

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

13098

Norman Robert Knight,

Petitioner,

v.

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)

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AUG 05 2014

SC Court of Appeals

**Petition for a Rehearing R.221(a) & (c)**

Norman Robert "Bobby" Knight, Petitioner  
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 29401  
Attorney for Respondents  
(843) 723-6470

I. The Petitioner received the Appeal Court ORDER dated July 28, 2014 on August 2, 2014. This Petition is timely filed. The dismissal of the Appeal was “jurisdictional” based upon a particular calculation of time to file a Notice of Appeal from the lower court order and cites the two Petitioner Motions to Reconsider. The court below has held a ‘*deaf ear*’ to the fact that this Petitioner is Norman Robert “Bobby” Knight the Sole Proprietor of his business, Construction Group LLC. The lower court treated Norman Robert “Bobby” Knight incorrectly AND Construction Group LLC and his Return to the Motion to Dismiss the Appeal clearly showed with proofs that Construction Group LLC was not a corporation; The Tom-Foolery Trick was to keep calling Construction Group LLC a corporation when, in fact, a simple investigation by the Respondents would have jilted the scheme of deceit to the Court below; all creating this ongoing ***TRIGGER & TOLLING EXCEPTION against this Petitioner never existed as a corporation!***

This Petitioner appeals for an ORDER that the Court below “had not any jurisdiction about Construction Group LLC as a corporation while in the alternative IT all denies this Petitioner subject matter, territorial and personal jurisdiction to proceed *pro se* as the sole proprietor of Construction Group LLC just like the civil action was FILED initially.”

II. The Appeal Court stamped the Petitioner’s Return to the Motion to Dismiss as RECEIVED and not as FILED. IT and the EXHIBITS are **the** proof positive supporting the Petitioner’s Jurisdictional Challenge(s). Once made, it becomes the Appeal Court’s burden to resolve and prove jurisdiction, which cannot be assumed. The ORDER gives no explanation and no mention of the Petitioner’s Return and its Sole Proprietorship proofs that the Court below lacked all jurisdictions over the assumed corporation that did not exist then, before, or now AND the blunderous mishap continues harming this Petitioner unjustly. Time to Notice of Appeal has never been tolled against the Sole Proprietorship, Construction Group LLC. This Petitioner, is justly pro se and as a Sole Proprietor he has been ignored as all opposing effort has been now and was at the Court below only directed towards treating this Petitioner trying to plead a civil case as a corporation without an attorney, and it has promulgated picture of distortion and deceit.

**III. Challenged Jurisdiction:** IT has been a Progressive Error by the Respondents and all Courts since January 2012 by **Appeal Court** wrongfully continuing to naming the Petitioner a corporation without proof otherwise:

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." **Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.**

"There is no discretion to ignore that lack of jurisdiction." **Joyce v. US, 474 F2d 215.**

The **Petitioner's Return** also gave proper case law that the challenge of jurisdiction has no statute of limitations. **What assurance shows the Petitioner's Return was considered by the Appeal Court?**

Hon. Judge Frank Addy repeatedly would not hear this Petitioner telling him in every way possible "*I am pro se sole proprietor*", he listened only to these opposing lawyers that are being complained of and his Second Order's statement "*no reason to alter or amend its prior order,*" is in fact, but the whole foundation of the Petitioner's dual Motions to Reconsider and now as this very Petition for a Rehearing; there is no corporation and any such jurisdiction assumed below does not exist; The bars to plead as "pro se" violated due processes of the Petitioner.

How would it be common knowledge to the community that the 'statement' above is a bar to the time to file an appeal? However, the General Published Rules of Civil Procedure is that the appeal is proper when noticed within 30 days of the final order or entry of the judgment.

Appeals From the Court of Common Pleas. A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.

The Petitioner, aside from the Court below Judge's 'statement', noticed within the receipt of the final judgment notice from the Court. The Court below Orders as appealed had closed the Petitioner's access. The time-being-tolled-against-a-nonexistent-corporate-entity-position cannot bar his Sole Proprietorship, but the Appeal ORDER of July 28, 2014 denies relief twice by R.60;

Excerpt from the Petitioner's Return to the Motion to Dismiss is true yet again:

Their judgments and orders from the Courts below are worthless at law and in equity against this Petitioner, *pro se* Sole Proprietorship.

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.*

IV. The court below erred when naming the Plaintiff a SC corporation and using the USDC **Res Judicata order** and with a history likewise in error as '*no one is listening or looking at the evidence*' that there is not a corporation requiring an attorney; as was misstated by the USDC (Motion Pending similar jurisdiction challenge) copy is in the **Return**. And the court below for a final basis to dismiss the case below was that Norman Robert "Bobby" Knight was not an attorney and he had no standing to file the suit, the Respondents admitted on the record that if an attorney filed the case, then it could go forward; and that an attorney was needed to represent the corporation Construction Group LLC. Judge Addy did not let this Petitioner proceed. It was an error denying a correctly plead captioned civil case it's jurisdiction and access to the court below which has expanded into this appeal court. The civil case was filed naming Knight and Knight alone within the caption.

