

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 9, 2012

Mr. Brad R. Johnson  
111 SE 14th Street  
Oak Island, NC 28465

Re: Johnson, Brad R. v. Hall, Lewis W. (Case Tracking No. 2012-208988)

Dear Mr. Johnson:

This office has received your Petition for Writ of Certiorari and Appendix in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

*Daniel E. Shearouse*  
CLERK

DES/lda

Enclosure

cc: Brent Morris Boyd, Esquire  
Forrest Truett Nettles, II, Esquire  
G. Michael Smith, Esquire  
Jay Ritchie Lee, Esquire  
The Honorable Jenny Kitchings

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APR 9 2012

S.C. Supreme Court

Original

petition

+

\$100

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\$100.00

Dear Clerk,

Please file,

Thanks,

Brad R. Johnson

# The Supreme Court of South Carolina

Brad R. Johnson,

Petitioner,

v.

Lewis W. Hall, Lewis V. Hall,  
L.W. Hall Enterprises, LLC,  
Cold Air A/C Service, Inc.,

Respondents.

The Honorable J. Michael Baxley  
Horry County  
Trial Court Case No. 2005-CP-26-02710

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## ORDER


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For good cause having been shown, the time for serving and filing the Petition for Writ of Certiorari and Appendix in the above entitled matter is hereby extended until April 4, 2012.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY

  
Clerk

Columbia, South Carolina

March 29, 2012

cc: Mr. Brad R. Johnson  
Brent Morris Boyd, Esquire  
Forrest Truett Nettles, II, Esquire  
G. Michael Smith, Esquire  
Jay Ritchie Lee, Esquire  
The Honorable Jenny Kitchings

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

Brad R. Johnson,

Petitioner,

v.

Lewis W. Hall, Lewis V. Hall,  
L.W. Hall Enterprises, LLC,  
Cold Air A/C Service, Inc.,

Respondents.

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FedEx MAR 28 2012  
pm 3-27-12  
S.C. Supreme Court

check # 1251  
\$2500

Appeal From Horry County Court of Common Pleas  
J. Michael Baxley, Circuit Court Judge  
Case No. 2005-CP-26-02710

PETITIONER'S SECOND MOTION TO EXTEND TIME FOR PETITIONER  
TO FILE AND SERVE HIS PETITION FOR WRIT OF CERTIORARI

Now Comes Petitioner, Dr. Brad R. Johnson, and, in the instant motion, moves this honorable Court for a second extension of time for Petitioner to file and serve his Petition for Writ of Certiorari [i.e., until April 4, 2012 (5 days from March 30, 2012)]. In support of his motion, Petitioner, Dr. Brad R. Johnson, states as follows.

**Procedural Facts**

1. The South Carolina Court of Appeals denied Petitioner's Petition for Rehearing on January 30, 2012. Accordingly, pursuant to Rule 242(c), the Petition for Writ of Certiorari was due to be filed and served by February 29, 2012.
2. By ORDER of this Court, **which was not received by Petitioner**, this Court granted Petitioner's first motion for an extension of time for filing and serving the Petition for Writ of Certiorari until March 30, 2012.
3. Petitioner called the Clerk's Office on Monday, March 26, 2012 to inquire as to the status of Petitioner's first motion. The Clerk's Office indicated that that Court had granted Petitioner's motion on March 6, 2012.

4. Notwithstanding the foregoing, this Petitioner is also a tenured Associate Professor of Accounting, where Petitioner's responsibilities include the tripartite requirements of teaching, research and service. With respect to teaching, for Spring Semester, 2012, Petitioner is preparing for and teaching three accounting and tax classes. With respect to research, Petitioner is finalizing two manuscripts from each of two presentations given at SEDSI in Columbia, SC in early March, 2012 entitled as follows.

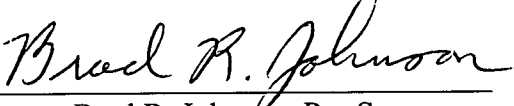
"In Regulating the Profession of Public Accounting,  
Have Public Sector Regulators of CPAs in South Carolina  
Violated the South Carolina Code of Laws?"

