number, as is captioned above.

Furthermore; Mr. Manos made **No Return** or a **Motion to Dismiss the Appeal before** the Courts May 14, 2014 ORDER nor even timely made a **Motion for Rehearing** timely thereafter; a *credibility argument* as to **WHY?** Mr. Manos has intentionally left out this extremely important procedural fact and Court's ORDER document completely out of his SCAC R.240 section titled "**I. FACTUAL AND PROCEDURAL BACKGROUND**" with Respondents Exhibits when the Deputy Clerk had delivered a copy of this most important ORDER to all

counsel of record and the Appellant? [*See* Appellant's Return to Motion **EXHIBIT "A"** attached hereto]

Res Judicata not an **"iron clad"** bar – a Return Argument:

Appellants Defense to *res judicata* of USDC Order/Judgment Exhibited herein:

> In order for *res judicata* to operate as a bar to [the Appellant's (Knight's pro se) Complaint and Appeal from Judge Addy's ORDERS,] {*emphasis added*} the following elements needed to be proven by the [Respondents at their Motion to Dismiss the] Appeal: **(1) identity of the parties; (2) identity of the subject matter;** and **(3) adjudication of the issue in the former suit.** Riedman Corp. v. Greenville Steel Structures, Inc., 308 S.C. 467, 419 S.E.2d 217 (1992).

The Respondent had not done a proper investigation as an Officer of the Court before appearing and deciding or filing their claim in either the USDC and or same the Court of Common Pleas in Charleston; Mr. Manos would have easily concluded that Construction Group LLC is NOT a corporation; IT is a Sole Proprietorship, always professing the same since the USDC Motion to Intervene as a Pro Se party about his sole ownership of Construction Group, LLC. The Respondents' Motion to Dismiss the Appeal does not satisfy the first, second and third requirements at Law as to (1) identity of the part(y)ies; and (2) subject matter jurisdiction; and (3) a {complete} adjudication of the issue in the former suit [USDC Exhibit]; all three of which, has not been correct about this Appellant.

The series of three form ORDER(s) by Hon Judge Addy at the Court below are weighed against a **Non Existent Corporation** and none of these are found to be against any proper existing natural person, entity or interested party. The *res judicata* assertion also has its own hurdles that the Respondents cannot get over, under or sneak around to enforce against this Appellant.

Restating herein, another way, what has been attempted by this Appellant in ALL of his *pro se* pleadings timely served upon the Respondents, the Court below and this Appeal Court, to show; Construction Group LLC is and always has been a Sole Proprietorship – which is clearly stated in the Appellant's INTIAL BRIEF signed June 10, 2014 Mailed to all parties and the SCAC Clerk marked as RECEIVED June 13, 2014. An ORDER of any kind, USDC and even the set

from Judge Addy at the Court below – **are without subject matter jurisdiction over Construction Group LLC the Sole Proprietorship as its sum the arguments of the Appeal.**

The Respondents Motion to Dismiss the Appeal argues something about the **tolling of time** between the Form 4 ORDER of Judge Addy October 18, 2013 [followed by an Order dated October 23, 2013] and then Appellants first and second Motions and Notice of Motions for Reconsiderations filed continuing for his right to appear *pro se* can support the burden of a true **Equitable Tolling**. It can and has been shown that an Order of any kind and from any time and or place if utterly void and moot without subject matter jurisdiction over a party.. Certainly, when this Appeal substantiates that an Order against a NON EXISTANT corporation is one without any subject matter jurisdiction and then the Respondents will have failed to meet the three (3) **Standards for Review** prerequisites. The Respondents simply do not have the identity of the Appellant correct and for this – all their assertions of success against Construction Group LLC as a corporation are but errs against Construction Group LLC SMLLC Sole Proprietorship. Their judgments and orders from the Courts below are worthless at law and in equity.

> Our courts, however, have found that the doctrine of *res judicata* is not an **"ironclad"** bar to a later lawsuit. Garris v. Governing Bd. of the South Carolina Reinsurance Facility, 333 S.C. 432, 449, 511 S.E.2d 48, 57 (1998).
>
> It is axiomatic that an order entered by a court without subject matter jurisdiction is utterly void. *Coon v. Coon*, 356 S.C. 342, 347, 588 S.E.2d 624, 627 (Ct.App.2003), *aff'd as modified*, 364 S.C. 563, 614 S.E.2d 616 (2005). Moreover, a lack of subject matter jurisdiction may be raised at any time. *Hallums v. Bowens*, 318 S.C. 1, 3, **428** S.E.2d **894**, 895 (Ct.App.1993). Additionally, a court lacking subject-matter jurisdiction cannot enforce its own decrees. *Id.*

III. Equitable Tolling: Argument

The Respondent raised the issue of Tolling of the Times between the Appeallant's two Motions to Reconsider at the Court below. It is not the Appellants error that no one below will allow him to speak long enough or to seek the proof of evidences that Construction Group LLC is the Sole Proprietorship business entity of Mr. Knight, and IT is not a corporation as it has been treated, wrongfully and maliciously to prevent this correction.

On this **Appellant's Return to the Motion to Dismiss the Appeal** Mr. Knight is asking this Court of Appeals to first consider Mr. Knight's argument that the alleged "statute of limitations" should be equitably tolled for faults and confusions that are, were and are still is being created by these Respondents own hands the assertions that Construction Group LLC is a corporation and not allowed to speak *pro se*. The Appellant asserts he was entitled for "all" to rely upon the public records and that the Respondent's failures to name correctly and to treat Knight properly as a *SBA 8(a)* entity and Sole Proprietorship as is the designation of a SMLLC registered agent with the South Carolina Secretary of State; as is required by state laws thwarted this Appellants repeated attempts to effect this certain understanding upon the attorneys and the Court below; the Respondents; and even the USDC Charleston Division {*pending Motion for same review*}; all the while, an array of other Federal and State Agencies; SDCOT, Governor's Small Business Certified all documented that Construction Group LLC is a Sole Proprietorship business entity concern.

This Appellant asserts that, under all these circumstances, it would be inequitable for the Respondent to be allowed to benefit from its own erroneous conduct by obtaining a complete dismissal of these Appeal claims. This Court of Appeals should agree as similarly done...

This Appellant has **diligently pursued** his causes through the courts aside from all the difficulty, resistance, inaction and lack of responses before now from these Respondents.

