

**RECEIVED**

No. 2009-141246

SEP 03 2015

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**S.C. SUPREME COURT**

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas  
R. Lawton McIntosh, Circuit Court Judge  
Case no. 2008-CP-23-5245

Appellate Case no. 2009-141246  
Unpub. Opinion no. 2015-UP-031, filed Feb. 14, 2015  
Order denying Petition for Rehearing, filed July 29, 2015

Blue Ridge Electric Cooperative, Inc.....~~Appellant~~ *Petitioner*

Vs.

Kathleen J. Gresham.....Respondent.

RETURN/RESPONSE TO PETITIONER'S  
WRIT OF CERTIORARI

Re: Alleged debt and Actual Trespass

Kathleen Jennings (Gresham)  
Pro se  
1524 Highway 11, Landrum, SC 29356

Petitioner's counsel of record:  
Steve Hamm et al  
Larry Brandt and associates  
P. O. Drawer 7788  
Columbia, SC 29202

## Considerations

Petitioner seeks a Writ of Certiorari which should properly be denied for a multitude of reasons including:

1. That this case holds no public importance of such imperative nature as to justify deviation from any normal appellate practice;
2. That this trespassing and alleged debt case (not prove and acknowledged as NOT owned by Petitioner's CEO Charles Dalton in his own trial cross-examination in front of the sitting Jury of twelve citizens in Common Pleas Court) does NOT require immediate determination by this Court;
3. In fact, ALL issues in this case and from extensive pleadings and pre-trial discovery including participation in required mediation, clearly establishes that all issues, including facts and matters of law, were extensively and fully addressed and ruled upon by the trial judge, both at the three- day trial in chief and in the lengthy hearing to successfully and fully reconstruct a small portion of the trial transcript, acknowledged as lost by the Court Reporter;
4. The trial judge correctly denied all motions, after consideration, made by this Petitioner for a new trial or for substitution of a different verdict (JNOV) from that rendered by twelve (12) chosen jurors who sat through this entire trial of three (3) days, who were able to observe the witnesses, observe their demeanor, judge their credibility, determine the facts, review the exhibits, and apply the law as was correctly given to them by the Trial Court with opportunity to both sides to suggest any additions or alterations thereto. Petitioner had several attorneys and

assistants participating actively along with Blue Ridge employees in this process and trial throughout.

5. The unanimous and carefully considered Jury Verdict demonstrated a grasp of the facts, observation of the witnesses and review of the exhibits with rapt attention to the Law as presented by the Trial Judge on all issues of this case prior to delivery of their verdict in all counts and in accordance with the prevailing counterclaims of Defendant/Respondent.
6. In addition to post-trial motion review by the Trial Judge denying this Petitioner's motions, this matter has been fully reviewed by the South Carolina Court of Appeals with full affirmation of the Trial Court AS WELL AS denial of this Petitioner's request for reconsideration. The South Carolina of Appeals through their three-justice panel has properly affirmed, twice, the judgment/rulings of the Trial Court and Verdict of the jury who were charged with determination of all facts with application of law as correctly performed by the Trial Judge with input from trial counsel herein.
7. There remain no outstanding issues to be resolved or law to be applied.
8. There remains no imperative or earth-shattering public importance as to justify the extraordinary deviation from normal appellate practice that requires immediate intervention in this Court;
9. In fact, there are no compelling reasons for review as this case was much about the credibility of the witnesses observed over an extensive period of time and testimony. Petitioner wrongly characterized Defendant's testimony as "weak" or uncertain when exactly the opposite was the case as Defendant, the property

owner of 30+ years, was adamant about her property lines, regular maintenance she had performed for decades as to this property location before the Blue Ridge support pole and wires intrusion, fully confirming that Petitioner's wrongly placed support pole (not a power pole) with the support pole huge support wires was located on her long-held property AND outside the 20 foot-from-the-center highway right-of-way for this historic and non-typical stretch of Highway 11, the Scenic Byway of SC. Defendant's testimony was NOT and never was in conflict.

