

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM SPARTANBURG COUNTY CIRCUIT COURT
THE HONORABLE J. DERHAM COLE

RECEIVED

AUG 10 2015

SC Court of Appeals

TRIAL COURT CASE NO. 2009-CP-42-00781

APPELLATE CASE NO. 2013-002439

Ray Long and Mary Long.....Appellants

vs.

Tuck and Howell, Inc.....Respondent

RECORDS REQUESTING TO FILE AN APPEAL FOR A NEW TRIAL DUE TO THE FACT WE DID NOT
HAVE A FAIR TRIAL AND ALSO DUE TO THE FACT WE DID NOT EVEN HAVE A TRIAL BECAUSE OUR LAWSUIT AGAINST
TUCK AND HOWELL WAS DROPPED AT THE END OF THE TRIAL
RECORDS ON APPEAL MAY 29, 2015

Ray and Mary Long
131 Taylor Road
Greer, SC 29651
(864)877-7039
Appellants

Mr. James P. Walsh, Esquire
P.O. Box 6728
Greenville, SC 29606
(864)232-4400
Attorney for the Respondent

STATE OF SOUTH CAROLINA

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APPEAL FROM SPARTANBURG COUNTY CIRCUIT COURT

THE HONORABLE J. DERHAM COLE

TRIAL COURT CASE NO. 2009-CP-42-00781

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Ray and Mary Long,.....Appellants

vs.

Tuck & Howell. Inc.,.....Respondant

Proof of Service By Mail

The undersigned certifies that a true copy of the "Records requesting to file an appeal for a new trial due to the fact we did not have a fair trial and also due to the fact we did not even have a trial because our lawsuit against Tuck and Howell was dropped at the end of the trial" was mailed this 7th day of August, 2015, postage prepaid to:

James P. Walsh, Esquire
P. O. Box 6728
Greenville, SC 29606



Ray Long, Appellant



Mrs. Mary Long, Appellant

131 Taylor Road
Greer, SC 29651
Phone (864) 877-7039

May 29, 2015

The South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211
Attn: Ms. Jenny Abbot Kitchings, Clerk

Re: Mary and Ray Long vs. Tuck and Howell, Inc.
Appellate Case No. 2013-002439

Dear Ms. Kitchings,

We respectfully ask the Court to allow us to have a new trial due to the facts our rights to a fair trial were violated by Judge Cole and the attorneys Bill Bannister, James Walsh, and John Harjehousen. We did not have a fair trial. We really did not even have a trial due to the fact Judge Cole, and the attorneys Bill Bannister, James Walsh, and John Harjehousen dropped our lawsuit against Tuck and Howell at the end of our trial behind our backs. We really didn't have a trial. They went only against The Trane Company for the warranty on the heat pump system; nothing else.

We understand that the rules of the Court of Appeal say we can't give new evidence for an appeal that was not given at the trial. None of what we are asking to be allowed is "new" evidence that was acquired *after* the trial. All of this was ready prior to the trial. It is not our fault personally that the majority of our evidence and witnesses were not used. It was our understanding during preparation for the trial that all of our evidence would be used. This would only make sense to include any and all evidence and witnesses unless you were not trying to show the jury that Tuck and Howell was in fact guilty of negligence. By only including selected pieces of evidence, the attorneys worked together to control the outcome of the trial in Tuck and Howell's favor. It is the responsibility of the jury to evaluate all evidence in order to come to a conclusion. The jury was not allowed to review all of our evidence.

We ask the Court to consider the information that follows and in consideration of these facts, allow that detailed information/evidence that were available at the time of the trial be admitted for inclusion in an appeal trial.

Judge Cole and the Attorneys James Walsh, John Harjehousen and Bill Bannister know the rules of the Court of Appeals. This is the reason they kept our witnesses and our evidence presented to the court and to the jury to a minimum.

We have hundreds of pages of evidence for our case and lawsuit. Attorney Bill Bannister, who was supposed to be representing us at the trial, wasn't representing us. He was helping Attorneys James Walsh and John Harjehousen represent Tuck and Howell and The Trane Company. He was giving the jury Attorneys James Walsh's and John Harjehousen's exhibits. Out of hundreds of pages of our evidence, Mr. Bannister only gave the court and jury seven exhibits; two of these exhibits were listed twice so really he only gave five exhibits to the court and jury.

We had eleven witnesses who were supposed to be subpoenaed to court to testify. Mr. Bannister only subpoenaed three of our witness to court. One of these witnesses had been in an accident and wasn't able to come to court. So we only had two witnesses come to court to testify. Our daughter and Son-in-law were in court with us. They were supposed to be witnesses for us. Mr. Bannister didn't even put them on the stand for us.

We believe that Tuck and Howell and their Insurance Company and The Trane Company and their Insurance Company paid attorney Bill Bannister off to get him to not subpoena our witnesses to court to testify and also not give our evidence against them to the court and jury.

There is no doubt to us that he was paid off to get him to not go against Tuck and Howell and The Trane Company. He was paid off to get him to help Attorneys James Walsh and John Harjehousen represent Tuck and Howell and The Trane Company. Attorneys James Walsh, John Harjehousen, and Bill Bannister schemed this plan together before we ever went to trial.

At the trial, we could not understand why Mr. Bannister was not giving our evidence to the court and jury. We were making notes to him begging him to give our evidence to the court and jury. When we would have a break, we would give him these notes. He still would not give our evidence to the court and jury. We could not understand what was going on with him. After we received the trial transcript and seen that Mr. Bannister only gave the court and jury five exhibits out of hundreds of pages of our evidence we then realized why he would not give our evidence to the court and jury. He was working with Attorneys James Walsh and John Harjehousen to keep our witnesses and our evidence from the court and jury. This was what he was paid off to do. They didn't want any evidence against Tuck and Howell and the Trane Company to be given to the jury.

