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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

Roger M Young, Circuit Court Judge

2013-CP-28-358

Case No. 2014-000084

Richard Hough,

Appellant

vs.

Angela Hough,

Respondent

RESPONDENT'S REPLY TO MOTION FOR RELIEF FROM COURT RULE VIOLATIONS WHICH HAVE PRODUCED INEQUITABLE APPLICATION OF COURT RULES WHICH HAVE FAVORED THE APPELLANT AND HAVE VIOLATED THE RESPONDENT'S DUE PROCESS AND EQUAL PROTECTION OF THE LAW. RESPONDENT REQUESTS THE COURT TO VACATE CLERK OF COURT'S ORDER DATED AUGUST 15, 2014 DUE TO VIOLATION OF RULES OF LAW, DUE PROCESS, AND AMMENDMENT XIV OF THE U. S. CONSTITUTION FOR THE RESPONDENT

WEDNESDAY, FEBRUARY 11, 2015

Angela Hough
42 Magnolia Lane
Lugoff, South Carolina 29078
Respondent Pro Se

I. THE RESPONDENT'S MOTION FOR APPLICATION OF THE RULES TO BE APPLIED FAIRLY TO EACH PARTY SHOULD BE GRANTED BY VACATING THE ORDER OF AUGUST 15, 2014 AND GIVING THE RESPONDENT'S MOTION TO COMPEL THE OPPORTUNITY TO BE HEARD ACCORDING TO THE COURT RULES.

The Respondent has done due diligence in bringing to the Court's attention to the lack of the Appellant to show good faith and to follow the Court's Rules.

1. Letter filed June 23, 2014 following the Court's Rules and Guidelines
2. Motion to Compel filed August 5, 2014
3. Appellant's actions of Default for not filing a Return showing contempt for the Court Rules.
4. Appellant's action of filing a Motion to Supplement which argument is only in the context of the Respondent's Motion to Compel.

The Appellant has made two blatant attempts to mislead the Court. First, by adding into the Record on Appeal an item never a part of this case. Second, by failure to include the Respondent's item for the Record on Appeal. Without either of the Respondent's items- the letter and the motion- the Respondent would be denied the application of Rule 209(b) and 210 (c)(e)(g)(h). By not filing a proper Return following Rule 240 (e) the Appellant has denied the Respondent equal protection of the law and application of the Rules. By not including the Respondent's Designation of Matter in the Record of Appeal, the Appellant has denied the Respondent Rule 210(e).

The Appellant has chosen each time a Motion is filed to not file a Return- now three times.

Thus according to Rule 240(e) Return to Motion states the following:

“Any party opposing a motion or petition shall have ten (10) days from the date of service... 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.”

Also by not responding it puts the Appellant in default according to Black’s Law Dictionary defining default in this manner:

“default 1) n. failure to respond to a summons and complaint served on a party in the time required by law. If a legal answer or other response is not filed, the suing party (plaintiff) can request a default be entered in the record, which terminates the rights of the defaulting party to defend the case. The omission or failure to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement. State v. Moores, 52 Neb. 770, 73 N. W. 299; Osborn v. Rogers, 49 Hun, 245, 1 N. Y. Supp. 623; Mason v. Aldrich, 36 Minn. 283, 30N. W. SS4. In practice. Omission; neglect or failure. When a defendant in an action at law omits to plead within the time allowed him for that purpose, or fails to appear on the trial, he is said to make default, and the judgment entered in the former case is technically called a “judgment by default.”

In the Appellant’s Motion to Supplement, he states “While preparing the Record on Appeal, Attorney...overlooked one item... and failed to include...This item should have been included...purely a mistake...was unaware of this error until he received Respondent’s Motion to Compel...” Since this was his second such error it means if he were truly not trying to “deceive” the court or the other parties he would have made every effort to correct the error according to the Rules 204(e). Neither does he simply redo the Record on Appeal to submit it correctly. He tries to mislead the Court by filing another Motion. His actions certainly speak louder than his words.

