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MOTION TO RE-INSTATE

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

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-001331

RECEIVED

DEC 03 2015

SC Court of Appeals

Medical University of
South Carolina

Respondent,

v.

Jack Powell,

Appellant.

MOTION TO RE-INSTATE

Pro se, Appellant Jack Powell submits this Motion to Re-instate case 2015-001331 because of the following mistakes made by the Clerks office that was questioned and pointed out, then mailed to the Clerks office on Oct 13th - 2015 and again e-mailed on Nov. 24th and because of these mistakes Appellant's three cases have been dismissed.

**APPELLANTS 2ND NOTICE OF CONCERN ABOUT MISSING
MAILED FILINGS TO THE COURT**

The reason I'm contacting you is because on several occasions I have mailed information concerning my cases 2015-49, 2015-1331 and 2015-001511. For some reason they may have been misplaced or lost because the info isn't being posted or responded to when I sent my first concern about this matter.

On Oct. 1st, 2015 Appellant mailed his request for leave to file out of time concerning Designation of Matter and on Oct. 12th the court filed Appellant had failed to send my Designation of Matter. On Oct 13th Appellant mailed his first letter about a concern about letters he had sent to the Clerks Office, that weren't posted. Earlier that day before Appellant had sent this concern letter he called about the Designation of Matter not being posted and Elizabeth Carter wasn't there, so another lady said she would help. (she didn't identify herself) She said for Appellant to hold on for a minute and then she got back on the phone and was basically talking out loud and said no, no, here it is and then it was posted Oct.13th.

Appellant will demonstrate there is a pattern of unposted information forwarded to the Court of Administration and would like for your office to contact me soon as possible.

Case no. 2015-000049

1. On 8-24-15 Appellant was sent a letter that stated his Designation of Matter wasn't included.
2. Exhibit A. On Oct. 1st -15, Appellant purchased a money order and two stamps and mailed to the Court of Administration and to Attorney's Wall, Templeton and Haldrup for a motion to proceed out of time which included my Designation of Matter. This was written at top of the exhibit at the USPS for my records.
3. Posted on 10-12-15 and mailed is a letter stating Appellant failed to send Designation of Matter.
4. Posted on 10-13-15 and mailed Motion to Allow Late Filing Fee of Appellants Designation of Matter. (construed as a petition to reinstate the appeal) also; DESIGNATION FILED BY APPELLANT (motion pending).
5. Posted Nov. 18th, two letters sent about case being dismissed and Remittitur to Lower Court that should be stopped or revoked ? just like the Remittitur that was stopped after Appellant called and was told they would take care of it and they did.

6. Exhibit B. on Oct. 13 Appellant sent three letters of concern in one envelope of cases 2015-000049, 2015-001331 and 2015-001511 and Appellant was wanting to know why some letters/info weren't being posted and could they please let me know what had happened and what should be done. There never was a response and now cases are being dismissed because of this.
7. Posted on Oct. 22 and a letter was sent to Appellant stating I had not signed properly.
8. Exhibit C on Oct. 31 Appellant signed and returned to the Administration and as of Nov. 20th there wasn't anything posted.
9. On Nov. 24th Appellant e-mailed this second letter of concern along with Exhibits about the original letters of concern around 4:45 that afternoon to Jenny Kitchings.
10. On Nov. 30th at 1:54 Appellant called and asked to speak to Mrs. Kitchings and was told she would get her supervisor and Appellant stated no, I need to talk to Mrs. Kitchings about an e-mail I had sent her last week. She then stated she was at lunch and Appellant left a message asking her to please call me today and let Appellant know if she had received this e-mail because of my time left concerning two remitturs.
11. At 4:53 Appellant called back because of the urgency involved and was told she was unavailable and Appellant left the same message.
12. At 4:55 Appellant called back to go ahead and discuss this with someone else and the telephone rang for three minutes and two seconds and now Appellant has a tighter situation because of this.
13. On Dec 1st Appellant called again at 1:39 and Jenny Kitchings apologized for not returning call and tells Appellant he has to file motions to enter his complaint about the clerks office.