Attorneys James Walsh, John Harjehousen and Bill Bannister plotted this plan before we ever went to trial.

There was a lot of negligence, senior abuse, and legal malpractice throughout our trial by Judge Cole, attorneys Bill Bannister, James Walsh and John Harjehousen. There was also a lot of negligent misrepresentation by Mr. Bannister.

Judge Cole, and Attorneys Bill Bannister, James Walsh, and John Harjehousen were all working together to keep our evidence from the jury.

Our rights to bring Tuck and Howell, Glenn Bell and General Wholesale Distributors, The Trane Company and Steamatic of Greenville to testify at trial was violated by the legal system. These people that destroyed our health, our home, most everything in our home, our finances, everything we worked hard for all of our lives were not even brought to trial, because of the legal system.

We went to trial thinking we had an attorney to represent us. It turned out that he was not there to represent and help us; he was helping attorneys James Walsh, and John Harjehousen represent Tuck and Howell, and The Trane Company.

Judge Cole, Attorneys Bill Bannister, James Walsh, and John Harjehousen continued to destroy our lives in every way possible.

They took advantage of us in every way they could to benefit themselves.

The legal system is responsible for what happened at the trial.

Ray and I did not have an attorney to represent us at the trial.

I have taken some of the chief points from our records that were already on appeal and put them into a summary to help make it easier to understand some of what happened in our case, our lawsuit and our trial.

We respectfully ask the Court of Appeal to allow us to include these records with our records we filed with the Court on 11/1/2013 requesting to be allowed to file on appeal for a new trial.

When we filed our records with the court on 11/1/2013, we didn't know that our lawsuit had been dropped against Tuck and Howell behind our backs. We also didn't know that Mr. Bannister only gave the Court and jury five of our many exhibits. This is very important evidence that we should have included in our record that we filed on 11/1/2013 requesting to be allowed to get a new trial. We had not found out about this when we filed these records with the court. We found this out later.

We found out later while reading the trial transcript that Judge Cole and the attorneys Bill Bannister, James Walsh, and John Harjehousen had dropped our lawsuit against Tuck and Howell at the end of the trial and went only against The Trane Company for the warranty on the heat pump system. We also found out in the trial transcript that Mr. Bannister only gave the court and jury seven exhibits. Two out of the seven were listed twice so he really only gave the court and jury five exhibits. This proves he wasn't representing us. He was not giving the court and jury our evidence. He was giving attorneys James Walsh's and John Harjehousen's exhibits. He was helping attorneys James Walsh and John Harjehousen to represent Tuck and Howell and the Trane Company. Mr. Bannister wasn't representing us. After we read the trial transcript, we could see things more clearly about what really happened at the trial.

Most all of our records we have sent to the Court of Appeals were sent before we found out the truth about what really happened at our trial. We had not found out that Judge Cole and attorneys Bill Bannister, James Walsh, and John Harjehousen had dropped our lawsuit against Tuck and Howell at the end of our trial behind our backs.

We had also not found out that Mr. Bannister only gave the court and jury five exhibits.

Judge Cole and attorneys Bill Bannister, James Walsh, and John Harjehousen didn't plan on us getting the trial transcript and finding out that they had dropped our lawsuit behind our backs. Attorney Bill Bannister didn't plan on us getting the trial transcript and finding out that he only gave five exhibits to the court and jury. We have hundreds of pages of evidence and he only gave the court and jury five exhibits.

They were hiding this from us.

This proves Attorney Bill Bannister wasn't representing Ray and I.

When we got the first document concerning the verdict dated October 1, 2013, it didn't have anything written on it to explain this verdict. It only had the amount of the verdict, which was \$6,500.00 on it. It didn't mention that Judge Cole, attorneys Bill Bannister, James Walsh, and John Harjehousen had dropped our lawsuit against Tuck and Howell at the end of the trial and went only against The Trane Company for the warranty on the heat pump system.

We didn't find out about our lawsuit being dropped until we read to the end of the trial transcript. They dropped our lawsuit at the end of the trial.

When we found out at the end of the trial transcript that our lawsuit had been dropped we went to the Spartanburg County Courthouse to try to find out what happened. This is when we found out that the \$6,500.00 verdict was for the warranty on the heat pump system.

We could not figure out why the verdict was \$6,500.00. After we got the second document from the courthouse we then understood how they came up with a \$6,500.00 verdict. The second document explained the verdict was for the warranty on the heat pump system. There still wasn't anything mentioned on this document about our lawsuit against Tuck and Howell being dropped. Not a word. Judge Cole and the attorneys Bill Bannister, James Walsh, and John Harjehousen were all hiding this from us. They did not plan on us getting the trial transcript and finding out that they dropped our lawsuit against Tuck and Howell behind our backs.

They tried every way they could to keep this from us.

The legal system failed Ray and I in every way possible.

Judge Cole and the attorneys, Bill Bannister, James Walsh, and John Harjehousen are all guilty of negligence, senior abuse, and legal malpractice. Mr. Bannister is also guilty of negligent misrepresentation.

We know without any doubt that Tuck and Howell and their insurance company and The Trane Company and their insurance company paid Attorney Bill Bannister off to get him to not give our evidence against them to the court and jury and also to not subpoena our witnesses against them to Court to testify. He also gave false statements to the court and jury.

Ray and I went to trial without having an Attorney to represent us. Attorney Bill Bannister wasn't representing us; he was helping Attorneys James Walsh, John Harjehousen, Christopher Smith, Jr. and Matthew Henrikson represent Tuck and Howell and The Trane Company.