The Court has ruled in favor of the party filing the Motion when the other party refuses to file a Return on many occasions. Just to name a couple from the year 2014 Ebony Bethea v Derrick Jones 2014-000663 and John Frick v Keith Fulmer 2014-001472.

II. THE RESPONDENT'S MOTION FOR APPLICATION OF THE RULES TO BE APPLIED FAIRLY TO EACH PARTY SHOULD BE GRANTED SO THAT THE COURT RULES 240(E)(F) CAN BE APPLIED TO EACH PARTY ACCORDING TO PRECEDENCE OF THE COURT IN PRVIOUS CASES.

This seems to be the only case for the year 2014 in which the Respondent's Motions are mooted without given an opportunity to be heard and without Rules 240(e) and 240(f) being applied. It is also the only case where the Appellant's Motions are granted without the Respondent being given the right to apply Rule 240(e) with the Order being so swift as to run afoul of the timelines for Return and Reply. This is a complete violation of not only the Court's own Rules, but more importantly of the Respondent's Constitutional Rights of Due Process and Equal Protection of the Law. It flies in the face of all Court Precedence.

For the forgoing reasons, and the reasons stated in the Respondent's previous Motions dated August 5, 2014, August 26, 2014, and Motion of hand in support of this Motion, the Respondent respectfully request the relief sought of Vacating the Order that denied the Respondent the equal protection and application of the Court Rules, the Corrected one volume Record on Appeal, find the Appellant in default for THE RESPONDENT'S MOTION FOR APPLICATION OF THE RULES TO BE APPLIED FAIRLY TO EACH PARTY SHOULD BE GRANTED failure to follow the Court Rules in responding appropriately and professionally to Motions, award the expenses incurred by the Respondent, and the Court reimburse the Respondent for the Motions that were due to the Court's error which did not apply the Rules fairly and consistently, as done in other cases.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Angela Hough", written over a horizontal line.

Angela Hough
42 Magnolia Lane
Lugoff, South Carolina 29078
Respondent Pro Se

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vs.

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PROOF OF SERVICE

I, Angela Hough, Pro Se Respondent, do hereby certify that I have served a copy of Respondent's Reply to Motion for Relief From Court Rule Violations Which Have Produced Inequitable Application Of Court Rules Which Have Favored The Appellant And Have Violated The Respondent's Due Process And Equal Protection Of The Law. Respondent Requests The Court To Vacate Clerk Of Court's Order Dated August 15, 2014 Due To Violation Of Rules Of Law, Due Process, And Amendment XIV Of The U. S. Constitution on February 11, 2014 on by causing a copy of the same to be deposited in the U.S. Mail, proper postage prepaid addressed as follows:

William A. Hodge
P.O. Box 8753
Columbia, SC 29202


Angela Hough

Lugoff, South Carolina

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: Richard Hough v Angela Hough, Case No. 2014-000084

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copies of the Respondent's Reply to Motion for Relief From Court Rule Violations Which Have Produced Inequitable Application Of Court Rules Which Have Favored The Appellant And Have Violated The Respondent's Due Process And Equal Protection Of The Law. Respondent Requests The Court To Vacate Clerk Of Court's Order Dated August 15, 2014 Due To Violation Of Rules Of Law, Due Process, And Amendment XIV Of The U. S. Constitution For The Respondent, along with a Certificate of service for the same. Please file the originals and return a clocked copy to me in the enclosed, self-addressed stamped envelope.

Thank you for your assistance in this matter.

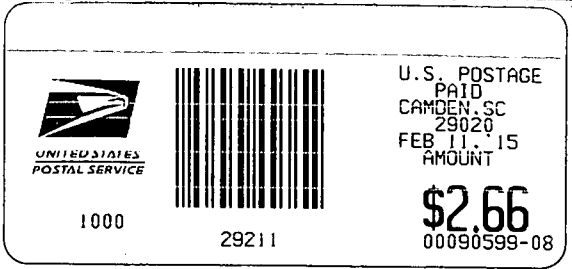
Sincerely,



Angela Hough

cc: Attorney Hodges

A. Hough
42 Magnolia Lane
Lugoff, SC 29078



The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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