Case no. 2015-001331

9. Posted On 7-23-15, Transcript Ordered.
10. Posted on 9-4-15, Transcript not received.
11. Exhibits D & E is a letter Appellant didn't receive from reporter Ruth Mott and was resent after Appellant had made a complaint to Desiree Allen/court reporters, about her not responding.
12. Exhibits F, on Oct. 1st Appellant called for Elizabeth Carter and asked why wasn't my Relief

of Judgement that was mailed on Sept. 24th, not posted?

13. Exhibits B, D, E & G on Oct. 13th Appellant mailed his concern about un-posted information and included in the envelope was my explanation of my doubt of the court reporter, Ruth Mott's accuracy of the cost she had submitted to me. Also Pro se asked for a procedure to follow or a procedure the court may follow to get to the bottom of her improper request. I never got a response.

14. Posted Oct 22. A letter stating Appellant must provide that he had made arrangements and Appellant called and explained his letter of concern and was told they would take care of it and that is why again Appellant did not respond to the Oct 22nd letter because of what he was told they would do again, take care of it and now Appellant's case has been dismissed??.

CASE: 2015-001511

15. Exhibit H, on 8-8-15 Appellant mailed his proof of service for Motion to Proceed In forma pauperis that was in the letter filed on Sept. 3rd that Appellant failed to do this. APPELLANT MAILED LETTER!

Appellant called and asked for Elizabeth Carter and she wasn't there and the lady that answered said she would help me and never identified herself. Appellant had called originally about another case and asked her was it true that Appellant had a year to appeal this since he was told earlier in another case he had a year to Appeal. Appellant thought the case was dismissed and he had a year to do something about it. She asked the case no. and she said Appellant had one more day to send the Form letter to stop the Remittitur from being sent. Appellant explained to her he had sent the letter on 8-8-15 Exhibit I and Appellant had a receipt from the USPS to help prove it but apparently the clerks office did not have it. Appellant told her it's about 4:00 and there was no way he could put all this together then drive to the library and type it up and then make it to the post office before 5:00 and mail it overnight, especially since Appellant's wife was gone in our car. Appellant told her I don't know what to do and I guess I'm really messed up now because of the USPS not delivering the letter (it was never returned to Appellant along with any other letters from the Court of Administration) and it looks like Appellant's case is going to be dismissed because of the sorry post office. The lady said I don't know what to tell you.

But now Appellant thinks the letter that was sent was there all the time, but what bothers Appellant most about this is about a week later Appellant found out he could have sent it electronically from the library, 262 (A) (2) and she had the opportunity and should have told the Pro se he could do this and it would have not been giving him advice but a procedure that is used by attorneys.

16. Posted Sept 3rd This Matter is Dismissed and Appellant has failed to provide the Notice of Appeal filing fee and I never received anything stating Appellant had been denied his request to proceed In forma Pauperis. Also Appellant sent the letter and proof of service on 8-8-15. So what legal standing and/or procedure can a Pro se take or is this something that the Clerks office needs to fix, please respond. Thank you, Jack Powell at carolineschair@gmail.com or (843) 952-4762

Therefore Appellant submits this motion to reinstate case 2015-001331, Medical University of South Carolina v. Jack Powell because Appellant mailed his form letter that the transcript was ordered, mailed a letter of concern explaining why the transcript hadn't been paid for and was later told by the clerks office they would take care of it and because of ongoing mistakes made by the clerks office.

I have also enclosed the actual copy of my Form 12 that was originally sent on 10-12-15 after Appellant realized he had accidentally posted the wrong address and corrected the mistake. But, again Appellant made the same mistake when putting together this second concern letter with old copies before Appellant e-mailed to Jenny Kitchings and noticed this today before submitting this Motion to Reinstate.