*{All is better outlined in **the INTIAL BRIEF of the Appellant and Designation of Matter** signed June 10 and filed June 13, 2014. } **But, this effort and expense by the Appellant has to be done right now as a Return is due filed in 10 days vice the approximately 45 days when the Appellant's Brief and Record on Appeal were scheduled, expected and family budgeted as were set to be due" in the SCAC Clerk's Offices.**

III. Equitable Tolling Legal Analysis – an Argument (cont'd)

The Court of Appeals affirmed. **Hooper v. Ebenezer Senior Servs. & Rehab. Ctr.**, 377 S.C. 217, 659 S.E.2d 213 (Ct. App. 2008). We granted Hooper's petition for a writ of certiorari to review the decision of the Court of Appeals.

"'**Tolling**' refers to suspending or stopping the running of a statute of limitations; it is analogous to a clock stopping, then restarting." 51 Am. Jur. 2d Limitation of Actions § 169 (2000). "Tolling may either temporarily suspend the running of the limitations period or delay the start of the limitations period." Id.

South Carolina law provides for tolling of the applicable limitations period by statute in certain circumstances. See S.C. Code Ann. § 15-3-30 (2005) (stating exceptions to the running of the statute of limitations when the defendant is out of the state); id. § 15-3-40 (providing exceptions for persons under a disability, including being underage or insane).

In addition to these **statutory tolling mechanisms**, however, "[i]n order to serve the ends of justice where technical forfeitures would unjustifiably prevent a trial on the merits, the doctrine of equitable tolling may be applied to toll the running of the statute of limitations." 54 C.J.S. Limitations of Actions § 115 (2005). "Equitable tolling is a nonstatutory tolling theory which suspends a limitations period." Ocana v. Am. Furniture Co., 91 P.3d 58, 66 (N.M. 2004).

Equitable tolling is judicially created; it stems from the judiciary's inherent power to formulate rules of procedure where justice demands it. Rodriguez v. Superior Court, 98 Cal. Rptr. 3d 728 (Ct. App. 2009). "Where a statute sets a limitation period for action, courts have invoked the equitable tolling doctrine to suspend or extend the statutory period 'to ensure fundamental practicality and fairness.'" Id. at 736 (citation omitted).

The party claiming the statute of limitations should be tolled bears the burden of establishing sufficient facts to justify its use. Ocana, 91 P.3d at 65; see also 54 C.J.S. Limitations of Actions § 115 ("The party who seeks to invoke equitable tolling bears the devoir of persuasion and must, therefore, establish a compelling basis for awarding such relief.").

It has been observed that "[e]quitable tolling typically applies in cases where a litigant was prevented from filing suit because of an extraordinary event beyond his or her control." Ocana, 91 P.3d at 66. However, jurisdictions have considered tolling in a variety of contexts and have developed differing parameters for its application.[6] See, e.g., Irby v. Fairbanks Gold Mining, Inc., 203 P.3d 1138, 1143 (Alaska 2009) ("Under the doctrine of equitable tolling, when a party has more

than one legal remedy available, the statute of limitations is tolled while the party pursues one of the possible remedies."); Abbott v. State, 979 P.2d 994, 998 (Alaska 1999) ("Federal precedent equitably tolls the limitations period in three circumstances: (1) where the plaintiff has actively pursued his or her judicial remedies by filing a timely but defective pleading; (2) where extraordinary circumstances outside the plaintiff's control make it impossible for the plaintiff to timely assert his or her claim; or (3) where the plaintiff, by exercising reasonable diligence, could not have discovered essential information bearing on his or her claim." (footnotes omitted)); Kaplan v. Morgan Stanley & Co., __ A.2d __, __ (Vt. 2009) (2009 WL 2401952) **("Equitable tolling applies either where the defendant is shown to have actively misled or prevented the plaintiff in some extraordinary way from discovering the facts essential to the filing of a timely lawsuit, or where the plaintiff has timely raised the same claim in the wrong forum."** (citing Beecher v. Stratton Corp., 743 A.2d 1093, 1098 (Vt. 1999)); cf. Machules v. Dep't of Admin., 523 So. 2d 1132, 1134 (Fla. 1988) **(stating the doctrine of equitable tolling, unlike equitable estoppel, does not require deception or misrepresentation by the defendant; rather, it serves to ameliorate the harsh results that sometimes flow from a strict, literalistic application of administrative time limits).**

In our view, the situations described above do not constitute an exclusive list of circumstances that justify the application of equitable tolling. "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstances, to deny it would permit one party to suffer a gross wrong at the hands of the other." Hausman v. Hausman, 199 S.W.3d 38, 42 (Tex. App. 2006). Equitable tolling may be applied where it is justified under all the circumstances. We agree, however, that equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.

We have previously tolled a statute of limitations based on equitable considerations. In Hopkins v. Floyd's Wholesale, 299 S.C. 127, 382 S.E.2d 907 (1989), a workers' compensation case, we tolled the running of the statute of limitations for the time that the employee was induced by the employer to believe the claim would be taken care of without filing a claim (the "reliance period"). In reaching this result, we considered two methods of treating the claim: (1) requiring that the claim be filed a "reasonable time" after the reliance period, or (2) tolling the statute of limitations during the reliance period. Id. at 129, 382 S.E.2d at 908-09. We held the better rule was to toll the running of the statute of limitations during the reliance period, as this "rule estopping employers from asserting the

statute of limitation[s]" provided greater certainty and gave the employee the greatest benefit of the equitable rule. Id. at 130, 382 S.E.2d at 909.

In Schriber v. Anonymous, 848 N.E.2d 1061 (Ind. 2006), a widow brought medical malpractice and wrongful death claims arising out of the death of her husband. The widow encountered difficulties in effecting timely service because the defendant, a healthcare facility, failed to file a certificate of assumed name for its business designation and to conspicuously post its facility license in public view as required by state law. Id. at 1063. The Indiana Supreme Court, while deciding the case on another basis, observed that the proper procedure should have been for the court to judicially toll the expiration of the applicable limitations period for the time that the defendant's actions hindered the plaintiff's discovery of the proper entity name and thus delayed her attempt to effect service. Id. at 1063-64.

In the current appeal, we find Ebenezer's failure to properly list its registered agent for service with the Secretary of State as required by state law hindered Hooper's pursuit of service.[7] Although Ebenezer argues it is entitled to the dismissal of Hooper's action because she should have pursued alternative means of service, such as publication or service upon the Secretary of State, nowhere in Ebenezer's arguments does it acknowledge the obvious fact that the need for alternative means of service was caused by Ebenezer's own failure to supply the correct information regarding its agent to the Secretary of State as required by law. In fact, as Hooper noted in her brief, though several years had passed, Ebenezer still had not supplied the name of an appropriate agent for service of process to the Secretary of State at the time this case was initially brought before our Court. Hooper was entitled to rely on the public records and she diligently pursued service on what turned out to be a nonexistent agent. Thus, it is not equitable that Ebenezer be the beneficiary of the drastic consequence of a dismissal.

