

No. _____

THE STATE OF SOUTH CAROLINA

In The SUPREME COURT

PETITION ON A WRIT OF CERTIORARI TO THE COURT OF APPEALS

APPELLATE Case No. 2013-002785

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)

RECEIVED

JAN 21 2015

S.C. Supreme Court

PETITION FOR REHEARING

R.240(b); (i) and (j)

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

Robertson Hollingsworth & Flynn
Theodore L. Manos
177 Meeting Street, Ste 300
Charleston, SC 29401
(843)723-6470
Attorney for Respondents

PETITIONER'S - PETITION FOR REHEARING - R.240(b); (i) and (j)

COMES NOW the Petitioner, Mr. Knight, to PETITION FOR REHEARING R.240(b); (i) & (j) of the denial about his MOTION TO STRIKE R.240 the Respondent's original (1st) RETURN made MOOT and for an ORDER The Clerk to not file the AMENDED (2nd) RETURN as it was produced to the Court without first obtaining an ORDER to file AMENDED pleading *out of time* with R.242 et seq.

A process "not proper in conduct of the proceeding" is an Abuse of Process.

STATEMENT OF THE CASE

THE SUPREME COURT DENIED THE WRIT OF CERTIORARI PETITION AND THE MOTION TO STRIKE in the same ORDER by a single judge dated January 15, 2015. {attached as Petitioner's Exhibit A}. The Petitioner received this ORDER on Saturday, January 17, 2015.

The Petitioner requests that the WRIT OF CERTIORARI be held in abeyance **R.240(b) Stay of Time Limits.**; until this **Petition for Rehearing** can be heard. The Petitioner asserts; as grounds an **Abuse of Process** about his Motion to Strike; R.240. and to now **GRANT** the Motion to Strike and allow a Rehearing of the Writ of Certiorari R.240(j); requesting a "review of an order"

ARGUMENT (CITATION)

"The essential elements of abuse of process are an ulterior purpose and a willful act in the use of the process not proper in the conduct of the proceeding." *Hainer v. Am. Med. Intern., Inc.*, 328 S.C. 128, 136, 492 S.E.2d 103, 107 (1997) (citing *Huggins v. Winn-Dixie Greenville, Inc.*, 249 S.C. 206, 153 S.E.2d 693 (1967)). The abuse of process tort provides a remedy for one damaged by another's perversion of a legal procedure for a purpose not intended by the procedure. *Food Lion, Inc. v. United Food (Commercial Worker's Int'l Union*, 351 S.C. 65, 69, 567 S.E.2d 251, 253 (Ct. App. 2002).

"" . . . evidence in the record to suggest that Respondent had an "ulterior purpose" to his actions, let alone a "willful act in the use of the process not proper in the conduct of the proceeding."" *Hainer*, 328 S.C. at 136, 492 S.E.2d at 107.

FACTS

- The Respondent(s) stated in his Return, ". . . *On the afternoon of December 1, 2014 Ms. Linda Allen of the Clerk of Court's Office contacted the offices of counsel for the Respondents and requested that the Respondents resubmit their Return without Exhibits attached. On December 2, 2014 Respondents served their corrected Return upon the Petitioner and mailed the same for Court for filing . . . and the Petitioner has not been prejudiced in any way.*" {attached as Petitioner's Exhibit B}
- An **Abuse of Process** was created because the Clerk's proper action would have been to have not filed the deficient pleading for any Maker; and with a Court's cover letter or Clerk's Order delivered upon all parties of the record indicating as to exactly why any pleading could not be filed in the case docket; and speaking as to exactly which Rules of Procedure their pleading had failed to meet the Clerks requirements to have been filed.
- An **Abuse of Process** has, in and of itself, has indeed prejudiced the Movant-Petitioner. IT disrupted the filing times and sequences set forth as are provided for in Rule 240.
- The maximum times allowed between this Petitioner's pleading; the Respondent's Return to the Motion; and the allowable times to digest and prepare the Reply from a *pro se* party had been hindered and disrupted regardless of the Respondents claim that the Petitioner was not being prejudiced.
- The Petitioner was denied the right to speak for himself about prejudices.
- The Clerk, via the telephone call vice documenting the communication with a party through an official letter for the non-compliance with the rule, has left the *pro se* Petitioner out of the information exchange and private conversations and has clearly exceeded the conduct and contact restrictions between any single party and the Court.
- Certainly, on the other hand, had this Petitioner's pleading were to have been found to have not been in compliance with the Rule(s) and IT could not have been filed, a letter or order method of communication that included all parties would have been the only proper method between the Court and any one party.
- That ex parte telephone call as that which transpired has itself prejudiced the *pro se* party and tarnished the appearances of impartiality about the Clerk of Courts duty.
- Petitioner Knight timely filed his Writ R.242. **Writ of Certiorari**, with the fee paid. Petitioner Knight timely filed his **Motion R.240** with fee paid.
- This **Petition for Rehearing R.240(i)** is timely filed.