"South Carolina District Court holds that the  
Use of the Designation "C.P.A. (Inactive, OR, #4278)"  
By a University Accounting Professor in South Carolina  
Is Inherently Deceptive Commercial Speech  
Under *Central Hudson*"

5. Finally, with regard to service, Petitioner has been engaged in accounting curriculum development and program assessment as it relates to A.A.C.S.B. accreditation. In addition, Petitioner is Chair of the Promotion and Tenure Committee within the School of Business at Francis Marion University. Further, Petitioner is Site Coordinator of the Volunteer Income Tax Assistance (V.I.T.A.) Program at Francis Marion University, a partnership between Francis Marion University and the I.R.S.
6. Because of Petitioner's professional responsibilities, as noted above, Petitioner will not have enough time to prepare his petition before March 30, 2012. But Petitioner is confident that he can prepare his Petition in time to be filed by April 4, 2012.
7. This motion is made without dilatory intent.
8. Upon information and belief, Respondents will not be prejudiced by the grant of this motion.

WHEREFORE, based upon the foregoing reasoning, Petitioner requests that this Court extend the time for Petitioner to file and serve his Petition for Writ of Certiorari by 5 days [i.e., until April 4, 2012].

Dated: March 27, 2012

  
Brad R. Johnson, Pro Se

Brad R. Johnson, Ph.D., J.D.  
111 SE 14<sup>th</sup> Street  
Oak Island, NC 28465  
(843) 661-1427

Other Counsel of Record:

G. Michael Smith  
Thompson & Henry, P.A. (Attorneys for Lewis W. Hall)  
1318 Third Avenue  
Conway, S.C. 29528

Mr. Brent M. Boyd, Esquire  
Murphy & Grantland, PA  
(Attorneys for Lewis V. Hall)  
4406-B Forest Drive  
Columbia, SC 29206

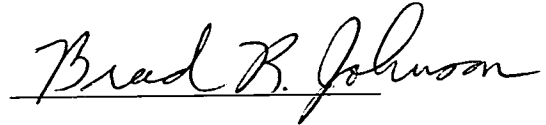
Mr. Truett F. Nettles (Attorney for Lewis V. Hall)  
67 Broad Street  
Charleston, SC 29401

Mr. Jay R. Lee  
Aiken, Bridges, Nunn, Elliott & Tyler, P.A.  
(Attorneys for Cold Air AC Service, Inc.)  
181 E. Evans Street, Suite 409  
P.O. Drawer 1931  
Florence, SC 29503

**VERIFICATION**

Under penalties of perjury, the undersigned certifies that the statements set forth in the foregoing document are true and correct.

Dated: March 27, 2012



BRAD R. JOHNSON,  
Petitioner, Pro Se

Brad R. Johnson, Ph.D., J.D.  
111 SE 14<sup>th</sup> Street  
Oak Island, NC 28465  
(843) 661-1427

**CERTIFICATE OF SERVICE**

I, Brad R. Johnson, Petitioner in the above-captioned action, hereby certify that I did this date serve:

**PETITIONER'S SECOND MOTION TO EXTEND TIME FOR PETITIONER TO FILE AND SERVE HIS PETITION FOR WRIT OF CERTIORARI**

by placing a copy of the same in a United States Postal Service mail box, postage paid, and addressed as follows:

G. Michael Smith  
Thompson & Henry, P.A. (Attorneys for Lewis W. Hall)  
1318 Third Avenue  
Conway, S.C. 29528

Mr. Brent M. Boyd, Esquire  
Murphy & Grantland, PA  
(Attorneys for Lewis V. Hall)  
4406-B Forest Drive  
Columbia, SC 29206

Mr. Truett F. Nettles (Attorney for Lewis V. Hall)  
67 Broad Street  
Charleston, SC 29401

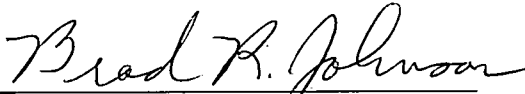
**RECEIVED**

MAR 28 2012

**S.C. Supreme Court**

Mr. Jay R. Lee  
Aiken, Bridges, Nunn, Elliott & Tyler, P.A.  
(Attorneys for Cold Air AC Service, Inc.)  
181 E. Evans Street, Suite 409  
P.O. Drawer 1931  
Florence, SC 29503

This 27<sup>th</sup> day of March, 2012.