Moreover, it is important to note that a party utilizes these alternative methods of service only after first exercising reasonable or due diligence to effect service on an individual or agent. See e.g., S.C. Code Ann. §§ 15-9-710 & -730 (2005) (providing that when an individual or corporate agent, respectively, cannot be located in this State after the exercise of due diligence, service may be had by publication once this fact has been established by affidavit to the satisfaction of the court); id. § 33-44-111 (2006) (stating if an agent for a limited liability company cannot be found after the exercise of reasonable diligence, service may be had upon the Secretary of State).

In this case, Hooper first tried to effect service upon the agent named by Ebenezer at the address it supplied to the Secretary of State. When that was unsuccessful, Hooper hired a private investigator, who found a personal address for the agent. Hooper contacted the Lexington County Sheriff's Department on numerous occasions and was told that service was being made. She was not notified until one month after the running of the statute of the limitations that service had been unsuccessful because the whereabouts of the agent could not be determined.

Hooper finally was able to effect service after the statute of limitations had run, only after she exercised reasonable and due diligence to serve Ebenezer's agent. Under Rule 3(a)(2), SCRCP, even if the limitations period has run, service may still be effected if it is accomplished within 120 days of filing of the summons and complaint. Unfortunately, Hooper was approximately one week past the 120 days. Thus, under the unique circumstances of this case, we conclude it is appropriate to equitably toll the statute of limitations for the time Hooper spent in pursuit of Ebenezer's nonexistent agent.

Finally, we note that public policy and the interests of justice weigh heavily in favor of allowing Hooper's claim to proceed. The statute of limitations' purpose of protecting defendants from stale claims must give way to the public's interest in being able to rely on public records required by law.

CONCLUSION

As a matter of law and public policy, we reverse the trial court's grant of summary judgment in favor of Ebenezer and remand for further proceedings consistent with this opinion.[8]

IV. CONCLUSION -- RETURN to MOTION - R.240(e)

Identity of the Appellant (a party): This is what this very appeal is all about.

The asserted corporation Constuction Group LLC has not ever and does not exist and any orders any judgments against IT are **"utterly void; Moot and that Jurisdiction can be raised at any time."** This alone is sufficient causation to **DENY** the Respondents New Motion to Dismiss the Appeal.

The Respondent argues for *res judicata, tolling* and *subject matter jurisdiction,* while the Appellant argues that neither are an **"iron clad"** bar to the Appellant's Claims and Complaints against the Respondents, their bad behavior and unclean hands. There is no corporation called Construction Group LLC and Equitable Tolling is justice as the errors and confusion and delays caused by the Respondents *"failure to return"* to the Appellants Motion(s) have created its own **"supersedeas bar"** now the **Law of this Case** [SCAC ORDER - May 14, 2014] which already written must apply in favor of the Appellant.

The Court below's error is that the Respondents have managed to wrongfully convince the Court(s) below that Construction Group LLC was a corporation – and now trying upon this Appeals Court the same – without one single shred of proof other than a few attorneys colluding, conspiring and repeating this assertion and are acting maliciously on that uninvestigated presumption(s) as far back as the USDC matter. The have cheated the judicial system to get an advantage of the higher plateau; but this behavior is now checked.

The Appellant's **INTIAL BRIEF and Designation** has been signed June 10, 2014 and filed as **RECEIVED** on June 13th, 2014 via the SCAC ORDER dated May 14 2014 which allowed it and when completed (will) include those documents and Exhibits from the SC Department of Revenue Ruling #98-11; DoD; IRS; SBA and HUBZone that Construction Group, LLC is, in fact, a **sole proprietorship** and has been compliant as one since FY 2000.

It is shameful, that this *pro se* Appellant has to attach documents right now this very minute, all herein a 10 day Return R.240 time limit; when the standard briefing process already initiated by the SCAC ORDER of May 14th, 2014 granted the Appellant at least 45 days to prepare and label and attach the Record on Appeal.... Resultantly, the Appellant is being "unduly burdened and prejudiced" simply because Mr. Manos cannot seem to follow the Rules that have now set the Law of the Case by the May 14th 2014 ORDER for the filing of Briefs, which had/has begun.

The **United States Supremacy Clause** will require that identical finding(s) throughout the SC Court System as well as the USDC Charleston Division about Construction Group LLC and Bobby Knight for being able to appear *pro se* about Construction Group LLCs interests.

In fact, In 2003, these same parties in this Appeal were at the USDC with a suit brought by the Appellant *pro se* against Companion. Not one *pro se* objection was raised then and the suit was dismissed via a consent and Joint Stipulation in January 2004, signed by all attorneys for the several defendants and this *pro se* Appellant.

Prayer for Relief: The Appellant pro se also requests that the Court not only **DENY** the Respondents Motion to Dismiss the Appeal, but to **AWARD** the costs and expenses that any law firm might be granted for similar work against these Respondents. And, too, for any other just and fair judgment that will attempt make this Appellant whole once again.

Respectfully submitted this 16th day of June 2014.

BY: _____

Bobby Knight, Appellant
3940 Hottinger Avenue
North Charleston, SC 20405
(843) 735-0814

Counsel of Record:
Theodore Manos
% Robertson Hollingsworth & Flynn Law Firm
177 Meeting Street, Ste 300
Charleston, SC 20401
Attorney for Respondents
(843) 723-6470

The South Carolina Court of Appeals

Norman Robert Knight, Appellant,

v.

Companion Property and Casualty Insurance Company of South Carolina; Robertson Hollingsworth & Flynn Law Firm with Paul R. Ryan, as an individual & Partner, Respondents.

Appellate Case No. 2013-002785

ORDER

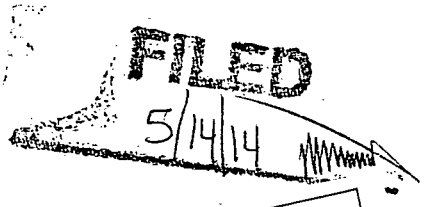
Appellant has filed a "motion to correct clerk's docket," which we construe as a motion to reinstate this appeal. Appellant's motion is granted. Appellant shall serve and file his initial brief and designation of matter within thirty days.

