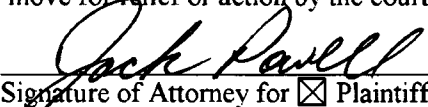


STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Jack Powell )  
 \_\_\_\_\_ )  
 Plaintiff, )  
 vs. )  
 )  
 Medical University of South Carolina )  
 \_\_\_\_\_ )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 9th JUDICIAL CIRCUIT  
 CASE NO.: 2013\_CP-10-5351  
**RECEIVED**  
 MOTION HEARING INFORMATION  
 FORM AND COVERSHEET  
 JUN 19 2015  
 SC Court of Appeals

Plaintiff's Attorney: Pro se, Jack Powell, Bar No. _____ Address: 1402 Camp Rd. Unit 8-A Charleston S.C. 29412 Phone: (843)952-4762 Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Barnwell & Whaley, Bar No. _____ Address: 288 Meeting St. Ste. 200 Charleston SC 29401 Phone: (843)577-7700 Fax _____ E-mail: _____ Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Motion to Recuse Judge Dennis with Cause Estimated Time Needed: 10 minutes      Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	5-6-15 Date submitted
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input checked="" type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input checked="" type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	<b>JUDGE CODE</b> _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

**MAY 6, 2015**

The Honorable Julie J. Armstrong  
Clerk of Court for Charleston County  
100 Broad Street, Suite 106  
Charleston S.C. 29401

RE: Jack Powell vs. MUSC  
C/A No.: 2013-CP-10-5351

Dear Julie:

I have enclosed my Motion to Recuse for Cause in the above matter to the Honorable Court.

Thank you for your assistance,

Dated & Signed on 5-6-15

A handwritten signature in cursive script that reads "Jack Powell". The signature is written in black ink and is positioned above a solid horizontal line.

Pro Se; Jack Powell

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Jack Powell,  
Plaintiff,  
vs.

C/A NO.: 2013-CP-10-5351

Medical University of South Carolina  
Defendant.

Plaintiff's  
Motion to Recuse  
Judge Dennis  
For Cause

JULIE J. ARMSTRONG  
CLERK OF COURT

2015 MAY -6 PM 3:07

FILED

Pro Se; Plaintiff Jack Powell moves to Recuse the Honorable Judge Dennis for engaging a biased and prejudiced attitude towards the Pro se, demonstrated with the following biased rulings and a personal insult by Judge Dennis.

Therefore requesting to cease all overseeing or ruling in any of the above cases including any previous and future Motions including Reconsiderations or Request to Proceed In forma Pauperis. Pro se request the matters to be heard by a Judge other than Judge Dennis pursuant to the doctrine of Johnson v. District Court, 674 P.2d 952 (1984).

On April 1<sup>st</sup> 2015 at 12:00 p.m., while in the hallway before meeting in Judge Dennis's chambers for a discussion about a trial date. Defendant Attorney Ben Davis had stated that he had put his Memorandum for MSJ in the mail that morning. Plaintiff was only notified of this because he had questioned, what happened to your Memorandum? Plaintiff asked how can I Respond in time when we are going to be in court in the morning at 9:30 and Mr. Davis responded with (shrugged shoulders). A few minutes later I told Judge Dennis about this and he said that it's no big deal because it's just the same issues.

Plaintiff appeared on 7-30-14 before Judge Dennis and he granted Summary Judgment for MUSC because the Plaintiff had not Responded to their Memorandum for Summary Judgment and this was in fact a big deal to Judge Dennis and it was a big deal to

the Plaintiff because Knology entered different and new evidence in their behalf. The Plaintiff wasn't prepared to defend this tactic because of the ongoing evasive and improper Discovery responses by the Defendant.

On April 2<sup>nd</sup> 2015 before the Plaintiff's 2<sup>nd</sup> Motion for Summary Judgment Judge Dennis explains during a Motion to Compel Discovery, that he was going to make some rulings that will shake up Columbia concerning the failure to respond to Discovery, that ties up the Court. Judge Dennis also stated Attorney's receiving Motions on the same day of a hearing was improper and the Plaintiff again states the Memorandum being mailed the day before is also improper.