Please see both of these documents from the Spartanburg County Courthouse concerning this verdict.

These documents have already been sent to the Court of Appeals. We are sending another copy of these documents to be included with this summary of chief points taken from the records already on appeal.

*These chief points were taken from the records already on appeal.

Very truly yours,

Mrs. Mary Long

Mrs. Mary Long

Ray Long

Ray Long

Appellants

Enclosures

cc: James P. Walsh, Esquire

Summary of Chief Points taken from records already on Appeal

These records have already been sent to the court of appeals. It was not all sent at the same time. Due to health problems, I had to work on these legal problems a little at a time. I had to send these records to the court of appeals a little at a time. I have taken these chief points from the records already on appeal and put them into a summary. I have tried to put these records in order to make it easier to understand.

Most all of our records we have sent to the court of appeals were sent before we found out why our trial ended so abruptly the way it did. All this time while we were sending records to the court we had not found out that our lawsuit had been dropped behind our backs. We could not understand why our trial ended the way it did. Mr. Bannister didn't even put our daughter and son-in-law on the stand to testify for us.

These attorneys, Bill Bannister, James Walsh, and John Harjehousen, kept our witnesses and our evidence against Tuck and Howell, The Trane Company, Glenn Bell with General Wholesale Distributors and Steamatic of Greenville out of the court for several years. When the court ordered these attorneys to get our lawsuit to trial they could not keep this lawsuit out of court any longer. They had to come up with another plan to protect these companies. We believe this is when they came up with the plan to not subpoena our witnesses to court to testify and to not give our evidence against these companies to the court and jury. (*More detailed information in the records on appeal)

Tuck and Howell, The Trane Company, Glenn Bell and General Wholesale Distributors were not subpoenaed to court to testify. After you read these records, you will understand why they were not subpoenaed to testify. They did not want the evidence to come out against them. These attorneys did not want this evidence to come out against them. There was very little evidence that came out against them in court at the trial.

They were all in professional positions in companies that sell their products to the general public. They all participated in experimenting on us with these uncoated coils. They were all involved in malpractice, negligence and senior abuse.

There are four different companies and a lot of different people involved in putting a lot of different poisons in our home and our bodies.

Tuck and Howell knew that The Trane Company was experimenting on the coils. Mr. Tuck said in his deposition that The Trane Company had given them a warranty to replace the uncoated coils with coated coils if this problem occurred.

Tuck and Howell, The Trane Company, General Wholesale Distributors and Glenn Bell all participated in putting the uncoated coils in our home. They all knew that The Trane Company was experimenting with different finishes on different coils to be put in different heat pump systems. They all knew that the Trane Company had already had the metal oxidation problem before it happened to us and they allowed it to happen to us. They experimented on us and used us for guinea pigs. Glenn Bell told us in his deposition that the Trane Company was experimenting with different finishes on different coils to be put in different heat pump systems. He said some of the coils were made using coated aluminum. He said they were coated with some type of a black epoxy or some type of a finish on the aluminum. He said some of the coils were manufactured by Trane and then sent to a third party that completely dipped all of their components in an epoxy coating. Some of the coils used an aluminum fin stock that was precoated before the coils were manufactured by the manufacturer.

Glenn Bell said the Trane Company was experimenting with a black finish on some of the coils. Please see the pictures of black powder dust that oxidized off the coils.

Glenn Bell said some of the coils the Trane Company was experimenting with were made using coated aluminum. Please see the pictures of the silver/white powder dust piled up in front of our heat registers and throughout our home that is aluminum oxide powder dust that oxidized off the coils. General Wholesale Distributors and Glenn Bell, their product service manager, knew that the Trane Company was experimenting with these coils when they sold them to be put in our home.

General Wholesale Distributors was subpoenaed to be deposed on February 7, 2011. Through their attorneys they objected to the subpoena. They knew that the Trane Company had already had the metals to oxidize off the coils before it happened to us. They also knew that the Trane Company was experimenting on different coatings/finishes on different coils to be put in different heat pump systems.

They bought this heat pump system with the uncoated coils from the Trane Company and sold them to be put in our home knowing there could be problems with these coils that The Trane Company was experimenting on.

They did not want to be deposed and to be asked what their part was in all of this. They had bought the heat pump system from the Trane Company and sold it to be put in our home. They did not want to be questioned about this.

They participated in experimenting on us with these coils. They did not want to be deposed and questioned concerning the Trane Company had already had the metal oxidation problem before it happened to us. They also did not want to be deposed concerning the Trane Company was experimenting on putting different coatings/finishes on different coils to be put in different heat pump systems. This is some of the reasons they objected to the subpoena.

General Wholesale Distributors turned this over to their attorneys and the attorneys got them out of being deposed.

Glenn Bell was product service manager for General Wholesale Distributors. He was also the Trane Company's service tech representative for the state of South Carolina.

Mr. Bannister was supposed to subpoena Glenn Bell to court to testify. He did not subpoena him to testify so therefore this evidence against the Trane Company and General Wholesale Distributors and Tuck and Howell wasn't given to the court and jury.

This was very important evidence against the Trane Company and General Wholesale Distributors and Tuck and Howell that wasn't given to the court and jury. *More detailed information in the records on appeal.