John Cannon Fw

FOR THE COURT

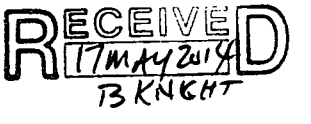
Columbia, South Carolina

cc:
Norman Robert Knight
Theodore Luke Manos, Esquire



Appellant's Return To Motion

Exhibit "A"



IN THE UNITED STATES DISTRICT CLERKS OFFICE

FOR THE DISTRICT OF SOUTH CAROLINA 2012 MAY 9 AM 9 26

US DISTRICT CT COLA, SC

United States of America, for an on behalf of Atlantic Electric, LLC, Plaintiff, v. Construction Group, LLC and Companion Property and Casualty Insurance Company Defendant.	)))))))	Civil Action No 2:12-CV-00107-RMG NOTICE of Motions & MOTION for Declaratory Judgment w/ MOTION R.56(e)(4) Other. & 12(h)(3) Lack of Subject Matter Jurisdiction.

TO: the Plaintiffs and co-Defendants captioned above; This is a NOTICE of Motion and Motion; you should appear and respond within ten (10) days if you are so minded.

COMES NOW, the **true-Defendant**, Construction Group, LLC as the PROPER ENTITY known only as the Sole Proprietorship, a one owner S.C. SMLLC - Bobby Knight, being timely is seeking a **Declaratory Judgment** in the above captioned case as **IT** lacked a proper venue and jurisdiction **IT** required; **IT** lacks a subject matter jurisdiction over Bobby Knight while entity Construction Group LLC was being *thrashed wrongly* because the Court was assuming this Defendant to be a corporation -- all the while, this **true-Defendant** was/is a Sole Proprietorship. Inadvertently, a Court ruling(s) that Bobby Knight could not Intervene, that he could not speak except via an attorney limited and restrained in that he could not afford, and this civil action as was commenced and plead **IT** violated this Sole Proprietor (Bobby Knight) of his *due process and fair access* [FN 1,2,& 3] to these Court's proceedings for which he, while being gagged and held defenseless, as a Sole Proprietor, he has been and continues to be aggrieved by this District Court applying decisions unjustly to a *non-existent corporation*.

The USDC in the above captioned Miller ACT Claim, did not have any properly plead venue and jurisdiction over the **true-Defendant** by just merely calling it a corporation. The claim was filed against Construction Group LLC which is properly known to the United States and acts as a Sole Proprietorship and a small business concern.

Appellant's Return To Motion

Exhibit "B"

Construction Group LLC is accepted and recognized by (1) the United States Small Business Administration (SBA) as an 8a Concern and (2) a participant to the HUBZone (SBA) program; (3) the United States Treasury Department via the Internal Revenue Service which has always taxed Bobby Knight an Individual for Construction Group LLC, Sole Proprietor shown on all of it's Schedule C forms, while this entity has NEVER paid any corporate taxes and as a corporation, inasmuch, proof certain and undisputable, that the **true-Defendant** never was and is not a corporate entity; AND (4) As a precedent, previously in 2003 --historically-- in this USDC Charleston Division this true-Defendant, as Sole Proprietor filed as Plaintiff and was allowed to represent *pro se*. Construction Group LLC SMLLC filed a RICO civil action against Companion Property, the insurance company, and we together, Stipulated a Dismissal in January 2004. *See Appendix-Exhibits 1; 2; 3 & 4 respectfully attached hereto.*

This Court's Orders and Final Judgment was the **fruition** of misrepresentations; a grievous error; a putrid mistake; and a petard-of-injustice haphazardly executed by all the opposing attorneys via their courts-officers-parties-status and Electronic Filing Access to the Clerks convincing the USDC to treat Construction Group LLC entity as a corporation, when in fact; this **true-Defendant** was screaming to be heard as the Sole Proprietorship, which it is now and always has been since its formation.

As such, the USDC, having never expressed any venue or jurisdiction over the **true-Defendant** as the Sole Proprietor, then there has never been a proper claim; order or final judgment that is enforceable against Bobby Knight the Sole Proprietor of Construction Group LLC. Having no prerequisite FRCP 8 perfected, this motion before the USDC to Vacate the Docket to reflect a Dismissal of the claim in the name of the United States of America MUST be changed to the favor of Bobby Knight and his sole proprietorship company.

Futhermore: **the Supremacy Clause Article VI** reads.

> *The Constitution and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land. And the Judges in every State shall be bound thereby, and any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

Citations and Arguments

Sole Proprietorship May Proceed *Pro Se* in Federal Court:

> From *A. L. Enters. v. Sebron,* 2008 U.S. Dist. LEXIS 100391 (D. Utah Dec. 10, 2008):
>
> > Many cases have recognized that although an entity cannot appear *pro se*, an exception exists when an entity is a sole proprietorship, because "a sole proprietorship has no legal existence apart from its owner." [Footnote 3. *United States v. Fox*, 721 F.2d 32, 36 (2d Cir. 1983); *Latanzio v. Galen Institute, Inc.,* 481 F.3d 137, 140 (2d Cir. 2007).] Thus, many courts have held that "sole proprietorships may proceed *pro se* in federal court." [Footnote 4. *United Parcel Serv. v. The Net, Inc.,* 185 F.Supp.2d 274, 279-280 (E.D.N.Y. 2002); *Lowery v. Hoffman,* 188 F.R.D. 651, 653-54 (M.D.Ala. 1999).]
>
> > However, **a sensible exception exists when an entity is a sole proprietorship, because "a sole proprietorship has no legal existence apart from its owner."** United States v. Fox, 721 F.2d 32, 36 (2d Cir. 1983). Accordingly, many courts have held that "sole proprietorships may proceed pro se in federal court." Kraebel v. N.Y. City Dep't of Hous. Pres. and Dev, No. 90CIV4391 (CSH), 2002 WL 14364, at * 4 n. 5 (S.D.N.Y. Jan. 3, 2002); *United Parcel Serv. v.The Net, Inc.*, 185 F. Supp. 2d 274, 280 (E.D.N.Y. 2002) ("[T]he sole owner of [a sole proprietorship] can represent [his company] in federal court.").

Where any person, similarly situated like Bobby Knight here is so aggrieved by any court's orders; appears properly before a Court and asserts that a lack of venue and/or jurisdiction {subject matter} is in a federal question; no statutes of limitations or time tolled or time barred can uphold or exist against him. Stated, **FRCP 12(h)(3)** any orders or judgments wrongfully aggrieving this Sole Proprietorship, the **true-Defendant**, that were so founded as these previously entered into this case docket and are found to be weightless, unlawful and totally unenforceable instruments against a non-party such as this sole proprietorship, must be dismissed in the best interest of justice.