Then Plaintiff appeared before Judge Dennis concerning my Request for 2<sup>nd</sup> Motion for Summary Judgment against Knology and Plaintiff explained that the reason that I was denied my 1<sup>st</sup> SJ was because at the last minute the Defendant stated I hadn't proved 100% they owned the lines was because they haven't properly answered the Discovery and the Supplemental Admit and Production was supposed to be returned before this hearing.

Also the Plaintiff had submitted in his Motion for 2<sup>nd</sup> Summary Judgment that he had stated to Judge Jefferson that the Defendant did not Respond to his Memorandum and she did not enter a ruling about this non-response and Judge Dennis erred and exercised bias because he did not evoke his same ruling about non-response to the Memorandums. Then Judge Dennis ruled with bias and denied my Motion after ignoring his own statements and Rulings concerning Discovery and Response to Memorandums.

The next case during the Knology MSJ motioned by the Defendant, Judge Dennis asked the Defendant if the cable lines belong to Knology and they responded yes, then Judge Dennis stated that is an issue. Plaintiff had stated multiple times the Defendant has

not returned the Discovery and the Supplemental Admit and Production and Judge Dennis stated that I needed to Compel them and stated I already have in your court on 7-30-14. Then Dennis responded very firmly you need to be careful about what you say in my court and then said he will check and he did. I then stated I have here a document from Mr. Davis where he reminded me that you stated for me to send them Supplemental Discovery, which I did. Judge Dennis stated that I needed to supplement with a few specific Requests and I said there were only a few request made and were supposed to have already been returned. He looked at the Supplemental which included;

#6. All documents concerning Lee Endicott at your Charleston Center who agreed to pay Mr. Powell in front of his wife his Doctor bills and was told he would have to wait several weeks to receive the check.

Plaintiff submitted to Judge Dennis that the documents concerning Knology's manager Lee Endicott weren't produced and Plaintiff and his wife contacted their manager and offered Jack Powell \$ 2,900 for his Doctor bills which proves liability and ownership of the unburied cable lines and the next day the cable lines had been removed.

Then Judge Dennis asked if I had an affidavit concerning this matter and I said no because I was unaware the court would not believe this occurred and the Plaintiff had submitted multiple times the Defendant had not properly responded to Discovery and they were supposed to have already returned the Supplemental Request . Also, the Defendant didn't return the documents, but stated in their Response "the amount was in controversy " that proves this happened and if the Plaintiff had been allowed to Respond to their Memorandum, Judge Dennis would have had the evidence in his hand.

Dennis ruled with bias when requiring the Plaintiff to prove this visit occurred and

the cable lines had been removed when Judge Dennis should have submitted his shaking up Columbia by at least making the proper ruling by requiring the Defendant to produce the Supplemental Requested Discovery which he had in his hand right before he asked the Plaintiff if he had an affidavit concerning this visit which is still unanswered.

#6. All documents concerning Lee Endicott at your Charleston Center who agreed to pay Mr. Powell, in front of his wife his doctor bills and was told he would have to wait several weeks to receive the check.

or

#11. Documents stating dates when Knology or Sub-contractor came to the property at 930 Folly Rd. to bury, repair or remove the "2" unburied cable lines after 6-21-12.

or

#10. ADMIT; after Knology or sub-contractor was notified about the trip and fall injury of Mr. Powell, the cable lines were removed.

or

#15. ADMIT; the cable lines your technician or sub-contractor removed from 930 Folly Road after 6-21-12 belonged to Knology

Judge Dennis erred when he ruled with bias towards the Pro se because of the ongoing, relevant issues that are still in question and unanswered. Judge Dennis also exercised an obvious pattern of contempt by denying the In forma Pauperis litigant to re-file a Complaint that was approved by him originally and later he improperly dismissed. Judge Dennis denied the Plaintiff to proceed after the basically same financial information was submitted.

THIS COMPLAINT MADE TO SOUTH CAROLINA DISCIPLINARY BOARD

I Pro se, Jack Powell submit this complaint against Judge Dennis for making a biased and improper ruling when denying my Constitutional right as an indigent to access the courts to re-file a lawsuit against two companies he previously approved me for In forma Pauperis.

