

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
9th Judicial Circuit Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-000049

RECEIVED

JUL 27 2015

SC Court of Appeals

Carolina Center for
Occupational Health

Respondent,

v.

Jack Powell,

Appellant.

APPELLANT'S RESPONSE TO MOTION TO DISMISS

Appellant Pro se, Jack Powell hereby responds to the Respondent's motion to dismiss Appellant's appeal. In support of the motion, the Appellant enters the following;

V. Claire Allen, Deputy Clerk for the Court of Appeals wrote Appellant on January 26, 2015, notifying Appellant that the time for ordering a transcript expired and within ten days of the date of this letter Appellant must file a copy of the letter showing that you have ordered the transcript from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR. Your appeal will be dismissed if no motion is made within 10 days of the date of the letter.

Appellant submits because of the failures by the Clerks for the Judge Markley Dennis

to cooperate, demonstrate respect to a Pro se and also to be forth coming with vital information to assist the Pro se with his attempts to follow procedures of the Appellant Court, the Appellant was not able to follow the required rules, noted by the following;

1. EXHIBITS A & B, Appellant filed this appeal on 12-22-15 and began making calls to the 9th Circuit Court and eventually was told to call Judge Dennis's office. Then Appellant made several calls trying to reach Linda at his office about the information needed to contact the court reporter. Appellant eventually was able to get the information after the ten days. Then Appellant realized he needed to continue his contacts for verification, by sending e-mails.
2. EXHIBIT C, January 26, Karen Anderson states she received the request for the Transcript and she wasn't the reporter for that day. A substantial amount of time had passed by when trying to acquire her information and then eventually being able to contact Karen Anderson for her to respond.
3. EXHIBIT D, example on June 26 in another Appealed case, Appellant e-mailed Linda at Judge Dennis's office to acquire the name of the court reporter. Again, along with the e-mails this demonstrates the failure to respond properly causing difficulty for the Pro se by their failure to contact their office for someone else to forward the information.
4. EXHIBIT E, Appellant wasn't notified that court reporter and transcripts were handled by the Court Administration until about three months after contacting them about the information needed.
5. EXHIBITS F, Form 12 is information discussing the history of the ordering of the transcript, which Appellant went into greater detail with his contact "Elizabeth Carter" about his difficulties with this case and another about the failed cooperation by the clerks and reporters.
6. EXHIBIT G, is another example of the failure to cooperate by the court reporter, that Karen Anderson stated was the reporter for that day and also where Desiree Allan seemed to fail and not

understand the obvious.

WHEREFORE, Appellant submits he originally filed this Appeal under In forma Pauperis, which was denied and when the Appellant was supposed to file a motion requesting permission to order the transcript outside of the filing deadlines he was unable to send a check for the motion.

Appellant submits if the proper procedures were followed by the Judge's employees, court reporter and if Appellant would have been treated like a local and familiar attorney instead of some Pro se, he would have not been forced into this situation to defend this Motion to Dismiss.

Appellant request the Respondents Motion to be denied for the furtherance of justice.

July 24, 2015

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

Counsel of Record;
Wall, Templeton and Haldrup
145 King St. Ste. 300
Charleston, S.C. 29412
(843) 952-4762

Pro se, Jack Powell
1402 Camp Rd. Unit 8-A.
Charleston, S. C. 29402
(843) 329-9500

cc; V. Claire Allen, Deputy Clerk



A.

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890

FAX: (803) 734-1839

www.sccourts.org

January 26, 2015

Jack Powell
1402 Camp Road
Unit 8-A
Charleston SC 29412

Re: Jack Powell v. Carolina Center
Appellate Case No. 2015-000049

Dear Mr. Powell:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Peden Brown McLeod, Jr., Esquire
Gordon Wade Cooper, Esquire

B

THE SOUTH CAROLINA COURT OF APPEALS
Case # 2015-CP-00-0049

Appellant, Jack Powell hereby notifies the Honorable Court that I called Charleston County, 9th Judicial Circuit Judge Dennis's office and Linda gave me the address to Karen Anderson whom she stated was the Court Report during case # 2013-CP-10-6567. I mailed her a request for a copy of the transcript and about a week later she e-mails me and states she wasn't the reporter. EXHIBIT A

