

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Ralph P. Stroman, Special Referee

Unpublished Opinion No. 2015-UP-111
(S.C. Ct.App. filed March 4, 2015)
Case Nos: 2009-CP-26-3596 and
2010-CP-26-11320
Appellate Case No. 2015-001019

Ronald Jarmuth

Petitioner,

v.

The International Club Homeowners
Association, Inc., Rosemary Toth,
and K. A. Diehl & Associates

Respondents.

PETITIONER'S REPLY TO
RESPONDANTS'S RETURN TO PETITIONER'S
MOTION TO EXCEED PAGE LIMITATION ON
PETITION FOR A WRIT OF CERTIORARI
OR IN ALTERNATIVE
TO REMOVE INDEX AND TABLE OF AUTHORITIES
TO CONFORM TO PAGE LIMIT

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Attorneys for Respondents

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S.C. SUPREME COURT

1. Petitioner Ronald Jarmuth, Pro Se, REPLIES to Respondents' Response to his Motion for an Order Permitting his Petition to exceed the page limits of SCRAP Rule 242(d)(4), explaining as follows:

The Petition As Submitted Conforms to the Rule

2. With SCRAP Form 18 as the Criterion, as written the Petition fully conforms to the page length limit of SCRAP Rule 242(d)(4) and no dispensation is required. In its wisdom the Supreme Court has provided SCRAP Form 18 as an example of how a Petition for a Writ of Certiorari to the Court of Appeals should be formatted and what it should contain. Petitioner relied on Form 18 (Exhibit A) in preparing his Petition.

3. Form 18 should have produced certainty in preparing the Petition but apparently instead introduced ambiguity. If one relies on Form 18 the Petition is in compliance with SCRAP Rule 242(d)(4) as to contents and page length.

4. Form 18 contains a cover. It is un-numbered.

5. Form 18 contains an "Index" which is numbered beginning at "i" which implies it is not part of the 25 page limit. The Index also relates that "Page 1" of the Petition is the "Certificate of Counsel", the first element actually required by SCRAP Rule 242. Per the Index the last element of the Petition is the "Conclusion"; the index indicates that the Certificate of Service, which is not in the Index, is not one of the numbered pages of the Petition and is to accompany the Petition – and is not actually part of the Petition. That use of page numbers "1" to "25" for the body, not the cover nor for the Index, is further supported by Form 18 when one looks to the page numbers at the bottom of the sample pages in Form 18 (for the Certificate of Counsel, Argument, and Conclusion).

6. Petitioner strictly followed the example of Form 18 and using that example, the Petition's length (and "ordinary numbered pages) running from "Certificate of Counsel" through "Conclusion" is 24 pages, one short of the page limit set by SCRAP Rule 242.

The Response to the Petition Excludes the Cover, Index, and List of Questions Presented from the Page Count Set by SCRAP Rule 242

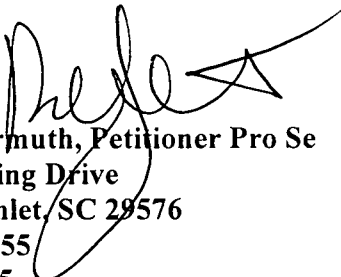
7. The Response Brief is conclusive that Respondents' Counsel shares Petitioner's belief that the Cover, Index, and list of Questions Presented are not within the page count limit set by the rule. The Cover of the Response to the Petition is unnumbered; the Index is numbered "i"; and the "Questions Presented" is numbered "ii". The "Statement of The Case is the first numbered page ("1") of the Response to the Petition.

No Rule or Case Law Precludes Amending the Petition

8. Respondent has cited no rule or case law to support its novel contention that an Amendment of the Petition is not permitted subsequent to filing. The response to the motion is unique in that (unlike other pleadings filed through the history of this case) it fails to cite any case law or on-point rule.

7. Conclusion.

The Petition is within the page limit set by SCRAP Rule 242 and thus an Exception to the Page Limit is not needed. In the interests of procedural formality the Motion should be granted allowing the Petition to remain filed as is.


Ronald Jarmuth, Petitioner Pro Se
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July 3, 2015

FORM 18
PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

George E. Brown, Circuit Court Judge

Opinion No. 0000 (S.C. Ct. App. filed Feb. 10, 2002)

Stephen L. Doe, as Personal
Representative of the Estate of
John B. Doe,

Respondent,

v.

Jane C. Roe,

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

John E. Smith
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Other Counsel of Record:
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EXHIBIT A

INDEX

Certificate of Counsel 1

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Statement of the Case..... 1

Arguments

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 2. PETITIONER DID TIMELY OBJECT TO THE TRIAL JUDGE'S
 ERRONEOUS CHARGE ON THE BURDEN OF PROOF 2

Conclusion 2

Counsel for petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on March 2, 2002.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in holding that this action is not barred by res judicata?
2. Did the Court of Appeals err in holding that petitioner had failed to timely object to the trial judge's charge on the burden of proof?

STATEMENT OF THE CASE

On February 1, 2000, John B. Doe brought this action. . . .

[Set forth facts relevant to the questions presented. Counsel may wish to simply give a brief history of the case at this point and set forth the facts in the argument on each question. Reference should be made to where the salient facts can be found in the Record on Appeal (i.e., R.p. 37, lines 7-8).]

The Court of Appeals affirmed the judgment of the circuit court. Stephen L. Doe, as Personal Representative of the Estate of John B. Doe v. Jane C. Roe, Op. No. 0000 (S.C. Ct. App. filed Feb. 10, 2002). Petitioner seeks a writ of certiorari to review that decision.

1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

[Set out discussion and citations of authority.]

2. PETITIONER DID TIMELY OBJECT TO THE TRIAL JUDGE'S ERRONEOUS CHARGE ON THE BURDEN OF PROOF.

[Set out discussion and citations of authority.]

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

March 27, 2002

/s/ John E. Smith
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Attorney for Petitioner

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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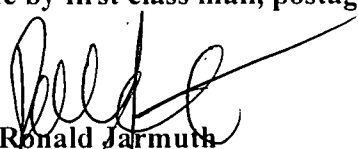
The International Club Homeowners
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Respondents.

PROOF OF SERVICE

I certify that on July 3, 2015 I Served Petitioner's Reply to Respondent's Return to Petitioner's Motion to Exceed Page Limitation of Petition for Writ of Certiorari to the Court of Appeals on Respondents through Respondent's common counsel, Henrietta Golding; McNair Law Firm, P.A.; 2411 Oak Street; Suite 206; Myrtle Beach, SC 29577-3164 by mailing it to same by first class mail, postage pre-paid.

July 03, 2015


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