

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From The Richland County  
Court of Common Pleas From Orders of  
Honorable G. Thomas Cooper, Jr.,  
Fifth Judicial Circuit Court Judge

SC Court of Appeals

Appellate Case No.: 2015-000740

Case No.(s): 2013-CP-40-03078  
2007-CP-40-03742

Subsequent Interlocutory Order of (Former) Circuit Court Judge,  
Honorable J. Michelle Childs:

Case No.(s): 2007-CP-40-03742  
2009-CP-40-02442

Subsequent Interlocutory Order of Circuit Court Judge,  
Honorable De Andrea Gist Benjamin:

Case No.: 2009-CP-40-02442

Clarence S. Gregory, . . . . . Appellant,

Verses

Riley Pope & Laney, LLC, Law Firm, Attorney(s) and Counselor(s)  
at Law; Individually and Individually named, Theodore D. Riley,  
T. Lowndes Pope, LeRoy Free Laney, Nikole H. Boland, Of Whom  
All are sued In Their Individual and Professional Capacities,  
Riley Pope & Laney, Limited Liability Contractor(s)(LLC);

AND

Heath McAlvin Stewart, III, Individually and Individually named  
Of Who, Formerly Employed with, Riley Pope & Laney, LLC, Law  
Firm, An Agent Attorney Is Sued In His Individual and  
Professional Capacities, Et Al.,

All Whom are named as Defendants,  
Of which, Riley Pope & Laney, LLC, Is The Respondent.

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FINAL BRIEF OF APPELLANT

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CLARENCE S. GREGORY  
SCDC NO.: 227394

APPELLANT PRO' SE

BROAD RIVER CORRECTIONAL  
INSTITUTION (BRCI)  
MURRAY UNIT, B-WING RM.  
# 234  
BROAD RIVER ROAD  
RICHLAND COUNTY  
COLUMBIA, SOUTH CAROLINA  
ZIP CODE 29210-4012

DAMON CHRISTIAN WLODARCZYK  
ESQUIRE FOR RESPONDENT

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2). "Whether The Presiding Judge "erred," in Deaying and not Permitting Appellant, By Motion For Leave To Amend His Complaint Before Defendants' were Served, Appellants' Summons and Complaint?"

3). "Whether The First Two (2), Original Prior Unappealed Orders are Binding upon Respondents' in Subsequent Motion Proceedings, under Doctrine of The Law of Case, As a Result For The Lack of Jurisdiction?"

4). "Whether One (1) Circuit Court Judge has The Power, Authority, or Jurisdiction To Review, Modify, Reverse or Overrule The Findings of Another Circuit Court Judge, Involving The Same Stated Facts, Issues, Defense or The Same Subject Matter In The Same Action?"

5). "Whether The Presiding Judge "erred" in his Findings, in Raising Case Law, "Dorrell verses South Carolina Department of Transportation," Absent From Implied-Consent Pleadings, Which was not Before Him, and Plead, Case Law, "Hill verses York County Sheriff's Department, was Implied-Consent before

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LEGAL MAIL

STATEMENT OF ISSUES ON APPEAL

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II.

"Whether The Presiding Judge "erred" In Denying And Not Permitting Appellant, By Motion For Leave To Amend His Complaint Before Defendants' were Served, Appellants' Summons And Complaint?"

III.

"Whether The Two (2), Original Prior Unappealed Orders Are Binding Upon Respondents' In Subsequent Motion Proceedings, Under Doctrine of The Law of Case, As A Result For The Lack of Jurisdiction?"

IV.

"Whether One (1) Circuit Court Judge Has The Power, Authority , Jurisdiction To Review, Modify, Reverse or Overrule The Finding of Another Circuit Court Judge, Involving The Same Stated Facts, Issues, Defense or The Same Subject Matter, In The Same Action?"

V.

"Whether The Presiding Judge "erred" In His Findings, In Raising "Case Law," Dorrell verses South Carolina Department of Transportation," Absent From Implied-Consent Pleadings, Which Was Not Before Him, And Plead, "Case Law," Hill verses York County Sheriff Department, Was Implied-Consent Before The Court?"