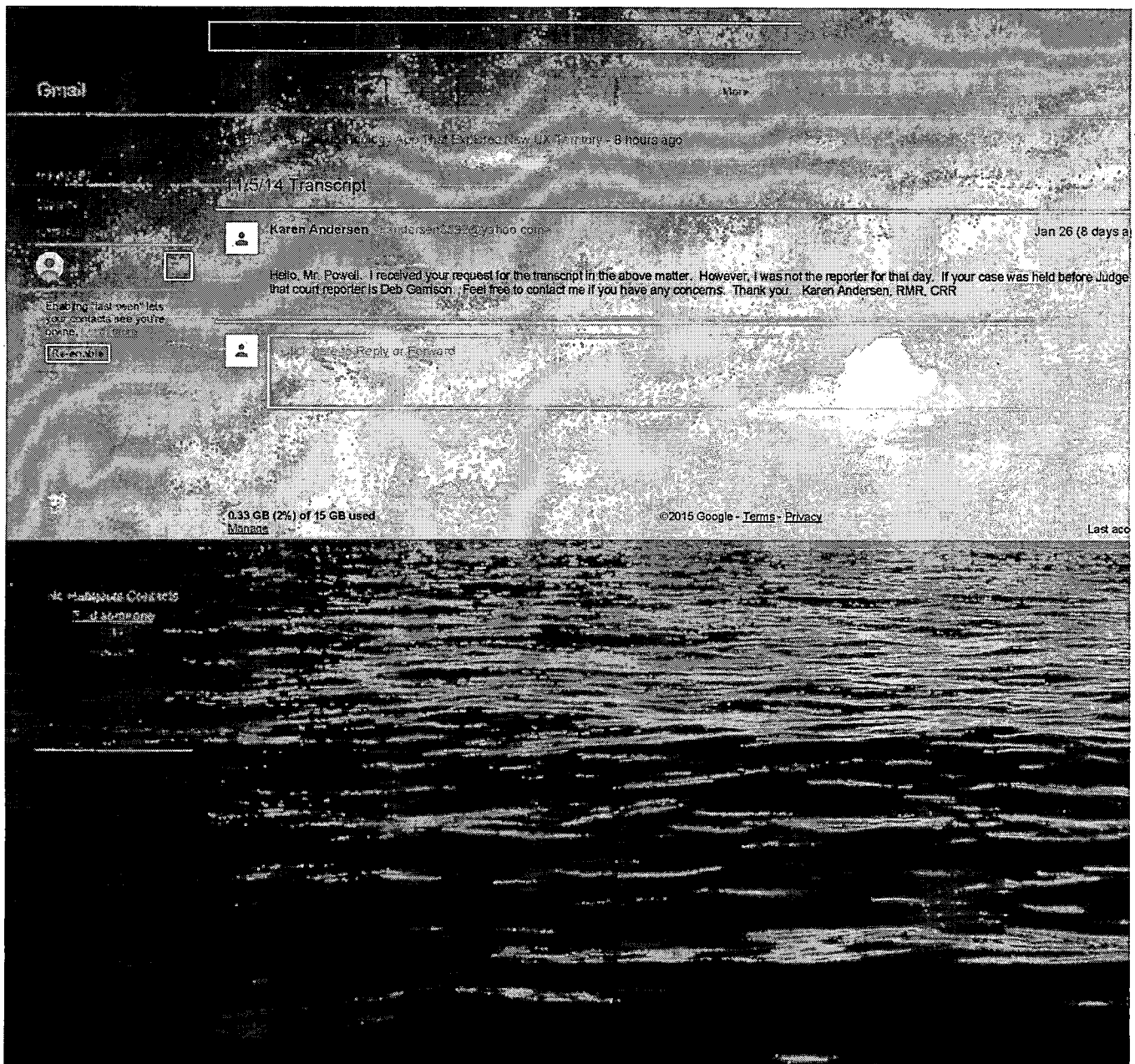
I left a message for Linda at the Clerks office again and she called me back on 1-29-15 and she gave me the address to Deb Garrison and I sent her a letter on 1-29-15. I also contacted the Court of Appeals office the same day and I explained to Elizabeth what had happened and she said this letter to explain the circumstances of why I do not have the transcript.