The Motion to Strike was made November 26, 2014 without the Petitioner's knowledge that the Supreme Court Clerk, Ms. Allen had telephoned these Respondents with pleading instructions about how to make corrections; {*according to the Respondents pleading dated December 19, 2014 about their Return to the Motion to Strike.*} As shown in the excerpt from that R.240 motion below, the Movant, this Petitioner of the writ, stated . . . " *inadvertently by their own hand . . .*" This party *pro se*, the Petitioner for a writ, did not know at the filing of his Motion to Strike that it was subjected to an **Abuse of Process** that had actually occurred on December 1st, and this Movant was not included by the *ex parte* "contacts and assistances" between the Clerk and the Respondents - a large law firm - had received on December 1st from the Clerk's Office.

This *suspect-help and conversation and ex parte exchange* with the Clerk constitutes an **Abuse of Process** and indeed prejudices any party, especially this *pro se* Petitioner.

{ see excerpt from the Motion to Strike }:

On December 5th 2014, the Petitioner received from the Respondents filed their RETURN and by attempting to file the second or amended RETURN; inadvertently by their own hand, are making their first RETURN MOOT by mailing their written-redaction stating via with a filing a letter to the Clerk of the Supreme Court dated on their stationary as December 2nd 2014. Thereby, **re-making** of an "AMENDED RETURN with 6 copies" to the Court without any Court Ordered permission being asked in advance to "break the sequence" of R.242.

CONCLUSION

The Petitioner did not know of the *ex parte* communications between the Clerk and the Respondent, a law firm. This established "The essential elements of abuse of process are an ulterior purpose and a willful act in the use of the process not proper in the conduct of the proceeding." see *Hainer*. An **Abuse of Process** has occurred in this proceeding and must be rectified accordingly.

This pattern of behavior left unchecked, opens the future to matters being decided by conversations between the court officers and law firms without the expected and transparent process of law in a hurried and possible unjust unfair manner and could be accomplished by an "ulterior purpose" of a party.

{ see excerpt from the Motion to Strike }:

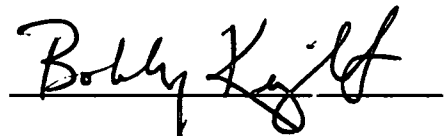
The prejudices the Writ process and this Petitioner *Pro Se*. And, too, {it} complicates any normal expected court rules processes; court form and the elementary court sequenced subsection of the rules; further, their December 2nd 2014 effort to AMEND was done so after time to file RETURN and without first obtaining a Motion or Order from the Court to file an AMENDED substituted document, This writes a 'heyday' and 'Tom Fowler' into the times allowed by Rule 242(g) to file the a Petitioner's REPLY.

RELIEF

The Supreme Court operates by having adopted all the rules of the S.C. Appellant Court cannot arbitrarily allow these RESPONDENTS to rewrite these sacred rules – this in fact – is what got them sued in the first place and is the crust of this Writ of Certiorari !

THEREFORE It has been shown that an **Abuse of Process (a tort)** by the testimony of the Respondents in their pleadings has occurred in this procedure and (1) the Writ of Certiorari should be held in abeyance until REINSTATED and (2), the compound ORDER issued by the single justice on January 15th should be reviewed by this Petition for Rehearing R.240(i) and (j). As a tort has been committed including Court Officers; this matter could be decided the same justice (the signature is illegible) "for the court" or with concurrence of all our justices being polled as a substitute for an original jurisdiction.

Respectfully submitted this 20th day of January 2015.



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

The Supreme Court of South Carolina

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 & Partner,
Respondents.

Appellate Case No. 2014-002304
Lower Court Case No. 2013-CP-10-04560

ORDER

This matter is before the Court by way of a petition for a writ of certiorari to review the Court of Appeals' dismissal of petitioner's appeal. Petitioner has also filed a motion to strike respondents' return to the petition for a writ of certiorari. The petition and motion are denied.