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

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

In order for *res judicata* to operate as a bar to [the Petitioner'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).**

**RESULTANTLY** this **Appeal Court ORDER**, attached hereto, dated July 28, 2014 itself failed in that IT has itself the only and next necessary jurisdiction to correct Judge Addy's errors of personal jurisdiction over the Petitioner. IT in fact does the opposite, IT says that the Notice of Appeal was untimely denying the Appeal Court jurisdiction. While Judge Addy had not jurisdiction over any nonexistent corporation in the first place, . AND.....

**However, jurisdictional challenges have no time statutes before any Court.** This determination is proper under this Appeal Court due to the Petitioner's Arguments that the Court's below continued its assumptions about such corporate jurisdiction about (1) lack of a standing [*not an attorney for the corporation*], (2) res judicata [*treated Petitioner as corporation while ignoring pleas for pro se sole proprietorship standing*] AND (3) indemnification {*which too is not an absolute resolve about the **Recission of a Total Contract litigation; but was a case law used below that errs by miss-aiming at a transation made under the contract***} ; and these three detached rationales from the Court below; as were combined, derived and connected together – all have failed together.

The errors created the **jurisdictional challenges** are sufficient for a finding that the Court below erred and the **Respondents themselves have caused these specific delays**. It was assumed when the challenge now requires the Court to prove jurisdiction based upon the facts offered.

**There is no time limit** as to this **Petitioner's Jurisdictional Challenge** and until resolved by Appeal Court Orders, all the issues remain unenforceable, void and a nullity.

Judge Addy will not have any further cause to review his errors, unless the matter is **REMANDED** for changes due to this **Challenged Jurisdiction – Petition for a Rehearing**.

This Appeal Court at best favor of light to this Petitioner and in the best interest of justice, should **GRANT** a finding that the Court below was a place without a jurisdiction over a corporation that did not exist and that IT's Orders are with a complete nullity. Too, creating the necessity of the Appeal Court to accept jurisdiction based upon the Jurisdictional Challenge nature of the overall appeal and to adjust the time for Notice of the Appeal via an Equitable Tolling calculation:

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." **Melo v. US, 505 F2d 1026.** {*Emphasis here is to DENY the Respondent's Motion to Dismiss the Appeal BECAUSE without proof that Construction*

*Group LLC was a corporation – which itself is a negative axiom that could not be proven}*

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." **Hagans v. Lavine, 415 U. S. 533.**

V. **Petitioner's Actual Status: FACTS, BACKGROUND, PROCEDURES:** herein restates his complete **Return to the Motion to Dismiss & EXHIBITS** which was marked as **RECEIVED** by the SCAC Clerk and not marked as **FILED** giving the impression (from the Clerks Manual) to have not any assurances or certainty that the RETURN was considered by the Appeal Court; but are now assumed by this Petitioner to have had no consideration and of less worth than any case documents; even ones labeled or marked as Miscellaneous Papers.

**The tolling of time was also addressed in the Return – as the errors were the Respondents and the Courts below creating together any delays to the timely path for this Petitioner. "Delays" that are tolled incorrectly or not tolled at all, as were the need addressed in the Return;**

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.

"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.

**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 have **denied** the Respondents Motion to Dismiss the Appeal. It follows also, that the Appeal Court ORDER dated July 28, 2014, jumps on the band wagon and *assumes* Construction Group is a corporation. If the appeal were filed with Judge Addy letting Norman Robert "Bobby" Knight present his civil

action, none of this discussion would be happening at all. There are no proper orders from below and so there is no clock – the relief is to be heard and have a proper day in court as a sole proprietor that the Petitioner deserves.

The Respondent argues for *res judicata*, *tolling* and *subject matter jurisdiction*, while the Petitioner argues that neither are an “**iron clad**” bar to the Petitioner’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 just as the errors and confusion and delays were caused by the Respondents wrongfully calling a sole proprietorship a corporation and the Courts following their wishes, joining the errs, creating this Appeal.

**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 further upon this Appeals Court the same – theirs **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.** They have cheated the judicial system to get an unfair advantage on the higher plateau; but this behavior is now checked in this **Petition for a Rehearing.**

The Petitioner’s INTIAL BRIEF and Designation has been signed June 10, 2014 and filed as **RECEIVED** on June 13<sup>th</sup>, 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.

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 **Norman Robert “Bobby” Knight the Sole Proprietor** for being able to appear *pro se* about Construction Group LLCs interests.

| See RETURN EXHIBITs AND, In fact, In 2003, these same parties in this Appeal were at the USDC with a suit brought by the Petitioner *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* Petitioner.