Dec. 1st, 2015



Appellant, Jack Powell
1402 Camp Rd. Unit 8-A
Charleston S.C. 29412

cc; V. Claire Allen
Attorney John Arthur Jones

FORM 12
NOTICE THAT TRANSCRIPT HAS NOT
BEEN TIMELY RECEIVED

October 12th, 2015

Deputy Clerk; V. Claire Allen
1220 Senate Street
Columbia, South Carolina 29201

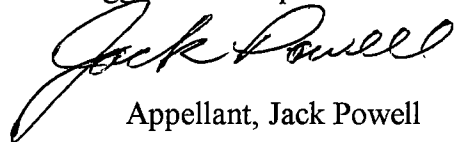
RE: Medical University of South Carolina v Jack Powell, Appellant, Case 2015-001331

Dear Deputy Allen,

This is Appellant Jack Powell and I'm reporting that I received a response by reporter Ruth Mott on August 2nd for Marshland Communities and MUSC which stated; Upon review of the records, I estimate your transcript to be approximately 40 pages at a cost of \$135.05. Then the case for Marshland was dismissed and I made the request again just for MUSC and asking for the exact amount of pages. On September 30th in her response just for MUSC she stated; The transcript is 40 pages at a cost of \$135.05.

On July 22nd I received a response from Reporter Karen Anderson requesting \$21.50 for the transcript where I spoke 13 times covering only 2 pages in case 2015-000049 and during this MUSC 2015-001331 hearing I was only allowed to speak three sentences before being cut off by Judge Dennis and him then granting MUSC Summary Judgment. Therefore the cases were basically the same amount or less and I'm questioning the accuracy of this estimate the reporter has made and I'm also requesting the administration to look into this or possibly make a suggestion or a procedure for a Pro se to follow to get to the bottom of this.

10-12-2015



Appellant, Jack Powell
1402 Camp Rd. Unit 8-A
Charleston, S.C. 29412
carolineschair@gmail.com
(843) 952-4762

cc; Court Reporter, Ruth Mott
Attorney of record, John Arthur Jones

CCO H
Desq. matter

sent within 10 days
of Sept. 24 letter

JAMES ISLAND
579 FOLLY RD.
CHARLESTON
SC
294123005
4514810248
10/01/2015 (800)275-8777 5:01 PM

Product Description	Sale Qty	Final Price
Dom M.O. - Value (Serial#:22802238876)		\$25.00
Dom M.O. Fee		\$1.25
71c (Ndn)	2	\$1.42
Eastern Tiger Swallowtail (Butterfly)PSA (Unit Price:\$0.71)		
Total		\$27.67

Debit Card Remit'd \$27.67
(Card Name:Debit Card)
(Account #:XXXXXXXXXXXX1108)
(Approval #:IJ97GS)
(Transaction #:717)
(Receipt #:001794)
(Debit Card Purchase:\$27.67)
(Cash Back:\$0.00)

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

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Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

Go to:
<https://postalexperien>

or scan this code
your mobile devi



CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT FOR IMPORTANT CLAIM INFORMATION

Pay to Address

SC Cour of Appeals CCH

KEEP THIS RECEIPT FOR YOUR RECORDS

NEGOTIABLE
NOT

Serial Number

22802238876

Year, Month, Day

2015-10-01

Post Office

294121

Amount

\$25.00

Clerk

15

Proceed out of time

CONCERN about mailed
 PREVIOUSLY & MUSC
 TRANS. WAREHOUSE
 MOTT SCOTT OFFICE

B

FOLLY BEACH MAIN OFFICE
 FOLLY BEACH, South Carolina
 294399800
 4518030439 -0093
 10/13/2015 (843)588-2244 03:45:10 PM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
COLUMBIA SC 29201 Zone-2 First-Class Mail Large Env 3.30 oz. Expected Delivery: Thu 10/15/15			\$1.64
Issue Postage:			\$1.64
(Forever) Sealed with Love PSA 22c (Ndn) Penguins PSA	3	\$0.49	\$1.47
	1	\$0.22	\$0.22
Total:			\$3.33
Paid by:			
Cash			\$4.00
Change Due:			-\$0.67

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

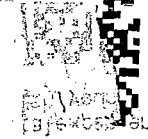
 Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

