

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Appeal From Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

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Appellate Case No. 2014-002725

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**RECEIVED**

FEB 20 2015

**SC Court of Appeals**

15128

Clark D. Thomas, ..... Appellant,

V.

Evening Post Publishing Co.,  
d/b/a The Post and Courier,  
Glenn Smith, Officially  
and Individually, ..... Respondent.

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**MOTION TO OBVIATE BINDING  
AND COPY IMPOSITIONS**

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Pursuant to Rule 240, SCACR, Clark D. Thomas, *pro se*, Appellant in the above-captioned *Appeal*, respectfully requests that this Court permit the filing of the original and one (1) copy of his briefs and *Record on Appeal* as opposed to the number of copies called for in Rules 210(b) and 211(d), SCACR; and obviate the binding impositions set forth in Rule 267(d), SCACR. This *Motion* is based on one or more of the following grounds:

## INTRODUCTION

This matter comes before this Court in the interest of the *Appeal* Thomas filed seeking relief from the lower courts *Order* granting Respondents' motion for summary judgment in an action for libel and the intentional infliction of emotional distress filed by Thomas on September 17, 2013, in response to an article written and published about him by Respondents. Thomas filed with his *Notice of Appeal* on December 29, 2014, a motion to proceed *in forma pauperis* which this Court denied in the *Order* filed February 4, 2015, giving Thomas 15-days to pay the filing fee. This *Motion* follows:

### I.

#### *Extraordinary Circumstances*

Thomas is currently incarcerated in the Broad River Correctional Institution (BRCI) in Columbia, SC. As a result, he is incapable of complying with the *Appellate Court Rules* regarding the number of copies of documents and, the bindings required to perfect his *Appeal*. Therefore, Thomas respectfully requests that this Court allow him to file the original and one (1) copy for his clock-stamped record and, allow him to use staples and document clamps instead of bindings in order that Thomas may enjoy his right to access to the courts as guaranteed by the Fourteenth Amendment to the United States Constitution.

**WHEREFORE**, Appellant prays that this Court grant the relief requested; and, for such other relief as this Court deems just and proper.

Respectfully submitted,



Clark D. Thomas #187845  
BRCI / Moultrie A-2087  
4460 Broad River Road  
Columbia, SC 29210

February 17, 2015  
Columbia, SC

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**SC Court of Appeals**

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**AFFIDAVIT  
OF  
CLARK D. THOMAS**


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**NOW COMES** Clark D. Thomas, Appellant in the above-captioned *Appeal*, and states, under oath, the following:

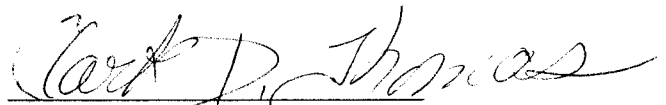
1. Pursuant to Rule 240(c)(3), SCACR, the facts I have stated by virtue of this *Motion* are true and correct to the best of my knowledge and belief.

Further affiant sayeth naught.

SUBSCRIBED AND SWORN TO before me  
This 16<sup>th</sup> day of Feb, 2015

  
\_\_\_\_\_  
(L.S.)

Notary Public for South Carolina  
My Commission Expires: ~~My Commission Expires~~ March 21, 2017



Clark D. Thomas #187845  
BRCI / Moultrie A-2087  
4460 Broad River Road  
Columbia, SC 29210

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**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of the document listed below has been sent  
by U.S. Mail to:

Jay Bender, Esquire  
P.O. Box 8057  
Columbia, South Carolina 29202.

1. *Motion to Obviate Binding and Copy Impositions.*

**RECEIVED**  
FEB 20 2015  
**SC Court of Appeals**

*February 17, 2015*  
Columbia, SC

*Clark D. Thomas*  
Clark D. Thomas #187845  
BRCI / Moultrie A-2087  
4460 Broad River Road  
Columbia, SC 29210

Clark David Thomas #187845  
Broad River C.I. / Moultrie A-2087  
4460 Broad River Road  
Columbia, SC 29210

February 17, 2015

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FEB 20 2015

SC Court of Appeals

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

**Re: Clark D. Thomas v. Evening Post Publishing Co., et. al.**  
**Trial Case No. 2013-CP-10-5444**  
**Court of Appeals Case No. 2014-002725**

Dear Ms. Kitchings:

Please accept my check in the amount of \$125.00 for filing my *Motion* and, for the filing fee of my *Appeal* in the referenced case pursuant to this Court's *Order* filed February 4, 2015. Also, please clock-stamp the original documents listed below, and return two (2) clock-stamped copies to me in the SASE provided:

1. *Motion to Obviate Binding and Copy Impositions*; and
2. Copies (8).

With kindest regards

I am,



Clark D. Thomas

cc: Jay Bender, Esquire



# The South Carolina Court of Appeals

Carol B. Cook

02/20/2015

## RECEIPT #75127

**Case No:** 2014-002725  
**Case Short Title:** Clark D. Thomas v. Evening Post Publishing Co.  
**Event:**  
**Fee Type:** Case Initiation Fee  
**Amount:** \$100.00  
**Payment Type:** Check  
**Reference No:** 1294  
**Check/Money Order Date:** 02/17/2015  
**Comments:**

BRC L  
4460 Broad River Road  
Columbia, SC 29210



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

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