C.J.
FOR THE COURT

Columbia, South Carolina

January 15, 2015

cc:

The Honorable Jenny Abbott Kitchings
Theodore Luke Manos, Esquire
Norman Robert Knight
The Honorable Julie J. Armstrong

Ex A



COMES NOW Respondents and submit this Return to *Pro Se* Petitioner's Motion to Strike.

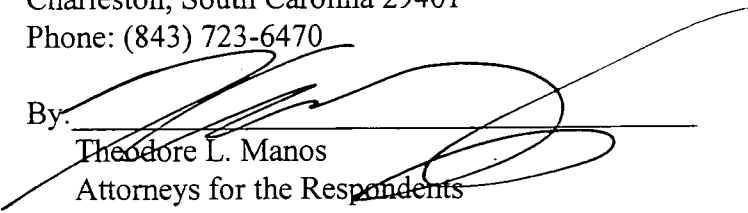
Respondents timely served and filed their Return to *Pro Se* Petitioner's Petition for Rehearing on November 26, 2014. On the afternoon of December 1, 2014 Ms. Linda Allen of the Clerk of Court's Office contacted the offices of counsel for Respondents and requested that Respondents resubmit their Return without Exhibits attached. On December 2, 2014 Respondents served their corrected Return upon the Petitioner and mailed the same to the Court for filing. No substantive amendments were made to the corrected Return and Petitioner has not been prejudiced in any way by the filing of a corrected Return.

WHEREFORE, Respondents respectfully request that this Court deny Petitioner's Motion to Strike.

ROBERTSON HOLLINGSWORTH & FLYNN

Wells Fargo Center
177 Meeting St., Suite 300
Charleston, South Carolina 29401
Phone: (843) 723-6470

By: _____


Theodore L. Manos
Attorneys for the Respondents

December 19, 2014
Charleston, South Carolina

Ex B

No. _____

THE STATE OF SOUTH CAROLINA

In The SUPREME COURT

PETITION ON A WRIT OF CERTIORARI TO THE COURT OF APPEALS

APPELLATE Case No. 2013-002785

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)

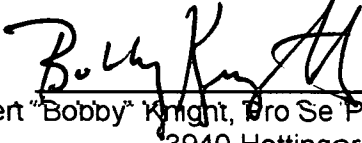
PROOF OF SERVICE

Norman Robert "Bobby" Knight, *pro se*, I certify that I have served :

PETITIONER'S - PETITION FOR REHEARING R.240(b); (i) and (j)

to Theodore Manos, Attorney for the Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on December 10th , 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 20th day of January 2015.



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

RECEIVED

JAN 21 2015

S.C. Supreme Court

Tuesday, January 20, 2015

South Carolina Supreme Court
Clerk of Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED

JAN 21 2015

S.C. Supreme Court

(803) 734-1080

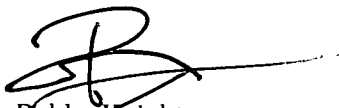
Subject: APPELLATE Case No. 2013-002785 / CHAS CO. 2013-CP-10-4560

RE: Petition for Rehearing \$25 Filing Fee 1 Original & 6 copies w/
1 ea. Return USPS Prepaid Envelope

Hello Clerk of S. C. Supreme Court:

Please find enclosed my filing fee money order for \$25, my Motion for Rehearing and Proof of Service as 1 ea. loose original with your 6 ea. copies + 1 ea. copy to return in my postage prepaid envelope after filing.

Thank you in advance for your attention to this matter,

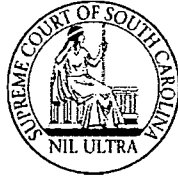


Bobby Knight
3940 Hottinger Avenue
North Charleston, SC 20405
(843) 735-0814

Cc/

Counsel of Record:
Theodore Manos
% Robertson Hollingsworth & Flynn Law Firm
177 Meeting Street, Ste 300
Charleston, SC 29401
Attorney for Respondents
(843) 723-6470

Hon. Julie Armstrong
Clerk of Court, Charleston County
100 Broad Street, Ste 106
Charleston, SC 20401-2258



The Supreme Court of South Carolina

Bobby Knight

01/21/2015

RECEIPT #74809

Fee Type:	Motion Fee
Amount:	\$25.00
Payment Type:	Money Order
Reference No:	22249698570
Check/Money Order Date:	01/20/2015
Comments:	Bobby Knight v. Companion Property and Casualty