

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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SEP 21 2015

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge
Case No.: 2008-CP-23-5245

S.C. Supreme Court

Supreme Court Appellate Case Number: 2015-001836
Appellate Case No.: 2009-141246
Unpublished Opinion No. 2015-UP-031 filed February 14, 2015
Order Denying Petition for Rehearing filed July 29, 2015

Blue Ridge Electric Cooperative, Inc.Petitioner

v.

Kathleen J. GreshamRespondent.

**PETITIONER’S MOTION TO FILE OUT OF TIME ITS REPLY IN RESPONSE TO
RESPONDENT’S RETURN/REPLY TO PETITIONER’S WRIT OF CERTIORARI**

Pursuant to Rule 240 and 263, SCACR, the Petitioner, the Petitioner Blue Ridge Electric Cooperative, Inc. (“BREC”), by and through their counsel, moves before this Honorable Court for an Order allowing it to file out of time its Reply to the Return/Reply filed by the Respondent for good cause.

The Respondent’s Return/Reply was not received until the afternoon of Tuesday, September 8, 2015. The Petitioner did not have knowledge until actual receipt on September 8th that the Respondent had filed her response within ten (10) days from the date that the Petition for Writ of Certiorari was filed, served and emailed to her. When the Respondent’s Return was received, attorney Hamm was out of the office due to medical tests and other personal matters; whereas, the Return arrived unexpectedly about two days before attorney Hill was scheduled to

depart Thursday evening (September 10th) for a pre-planned trip to the State of Rhode Island and was busy with her workload on other matters prior to departure. Petitioner's counsel initially concluded on September 8th that the Petitioner had ten (10) days from the date of receipt (i.e., September 8, 2015) to file a Reply response – and not from the date of mailing as stated on the certificate of service (August 31, 2015). Therefore, the Petitioner thought and believed that the Reply would be due on September 18, 2015. The Petitioner then proceeded to prepare and file its Reply on September 18, 2015 with the Court. Otherwise, the apparent delays in the U.S. Postal system have placed an undue burden upon the Petitioner so as to deny it the opportunity to have adequate time to prepare and provide a response in Reply within approximately twenty-four (24) hours of its receipt.

Moreover, due to the circumstances of when the Return arrived on the September 8th, the Petitioner could not have prepared a Reply response within approximately twenty-four to forty-eight hours due to existing work load, medical tests and personal matters. Petitioners erroneously thought they had ten (10) days from when the filing was received which was confirmed by certified mail, return receipt. It is noted that the certificate states that the Return was mailed on August 31, 2015 when the printed postage stamp and information from the U.S. Postal Service state deposit on September 1, 2015. (Exhibit "A" copy of the envelope).

The time and deadlines prescribed by Rule 240(g), SCACR and computed by Rule 263, SCACR, would have required for the Petitioner to file and serve its Reply within twenty-four to forty-eight hours of the actual receipt or knowledge of the Return by the Respondent on September 10, 2015. It would, therefore, not provide adequate time for a response as counsel for the Petitioner who were out of the office, engaged in medical tests, and/or involved in other

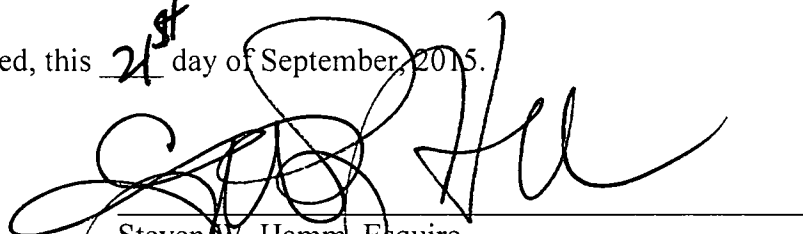
matters and workload as they could not prepare a response within approximately twenty-four to forty-eight hours due to existing work load and schedules.

Petitioner regrets and apologizes for the oversight which resulted in a miscalculation of the due date for a Reply pursuant to Rule 242(g), SCACR. But, Petitioner is confident that no prejudice has resulted and that the intent of the Rule was meant to provide and give at least ten (10) days for a party to respond in Reply – or at least more than twenty-four to forty-eight hours to draft and file a Reply.

CONCLUSION

Petitioner respectfully moves that Court grant its motion and request to allow for the Reply to be filed out of time for good cause shown and for its Reply In Response To Respondent's Return/Reply To Petitioner's Writ Of Certiorari, which has been submitted to the Court on September 18, 2015, be accepted for filing.

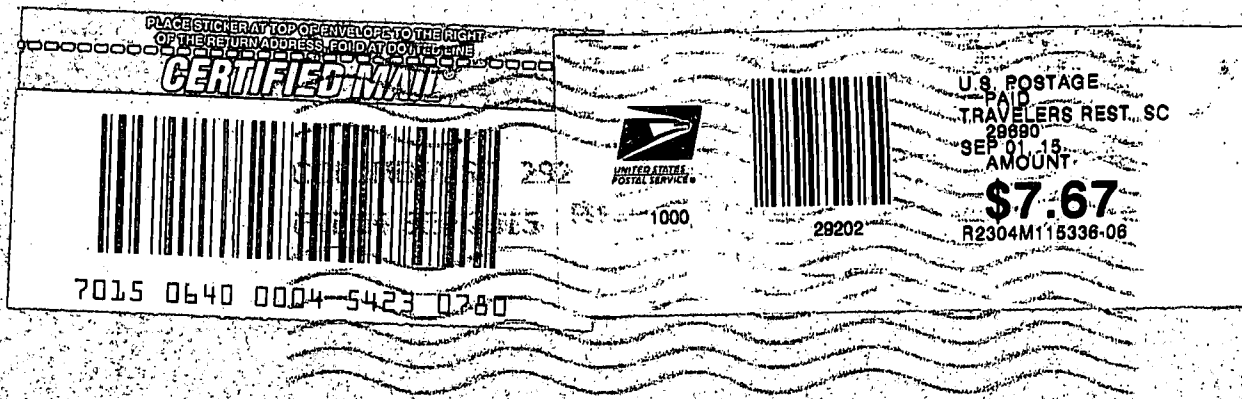
Respectfully submitted, this 24th day of September, 2015.