> FRCP 12(h) WAIVING AND PRESERVING CERTAIN DEFENSES. 12(h); (3) *Lack of Subject-Matter Jurisdiction.* If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.

WHERFORE, an equitable, fair and for good causes of justice having been shown herein and since Bobby Knight is the Sole Proprietor, of whom endeavored to speak to this matter many times before and was denied this lawful appearance and jurist-voice and even for his being disallowed by the USDC Clerk Case Manager to file any pleadings as his speech to redress his grievances to the United States Justice System; and Bobby Knight truly being the Sole Proprietor of Construction Group LLC was never summoned that would have commenced[1] this claim against him by the United States of America, for and on behalf of Atlantic Electric LLC (not a S.C. sole proprietorship entity) by their attorney, William Scott, but who did error the same repeatedly along with Companion Property and Casualty Insurance via Paul Rahn Esq., all *wrongfully orchestrated* in the name of the United States of America denying Bobby Knight of his U.S. Constitution Substantive Due Process Rights and Protections[2].

Resultantly, Bobby Knight as the Sole Proprietor has been litigated against him without his due processes of law[3]; and Construction Group LLC being *'not proved to be'* a corporation by SC Code or these Federal District Courts, but was *'assumed as such a corporate entity'* which was/is wholly the wrong type of entity to have been prosecuted as a corporation in the name of the United States of America.

Bobby Knight - Sole Proprietor, the movant before this honorable United States District Court - Charleston Division for South Carolina to **VACATE** all-any of the orders and the final judgment filed against this non-existent entity *assumed to be a corporation* when in fact it

---

[1] South Carolina Constitution Article 1 Section 3. **Section 3: Privileges and Immunities; Due Process; Equal Protection of Laws** The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

[2] In United States constitutional law, **substantive due process** (SDP) is a principle which allows federal courts to protect certain fundamental rights from government interference under the authority of the due process clauses of the Fifth and Fourteenth Amendments to the Constitution, which prohibit the federal and state governments, respectively, from depriving any person of "life, liberty, or property, without due process of law." That is, substantive due process demarcates the line between, on the one hand, acts by persons of a public or private nature that courts hold are subject to public regulations or legislation, and on the other hand, acts that courts place beyond the reach of governmental interference. Whether the Fifth and/or Fourteenth Amendments were intended to serve this function continues to be a matter of scholarly as well as judicial discussion and dissent.

[3] S.C. Constitution Article 1 Section 3 & U.S. Constitution Fifth & Fourteenth Amendments: Substantive Due Process principle.

was/is a Sole Proprietorship owned by Bobby Knight - Construction Group LLC; has suffered and been injured and continues to be injured about this entire misapplication and is seeking for a USDC Dismissal Order for all the fair, the just and the good causes shown within this pleading and within the four (4) supporting exhibits affixed hereto.

Bobby Knight - Sole Proprietor, has **not had it's day in Court** to raise two absolute Declaratory Judgment and Affirmative Defenses. FRCP 12(h)(3) and 56(e)(4) supports the **Clean Hands Doctrine** and a Counter-Claim pursuant to the **False Claims ACT defenses**.

Bobby Knight -Sole Proprietor, PRAYS now for this USDC to GRANT this Motion to VACATE & DISMISS the case and for whatever other relief the Court deems proper and just.

Respectfully Submitted this 27 day of February 2014.

Bobby Knight, Sole Proprietor, *Pro Se*
for true-Defendant, Construction Group LLC
3940 Hottinger Avenue
North Charleston, SC 29405
(843) 735-0814

Appendix -- Exhibits:

1. Tax Schedule showing SOLE PROPRIETORSHIP for Construction Group LLL.; and
2. SBA renewal as a HUBZone letter showing Bobby Knight - Sole Proprietor; and
3. USA System for Award Management Construction Group LLC profile "Entity Structure" Sole Proprietorship; and
4. The caption page and settlement page USDC precedent wherein Bobby Knight appeared against Companion Insurance company in the Charleston Division of the USDC as the Sole Proprietor in 2003 and 2004.
    a. *No objections were made and what was once done has since been denied unjustly to this Sole Proprietor.*
    b. *Companion was the Bond Company appearing via Paul Rahn as their Authorized Agent. He too was same to TRAVELERs bond agents for Atlantic. A Conflict unheard, too.*

Construction Group, LLC
DUNS: 022300557 CAGE Code: 1UG14
Status: Active

[redacted]
North Charleston, SC 29405-7018
UNITED STATES

Entity Record

Entity Record

Please see below for the entire Entity Registration record. If you would like have a copy of this list please use the **Print** button.

PRINT

Current Record

VIEW HISTORICAL RECORD

DUNS Number:	022300557
D&B Legal Business Name:	Construction Group, LLC
Doing Business As:	(none)

Core Data

[Expand All] | [Collapse All]

Business & TIN Information:

Business Information:

Business Start Date:	10/01/2000
Fiscal Year End Close Date:	12/31
Company Division Name:	
Company Division Number:	
Corporate URL:	
Congressional District:	6
Registration Date:	04/09/2002
Activation Date:	12/16/2013
Expiration Date:	12/14/2014
Renewal Date:	12/14/2013
MPIN:	[redacted]

Physical Address:

Address Line:	3940 Hottinger Ave
City:	North Charleston
State/Province:	SC
Country:	UNITED STATES
ZIP/Postal Code:	29405 - 7018

Mailing Address:

Address Line:	3940 HOTTINGER AVE
City:	NORTH CHARLESTON
State/Province:	SC
Country:	UNITED STATES
ZIP/Postal Code:	29405 - 7018

Sensitive Identifiers:

EIN:	571116850

IRS consent:

Tax Payer Name:	CONSTRUCTION GROUP LLC
Address Line 1:	3940 HOTTINGER AVE
Address Line 2:	
City:	NORTH CHARLESTON
State:	SC
Country:	UNITED STATES
ZIP/Postal Code:	29405
Type of Tax:	Applicable Federal Tax
Tax Year: (Most Recent Tax Year)	2010
Name of Individual Executing Consent:	BOBBY KNIGHT
Title of the Individual Executing Consent:	PRESIDENT
Signature:	BOBBY KNIGHT
TIN Consent Date:	02/27/2011

CAGE/NCAGE Code

CAGE:	1UG14

General Information

Country of Incorporation:	UNITED STATES
State of Incorporation:	SC
Company Security Level:	Government Confidential
Highest Employee Security Level:	Government Confidential

Business Types

For more information on an entity's socio-economic status please see SBA's Dynamic Small Business Search.