Dated & Mailed on 1-29-15


RECEIVED

FEB 05 2015

SC Court of Appeals





D

Jack Powell <carolineschair@gmail.com>

Transcript request

From: Jack Powell [mailto:carolineschair@gmail.com]
Sent: Friday, June 26, 2015 3:34 PM
To: Dennis, R. Markley Jr. Law Clerk (Lindsey M. Coffey)
Subject: Transcript request

I'm Pro se, Jack Powell and I left a message for Linda yesterday at 10:08, that I needed the contact information for the Court Reporter to get a Transcript for MUSC case 2013-CP-10-5351 (Summary Judgment) in Judge Dennis's court and I haven't received a call or e-mail back. My time is running out, so could you please get me the info? Thank you, Jack
carolineschair@gmail.com 952-4762 or

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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**Dennis, R. Markley Jr. Law Clerk (Lindsey M. Coffey)**  
<MDennisLC@sccourts.org>  
To: Jack Powell <carolineschair@gmail.com>

Mon, Jun 29, 2015 at  
12:27 PM

Mr. Powell:

We are in Sumter County for a case this week and I will not be returning to the office to grab files until Wednesday. I have notes on the motions heard in this case, which will likely also show which court reporter was with us that week. We do not have contact information for court reporters, but their contact addresses to send transcript requests are listed online at sccourts.org. Thanks.

---

**Jack Powell** <carolineschair@gmail.com>

Mon, Jul 13, 2015 at 2:45 PM

To: "Dennis, R. Markley Jr. Law Clerk (Lindsey M. Coffey)" <MDennisLC@sccourts.org>

This is Pro se Jack Powell and I contacted you over 2 weeks ago about the name to the court reporter for case 2013-CP-10-5351 that was held on 7-30-14 and if you could please send me the name and contact information. Also I need the name to the court reporter for case 2013-CP-10-5876 that was held on the same day. Thank you, Jack

[Quoted text hidden]

E



Jack Powell <carolineschair@gmail.com>

---

**Still no response about Transcript**

2 messages

---

Jack Powell <carolineschair@gmail.com>

Tue, Mar 17, 2015 at 3:59 PM

To: "Caroline Crisler. Leonard" <cleonard@charlestoncounty.org>

I sent an e-mail to dgarrison@sccourts.org on March 12th and told her I had sent her a second letter about a week earlier, to get a copy of the transcript for case 2013-CP-10-6567. She never called me back or responded to the e-mail. I think I know what's going on and I have to keep reporting this ongoing situation to the Appellate court.

---

Caroline Crisler. Leonard <cleonard@charlestoncounty.org>

Tue, Mar 17, 2015 at 4:04 PM

To: Jack Powell <carolineschair@gmail.com>

Don Michel is in the office today. He handles the Jury Rosters. I am in the courtroom and am unable to take your call. Mr. Michel can assist you about your case.

As far as the transcript is concerned, the Court Administration in Columbia has court reporters under their umbrella. You could contact their office about your concerns.

Caroline C. Leonard

Non-Jury Docket Coordinator

Charleston County Clerk of Court

100 Broad Street

Charleston, SC 29401

cleonard@charlestoncounty.org

**From:** Jack Powell [mailto:carolineschair@gmail.com]

**Sent:** Tuesday, March 17, 2015 4:00 PM

**To:** Caroline Crisler. Leonard

**Subject:** Still no response about Transcript

V  
F

**FORM 12**  
**NOTICE THAT TRANSCRIPT HAS NOT**  
**BEEN TIMELY RECEIVED**

February 3, 2015

Deputy Clerk; V. Claire Allen  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: Carolina Center. Respondent. v Jack Powell. Appellant. Case No. 2015-CP-00-0049

Dear Deputy Allen,

I Pro se Appellant, Jack Powell contacted the Charleston County Clerks Office and Linda gave me the address of the Court Reporter to case 2014-CP-10-6567 which was Karen Anderson. I wrote her a letter submitting my request for the transcript of the MSJ hearing held in the Judge R. Markley Dennis Court and over a week later on 1-26-15 I received an e-mail from Karen stating she wasn't the reporter in this case.

I called Linda again and explained about the wrong Reporter and she gave me the name and address to Deb Garrison. I then called the Court of Appeals and explained this to Elizabeth and she tells me to send a letter explaining what had happened.

The next day I received a letter stating "Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript from the court reporter, along with a Motion... and I called Elizabeth again and left a message about receiving the letter on Friday, four days after it was sent and I did not get a response from her on Monday either.