It was Tuck and Howell's faulty installation that caused all the poisons to be put in our home. They wired the condensate pump to the light switch under our home. When the light was turned off under our home, the condensate pump was turned off. Therefore, the pump never worked unless someone went under the house and turned the light switch on. The water wasn't being pumped to the outside of our home. The water was backing up into the heat pump system and duct work. This is what caused the metals to oxidize off the coils. It caused the terrible metallic odors, mold, bacteria, stinky sock syndrome odors and rusted coils. They removed the coils out of the heat pump system and replaced new coils back in to the same heat pump system that still had all the poisons in it. They still had not searched until they found where the water was coming from that had caused all these problems. The water continued to back up onto the new replacement coils. They did not install the replacement coils correctly. They made holes in the replacement coils while they were installing them. This caused the refrigerant (Freon) to leak out onto the replacement coils and burn off. This happened three different times within a three months period. We then had Freon leaking out onto the coils. The water was still backing up onto the replacement coils. The metals, mold, bacteria, metallic odor, and stinky sock syndrome odor was still on the replacement coils. This was all burning on the replacement coils and causing a very toxic odor. After three more months of everything continuing to get worse by the day, we called another heating and air company to come out and do a diagnostic test on

everything Tuck and Howell did at our home and try to find out what was causing all these problems at our home from this new heat pump system and duct work. This was three months after Tuck and Howell had installed the replacement coils that we had to call another company out to try to help us find out what was causing all the damages to our health, our home, and most everything we owned. This company found all the problems. They found the condensate pump wired to the light switch under our home; when the light switch was turned off under our home, the condensate pump was turned off also. Therefore the pump never worked for 14 months unless someone was under the home and turned the light on. This water wasn't being pumped outside our home. It was backing up into the heat pump system and ductwork. Also, the safety switch on the condensate pump was not tied in to stop the outdoor unit in case of pump failure. There was ductwork that was never sealed allowing dust to enter the system. *This was taken from the records already on appeal.

Mr. Tuck sent Steamatic of Greenville out to our home to try to vacuum the aluminum oxide powder dust out of the heat pump system and ductwork. They found water, extracted the water out of the system, found mold and did a microban treatment without our knowledge. We were inside our home breathing all of this the whole time. At this time, we had not found out about the water and mold in the heat pump system and ductwork. They did not tell us about the water, bacteria, and mold being in the heat pump system and ductwork. They were trying to hide this from us. They were underneath our home putting the microban treatment into the heat pump system and ductwork. Tuck and Howell knew about the water, mold and bacteria before they sent Steamatic of Greenville out to our home. Tuck and Howell paid Steamatic to do this treatment. This was brought up at the trial but was never cleared up about who was responsible for poisoning us with this microban treatment. Steamatic blamed Tuck and Howell and Tuck and Howell blamed Steamatic. They were not subpoenaed to court to testify.

Tuck and Howell told Steamatic to do the microban treatment. Tuck and Howell paid them to do the microban treatment. Neither Tuck and Howell nor Steamatic told us about the water, mold and bacteria being in our heat pump system and ductwork. Neither Tuck and Howell nor Steamatic of Greenville asked us or told us that they were going to do a microban treatment in the heat pump system and ductwork because they had found water, mold and bacteria in the heat pump system and ductwork. They were hiding this from us. We found this out later on. Neither Tuck and Howell nor Steamatic of Greenville cared that we were inside our home breathing this coming up through our ductwork.

*These records were taken from the records already on appeal.

Mr. Bannister didn't explain to the court and jury what really happened with the uncoated coils in the Trane heat pump system that was put under our home. He didn't explain that the condensate pump was wired to the light switch under our home and when the light was turned off under our home, the condensate pump was turned off also. Therefore, the pump never worked unless someone went under the home and turned on the light. The water wasn't being pumped to the outside of our home. The water was backing up into the heat pump system and ductwork.

He didn't explain to the court and jury that this is what caused the metals to oxidize off the coils. It caused the metallic odors, mold, stinky sock syndrome odors, bacteria, rusted coils, pipes, and a rusted out hole the size of a silver dollar on the coils.

We have good pictures showing this on the coils. He didn't explain that the water backing up into the heat pump system and ductwork caused by Tuck and Howell's faulty installation is what caused all of these problems. Mr. Bannister didn't show these pictures to the court and jury.

This was very important evidence that Mr. Bannister was supposed to be giving to the court and jury. He didn't give the court and jury this evidence of the pictures of the coils showing what all was going on with these coils. *This was taken from the records already on appeal.

There has not been any remorse shown to us from these people for destroying our health, our home, our finances and most everything we owned.

All of these people have taken advantage of us to benefit themselves. Tuck and Howell and Steamatic of Greenville are both guilty of malpractice, senior abuse and negligence.

We have had two different attorneys from two different law firms to treat us very badly. Our first attorney, Charles Hodge, owner of Hodge Law Firm in Spartanburg, SC had our case for two years. We thought all this time he was preparing our case for trial. After two years had passed, we found out that he had turned our case over to Ryan Langley, a young man who worked in his office. After questioning Mr. Langley, we found out that he did not have any experience in trying cases like ours. Mr. Hodge had told us that we had a very good case against Tuck and Howell and the Trane Company and he would be glad to take our case and represent us. We had been told that Mr. Hodge had a lot of experience in our type cases. We were shocked and very upset to find out that he was not going to represent us after having our case for two years. We believe he was paid off to get him to not go against Tuck and Howell and the Trane Company.

There was legal malpractice involved by both Charles Hodge and Ryan Langley. There was also negligent misrepresentation by Charles Hodge. (*See more detailed information concerning this in the records we have already sent to the court of appeals).