EXHIBIT (1)

Entity Structure

Sole Proprietorship

Profit Structure

For Profit Organization

Business Types

Labor Surplus Area Firm

Minority Owned Business

Native American Owned

Entity Type

Business or Organization

Purpose of Registration

All Awards

SBA Certified

SBA Certified 8(a) Program Participant

DOT Certifications

DOT Certified DBE

Federally Recognized Native American Entity

American Indian Owned

Organization Factors

Limited Liability Company

Financial Information

Do you accept credit cards as a method of payment? Yes

Account Details: BANK OF AMERICA, N.A. - Checking

CAGE Code: 1UG14

Electronic Funds Transfer:

Account Type:	Checking
Financial Institute:	BANK OF AMERICA, N.A.
ABA Routing Number:	[redacted]
Account Number:	[redacted]
Lockbox Number:	

Automated Clearing House (ACH):

ACH U.S. Phone:	(843)720-4972
ACH Non-U.S. Phone:	
ACH Fax:	
ACH Email:	

Remittance Address:

Remittance Name:	CONSTRUCTION CROUP, LLC
Address Line 1:	3940 HOTTINGER AVENUE
Address Line 2:	
City:	NORTH CHARLESTON
State:	SC
Country:	UNITED STATES
ZIP/Postal Code:	29405 - 7018

EXHBIT (1)

Executive Compensation Questions

In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which this specific SAM record, represented by a DUNS number, belongs) receive both of the following: 1. 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements and 2. $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

No

Does the public have access to information about the compensation of the senior executives in your business or organization (the legal entity to which this specific SAM record, represented by a DUNS number, belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Proceedings Questions

U.S. Small Business Administration

U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

Original Certification Date: 02/11/2014

Bobby Knight - Sole proprietor
CONSTRUCTION GROUP, LLC
3940 HOTTINGER AVE,
North charleston, SC, 29405-7018

Dear Bobby Knight:

Welcome to the HUBZone Program!

I am pleased to advise you that effective this date your application for certification as a "qualified HUBZone small business concern" (SBC) has been approved. Your firm is now eligible to receive HUBZone contracting opportunities, and will be included in the listing of qualified HUBZone small business concerns found on the Internet at http://dsbs.sba.gov/dsbs/search/dsp_searchhubzone.cfm. Congratulations! This certification will remain in effect until the HUBZone area that impacts your firm's eligibility, ceases to be designated as such. http://www.sba.gov/content/hubzone-maps.

The HUBZone Office now offers assistance via an interactive conference call at 888-858-2144, access code 3061773# (pound symbol).,where we can respond to your general questions and concerns in real-time. Please visit our website at http://www.sba.gov/hubzone, for additional information regarding HUBZone application assistance office hours and calendar of topics to be discussed.

Your responsibilities as a HUBZone certified concern

As a HUBZone certified concern, the benefits you may receive from the program come with the following important responsibilities:

- **Keep your System for Award Management (SAM) and Dynamic Small Business Search (DSBS) records up-to-date**: To apply for HUBZone Program certification, your firm had to be registered in the SAM and DSBS information systems. For your firm to receive benefits from the HUBZone Program (i.e., to be identified by contracting officers as eligible to receive HUBZone contracts and to be paid under any such contracts), it is essential that these records remain up-to-data. We strongly recommend that you validate your information at least annually. If you need assistance in updating your SAM or DSBS information, please go to the SAM Help Desk at https://www.fsd.gov/app/answers/list.

- **Inform HUBZone Program of any material changes to your concern**: : If there are material changes to your concern (that may affect its continued eligibility) you must notify the HUBZone Program by sending an e-mail to HZMCN@sba.gov. Material changes include a change in size, ownership, business structure, or principal office location, in addition to falling below the 35% HUBZone residency requirement when your firm is not performing on a HUBZone contract. Failure to notify the HUBZone Program of material changes may result in decertification from the program. If at any time you feel your concern no longer qualifies for the HUBZone Program, you can complete the "Voluntary Decertification Agreement" available at http://www.sba.gov/content/maintaining-hubzone-certification.

  Note the HUBZone Program mails notices regarding program examinations and re-certifications to your firm's most recent address of record. If you were to fail to respond to these notices because you have changed your address without updating your SAM and DSBS profiles and informing the HUBZone Program, SBA would propose your concern for decertification and might subsequently decertify it from the Program. Therefore, it is critical that you notify us of any change in address and keep your SAM and DSBS profiles updated.

- **Remain in compliance at all times and stay updated on Program changes**: It is your responsibility to continually ensure that your firm meets the requirements of the program. This includes, for example, continuously meeting the 35% HUBZone residency requirement, with the sole exception if you are making good faith efforts to "attempt to maintain" (see 13 C.F.R. § 126.103) having 35% of your employees reside in a HUBZone during the performance of a HUBZone contract you have received. This also includes complying with contract performance requirements in connection with any HUBZone contracts awarded to your firm as a qualified HUBZone SBC (e.g., the subcontracting limitations requirements set forth in 13 C.F.R. § 126.700, and/or the non-manufacturer rule set forth in 13 C.F.R. § 126.601(e)).

  In addition, you should periodically visit our website (www.sba.gov/hubzone) to look for any important announcements concerning changes to the HUBZone Program. As an example, on May 3, 2010 an important change to the HUBZone regulations went into effect concerning the definition of an employee. The new definition, which can be found at our website, is meant to simplify the determination of whether a person working for a concern is counted as an employee of that concern for the purposes of determining eligibility for the HUBZone Program. The new definition may impact your eligibility for the program and ability to meet the principal office and 35% HUBZone residency requirement. (If you applied prior to May 3, 2010, the previous definition was likely used to determine your eligibility as we typically evaluate a firm's eligibility at the time of application submittal using regulations in effect at that time.) It is your responsibility to understand the new definition and to determine whether it impacts your concern's eligibility status. Contact the HUBZone Help Desk if you require assistance. If you find that your firm is not eligible for the program as a result of the definition change, you should inform the HUBZone Program of this material change to your concern or complete the "Voluntary Decertification Agreement" available at http://www.sba.gov/content/maintaining-hubzone-certification.