VI.

"Whether The Subsequent Presiding Courts, Judge J. Michelle Childs (Former) Circuit Court Judge, "Lacked The Jurisdiction of Subject Matter, To Review And To Reverse The Original "Unappealed" Findings of Judge G. Thomas Cooper, Jr., And "Whether Judge De Andrea Gist Benjamin, "Lacked Jurisdiction of Subject Matter, To Review And Reverse The Original "Unappealed " Findings of (Former) Circuit Court Judge, J. Michelle Childs?"

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"Whether The Respondents' Action In Both Cases, In 2007-CP-09-03742, And In, 2009-CP-40-02462, Pleading The Same Stated Facts, Issues, Defenses, And Arguments In A Subsequent Proceeding In The Same Action, "Gave Rise" To Causes of Action of "Abuse of Legal Process?"

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IX.

"Whether The Presiding Judge "Erred" In His Findings, By Dismissing With Prejudice Appellant's Claims or Causes of Action of Duplicity?"

X.

"Whether The Presiding Judge "Erred" In His Findings By Dismissing With Prejudice Appellant's Claims or Causes of Action of Unclean-Hands?"

XI.

"Whether The Presiding Judge "Erred" In His Findings By Dismissing With Prejudice Appellant's Claims or Causes of Action of Civil Conspiracy?"

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STATEMENT OF THE CASE

This is an appeal from the final interlocutory Order of presiding Honorable G. Thomas Cooper, Jr., in the Court of Common Pleas, of the Fifth (5th) Judicial Circuit, granting Respondents' Motion to Dismiss, under Rule 12 (b)(6), of the South Carolina Rules of Civil Procedures; (See, ROA p. 5-14). (Volume I).

Appellant, by the way of pro'se, filed his summons and complaint against the Respondents' for numerous cause or causes of action, specifically alleging that the Respondents' "knowingly and wilfully, misled and misrepresented the facts and material facts," previously presented to "both" subsequent Courts, and as a result, the Respondents' caused "both" subsequent Courts to "erroneously," review, reverse and to overrule, both original "first unappealed prior Orders of the first hearings; (See, ROA pp. 67-141). (Volume I.).

Thus, Respondents' now argues, that the two (2), subsequent "deposition testimonies of Appellant," which were previously submitted to "both" subsequent Courts were "additional evidence," in support of Respondents' two (2), subsequent motions for summary judgments; (See, ROA p. 12, lines 14-21). (Volume I).

Based upon those additional facts, represented by Respondents before those two (2) previous, subsequent Courts, both Courts "relied" upon the representations, and granted two (2), summary judgments in favor of Respondents' and dismissed Appellants' claims and causes of action, in both cases, 2007-CP-40-03742 and 2009-CP-40-02442; (See, ROA pp. 20-23, Volume I, pp. 43-55, Volume I).

The lower Court in the case, 2013-CP-40-03078, also dismissed Appellant's action with prejudice; (See, Volume I, ROA pp. 43-55).

STATEMENT OF THE FACTS, IN THE MATTER OF, 2013-CP-40-03078:

This case 03078, surrounds and involves two (2), previous cases, case 2007-CP-40-03742, and case, 2009-CP-40-02442.

In this present case 03078, the Respondents' pled a defense against appellants' cause or causes of action, under the statutory limitation period, Rule 8 (c), of the S.C. Rules of Civil Procedure, on/or about, June 13, 2013; (See, Volume II, ROA pp. 272-274).