HISTORY

1. On 1-23-15 I re-filed one lawsuit against the Folly Oaks Center; Case #2014-CP-10-3819 and the Marshland Communities LLC., Case #2013-CP-10-5876. Judge Dennis previously approved me for In forma Pauperis in both of these suits, that he himself dismissed recently after denying me the right to enter any evidence in my behalf.
2. On 2-26-15 I called Judge Dennis's office to acquire why he had not ruled on my application for In forma Pauperis, which is usually done within a week.
3. On 3-6-15 I received a call that my application was denied about six weeks after my application was submitted.
4. Judge Dennis previously approved these cases for Pro se, In forma Pauperis Jack Powell with basically the same financial information submitted;

MUSC; Case #2013-CP-10-5351

Carolina Center for Occupational Health LLC.; Case #2013-CP-10-6567

Charleston County Detention Center; Case #2013-CP-10-7125

Charleston County Detention Center; Case #2014-CP-10-1561

Knology of Charleston Inc.; Case #2013-CP-10-6019

Charleston County EMS; Case #2013-CP-10-6566

Marshland Communities LLC.; Case #2013-CP-10-5876

Folly Oaks Center Condominium Unit Owners Association Inc.; #2014-CP-10-3819

EVENTS THAT INFLUENCED THE PATTERN OF BIASED CONDUCT, BEGINNING ON 7-30-14

1. I had been scheduled by the Clerks office to appear with 15 various motions which were mostly compel a response for discovery. I did not know after giving these Defendants 30 days to answer and then having to send them a 10 day notice to answer or I would compel them to court to answer, that I still had to call and basically beg these attorney's to respond properly. Of course during the first case Judge Dennis asked me if I had called them and I said no so he told me to go out in the hallway with all the Defendant's to make arrangements for them to send me my requested discovery.

Later that day during my compel for evasive answers against a local entity, I responded to an answer given by the Defendant which was I have proof right here this was an untruthful answer and Judge Dennis basically stated well, that's their answer which is an improper ruling considering the basis for the hearing. (I'm basically giving you this event from memory which may not be 100% accurate since I can't afford to buy

transcripts of the hearings.)

I did snicker or make a low noise of unbelief after he said this, considering the way he had already treated me that day. What I remember is he angrily asked me if I was laughing at the court and I said no and after I apologized to Judge Dennis he made an inflammatory and insulting remark about and to me which was "I'm laughing at you too" which he was referring to everyone in the court room and caused embarrassment, confusion and apprehension to attempt any furthering of my case because of being shut down and embarrassed again in a public setting.

2. During case 2013-CP-10-5351, Pro se Motion for Reconsideration where he entered the contempt by Judge Dennis. Also, Judge Dennis continued his biased conduct when he improperly cut Jack Powell off and granted Summary Judgment after I began with I had received zero Discovery so far in this case and MUSC attorney Jay Jones had entered an untruthful statement in his Supplemental Motion for Summary Judgment.

Case # 2013-CP-10-5351 stating; I'm laughing at you too" that caused embarrassment, confusion and apprehension to attempt any furthering of my case because of being shut down and embarrassed again in a public setting.

3. During case 2014-CP-10-5876, I was not allowed to speak before Judge Dennis dismissed the 1<sup>st</sup> case against Marshland Communities.

4. During case 2014-CP-10-3819, I was not allowed to enter any argument, law or ordinances violated by the Folly Oaks Center before Judge Dennis dismissed the 1<sup>st</sup> case against them.

5. Defendant was Granted MSJ during the case 2013-CP-10-6567, Pro se entered in his Reconsideration; Judge Dennis again exercised a contemptuous attitude towards Pro se, Jack Powell by not allowing him to enter; any evidence, cite cases or engage in the argument of council, enter my jail video where I was being brought into the jail in a wheelchair after I had I been arrested by the MUSC Public Safety for Trespassing at the MUSC emergency room parking lot during discharge because I was unable to get out of my wheelchair because of pain and was later ruled to be a False Arrest.