Our second attorney, Bill Bannister, had our case for several years and he also treated us very badly. We know he was paid off to get him to not go against Tuck and Howell and the Trane Company. Mr. Bannister only subpoenaed three out of eleven of our witnesses to court to testify. One of the three witnesses had been in an accident and was not able to come to trial. Therefore we only had two witnesses out of eleven for our trial. Our daughter and son in law were there in court with us. They were supposed to be witnesses for us. Mr. Bannister did not even put our family on the stand for us. Mr. Bannister only had seven exhibits listed to give the court and jury. Two of these exhibits were listed twice. So he really only had five exhibits out of hundreds of pages of evidence. Mr. Bannister was not giving our evidence. He was giving attorneys James Walsh and John Harjehousen exhibits. He was helping attorneys James Walsh and John Harjehousen to defend Tuck and Howell and the Trane Company. This had all been planned between attorneys James Walsh, John Harjehousen and Mr. Bannister before we went to court for trial. Mr. Bannister gave very little evidence against Tuck and Howell and the Trane Company to the jury. He was going right along with attorneys James Walsh and James Harjehousen's false statements to the court and jury. He also was going right along with Mr. Walsh and Mr. Harjehousen's witnesses giving false statements to the court and jury.

Mr. Bannister knew these were false statements they were giving to the court and jury. He did not go against these false statements because this was part of their plan to give this to the jury. Mr. Bannister was also giving false statements to the jury and to Judge Cole. Judge Cole asked Mr. Bannister if there was any testing done at our home. He told Judge Cole that there wasn't any testing done at our home. This is not true. There was testing done three different times at our home. He did not subpoena these witnesses to court to testify so he just told Judge Cole there was not any testing done. Mr. Bannister also told the court and jury that we had a tree limb to fall on our roof and there was some mold from this. We never have had a tree limb to fall on our home before, never. This did not happen. Mr. Bannister also told the jury that we had a water overflow into our basement and this caused mold. We do not have a basement in our home. This is not true. This did not happen. We believe he was trying to take the attention away from the mold that Tuck and Howell put into our home from their faulty installation. He was trying to protect Tuck and Howell. He was saying what he was paid to say.

Please see the list of plaintiffs exhibits:

P-1 Proposal

P-2 Steamatic Bill

P-3 General Bill

P-4 Letter

P-5 List of discarded items

P-6 Letter

P-7 Steamatic Bill

It is obvious by looking at these exhibits that Mr. Bannister wasn't representing us. Mr. Bannister wasn't giving the jury our evidence; he was giving them Mr. Walsh and Mr. Harjehousen's exhibits. It is obvious he was helping attorneys James Walsh and John Harjehousen represent Tuck and Howell and the Trane Company. Two of the seven exhibits Mr. Bannister gave to the court and jury are listed twice. We have hundreds of pages of evidence against these companies and he only gave the court and jury five exhibits.

There is no doubt in our minds that Mr. Bannister was paid off to get him to not go against Tuck and Howell and The Trane Company. We believe Tuck and Howell and their insurance company and the Trane Company and their insurance company paid Mr. Bannister off to get him to not subpoena our witnesses to testify in court and to also not give our evidence against them to the court and jury.

Our rights to a fair trial have been violated by the trial court and the attorneys Bill Bannister, James Walsh, and John Harjehousen.

There was legal malpractice and senior abuse throughout our trial by Judge Cole, and the Attorneys Bill Bannister, James Walsh, and John Harjehousen. They were all working together to keep our evidence against Tuck and Howell, The Trane Company, Glenn Bell and General Wholesale Distributors away from the jury. They were all working together to protect them from being held responsible for destroying our health, our home, our finances and most of everything we owned with a lot of different poisons. Mr. Bannister did not subpoena Tuck and Howell, The Trane Company, Glenn Bell and General Wholesale Distributors to court to testify.

Mr. Bannister is guilty of legal malpractice, senior abuse, and he also misrepresented us very badly. We didn't have an attorney to represent us at our trial because Mr. Bannister wasn't representing us; he was helping attorneys James Walsh and John Harjehousen, Christopher Smith Jr., and Matthew Henrikson represent Tuck and Howell and the Trane Company.

(*More detailed information in the record on appeals)

It is obvious that Judge Cole was helping Attorneys James Walsh, John Harjehousen and Mr. Bannister keep our evidence against Tuck and Howell and The Trane Company from the jury. He was helping these attorneys to protect Tuck and Howell and The Trane Company.

There was legal malpractice and senior abuse by attorneys Bill Bannister, James Walsh, John Harjehousen, Matthew Henrikson and Dr. Andre Petrov before we even went to court for our trial. Attorney Christopher Smith, Jr. was also helping represent Tuck and Howell. There was a lot of legal malpractice and senior abuse while they were preparing to go to trial.

There were also a lot of false statements given to the jury throughout our trial by attorneys James Walsh, John Harjehousen and Mr. Bannister.

There were also a lot of false statements given to the jury by the witnesses.

We did not have an attorney to go against the legal malpractice and abuse because our attorney, Bill Bannister, was part of this himself.

When Judge Cole dropped our lawsuit, he knew the South Carolina Licensing Board in Columbia, SC had already found Tuck and Howell guilty of causing the metal oxidation problems because of their faulty installations. He also knew they found them guilty of not getting a contractor's permit to do the work at our home. He also knew that Jerry Tuck signed paper with the Licensing Board in Columbia, SC admitting their guilt to negligence and paid their fine.

Judge Cole would not allow this evidence to be given to the jury.

It was obvious that Judge Cole was working with attorneys James Walsh and John Harjehousen to keep this from the jury. He was helping them to protect Tuck and Howell. We have already sent these records to the Court of Appeals (*more detailed information in the records on appeal).

There are two different licensing boards involved in this case and lawsuit: The South Carolina Licensing Board in Columbia, SC is where Tuck and Howell received their license to be in business, and the Greenville County Contractors Permit office is where Tuck and Howell were required to get a contractor's permit to do the work at our home.