The Appellant asserts, that on/or about, October 15, 2012, he filed a summons and complaint under the statutory provisions of § 24-27-100 through 150, of the S.C. Code of Laws, in the "In forma pauperis status," against the Respondents', under the provisions of § 15-3-530, et seq., for claims or causes of action of Fraud, Fraudulent conduct, civil conspiracy, abuse of legal process, bad-faith, doctrine of unclean-hands, judge shopping, under the doctrine of duplicity and breach of solemnly oath of office; (See, Volume I, ROA pp. 66-141, pp. 212-229; and Volume II, ROA pp. 258-259);

Under the provision of filing in-forma-pauperis status, § 24-27-100 thru 150, it allows a party to file their complaints and debit their accounts (as an incarcerated person) even if

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a party does not presently have sufficient funds in their account (While being incarcerated within the prison system);

Contrary to Appellants' filing and request as permitted by the aforesaid statute provision, on/or about, October 27, 2012, (See, Returned Legal Correspondance Letter from Ms. Judy N. Davis, Civil Manager Record Division, Richland County, Court of Common Pleas), Ms. Davis, interferred with the process of in-forma-pauperis, not understanding and knowing how it function, and did not permit Appellant to file his summons and complaint, and returned the summons and complaint to the Appellant on many occasion; (See, Volume I, ROA pp. 212-229; Volume II, ROA pp. 258 and 259;

That, as a result, of any success of filing with the Court, as aforesaid (Richland County Court of Common Pleas, Fifth Judicial Center), because of Ms. Davis' inactions.

That, on/or about, January 31, 2013, Appellant filed a "Petition For A Writ of Mandamus," with the S.C. Supreme Court, against the respective Ms. Judy N. Davis, Clerk of Court's in-action; (See, Volume I, ROA pp. 230-259, Writ of Mandamus).

That, as a result of filing the aforesaid "writ," on/or about, February 21, 2013, the Chief Justice, Honorable Jean H. Toal, of the S.C. Supreme Court, returned a letter of disposition, and asked the respective Clerk of Court, Jeanette W. McBride, to return a response, specifically addressing why she (Ms. McBride, Clerk of Court), did not allow Appellant to file his summons and complaint under the statutory provision of § 24-27-100 thru 150, within five (5) days of the letter; (See,

Volume II, ROA pp. 256 and 257; Letter of Honorable Jean H. Toal, Chief Justice of The S.C. Supreme Court, Dated February 21, 2013).

In response to the aforesaid letter, Mr. Larry C. Smith, from the Richland County Attorney's office, on/or about, February 27, 2013, sent a letter to the Honorable Jean H. Toal, Chief Justice, to the S.C. Supreme Court in behalf of respective Jeanette W. McBride, Clerk of Court, Richland County and to the Appellant, apologizing for Ms. Davis' inaction; (See, Volume II, ROA pp. 258 and 259); Letter of Mr. Larry C. Smith, Attorney for Richland County;

Mr. Smith, asked the Appellant, in behalf of the Clerk of Court, to return his summons and complaint for filing purposes (See, Volume II, ROA pp. 258 and 259);

That, on/or about, May 22, 2013, the Clerk of Courts' office filed Appellant's summons and complaint, even so, the circumstance was outside of Appellant's control; (See, Volume I, ROA pp. 67 and 68; pp. 139-141; Appellant's Filed Summons and Complaint);

That, on/or about, June 13, 2013, Respondents' returned their disposition, filing a Notice and Motion to Dismiss, under Rule 12 (b)(6), of the S.C. Rules of Civil Procedure; (See, Volume II, ROA pp. 272-274; pp. 275-291; Volume IV, ROA pp. 606-635); And on/or about, June 26, 2013, Appellant served and filed upon Respondents' a Notice and Motion to Oppose, under the doctrine of Equitable Tolling, Equitable Tolling and Gap Tolling; (See, Volume II, ROA pp. 275-291; Volume IV, ROA

pp. 606-635); Appellant's Notice/Motion To Oppose);

That, on/or about,, April 24, 2014, a motion hearing was held at the Richland County, Court of Common Pleas, before presiding Honorable G. Thomas Cooper, Jr.; and during the afore-said hearing, the presiding Court asked the Appellant, "what are his (Appellant's) complaint is all about?" (See, Volume I, ROA p. 506, lines 17-21 (Transcript of Record, Case 2013-CP-40-03078));

Specifically, Appellant asserted, that on/or about, January 10, 2008, in the case of 2007-CP-40-03742, a motion hearing was held before the same respective presiding Court (Honorable G. Thomas Cooper, Jr.), and both parties, the Respondents as legal counsel for Defendants' SCDC, and Appellant pro'se, represented himself, and submitted their issues, defenses and arguments;