- **Participate in SBA eligibility monitoring initiatives**: As a result of 2008 and 2009 Government Accountability Office (GAO) audits, which discovered unacceptable levels of fraud and misrepresentation within the HUBZone Program, we have significantly increased our eligibility monitoring efforts to ensure only eligible SBCs receive the program's benefits. As such, you may be subject to any or all of the following initiatives designed to verify the ongoing eligibility of certified concerns:
  - SBA requiring your concern certify in writing under penalty of perjury that it continues to meet all the eligibility criteria of the HUBZone Program, or voluntarily withdraw
  - SBA requiring your concern to submit updated documentation similar to the information and documents you provided to obtain initial certification in order to verify that you remain eligible for the program
  - If you should receive a HUBZone contract, SBA requiring your concern to demonstrate that it was eligible for the program both at the time of its initial offer and award
  - SBA making unannounced site visits to any or all of your concern's locations to verify the accuracy of any information provided to SBA

  NOTE THAT ANY SBC FOUND TO MISREPRESENT ITSELF MAY BE SUBJECT TO A RANGE OF CIVIL OR CRIMINAL PENALTIES AND/OR SUSPENSION OR DEBARMENT FROM FEDERAL CONTRACTING.

EXHIBIT (2)

How to get the most out of the Program

Although your status as a certified HUBZone small business concern greatly improves your access to Federal contracts, this certification does not guarantee contract

Create PDF files without this message by purchasing novaPDF printer (http://www.novapdf.com)

awards. Your ability to research contracting opportunities and competitively bid on them will be the key to your success in this program. I recommend you utilize the following web resources designed to help you maximize the Program's benefits:

- SBA's Government Contracting Classroom website at (http://www.sba.gov/gcclassroom) provides valuable information on Federal contracting. (Please note that while your concern was approved under the North American Industry Classification System (NAICS) Code found in your firm's SAM and DSBS profiles, you may be awarded contracts under other NAICS Codes. You may benefit from researching and identifying potential HUBZone contracting opportunities outside your profile's NAICS code.)
- SBA's Services website (www.sba.gov/services) is a good starting point for accessing a wide range of resources relevant to HUBZone certified firms, including online courses on how to identify, win, and successfully execute Federal Government contracts.
- SBA's Surety Bond Program website (www.sba.gov/osg) provides information on how to apply for an SBA surety bond guarantee.

Thank you for contributing to US economic development

We wish you the best of luck with your HUBZone certified concern - your success will help improve the economic future of the HUBZone(s) in which you operate. If at any time you have any questions about the Program or how the SBA may be able to support your business objectives, please do not hesitate to contact the HUBZone Help Desk at HUBZone@sba.gov.

Sincerely,

Ajoy K. Sinha
Deputy Director
Office of Government Contracting

HUBZone Certification Number: 50634

Ref: IAF-19L

EXHIBIT (2)

Create PDF files without this message by purchasing novaPDF printer (http://www.novapdf.com)?Nmh=506 2/11/2014

Schedule C (Form 1040)

Department of the Treasury Internal Revenue Service (99)

Profit or Loss From Business

(Sole Proprietorship)

▶ Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.

▶ Attach to Form 1040, 1040NR, or 1041. ▶ See instructions for Schedule C (Form 1040).

OMB No. 1545-0074

2010

Attachment Sequence No. 09

Name of proprietor	Social security number (SSN)
BOBBY KNIGHT	[redacted]

A Principal business or profession, including product or service (see instructions)	B Enter code from instructions
GENERAL CONTRACTOR	233200

C Business name. If no separate business name, leave blank.	D Employer ID no. (EIN), if any
CONSTRUCTION GROUP LLC	57-1116850

E Business address (including suite or room no.) ▶ 3940 HOTTINGER AVE

City, town or post office, state, and ZIP code NORTH CHARLESTON SC 294057018

F Accounting method: (1) [X] Cash (2) [ ] Accrual (3) [ ] Other (specify) ▶

G Did you "materially participate" in the operation of this business during 2010? If "No," see instructions for limit on losses ..... [X] Yes [ ] No

H If you started or acquired this business during 2010, check here ▶ [ ]

Part I Income

1	Gross receipts or sales. **Caution.** See instructions and check the box if: • This income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, or • You are a member of a qualified joint venture reporting only rental real estate income not subject to self-employment tax. Also see instructions for limit on losses. ▶ [ ]	1	
2	Returns and allowances	2	
3	Subtract line 2 from line 1	3	
4	Cost of goods sold (from line 42 on page 2)	4	
5	**Gross profit.** Subtract line 4 from line 3	5	
6	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6	
7	**Gross income.** Add lines 5 and 6 ▶	7	

Part II Expenses. Enter expenses for business use of your home only on line 30.

8	Advertising	8	18	Office expense	18
9	Car and truck expenses (see instructions)	9	19	Pension and profit-sharing plans	19
10	Commissions and fees	10	20	Rent or lease (see instructions):	
11	Contract labor (see instructions)	11	a	Vehicles, machinery, and equipment	20a
12	Depletion	12	b	Other business property	20b
13	Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13 [redacted]	21	Repairs and maintenance	21
14	Employee benefit programs (other than on line 19)	14	22	Supplies (not included in Part III)	22
15	Insurance (other than health)	15 [redacted]	23	Taxes and licenses	23
16	Interest:		24	Travel, meals, and entertainment:	
a	Mortgage (paid to banks, etc.)	16a [redacted]	a	Travel	24a
b	Other	16b	b	Deductible meals and entertainment (see instructions)	24b
17	Legal and professional services	17 [redacted]	25	Utilities	25
			26	Wages (less employment credits)	26
			27	Other expenses (from line 48 on page 2)	27

REDACTED

28	**Total expenses** before expenses for business use of home. Add lines 8 through 27 ▶	28
29	Tentative profit or (loss). Subtract line 28 from line 7	29
30	Expenses for business use of your home. Attach **Form 8829**	30
31	**Net profit or (loss).** Subtract line 30 from line 29. • If a profit, enter on both **Form 1040, line 12,** and **Schedule SE, line 2,** or on **Form 1040NR, line 13** (if you checked the box on line 1, see instructions). Estates and trusts, enter on Form **1041, line 3.** • If a loss, you **must** go to line 32.	31
32	If you have a loss, check the box that describes your investment in this activity (see instructions). • If you checked 32a, enter the loss on both **Form 1040, line 12,** and **Schedule SE, line 2,** or on **Form 1040NR, line 13** (if you checked the box on line 1, see the line 31 instructions). Estates and trusts, enter on **Form 1041, line 3.** • If you checked 32b, you **must** attach **Form 6198.** Your loss may be limited.	32a [X] All investment is at risk. 32b [ ] Some investment is not at risk.

EXHIBIT (3)

FILED
JAN 22 2004
LARRY W. PROPES, CLERK
CHARLESTON, SC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

BOBBY KNIGHT Plaintiff, vs. COMPANION PROPERTY & CASUALTY CO. aka Blue Cross & Blue Shield of S.C.; and ROE & ASSOCIATES INC.; and Stephen J. Klingel, Pres. NCCI Holdings, Inc.; And ALLIEDINTERSTATE aka IntelliRisk Management Corporation Defendants.	Civil Action No. 2 03 3165 18AJ **STIPULATION OF DISMISSAL**

Pursuant to FRCP 41(a)(1), the parties hereby stipulate to dismiss this action with prejudice with each party to bear its own costs.

