

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE S.C. ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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Appellate Case No. 2014-002489

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Billie Mueller,

Appellant.

v.

South Carolina Department of Employment  
and Workforce, and Ebtron, Inc.,

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Respondents,

**RESPONDENTS' JOINT RETURN IN OPPOSITION TO APPELLANT'S  
MOTION TO SUBMIT AMENDED DESIGNATION OF MATTER AND  
AMENDED BRIEF**

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YOU WILL PLEASE TAKE NOTICE that Respondents South Carolina Department of Employment and Workforce ("SCDEW") and Ebtron respectfully files this Return in Opposition to Appellant's "Motion to Submit Amended Designation and Amended Brief," as Appellant has repeatedly failed to follow the instructions of the Court with regard to this matter and for the reasons set forth below.

**INTRODUCTION**

After Appellant's initial pleadings were rejected by the Court with leave given to correct the deficiencies on numerous occasions since Appellant's initial Notice of Appeal approximately one year ago on November 18, 2014, SCDEW and Ebtron filed a Motion to Dismiss on March 30, 2015, and on April 17, 2015, a Motion to Strike certain

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confidential documents in this matter, based on the fact that such documents had not been presented to the lower court by Appellant.

On June 25, 2015, the Court denied Respondents' Motion to Dismiss, but allowed Appellant 10 days to prove that the documents sought to be stricken by Respondents had been presented to the lower courts. Appellant failed to do so, and on August 31, 2015, the Court issued an Order striking such documents from the record, and ordered Appellant to serve and file within 10 days an Amended Designation of Matter ("DOM") omitting the Complaint, Answer, Defendant's Request to Charge, and Defendant's Exhibit A-J, all mentioned in the transcript.

On September 15, 2015, Appellant filed an Amended Initial Brief and an Amended Designation of Matter to be included in the Record on Appeal, defying the Court's instruction by including, yet again, the Complaint, Answer and Request to Charge.

On September 17, 2015, the Court notified Appellant that that filing of her Amended Initial Brief was deficient in that she was required by SCACR to file a motion to file the Amended Initial Brief, and allowed her 10 days to do so.

On September 21, 2015, the Court notified Appellant that the Amended Designation of Matter had not been timely filed and allowed her 10 days to file a motion to allow late filing.

On September 28, 2015, Appellant filed her most recent filing, entitled "Motion to Submit Amended Designation of Matter and Amended Brief of Appellant." In it, she does not request, as required by the Court, or move for the Court to allow for the late filing of the Designation of Matter. In fact, the body of the Motion seeks ONLY to ask

the Court to reconsider its previous ruling on the documents it struck from the record and for a hearing *de novo* before this Court.

Respondents respectfully reiterate that Appellant's filings in this matter have been 1) improperly served on Respondent Ebtron; 2) deficient in many respects with each filing; 3) in blatant disregard to the Court's instructions and Orders.

In short, Respondents oppose Appellant's most recent self-serving attempt to circumvent the Court's rules and instructions for the following reasons.

1. Appellant's Amended Designation of Matter was not filed timely based on the Court's Order. Her amended DOM was filed late and the motion at hand does not offer any "good cause" for the delay, nor does it even address timeliness or the delay at all. It appears on its face that Appellant filed this three days late due to her own neglect.
2. Appellant's amended DOM specifically violates that Court's Order as to documents to be disallowed from the filing. Instead, in her Amended DOM, she still included the Complaint, Answer and Request to Charge, in clear contradiction to the Order. For this reason alone, the Court should dismiss Appellant's appeal.
3. Appellant's Motion to file her Amended Initial Brief provides no reason as to how or why her brief was amended or why the motion should be granted. It appears that the "amendment" to the brief was the inclusion of the transcript from the administrative hearing, which the Court returned to her.

Finally, Appellant's service on Ebtron has been deficient since February, 2015. Every filing Respondents have made since that time have included Ebtron's attorney's

correct address, yet Appellant still continues to serve Ms. Cato at a former address, resulting in late notice, and sometimes no notice, of Appellant's filings.

Appellant's entire focus in this matter is to seek to include documents not presented at the lower courts in this Appeal, and to seek a new trial from this Court. Both are improper uses for this Court, and Appellant's continued refusal to abide by the Rules and follow the Court's order should result a denial of the motions at hand.

For these reasons, Respondents respectfully request the Court to deny Appellant's Motion to Submit Amended Designation and Appellant's Amended Brief.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF EMPLOYMENT AND  
WORKFORCE**

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**PROOF OF SERVICE**

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I hereby certify that I have this 12th day of October, 2015 served a copy of the foregoing **RESPONDENTS' JOINT RETURN IN OPPOSITION TO APPELLANT'S MOTION TO SUBMIT AMENDED DESIGNATION OF MATTER AND AMENDED BRIEF** by mailing copies of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

Billie D. Mueller  
P.O. Box 98  
Davis Station, SC 29041

  
Missy Rudi  
Paralegal to Kristine L. Cato

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