Bill#: 1000201837159
 Clerk: 03

Final on stamps and postage for guaranteed services only
 only for your business

GIVE YOU BETTER
 YOUR RECENT
 TRACKING

Use QR code on mobile device:



BYBETTER
 ONI KOMB 420
 ANTON COUNTS
 SEBAE

8

CCOH did
MISC not
sign

C

JAMES ISLAND
579 FOLLY RD
CHARLESTON
SC

294123005
4514810248

10/31/2015 (800)275-8777 11:16 AM

Product Description	Sale Qty	Final Price
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First-Class Mail Letter (Domestic) (COLUMBIA, SC 29201) (Weight:0 Lb 1.10 Oz) (Expected Delivery Day) (Monday 11/02/2015)	1	\$0.71
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Total \$0.71

Cash \$1.00
Change (\$0.29)

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Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

Go to: <https://postalexperience.com/Pos>

or scan this code with your mobile device:



or call 1-800-410-7420



D

State of South Carolina
The Circuit Court of the First Judicial Circuit

Ruth Mott, RPR, CRR
Circuit Court Reporter

Date
August 2, 2015

PO Box 2012
Goose Creek, SC 29445

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

Re: Transcript Request
Jack Powell v. Marshland Communities and MUSC, et al.
Hearing Date: July 30, 2014

Dear Mr. Powell:

I am in receipt of your request for the transcript in the above-referenced matter. An up-front deposit is required before I start producing your transcript. This deposit would be an estimate because I won't know how many pages it will be until the transcript has been completed. Currently the Supreme Court has set the page rate for production of original transcripts at \$3.25 per page. Once your deposit is received, then the transcript will be placed in line to be produced and packaged for mailing. The statutes which govern my job functions allow up to sixty days for this process to be completed. The 60-day time limit would begin once your deposit is received by me.

Upon review of the records, I would estimate your transcript to be approximately 40 pages, at a cost of \$135.05, which includes postage, at the normal 60-day turnaround rate. Deposits are to be paid by a postal money order or bank cashier's check, as I cannot accept personal checks. If you end up overpaying me, then I would refund the difference, via a money order or cashier's check back to you, of course. If, however, the deposit does not cover the entire cost of the transcript, I will contact you regarding what the difference will be, and any additional funds must be received before I can mail the transcript to you.

If you want me to proceed with the production of your transcript, please send me a postal money order or bank cashier's check in the amount of \$135.05, and I will be happy to proceed.

Sincerely,

Ruth Mott, RPR, CRR

cc: V. Claire Allen,
Deputy Clerk, Court of Appeals

E

PO Box 2012
Goose Creek, SC 29445
610-299-1618
Ruthmott1412@comcast.net

September 5, 2015

VIA US PRIORITY MAIL

Jack Powell
1402 Camp Road, Unit 8-A
Charleston, SC 29445

I never saw this posted?



Dear Mr. Powell,

I am enclosing a copy of correspondence I sent you and copied the Court of Appeals on August 2, 2015 regarding your requested transcript. Upon receipt of payment your transcript will be sent to you by US Priority Mail.

Sincerely,

Ruth L. Mott, RPR, CRR

CC: V. Claire Allen, Deputy Clerk of Court, Court of Appeals
Desiree Allen, Office of Court Administration

MISS Relief

F

JAMES ISLAND
1379 FOLLY RD
CHARLESTON
SC

294123005
4514810248

09/24/2015 (800)275-8777 3:42 PM

Product Description	Sale Qty	Final Price
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First-Class Mail	1	\$2.08
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Large Envelope
(Domestic)
(COLUMBIA, SC 29201) ←
(Weight:0 Lb 5.10 Oz)
(Expected Delivery Day)
(Saturday 09/26/2015)

First-Class Mail	1	\$2.08
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Large Envelope ← *Blue notebook*
(Domestic)
(CHARLESTON, SC 29401)
(Weight:0 Lb 5.20 Oz)
(Expected Delivery Day)
(Saturday 09/26/2015)

Total	\$4.16
-------	--------

Cash	\$10.00
Change	(\$5.84)