WE SO STIPULATE.

Dated at Charleston this 22nd day of January, 2004.

I SO MOVE:

Bobby Knight
Pro Se Plaintiff

WE CONSENT:

Haynsworth Sinkler Boyd, P.A.

Elizabeth Applegate Dieck, Esquire
Attorneys for Companion Property Casualty Co. aka Blue Cross & Blue Shield of S.C.

WE CONSENT:

Nexsen Pruet ~~Jacobs~~
~~Pollard & Robinson~~, LLC

Molly Hughes, Esquire
Attorneys for Roe & Associates, Inc. and

WE CONSENT:

McNair Law Firm, P.A.

Michael A. Scardato, Esquire
NCCI Holdings, Inc. and Stephen J. Klingel, President

EXHIBIT (4) 19

FILED

OCT 6 2003

LARRY W. PROPES, CLERK
CHARLESTON, SC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

BOBBY KNIGHT,
Plaintiff,
Vs.

COMPANION PROPERTY & CASUALTY CO aka Blue Cross & Blue Shield of S.C.; and ROE & ASSOCIATES Inc; and Stephen J. Klingel, Pres. NCCI Holdings, Inc.; and ALLIEDINTERSTATE aka IntelliRisk Management Corporation,
Defendants.

C O M P L A I N T

Civil Action No. 2:03 3165 18AJ

And **M O T I O N**

for an **EMERGENCY HEARING**

for an **INJUNCTION**

JURISDICTION

This Federal Civil Action arises under the Racketeer Influenced and Corrupt Organization Act of 1970, civil RICO, 18 U.S.C. §1964(c); §1964(c)2(A); §1964 (c)2(B); §1964(c)(3) and §1964(5). Congress's Amendment to the RICO Act introduced several new concepts and broad remedies into the Law and gave the Federal Courts *exclusive jurisdiction* to cases brought after the amendment known as S. 1523 §18 U.S.C. 1961 et seq. This case is brought as a private individual being injured and damaged.

PARTIES

1. Bobby Knight, Plaintiff, 3940 Hottinger Avenue, North Charleston, South Carolina, 29405. Owner of a Small Business Administration certified HUBZone entity and sole-proprietor of his business dba/ Construction Group, LLC.
2. Companion Property and Casualty Group (an Insurance Company), Defendants, also a subsidiary of Blue Cross & Blue Shield of South Carolina, doing business as a insurance company in the State of South Carolina and having offices in the City of Columbia South Carolina as well as other counties in the State and other States in the

EXHIBIT (4)

IN THE UNITED STATES DISTRICT

FOR THE DISTRICT OF SOUTH CAROLINA

	)	Civil Action
United States of America, for an on behalf of	)	No 2:12-CV-00107-RMG
Atlantic Electric, LLC,	)	
Plaintiff,	)	NOTICE of Motions &
v.	)	MOTION for Declaratory Judgment
Construction Group, LLC and Companion	)	w/ MOTION R.56(e)(4) Other.
Property and Casualty Insurance Company	)	&
Defendant.	)	R.12(h)(3) Lack of Subject Matter Jurisdiction.

CERTIFICATE OF SERVICE

I, Bobby Knight, pro se Sole Proprietor of Construction Group LLC affirm and certify that I have placed a copy of the **NOTICE of Motions and Motions for Declaratory Judgment w Motion R.56(e)(4) Other orders & R.12(h)(3) Lack of Subject Matter Jurisdiction** with proper first class United States postage affixed to the Plaintiff and Co-Defendants as follows:

William A. Scott, Esq.
775 St. Andrews Blvd.
Charleston, SC 29407
(843) 556-5656
Attorney for Atlantic Electric LLC

Paul Rahn, Esq.
%Robertson Hollingsworth & Flynn Law Firm
177 Meeting Street, Ste 300
Charleston, SC 20401
Authorized Representative for Companion Property
(843) 723-6470

Respectfully Submitted this 27 day of February 2014.

Bobby Knight, Sole Proprietor, *Pro Se*
for **true-Defendant**, Construction Group LLC
3940 Hottinger Avenue
North Charleston, SC 29405
(843) 735-0814

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

APPELLATE Case No. 2013-002785

Bobby Knight,

Appellants,

v.

RECEIVED
JUN 18 2014
SC Court of Appeals

Companion Property and Casualty
Insurance Company of South Carolina;
Robertson Hollingsworth & Flynn Law Firm with;
Paul R. Ryan, as an Individual & a Partner:

Respondent(s)

PROOF OF SERVICE

Bobby Knight, *pro se*, I certify that I have served **Appellant's Return to the Motion to Dismiss the Appeal** to Theodore Manos, Attorney for the Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on June16th , 2014, addressed to their attorney of record: Theodore Manos, % Robertson Hollingsworth & Flynn Law Firm, 177 Meeting Street, Ste 300, Charleston, SC 20401, (843) 723-6470.

Respectfully submitted this 16th day of June 2014.

Bobby Knight, Appellant
3940 Hottinger Avenue
North Charleston, SC 20405
(843) 735-0814

June 15, 2014

Honorable V. Claire Allen, Deputy Clerk
South Carolina Court of Appeals
%Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina, 29211

RE: **Appellant's Return to the Motion to Dismiss the Appeal**

Subject: APPELLATE Case No. 2013-002785 Knight v. Companion Property, et al.

Dear Ms. Allen, Dep. Clerk of South Carolina Appeals Court,

Please find enclosed one (1) original w signature and six (6) copies.

I have included a S.A.S.E. and for one (1) copy for a return to me after being stamped as FILED by your office.

Your last stamp was RECEIVED on my INTIAL BRIEF OF THE APPELLANT; I assume that is until it gets reviewed for form and compliances?

Thank you for your assistance in this matter.

Bobby Knight, Appellant
3940 Hottinger Avenue
North Charleston, SC 20405
(843) 735-0814

RECEIVED
JUN 18 2014
SC Court of Appeals

Enclosures:

(1 original) + (6 copies)
Honorable V Claire Allen, Deputy Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629

(1 copy)
For returning to the Appellant after filing in the SASE.

Cc/ Theodore Manos for Respondents.
% Robertson Hollingsworth & Flynn Law Firm
177 Meeting Street, Ste 300
Charleston, SC 20401