Judge Cole would not allow this evidence to be given to the jury. When Judge Cole dropped our lawsuit, he knew Tuck and Howell did not get a contractor's permit to do the work at our home which they were required to do. They were also required to have the Greenville County Codes department come out and inspect their installation work to make sure everything was done correctly and was done according to the codes that they are required to follow. They did not get a permit nor did they have their installation work inspected like they were required to do. If they had gotten their installation work inspected, then the inspector should have caught Tuck and Howell's faulty installation work before it destroyed our health, our home, and most everything we owned.

It is obvious Judge Cole was working with attorneys James Walsh and John Harjehousen to keep this evidence from the jury. He was protecting Tuck and Howell. We have already sent these records to the court of appeals (*more detailed information in the records on appeal).

When Judge Cole dropped our lawsuit, he knew that we had lost our home, our health, and most everything we owned because of a lot of different poisons that Tuck and Howell, The Trane Company, Glenn Bell, General Wholesale Distributions and Steamatic of Greenville put in our home and our bodies. When I was on the stand at our trial, Mr. Bannister asked me for my copy of our estimates on what we have lost since all the problems started at our home. He said he could not find his copy. All of the attorneys had a copy of these estimates on what we have lost. Judge Cole and the attorneys Mr. Bannister, Mr. Walsh, and Mr. Harjehousen left the court room with my copy of the estimates showing what we have lost. They did not return my copy to me. We believe this was on purpose. We believe they thought that they had gotten my only copy of these records and we would not have a copy showing what we have lost. We had an extra copy at home.

When they returned to the court room, I was called back to the stand. They had picked out a few small estimates from our list to give to the jury. Mr. Bannister asked me if this was my list of our estimates of what we had lost. I told him this was not our list of estimates that I had given him. I told him that these few estimates were taken from a long list of estimates that I had given him showing what we have lost. Judge Cole and the attorneys had picked out a few small estimates of our losses to give to the jury. They did not give the jury the list of the estimates for our losses that I had given them. They only gave the jury a few small estimates that they had picked out to give them. It is obvious that Judge Cole, attorneys James Walsh, John Harjehousen and Mr. Bannister all participated in only giving the jury a few small estimates of our losses. We have lost most everything we owned. They did not want the jury to see what we have lost. (*More detailed information in the records on appeal)

This is some of the false statements attorneys James Walsh, John Harjehousen and Bill Bannister were giving to the court and jury.

Attorney James Walsh, John Harjehousen, and Bill Bannister were giving the jury false statements concerning my medical records. They got all my medical records from the past thirty three years. They saw on these records that I had allergy problems from strong odors in 1982 and 1983. They told the jury that I continued to have these allergy problems for 33 years. This is not true. In these same records from the same doctor, Dr. Bruce, said he had not seen me since 1983 until 2006. He said I was able to get things under control by working on avoidance of allergies. I learned what the strong odors were that bothered me, things like paint, bleach, etc, and I avoided these things that bothered me and I was fine. This is what they gave to the jury concerning my medical problems. They did not give the jury any of my medical records showing all the severe health problems I am having since Tuck and Howell, General Wholesale Distributors, The Trane Company, and Steamatic of Greenville poisoned me with several different poisons. They have all of my medical records for 33 years and they know what the health problems are that I have since being poisoned. They did not want the jury to see my medical records.

Mr. Bannister wasn't giving the jury our evidence of our medical records. He was giving the jury attorneys James Walsh and John Harjehousen's exhibits of medical records from 1982 and 1983. He did not give the jury any of our medical records from after we were poisoned. Mr. Bannister only gave seven exhibits to the court and jury. Two of these seven were listed twice, so he really only gave them five exhibits. This proves he wasn't representing us. It proves he was helping attorneys James Walsh and John Harjehousen represent Tuck and Howell and the Trane Company. He was giving attorneys James Walsh and John Harjehousen's exhibits to the court and jury. *More detailed information in the rebuttal of the trial transcript and other records already on appeal.

Ray is part of this lawsuit. Judge Cole and these attorneys treated him like he did not exist except to say that he has a hearing disability. He is having a lot of severe health problems since he was poisoned. Mr. Bannister did not give any of his medical records to the jury. Attorneys Bill Bannister, James Walsh, and John Harjehousen had all his medical records from the past 33 years. These attorneys know about all the severe health problems he is having since he was poisoned. They did not want the jury to see Ray's medical records. He wasn't included in our lawsuit and trial. *This is in the records already on appeal

These are some of the false statements attorneys James Walsh, John Harjehousen, and Mr. Bannister were giving to the court and jury.

Attorneys James Walsh, John Harjehousen, and Mr. Bannister took this information concerning the rain leak to court and gave this to the court and jury. They used this to give to the jury and have them to believe we already had mold in our home when we had the new heat pump system and ductwork put in on November 11, 2004. This is not true.

It is obvious these attorneys had planned before we went to trial to take this rain leak to court and to use this throughout the trial to give the jury. We had a wind and rain storm in 2001. The wind blew several shingles loose and we had a rain leak. We had a very small amount of mold from this. We had between 1% and 5% of mold in the crevices between several ceiling tiles in our family room. The restoration company took out all the ceiling tiles, all the plywood and all the insulation in the family room and replaced everything new. We have a new ceiling. Attorney John Harjehousen asked me at my deposition on April 15, 2009 if we had ever had any mold in our home. I told him about the leak in 2001 from the storm. I explained to him that the restoration company had taken everything down; all the tiles, all the plywood and all the insulation and replaced everything new. I gave them copies of testing we had done to check and see if it had any mold between the ceiling tiles. I gave him a copy showing the restoration company had removed everything in the ceiling and replaced everything new. We have a new ceiling. He knows we have a new ceiling; he has been in our home several times. He knows there aren't any signs of ever having a leak in this ceiling. He used this rain leak throughout our trial to give to the court and jury.

