

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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AUG 19 2014

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

APPELLATE Case No. 2013-002785

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)

RETURN -- **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. RETURN – Petition for a Rehearing

1. This Petition MUST be changed to the favor of the Petitioner “Bobby Knight” and his **sole proprietorship entity**, Construction Group, LLC.

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.

1.1. Sole Proprietorship May Proceed *Pro Se* in Federal & State Courts:

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.").

2. The Notice of Appeal is attached as an addition to the APPENDIX for the Petition for a Rehearing: The Clerk entered the order/judgment on December 2, 2013; and [I]t is postmarked December 4, 2013 and the Notice of Appeal was sent December 27, 2013 and FILED in the Court of Appeals December 30, 2013.

- 2.1. The ORDER from the Appeal Court dtd July 28, 2014 was not clear on these facts,
- 2.2. Should the Appeal been properly prohibited as the Appeal Court ORDER suggests; then the Clerk at the Court below has invited and set the time in accordance with the (30) days rule from the **Actual Notice** to the Petitioner to “trigger” the General Rule 203(b)(1). *See attached* Notice of Appeal and below Clerks dated documents discussed.
3. The SC Tax Code says clearly How one pays taxes, is the form of that entity:

3.1

In 1997, Code §12-2-25(B) was added to clarify the tax treatment of single member limited liability companies.

(B) Single-member limited liability companies which are not taxed for South Carolina income tax purposes as a corporation will be ignored for all South Carolina tax purposes.

II. 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 entity of Construction Group LLC.” **The Secretary of State of South Carolina, in conjunction with the Department of Revenue Ruling #98-11** by Director Bernard Maybank, allows an LLC to elect to exist as a Partnership, a Corporation, or a **Sole Proprietorship**

The Courts must realize (1) that, “**Where the citizen lives, is domiciled and determines the one place WE can Vote; and where and the manner and form in which any single citizen pays his taxes is what must lastly determines any differences, any exceptions, and any reasonable distinctions about his representation(s) *pro se* as a Sole Proprietorship entity.**”

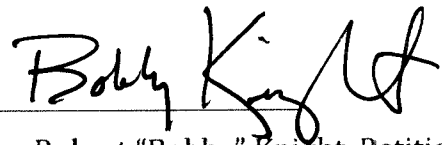
The Courts must realize that (2), “**The three branches of our form of government in the United States of American are the Executive, the Legislative and the Judicial. The citizen can vote for or against the Executive and the Legislative but to the Judicial; the only voice is that of the choice to pay taxes and vote about the Executive and the Legislative, but, except the only vehicle to speak to the Judicial Branch is by a Petition. This Petitioner lawfully pays federal and state taxes as Sole Proprietor as shown on the IRS Form Sch. C**

and as a Sole Proprietor per SC Department of Revenue Ruling #98-11 & SC Code 12-2-25(B) ... *not taxed ... as a corporation*” and since the Decision in Citizen’s United, corporations can now speak limitless with their money, but a company without limitless money cannot speak at all is a travesty and shame and an abuse of judicial power’

How the Government’s jointly takes my money only in my name; is my only vote; is my only voice; and this is my petition to redress of grievances about denial of access to the Courts...

Respectfully submitted this 17th 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 STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2013-CP-10-04560

FILED
2013 DEC 30 PM 3:24
JULIE J. ARYSTACHE
CLERK OF COURT
BY _____

Bobby Knight,

Appellants,

v.

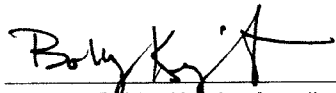
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Insurance Company of South Carolina;
Robertson Hollingsworth & Flynn Law Firm with;
Paul R. Ryan, as an Individual & a Partner:

Respondent(s)

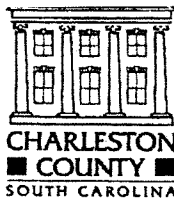
NOTICE OF APPEAL

Bobby Knight, *pro se*, appeals against the judgment of the Honorable Judge Frank Addy Entered 02th day of December 2013 and mailed 04th December 2013. Appellant received written notice of the entry of this judgment placed in the courts mail on 04th December 2013 on or about 07 December 2013.

Respectfully submitted this 27th day of December 2013.


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



8



NORMAN ROBERT KNIGHT
3940 HOTTINGER AVE
NORTH CHARLESTON SC 29405-7018

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order-plntff's mot for reconsideration is denied

CASE NO: 2013CP1004560

Norman Robert Knight VS Companion Property and Casualty Insurance Company of South C

This judgment was entered on the 02th day of December, 2013, and a copy mailed first class on Wednesday, December 04, 2013, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at www3.charlestoncounty.org.

RECEIVED
07 DEC 2013
B. Knight

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

Case No. 2013-CP-10-04560

FILED
2013 DEC 30 PM 3:24
JULIE J. ADAMS-TRONG
CLERK OF COURT

Bobby Knight,

Appellants,

v.

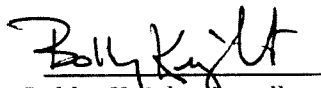
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Insurance Company of South Carolina;
Robertson Hollingsworth & Flynn Law Firm with;
Paul R. Ryan, as an Individual & a Partner:

Respondent(s)

PROOF OF SERVICE

Bobby Knight, *pro se*, I certify that I have served the Notice of Appeal Theodore Manos on by depositing a copy of it in the United States Mail, postage prepaid, on December 27, 2013, 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 27th day of December 2013.


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

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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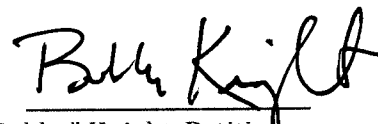
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Paul R. Ryan, as an Individual & a Partner:

Respondent(s)

PROOF OF SERVICE

Norman Robert "Bobby" Knight, *pro se*, I certify that I have served Petitioner's **RETURN -- 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 17th day of August 2014.



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

August 17, 2014

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

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AUG 19 2014

SC Court of Appeals

RE: Petitioner's RETURN -- Petition for a Rehearing

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

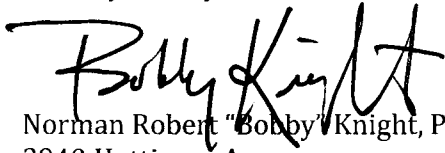
Dear Ms. Allen, Dep. Clerk of South Carolina Appeals Court,

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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NORTH CHARLESTON, SC 29405
UNITED STATES US

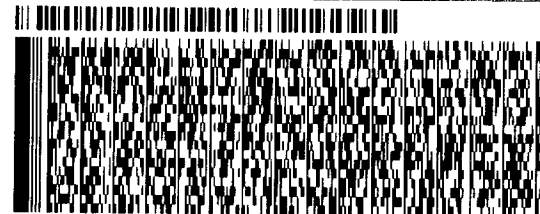
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TO **JENNY KITCHNGS**
CLERK SC COURT OF APPEALS
1015 SUMTER ST

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COLUMBIA SC 29201

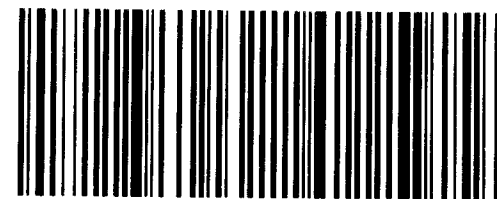
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