So as to this date, 2-3-15 Appellant has not received the transcript from the court reporter.

Sincerely,  
Pro se, Jack Powell  
1402 Camp Rd. Unit 8-A  
Charleston, S.C. 29412  
(843)952-4762

\* Unless all parties to the appeal agree, a transcript of the entire proceedings must be ordered. Form 10 contains a sample agreement to order less than the entire transcript.

G

*Court Reporter Administration*

label:lawsuits

Gmail

Remove label

More

COMPOSE

Problem/Transcript

Inbox x lawsuits x

Inbox (25)

Starred

Important

Jack

No Hangouts Contacts

[Find someone](#)

- Jack Powell** Hello, I'm Pro se Appellant Jack Powell v. Carolina Center for Occupational H...
- Allen, Desiree** The Court Reporter is allowed to ask for payment before preparing transcripts...
- Jack Powell** My reason for contacting you wasn't about the payment, but my understanding w...
- Allen, Desiree** Yes, 60 days from when payment is received. If it's a large transcript they o...
- Jack Powell** She will not tell me how much i need to send her for the five minute trial.
- Allen, Desiree** Send her the deposit she requested. Sent from my iPhone
- Jack Powell** She has not told me how much the deposit is!! She will not tell me how much i...
- Allen, Desiree** I'm sorry. Your first email said she told you to send a deposit. Sent from my...
- Jack Powell** Deb Garrison told me over two months ago i would need to send her a deposit a...
- Allen, Desiree** I am. I misunderstood your message I suppose. You're saying she said to send ...
- Jack Powell** Right, and will not respond anymore.
- Jack Powell** Are you the individual who oversees abuse in this area and tries to enforce p...
- Jack Powell** I called your office a week ago and asked why you didn't returned my e-mails ...
- Allen, Desiree** Ms. Garrison wrote to you on April 2 requesting a deposit of \$81.25. She has ...
- Jack Powell** She NEVER wrote me about the deposit and why have you waited until now to tel...
- Allen, Desiree** She sent me the letter. I'm sorry you never got it. Should I ask her to re-se...
- Jack Powell** I just sent her a E-mail asking how and where to send the monev, so i guess i...

6/22/2015

FORM 7  
PROOF OF SERVICE OF A RESPONSE TO MOTION TO DISMISS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

RECEIVED  
JUL 27 2015  
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-000049

Carolina Center for  
Occupational Health,

Respondent,

v.

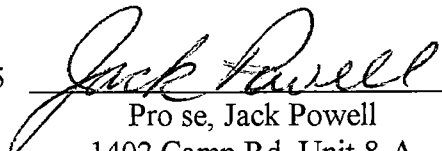
Jack Powell,

Appellant.

PROOF OF SERVICE  
July 24, 2015

I certify that I have served the Notice of Response to the Motion to Dismiss by Respondent Carolina Center for Occupational Health LLC. by depositing copies in the United States Mail, postage prepaid on July 24, 2015 and addressed to their attorney of record, Wall, Templeton and Haldrup, 145 King St. Ste. 300, Charleston, S. C. 29402. Also to Carolina Center's office located at 4600 Goer Dr. Ste. 205, North Charleston, S.C. 29406.

7-24-15



Pro se, Jack Powell  
1402 Camp Rd. Unit 8-A  
Charleston, South Carolina 29412  
843) 952-4762

cc; V. Claire Allen, Deputy Clerk  
S.C. Court of Appeals

July 24, 2015

V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 1169  
Columbia, S.C. 29211

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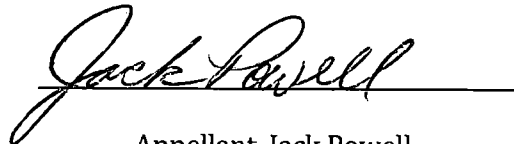
SC Court of Appeals

Re: Jack Powell vs. Carolina Center for Occupational Health  
Appellant case No.: 2015-000049

Dear Ms. Allen:

Enclosed please find an original and seven copies of Appellants Motion to Dismiss, along with a \$25 money order to cover the filing fee.

Thank you, Jack

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.

Appellant, Jack Powell

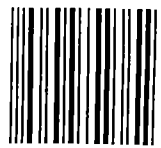
cc: Attorney of record;  
Wall Templeton & Haldrup

7 8-A

412



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