Judge Cole would not allow us to give the documents to prove the rain leak happened in 2001 and the restoration company took everything out and replaced everything new. Judge Cole was helping these attorneys to give these false statements to the jury.

(*More detailed information in the record on appeal)

These are some of the false statements attorneys James Walsh and John Harjeshousen were giving to their witnesses and had these witnesses give these false statements to the court and jury. Attorney James Walsh and John Harjehousen gave this information concerning the rain leak to their witness and had him to say that he saw evidence of a rain leak on the family room ceiling. Attorney John Harjehousen took Sherman Woodson who is a hygienist out to our home in 2010 and again in 2011. He had never been to our home until 2010 and again in 2011. Mr. Woodson came to our home nine years after the restoration company put in the new ceiling. There is no sign of ever having a rain leak on our ceiling. Mr. Woodson told the court and the jury that there were damages on the ceiling and signs that there had been a rain leak. This is not true. He deliberately lied about this.

There is no way he could have known that in 2001 we had a leak between several ceiling tiles in our family room.

These attorneys told him about this leak in 2001 and prepared him to say he had seen evidence of a rain leak and damages on the ceiling. This is obvious that these attorneys told him to say this because he did not see any signs of a rain leak and damages. We have a new ceiling.

At our trial, attorney James Walsh repeatedly said that we had not proven there is metals in our home.

Judge Cole said it had been proven that there is aluminum oxide (metals) in the home that isn't supposed to be there. He said Jerry Tuck told Mrs. Long that there is aluminum oxide (metals) in the home.

Sherman Woodson did testing and found metal powder and mold in our home in 2010 and 2011.
*More detailed information in record on appeal.

When Judge Cole dropped our lawsuit it was at the end of the trial. It was after he had already seen a lot of evidence against Tuck and Howell, The Trane Company, Glenn Bell, General Wholesale Distributors and Steamatic of Greenville.

Judge Cole didn't allow the jury to see very much of our evidence but he had seen it himself. There are hundreds of pages of more evidence that Judge Cole didn't see. Yet he seen enough to know without any doubt that these companies destroyed our home, our health, our finances, and most everything inside our home and most everything we owned. Yet he dropped our lawsuit after seeing the evidence against these people.

It is obvious that Judge Cole, attorneys Bill Bannister, James Walsh, and John Harjehousen were all participating in dropping our lawsuit.

Judge Cole, attorneys James Walsh, John Harjehousen, and Mr. Bannister, tried to keep our evidence against Tuck and Howell and The Trane Company from the jury. Some of our evidence got to the jury anyway. They did not plan on this happening. We believe they realized that since some of our evidence had gotten to the jury, the only way to protect Tuck and Howell and The Trane Company would be to drop our lawsuit.

Please see this information in our record that we have already sent to the court of appeals on September 17, 2014 and also records we sent on September 22, 2014.

Please see on Page 391 of the trial transcript:

“Judge Cole said we'll be in recess for lunch until two o'clock. Let me see the lawyers in chambers regarding any jury instruction requests.”

(Whereupon, a recess was taken.)

I believe this is the two hour recess that was taken.

After returning from recess, Judge Cole said: "Alright, we're ready for the jury."

Mr. Bannister: "Yes, sir."

The following was written on the trial transcript but it did not happen in open court. We did not hear a word about Mr. Bannister dropping the cause of action relating to negligence and proceeding on the cause of action relating to breach of the implied warranty.

We found out about this many months later after reading the trial transcript. We did not know our lawsuit had been dropped until we read to the end of the transcript.

Judge Cole and all of the attorneys, Mr. Bannister, Mr. Walsh, and Mr. Harjehousen all participated in dropping our lawsuit behind our backs while they were all together in chambers at recess.

They did not plan on us getting the trial transcript and finding out that our lawsuit had been dropped at the end of the trial. They thought we would never find out that Judge Cole, attorneys Bill Bannister, James Walsh, and John Harjehousen had dropped our lawsuit. They were hiding this from us. We would never have found out why our trial ended so abruptly and turned out the way it did if we had not gotten the trial transcript.

They are all guilty of legal malpractice, senior abuse and negligence. Mr. Bannister is also guilty of negligent misrepresentation. We believe they were all working together to do whatever they had to do to keep Tuck and Howell, The Trane Company, General Wholesale Distributors from having to be held responsible for destroying our health, our home and most everything we owned with a lot of different poisons.

We have identified a lot of malpractice, senior abuse and negligence by Tuck and Howell, The Trane Company, Glenn Bell and General Wholesale Distributors, and Steamatic of Greenville. We have identified a lot of errors by all four of these companies. They are all in professional positions in companies that sell their products to the general public.

We have also identified a lot of legal malpractice, senior abuse, and negligence by Judge Cole, Attorneys Bill Bannister, James Walsh, and John Harjehousen. We have also identified a lot of negligent misrepresentation by Mr. Bannister. We have identified a lot of legal errors by all of them.

We have identified a lot of false statements by the witnesses at the trial.