Then Judge Dennis actually stated that my medical condition wasn't relevant, before I was angrily threatened out of my wheelchair by the Carolina Center for Occupational Health male nurse who was featured with two other couples at a MUSC Alumni party on their official Alumni website.

6. Case #2013-Cp-10-6567 has been Appealed to the S. C. Court of Appeals and listed on the last page of the Notice of Appeal is the same biased attitude and statements were entered as evidence as follows; Judge Dennis displayed contempt towards the Plaintiff and made an inflammatory personal attack by making an insulting statement about and to the Plaintiff in the courtroom which was; "I'm laughing at you too" that caused confusion and apprehension to attempt any furthering of his case because of the fear of being scrutinized and the Pro se was shut down and not allowed to enter any evidence in two cases the same day as the Summary Judgment on 11-5-14.

### SUPPLEMENTAL INCIDENT ADDED TO COMPLAINT

On 4-7-15 Pro se, Jack Powell was again improperly Denied his right to proceed In forma Pauperis for the same case; Folly Oaks Center Condominium Unit Owners Association Inc. and Marshland Communities LLC that was submitted with the initial filing of this complaint.

Pro se included in this second denied Motion with a 1040 tax form that verifies that I fall well under the poverty line and it is obvious Judge Dennis doesn't have any respect for the Pro se or the courts procedures.

On 4-1-15 Plaintiff appeared outside of Judge Dennis's Chambers with the Defendant's Attorney and after I had asked, he told me he had put my Memorandum for Motion for Summary Judgment in the mail that morning. I then asked how can I Respond to this since we're supposed to be in court in the morning at 9:30 and he responded with (shrugged shoulders).

When we were in Judge Dennis's office I repeated this to him and he said it's no big deal because it is the just the same issues. Of course the next morning it was a big deal to me because the Defendant entered new evidence in their behalf and they were granted Summary Judgment by Judge Dennis because I had received very few proper Responses to Discovery and the Defendant wouldn't answer certain questions that proves their guilt which would have Denied their MSJ since their Discovery had been unanswered since they were compelled on 7-30-14 for Evasive Responses. I had properly submitted multiple times during the hearing the Defendant had not answered the questions which was an continuation of their improper evasive manner.

This Granted Motion happened about ten minutes after Judge Dennis had given a speech during a Compelled Discovery dispute about how he was going to start shaking up Columbia with his Rulings about failure to Respond to Discovery that ties up the Court and receiving motions on the same day of a hearing were improper. The ongoing failure to Respond in my case was much worse than the one he was giving Columbia his notice and I didn't even receive my Memorandum the day of the hearing.

The contempt for the Pro Se began on 7-30-14 when Judge Dennis insulted me and in case 2013-CP-10-5351 the Defendant was granted Summary Judgment because I did not Respond to their Memorandum and I didn't even know that I was supposed to Respond. If it wasn't a big deal why did he again behave in a biased manner by changing his position and again rule against me, no matter what the circumstances are.

### CONCLUSION

Judge Dennis has in fact continued a biased attitude towards me and has acted improperly on several occasions, including this second denial to allow me to proceed with In forma Pauperis against the same two cases he had previously approved.

Unfortunately I've had to mention his bias along with his improper and very appealable rulings and it is obvious that Judge Dennis has displayed contempt towards me. But, I'm a Charleston citizen who has every right to complain about bad attitudes, bad people, file a lawsuit to stop abusive government agencies and I do in fact have the right to my fair day in court. This ruling should be studied, reversed and Judge Dennis should be cited for his abuse of power in the Charleston County 9<sup>th</sup> District Court.

## Appeal to South Carolina Court of Appeals.

Appellant Pro se, Jack Powell enters this Appeal because of the mistakes made by Judge Dennis during the Motion for Summary Judgment that was granted on 11-5-14 to the Carolina Center for Occupational Health in the Charleston County 9<sup>th</sup> District Court of Common Pleas. Mistakes were made and entered in the Appellant's Response to Motion for Summary Judgment. Also, for the mistakes made during the Plaintiff's Motion for Reconsideration that was denied on 12-1-14 and mistakes made in the Order Granting Summary Judgment on 11-5-14.