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Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>

or scan this code with
your mobile device:



G

FORM 12
NOTICE THAT TRANSCRIPT HAS NOT
BEEN TIMELY RECEIVED

October 12th, 2015

Deputy Clerk; V. Claire Allen
1220 Sumter Street
Columbia, South Carolina 29201

RE: Medical University of South Carolina v Jack Powell, Appellant, Case 2015-001331

Dear Deputy Allen,

This is Appellant Jack Powell and I'm reporting that I received a response by reporter Ruth Mott on August 2nd for Marshland Communities and MUSC which stated; Upon review of the records, I estimate your transcript to be approximately 40 pages at a cost of \$135.05. Then the case for Marshland was dismissed and I made the request again just for MUSC and asking for the exact amount of pages. On September 30th in her response just for MUSC she stated; The transcript is 40 pages at a cost of \$135.05.

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10-12-2015


Appellant, Jack Powell
1402 Camp Rd. Unit 8-A
Charleston, S.C. 29412
carolineschair@gmail.com
(843) 952-4762

cc; Court Reporter, Ruth Mott
Attorney of record, John Arthur Jones

within 10 days / PROOF IN FORM
MLC

H

=====
JAMES ISLAND
579 FOLLY RD
CHARLESTON
SC
294123005
08/08/2015 (800)275-8777 10:44 AM
=====

Table with 3 columns: Product Description, Sale Qty, Final Price. Includes items like (Forever) Celebrity Chefs PSA and a Debit Card Remit'd section.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

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Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

Go to:
https://postalexperience



Bill #
Clerk:

Handwritten initials

**FORM 7
PROOF OF SERVICE FOR FORM 12**

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

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

R. Markley Dennis, Circuit Court Judge

DEC 03 2015

SC Court of Appeals

Case No. 2015-001331

Medical University of
South Carolina

Respondent,

v.

Jack Powell,

Appellant.

PROOF OF SERVICE

Appellant certifies that he served a copy of his Form 12 through the USPS to Barnwell & Whaley on 10-12-15, addressed to 288 Meeting St. Ste. 200, Charleston S.C. 29401.

October 12th, 2015

Jack Powell

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

cc; Deputy Clerk, V. Claire Allen
Court Reporter, Ruth Mott

**FORM 7
PROOF OF SERVICE FOR FORM 12**

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

RECEIVED

DEC 03 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-001331

Medical University of
South Carolina

Respondent,

v.

Jack Powell,

Appellant.

PROOF OF SERVICE

Appellant certifies that he served a copy of his Form12 through the USPS to Reporter Ruth Mott and was mailed on 10-12-15, addressed to PO Box 2012, Goose Creek S.C. 29445.

October 12th, 2015



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

cc; Deputy Clerk, V. Claire Allen
Barnwell & Whaley

FORM 7

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

RECEIVED

DEC 03 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-001331

Medical University of
South Carolina

Respondent,

v.

Jack Powell,

Appellant.

PROOF OF SERVICE

Appellant has mailed a copy of his Motion to Re-instate by USPS to Attorney
Barnwell & Whaley located at 288 Meeting Street, Ste. 200 Charleston S.C. 29401.

Dec. 1st, 2015

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

cc; Deputy Clerk, V. Claire Allen
Barnwell & Whaley, Jay Jones

JACK Powell
1402 Camp Rd Unit 8-A
Charleston, SC 29412



1000

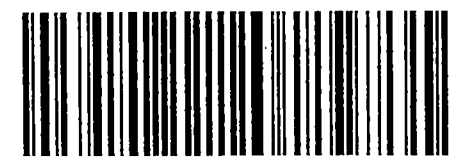


29201

U.S. POSTAGE
PAID
CHARLESTON, SC
29412
DEC 01, 15
AMOUNT
\$7.89
R2304N118306-15

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL



7015 1730 0001 6208 5039

S.C. Court of Administration
c/o Jenny Kitchings or V. Charles Allen
1220 Senate Street, Ste 200
Columbia, S.C. 29201

RECEIVED

DEC 03 2015

SC Court of Appeals