  
Brad R. Johnson, Pro Se

Brad R. Johnson, Ph.D., J.D.  
111 SE 14<sup>th</sup> Street  
Oak Island, NC 28465  
(843) 661-1427

# The Supreme Court of South Carolina

Brad R. Johnson,

Petitioner,

v.

Lewis W. Hall, Lewis V. Hall,  
L.W. Hall Enterprises, LLC,  
Cold Air A/C Service, Inc.,

Respondents.

The Honorable J. Michael Baxley  
Horry County  
Trial Court Case No. 2005-CP-26-02710

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## ORDER

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For good cause having been shown, the time for serving and filing the Petition for Writ of Certiorari and Appendix in the above entitled matter is hereby extended until March 30, 2012.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Suzanne J. Shealy*  
*Chief Deputy* Clerk

Columbia, South Carolina

March 6, 2012

cc: Mr. Brad R. Johnson  
Brent Morris Boyd, Esquire  
Forrest Truett Nettles, II, Esquire  
G. Michael Smith, Esquire  
Jay Ritchie Lee, Esquire  
The Honorable Tanya Gee

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

Brad R. Johnson,

Petitioner,

v.

Lewis W. Hall, Lewis V. Hall,  
L.W. Hall Enterprises, LLC,  
Cold Air A/C Service, Inc.,

Respondents.

Appeal From Horry County Court of Common Pleas  
J. Michael Baxley, Circuit Court Judge  
Case No. 2005-CP-26-02710

PETITIONER'S MOTION TO EXTEND THE TIME FOR PETITIONER  
TO FILE AND SERVE HIS PETITION FOR WRIT OF CERTIORARI

Now Comes Petitioner, Dr. Brad R. Johnson, and, in the instant motion, moves this honorable Court to extend the time for Petitioner to file and serve his Petition for Writ of Certiorari by 30 days [i.e., until March 30, 2012 (30 days from February 29, 2012)]. In support of his motion, Petitioner, Dr. Brad R. Johnson, states as follows.

**Procedural Facts**

1. The South Carolina Court of Appeals denied Petitioner's Petition for Rehearing on January 30, 2012. See Exhibit I, incorporated by reference herein, a true and correct copy. Accordingly, pursuant to Rule 226(c), the Petition for Writ of Certiorari is due to be filed and served on February 29, 2012.

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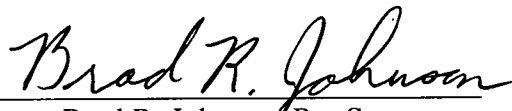
S.C. SUPREME COURT  
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\$2500

2. However, Petitioner's other responsibilities in connection with Petitioner's employment are preventing Petitioner from timely filing and serving his Petition for Writ of Certiorari. Specifically, these responsibilities include (a) teaching two upper division tax classes and one lower division accounting class, (b) service to the School of Business at Francis Marion University (FMU), *infra.*, and (c) service to the community [e.g., Official Site Coordinator of the Volunteer Income Tax Assistance (V.I.T.A.) site at FMU]. Within this context, Petitioner is employed by the State of South Carolina as a tenured Associate Professor of Accounting and Accounting Area Coordinator at Francis Marion University in the School of Business, where Petitioner is also the Chair of the Promotion and Tenure Committee in the School of Business.
3. Notwithstanding the foregoing, Petitioner is confident that he can timely file and serve his Petition for Writ of Certiorari on or before March 30, 2012 (30 days from February 29, 2012).
4. This motion is made without dilatory intent.
5. Upon information and belief, Respondents will not be prejudiced by the grant of this motion.