1. During the Summary Judgment hearing, Judge Dennis made the mistake of stopping and not allowing the Plaintiff to enter the following;

A. The MUSC Doctor Instructions for "56" year old Plaintiff, Jack Powell. That revealed the true medical condition of the patient and how susceptible he was to the anger of the CCOH male nurse after he read and ignored the report.

B. The Citing of law.

C. The video when the Plaintiff entered the jail in a wheelchair. Reveals medical condition of patient being wheeled into the jail around 3:00 a.m. under the influence of drugs administered by the Emergency Room Doctor

2. Entered in the Order Granting Summary Judgment, Judge Dennis made the mistake of signing the Order because of the following;

A. The Defendant states; "Plaintiff admits that the Defendant's male nurse simply angrily

told Plaintiff to get out of the wheelchair without any actual offer of physical violence.

Plaintiff did not admit to this statement.

3. Judge Dennis made the mistake of granting Summary Judgment when there was a preponderance of relevant evidence entered by the Plaintiff that verified the following cited cases the Appellant Jack Powell tried to enter during the Motion for Summary Judgment hearing on 11-5-14; Brooker v. Silverthorne (1919), Mellen v. Lane (2008), Herring v Lawrence Co. (1952), Jones by Robinson v. Winn Dixie Greenville Inc. (1995) and Papa v. Brunswick (1987).

4. In the Plaintiff's Motion for Reconsideration, Judge Dennis made the mistake of Denying the Motion and the Plaintiff disputes the decision for the following reasons;

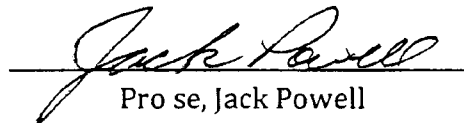
A. Wall, Templeton and Haldrup exercised an aggressive and angry manner towards the Plaintiff during their Deposition and also with attorney Jay Jones of Barnwell & Whaley who was present and was the attorney in the case involving Charleston County Detention Center where this same Appeal occurred on the morning of 6-22-12 and Mr. Jones was writing and sliding notes to the Defendant's attorney, to ask questions.                   RULE 60 (b) (3)

B. On 7-30-14 Pro se was facing "15" Motions and Judge Dennis displayed contempt towards the Plaintiff and made an inflammatory personal attack by making an insulting statement about and to the Plaintiff in the courtroom which was; "I'm laughing at you too" that caused embarrassment, confusion and apprehension to attempt any furthering of his cases because of the fear of being scrutinized and the Appellant was shut down and not

allowed to enter any evidence during two cases that day. Also, Appellant was shut down and not allowed to enter any evidence in two cases the same day as the Summary Judgment 11-5-14. Plaintiff Jack Powell had made a complaint in his Reconsideration concerning Judge Dennis's contempt towards the Pro se.

Appellant Pro se, Jack Powell requests the Honorable South Carolina Court of Appeals to Reverse the Decision made by Judge Dennis of the Court of Common Pleas, 9<sup>th</sup> District for his mistakes rendered because of contempt for Jack Powell.

Dated and Signed on 12-30-14

  
Pro se, Jack Powell

Wherefore, petitioner respectfully moves that Judge Dennis will remove and disqualify himself concerning any cases or rulings involving Pro Se, Jack Powell.

Dated & Signed on 5-6-15



2013-CP-10-5351

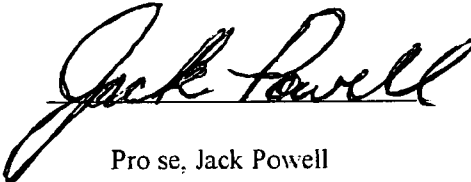
CERTIFICATE OF SERVICE

Pro se, Jack Powell hereby certifies this Motion to Recuse for Cause was hand delivered to the Defendant, MUSC case # 2013-CP-10-5351 at the following address.

Barnwell & Whaley  
288 Meeting St.  
Charleston, S.C. 29401

FILED  
2015 MAY - 6 PM 3:07  
JULIE J. ARMS-TRONG  
CLERK OF COURT  
BY \_\_\_\_\_

Dated & Signed on 5-6-15

  
Pro se, Jack Powell