All of these people have taken advantage of us to benefit themselves.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2009CP4200781

Ray Long

Mary Long

Tuck & Howell Inc

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

FILED
CLERK OF COURT
SPARTANBURG COUNTY
M. HOPE BLACKEY
2013 OCT -1 AM 10:55

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: SEE PAGE 2

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


Circuit Court Judge

2053

Judge Code

9/18/13

Date

For Clerk of Court Office Use Only

This judgment was entered on 1 day of October, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 1 day of October, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Oscar W. Bannister PO Box 10007 Greenville, SC 29603

James P. Walsh PO Box 6728 Greenville, SC 29606

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

M. Hope Blackley / Marshaling, D.C.
M Hope Blackley - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

**VERDICT FOR PLAINTIFF IN THE AMOUNT OF SIX THOUSAND,
FIVE HUNDRED DOLLARS. (\$6, 500.00).**

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 OCT - 1 AM 10:55
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

Ray and Mary LONG,)

PLAINTIFFS,)

-VS-)

TUCK and HOWELL, Inc.,)

DEFENDANT.)

CIVIL ACTION NO: 09-CP-42-0781

VERDICT FORM

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 SEP 19 AM 9:06
M. HOPE BLACKBERRY

We, the jury in the above-entitled action, find for the plaintiffs and award damages as a natural consequence of the defendant's breach of the implied warranty in the sum of:

Six Thousand, Five Hundred Dollars

(\$ 6,500.⁰⁰).

_____ We, the jury in the above-entitled action, find for the defendant.

Wm. C. [Signature]
Foreperson

September 18, 2013

When we realized we were going to need an attorney, we spoke with Charles Hodge, owner of Hodge Law in Spartanburg, SC. We had been told that he had been an attorney for a good many years and that he had experience in trying our type case in court. This was what we were looking for, someone who was experienced in similar cases like ours.

We told him about all the problems we are having from the new Trane heat pump system and ductwork that Tuck and Howell put in our home. We told him how both Tuck and Howell and The Trane Company have destroyed our home, our health and most of everything we owned.

We told him that both Tuck and Howell and The Trane Company are guilty of destroying our lives in every way possible and we feel that they both should be held responsible for destroying our home, our health and most everything we owned.

After looking over all the evidence, Mr. Hodge agreed with us that both Tuck and Howell and The Trane Company are guilty and both of them should be held responsible for destroying our lives.

Mr. Hodge looked over all of our records of our evidence. He told us we had a good case against both Tuck and Howell and The Trane Company. He told us he would represent us. He said he would file a lawsuit against both Tuck and Howell and The Trane Company.

We believed what they were saying. We believed that Mr. Hodge had filed our lawsuit with the court and we were waiting on getting a date to go to trial.

A lot of time had passed when Mr. Hodge called us in for a meeting with him. When we arrived for our meeting, he was in a big argument with Stacie, the paralegal, and Ryan Langley, a young man who worked in his office.

We don't know what the argument was about but Mr. Hodge was very angry with them. When he had finished with them, he turned his anger on Ray and I. He screamed at us that he wasn't going to represent us himself. He said he was turning our case over to Ryan Langley, the young man who works in his office. Mr. Hodge did not ask us how we felt about him turning our case over to Mr. Langley.

He did not explain any of this to us or why he was doing this to us. Mr. Hodge said to Mr. Langley, "If they don't want you to handle their case, just drop it." Mr. Hodge said, "I'm out of here." He went out the back door, got in his car and left.

After Mr. Hodge left, we questioned Mr. Langley about what he knew about our case. We found out he knew very little about our case. We asked him if he had ever tried a case similar to ours before and he said he had not. We told him that there is a lot going on with our case and we need an attorney who has experience in similar cases like ours. We could tell by questioning him that he did not know what was going on with our case.

We thought all this time that Mr. Hodge himself had filed our lawsuit with the court and was working on preparing our case for trial. Understandably, we got very upset that Mr. Hodge had treated us this way. He had told us that we had a good case and he would represent us. We had wasted all this time with this law firm.

We asked Stacie, the paralegal, if she would please get our records together and give us a call when she had them together.

We signed a paper on August 5, 2008 releasing Mr. Hodge as our attorney. Mr. Langley's name was also on this paper.

Mr. Bannister took over our case on August 29, 2008.

We found out in August 2012 after we received records from the courthouse that Mr. Hodge did not file our lawsuit with the court. Our lawsuit wasn't filed in 2006 like we were told it was and it was not filed by Mr. Hodge.

In August 2012, we also found out from these same records that our lawsuit was filed in court on October 2, 2007 by Ryan Langley as being our attorney.

When Mr. Hodge called us to his office for the meeting in 2008 to tell us he was turning our case over to Mr. Langley, he had already turned our case over to him. The records show that Mr. Langley was the one who had filed our lawsuit with the court on October 2, 2007. He lists himself as being our attorney.

Our lawsuit was not filed in 2006 by Mr. Hodge like we had been told. It was filed in October 2007 by Ryan Langley.

Mr. Hodge told Ray and I on our first visit with him that the evidence showed that both Tuck and Howell and The Trane Company are responsible for damaging our home, our health and most of what we owned.

Mr. Hodge said he would represent us. He said he would be filing a lawsuit with the court against both Tuck and Howell and The Trane Company. He did not do this. He did not file a suit against Tuck and Howell and The Trane Company. He had our case for 2 years and did not do anything to represent us.

Charles Hodge and Ryan Langley are both guilty of legal malpractice. Mr. Hodge is also guilty of misrepresenting us for two years.

Mr. Hodge promised us he would represent us. He promised us he would file a suit in court against both Tuck and Howell and The Trane Company.

*He did not do this. He had our case for two years and was not doing anything to represent us.

*Mr. Hodge promised us he would help us. He promised us he would represent us. He did not do anything that he promised us he would do. For two years he played around with our lives.

*It is very wrong the way the legal system has treated us.