WHEREFORE, based upon the foregoing reasoning, Petitioner requests that this Court extend the time for Petitioner to file and serve his Petition for Writ of Certiorari by 30 days [i.e., until March 30, 2012 (30 days from February 29, 2012)].

Dated: February 28, 2012

  
\_\_\_\_\_  
Brad R. Johnson, Pro Se

Brad R. Johnson, Ph.D., J.D.  
111 SE 14<sup>th</sup> Street  
Oak Island, NC 28465  
(843) 661-1427

Other Counsel of Record:

G. Michael Smith  
Thompson & Henry, P.A. (Attorneys for Lewis W. Hall)  
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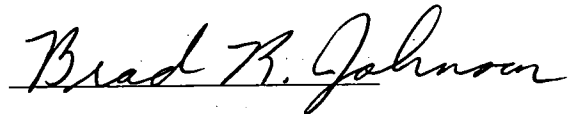
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Aiken, Bridges, Nunn, Elliott & Tyler, P.A.  
(Attorneys for Cold Air AC Service, Inc.)  
181 E. Evans Street, Suite 409  
P.O. Drawer 1931  
Florence, SC 29503

**VERIFICATION**

Under penalties of perjury, the undersigned certifies that the statements set forth in the foregoing document are true and correct.

Dated: February 28, 2012



BRAD R. JOHNSON,  
Petitioner, Pro Se

Brad R. Johnson, Ph.D., J.D.  
111 SE 14<sup>th</sup> Street  
Oak Island, NC 28465  
(843) 661-1427

**CERTIFICATE OF SERVICE**

I, Brad R. Johnson, Petitioner in the above-captioned action, hereby certify that I did this date serve:

PETITIONER'S MOTION TO EXTEND THE TIME FOR PETITIONER TO FILE AND SERVE HIS PETITION FOR WRIT OF CERTIORARI

by placing a copy of the same in a United States Postal Service mail box, postage paid, and addressed as follows:

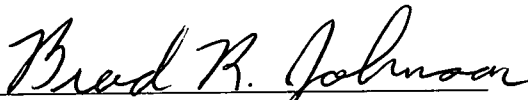
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(Attorneys for Cold Air AC Service, Inc.)  
181 E. Evans Street, Suite 409  
P.O. Drawer 1931  
Florence, SC 29503

This 28<sup>th</sup> day of February, 2012.

  
Brad R. Johnson, Pro Se

Brad R. Johnson, Ph.D., J.D.  
111 SE 14<sup>th</sup> Street  
Oak Island, NC 28465  
(843) 661-1427

**EXHIBIT I**

# The South Carolina Court of Appeals

Dr. Brad R Johnson,

Appellant,

v.

Lewis W. Hall, Lewis V. Hall, L.W.  
Hall Enterprises, LLC, Cold Air A/C  
Service, Inc.,

Respondents.

The Honorable J. Michael Baxley  
Horry County  
Trial Court Case No. 2005-CP-26-02710

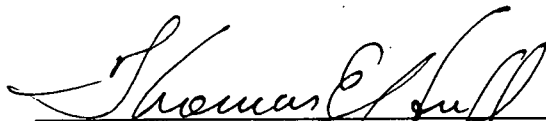

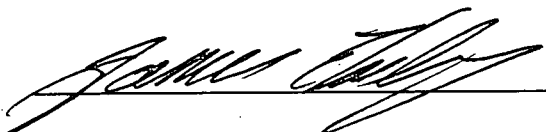
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## ORDER

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After a careful consideration of the Petition for Rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded and hence, there is no basis for granting a rehearing. It is, therefore, ordered that the Petition for Rehearing be denied.

IT IS SO ORDERED.

  
\_\_\_\_\_  
J.  
  
\_\_\_\_\_  
J.  
  
\_\_\_\_\_  
J.

Columbia, South Carolina

**FILED**

*January 30, 2012*