Steven W. Hamm, Esquire
C. Jo Anne Wessinger Hill
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201)
P.O. Drawer 7788
Columbia, South Carolina 29202
803-771-4400

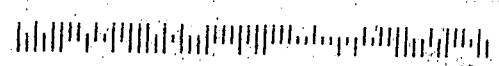
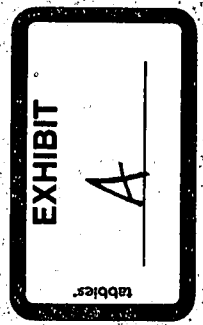
Larry C. Brandt, Esquire
P.O. Box 738
3691 Blue Ridge Blvd
Walhalla, South Carolina 29691
864-638-5406
*Counsel for Petitioner Blue Ridge Electric
Cooperative, Inc.*

Jennings (Gresham)
1524 Hwy. 11
Landrum, S.C. 29356



RETURN RECEIPT
REQUESTED

Steve Hamm, Esq.
Larry Brandt, Esq.
And Richardson & Plowden
Law Firm & Assoc.
P.O. Drawer 7788
Columbia, S.C. 29202



The STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County
COURT OF COMMON PLEAS

R. Lawton McIntosh, Circuit Court Judge

Case No. 2009-141246

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

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



August 31, 2015

The Honorable Daniel E. Shearouse
South Carolina Court of Appeals
1231 Gervais Street
Columbia, SC 29201

Blue Ridge Electric Cooperative, Inc. v. Kathleen J. Gresham
Appellate No: 2009-141246
Civil Action No: 2008-CP-23-5245
RPR File No: 3548-005

There is also another Court of Appeals File number that preceeded the above number
Which should be noted and referenced and I am sorry that I am preparing this out of town,
Away from my files and do not have that number at the ready

Dear Sir,


I am enclosing my Response to Petitioner Blue Ridge Power Coop Petition for Writ of
Certiorari. There are 7 copies for you with one, please, to return clocked in, enclosed in
the stamped envelope provided.

Please note, that I was unaware of the Order from January 2015 as I did not receive a
copy, but did receive your Court Order just a few weeks ago regarding the
reconsideration Order for which I thank you. In receiving that later Order, I called your
office and was advised of how to check the status and orders on line, which I did do. I
had not received the original Petition for reconsideration though my address is long
standing and the same. I cannot explain that. Please additionally note that very early in
the appellate process at the beginning years ago, I promptly filed with correct copies all
briefs, reply briefs, etc but one of my briefs was determined a few pages too long and my
carefully-considered actions were not considered.

I am flying out of the country to accompany our son for his entry into Veterinary School
of Medicine and will be out of pocket for an extended period of time, planned in excess
of 1 ½ years. I depart immediately and rearranged all I could in order to get this off to
you before I left. My mail is to be held. I am trying my best, as I always do, to meet any
responsibilities I may have in this long Appellate process of Blue Ridge's various counsel
for the 3-day jury trial case in which I prevailed on all issues about 7-plus years ago. I
am away from home, preparing to travel now, and do not have my trial transcript nor staff
nor assistants, to help.

Thank you and your staff for your assistance.

Sincerely,


Kathleen Jennings, pro se
(wrongfully captioned by Blue Ridge in all
proceedings as Gresham)

1524 Highway 11, Landrum, SC 29356

Enclosures – Response to Writ of Petitioner; Cert. of Mailing

✓
CC: Steve Hamm, Larry Brandt & Associates – P. O. Drawer 7788
Columbia, SC 29202

No. 2009-141246

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
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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

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:

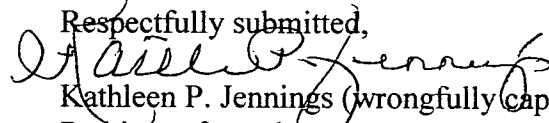
1. That this case holds no public importance of such imperative nature as to justify deviation from any normal appellate practice;
2. That this trespassing and alleged debt case (not prove and acknowledged as NOT owned by Petitioner's CEO Charles Dalton in his own trial cross-examination in front of 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

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 Supreme Court

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APPEAL FROM GREENVILLE COUNTY
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v.

Kathleen J. Gresham Respondent.

CERTIFICATE OF SERVICE

I, Sonya Hancock, the undersigned employee of Richardson, Plowden & Robinson, P.A., attorneys for Blue Ridge Electric Cooperative, Inc., do hereby certify that I have served the **PETITIONER'S MOTION TO FILE OUT OF TIME ITS REPLY IN RESPONSE TO RESPONDENT'S RETURN/REPLY TO PETITIONER'S WRIT OF CERTIORARI** in the above referenced case, by causing a copy of same to be personally deposited in a United States Postal Services mail box, postage prepaid, with the return address clearly visible, addressed to the party as indicated below on September 21, 2015:

**Kathleen Jennings Gresham
1524 Highway 11
Landrum, South Carolina 29356**


Sonya Hancock

September 21, 2015