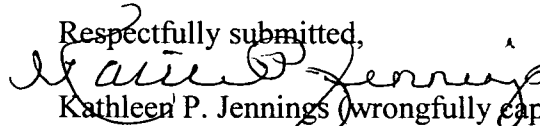
10. Petitioner has continued upon a path of frivolous lawsuit which was wrongful in its initial sole allegation of 'bad debt,' quickly established at Jury Trial, with Petitioner's own witnesses whose testimony and records revealed that Defendant had monthly paid her power bill(s) in full, exactly as billed for over 25 plus years without any insufficient funds or difficulties. Further, Petitioner's case-in-chief immediately revealed through testimony and cross-examination that Defendant's husband, Steve Gresham, has never been a member of Blue Ridge Electric Coop as raised repeatedly in pre-trial motions by Defendant but continually asserted by Petitioner (and their legal counsels) herein that he (Gresham) was such a member, thus named in their lawsuit for several years. Petitioner lost credibility in their Complaint-in-Chief which also now serves, based upon the Jury Verdict and subsequent Affirmation of the Trial Court, to repel any claim of extraordinary circumstance or earth-shattering consequence as a result of this just verdict. In fact, the earth-shattering consequence is this Petitioner continues to use Blue Ridge Electrical Coop's members' money, including that of Defendant herself, a multi-decade Blue Ridge Coop member, to pursue this frivolous and

unmeritorious litigation for over eight (8) years. Defendant asserts that the Frivolous Sanctions penalties should thusly apply as to Petitioner if ever they are to apply at all.

11. Petitioner's Writ for Certiorari should fail and be dismissed forthwith as absolutely no discrepancy, no conflict in rulings or law and no earth-shattering detriment as to Petitioner is or has been shown or occurred. Petitioner trespassed (as they are still) on Defendant's long-held land, and further; Petitioner proclaimed that Defendant/Respondent was a Debtor when in actuality, and by Petitioner's own trial truth and testimony, the bills were always paid in full monthly, exactly as billed by Petitioner and in timely fashion, AND that Defendant's husband, wrongly sued by Petitioner from the outset, as never a member of Petitioner Coop, a fact known to Petitioner, yet he was dogmatically claimed as a member up until the conclusion of Petitioner's case-in-chief, whereupon Petitioner/Plaintiff reluctantly agreed at this very late date in the actual trial, to directed verdict motion once again made by Respondent/Defendant, resulting only then in dismissal of husband from their lawsuit after years of false inclusion, embarrassment, grief and legal action harassment. Petitioner has not shown urgency or earth-shattering consequences of dire nature as to their case and its resulting Jury Verdict, which is now in excess of seven to eight years old, as no such extraordinary circumstance exists as to Petitioner/Plaintiff/Appellant.

Wherefore, Petitioner's Writ should be summarily and promptly Denied and Petitioner sanctioned in accordance with the Frivolous Claims Act and their continued misuse of the judicial process.

Respectfully submitted,

  
Kathleen P. Jennings (wrongfully captioned by  
Petitioner from the outset as Gresham)

PRO SE

1524 Highway 11

Scenic Highway of SC

Landrum, SC 29356

August 31, 2015

The STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

Appeal from Greenville County  
COURT OF COMMON PLEAS

SEP 03 2015

R. Lawton McIntosh, Circuit Court Judge

**S.C. SUPREME COURT**

Case No. 2009-141246

Blue Ridge Electrical Cooperative, Inc.....Appellant, *Petitioner*

Vs.

Kathleen J. Gresham.....Respondent.

Proof of service  
RE: return/reply to Writ of Certorari

I certify that I have served Appellant at his listed Columbia, SC address of PO Drawer 7788, Columbia, SC 29202, my reply/response to his petition for Writ of Cert. with ample postage in the U.S. Mail, on August 31, 2015.

Kathleen Jennings (listed as Gresham)  
Pro se  
1524 Highway 11, Landrum, SC 29356



August 31, 2015