**VI. Prayer for Relief:**

The Petitioner *pro se* also requests that the Petition for a Rehearing Court not only **DENY** the Respondents Motion to Dismiss the Appeal Order dated July 28, 2014, 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 Petitioner whole once again; and

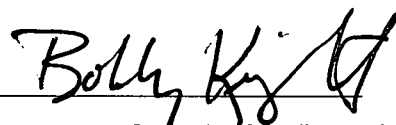
There being no time limit as to this Petitioner's **Jurisdictional Challenge** and until resolved by Appeal Courts Orders, matters will remain unresolved. Judge Addy, after two attempts, will not likely ever review, reconsider, or correct unless the civil action is **REMANDED**; and

**VII. CONCLUSION**

The Petitioner asks for an **ORDER** from the SC Appeals Court that the Court below "had not any jurisdiction about Construction Group LLC as a corporation while in the alternative IT denied this Petitioner subject matter, territorial and personal jurisdiction to proceed *pro se* as sole proprietor of Construction Group LLC."

Respectfully submitted this 4th day of August 2014.

BY: \_\_\_\_\_



Norman Robert "Bobby" Knight, Petitioner  
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 29401  
Attorney for Respondents  
(843) 723-6470



# The South Carolina Court of Appeals

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July 28, 2014

Norman Robert Knight  
3940 Hottinger Avenue  
North Charleston SC 20405

Mr. Theodore Luke Manos, Esquire  
177 Meeting St., Ste. 300  
Charleston SC 29401

Re: Norman Robert Knight v. Companion Property  
Appellate Case No. 2013-002785

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

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13 AUG 2014  
B. Knight

# 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

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## ORDER

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On October 28, 2013, Appellant filed a motion to reconsider with the trial court. On November 13, 2013, the trial court denied the motion to reconsider, finding "no reason to alter or amend its prior order." On November 21, 2013, Appellant received notice of the trial court's order denying his motion to reconsider. On November 26, 2013, Appellant filed a second motion to reconsider, which the trial court denied on December 2, 2013. On December 27, 2013, Appellant served his notice of appeal.


Respondents filed a motion to dismiss, arguing this Court lacks appellate jurisdiction because Appellant failed to timely serve the notice of appeal. After careful consideration, the motion is granted. Because the trial court's order denying Appellant's first motion to reconsider found "no reason to alter or amend its prior order," Appellant's second motion to reconsider was improper and did not toll the time to serve the notice of appeal with this Court. *See Coward Hund Constr. Co., Inc. v. Ball Corp.*, 336 S.C. 1, 3, 518 S.E.2d 56, 58 (Ct. App. 1999) ("[A] second motion for reconsideration is appropriate *only if* it challenges something that was altered from the original judgment as a result of the initial motion for reconsideration." (emphasis added)). Therefore, Appellant was required to serve the notice of appeal within thirty days of November 21, 2013, the date he received notice of the trial court's order denying his first motion to

reconsider. Because Appellant failed to serve his notice of appeal until December 27, 2013, which is more than thirty days after Appellant received notice of the trial court's order denying his motion to reconsider, this Court lacks appellate jurisdiction. See Rule 203, SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal . . ."). Accordingly, Respondents' motion to dismiss is granted.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Norman Robert Knight  
Theodore Luke Manos, Esquire

FILED  
7/28/14 

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

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APPELLATE Case No. 2013-002785

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Norman Robert Knight,

Petitioners,

v.

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)

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**PROOF OF SERVICE**

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Norman Robert "Bobby" Knight, *pro se*, I certify that I have served Petitioner's **Petition for a Rehearing** to Theodore Manos, Attorney for the Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on June 16th, 2014, addressed to their attorney of record: Theodore Manos, % Robertson Hollingsworth & Flynn Law Firm, 177 Meeting Street, Ste 300, Charleston, SC 29401, (843) 723-6470.

Respectfully submitted this 4<sup>th</sup> day of August 2014.



Norman Robert "Bobby" Knight, Petitioner  
3940 Hottinger Avenue  
North Charleston, SC 20405  
(843) 735-0814

August 4, 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: Petitioner's Petition for a Rehearing**

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 PETITIONER & RETURN TO MOTION TO DISMISS THE APPEAL; Please mark this Petition as FILED and return in the SASE.

Thank you for your assistance in this matter.



Norman Robert "Bobby" Knight, Petitioner  
3940 Hottinger Avenue  
North Charleston, SC 20405  
(843) 735-0814

**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 Petitioner after filing in the SASE.

Cc/ Theodore Manos for Respondents.  
% Robertson Hollingsworth & Flynn Law Firm  
177 Meeting Street, Ste 300  
Charleston, SC 29401

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**SC Court of Appeals**



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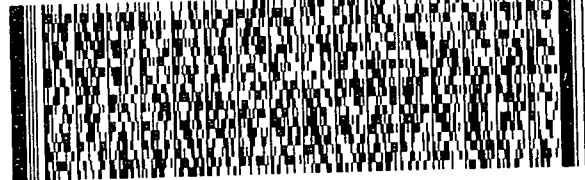
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