That, on/or about, January 14, 2008, by Order, the presiding Court ruled, that "matters under advisement; (See, Volume I, ROA p. 65; Judge Thomas Cooper, Jr., 's Order);

Furthermore, on/or about, March 26, 2008, by Order of the same Court (Honorable G. Thomas Cooper, Jr.), ruled, "Based upon the submissions of the Pro'se Plaintiff and Defendants,' there are issue of facts to be resolved at trial," and the presiding Court denied Defendants' motion for summary judgment; (See, Volume I, ROA pp. 63-64; Case 2007-CP-40-03742);

In that matter, Defendants' did not filed notice and motion to amend or reconsider, under Rule 52, or 59 (e), of the S.C. Rules of Civil Procedure; Defendants' did not "appealed the presiding Court's Order, dated March 26, 2008; Instead of appeal-

-ing the Court's Order, on/or about, August 2008, said Defendants' filed notice and motion for a deposition, which convened on/or about, October 15, 2008; (See, Volume II, ROA pp. 409-413); Letter from Riley Pope & Laney, LLC, Law Firm, Defendants' Counsel Heath M. Stewart, III, Dated August 01, August 18, and September 26, 2008, Notice of Deposition);

The Deposition hearing as a result, repeated the same questions, interrogatories, as it did in the Plaintiff's request for discoveries matter, prior to the March 26, 2008, adjudication hearing; (See, Volume III, ROA pp. 561-597); (Deposition Hearing Transcript of Record, Case 2007-CP-40-03742); Also See, Plaintiff -'s Discoveries Volume III, ROA pp. 475-502);

That, on/or about, May 07, 2009, Defendants' Counsel Heath McAlvin Stewart, III (who, is Respondent in this action 2013-CP-40-03078), filed a second subsequent notice and motion for summary judgment, "re-litigating" the same issues, facts, defense and arguments, as Defendants' counsel submitted in the January 10, 2008, adjudication hearing; (See, Volume II, ROA pp. 414-425; Defendants' Counsel Subsequent Notice/Motion For Summary Judgment, Case 2007-CP-40-03742);

That, on/or about, January 14, 2010, a motion for summary judgment subsequent hearing was held at the Broad River Correctional Institution, Via Courtroom area, before the (former) presiding Honorable J. Michelle Childs, who, currently succeeded and presides as a Federal U.S. District Court Judge, in the District of Greenville County, Greenville, South Carolina;

During the said hearing and as it is recorded in the (former) presiding Court's June 10, 2010, Order, that Defendants' counsel Heath M. Stewart, III, contended and raised as a defense, that Plaintiff's (Appellants') claims is "barred" by the South Carolina Workers' Compensation Act, "exclusive remedy," provision; (See, Volume I, ROA p. 51, ¶ 03, Line 03; p. 52, Lines 1-2; Judge J. Michelle Childs' Order, June 10, 2010, Case 2007-CP-40-03742);

During the aforesaid hearing, at the same time, Appellant made an verbal "objection," to Defendants' counsel Stewart, III, affirmative defense; (See, Volume II, ROA pp. 426-431; Appellant's Notice/Motion To Oppose/Barr Defendants' counsel Affirmative Defense; See, Also Judge Childs' Order, Volume I, ROA p. 53, ¶ 02, Lines 1-7); Rule 43, (L), SCACP;

Contrary to Appellant's objection to Defendants' counsel defense, Defendants' counsel Stewart, III and Respondent objected and disputed against Appellant's objection, asserting on the grounds that, "Defendants' did not raised the South Carolina Workers' Compensation Act "exclusivity" in the previous summary judgment Order; (See, Volume I, ROA p. 54, ¶ 01, Lines 08-10; Volume II, ROA p. 262, ¶ 02, Lines 03-07; Judge Childs' Order, Dated June 10, 2010, Case 2007-CP-40-03742);

The Richland County, Court of Common Pleas, Clerk's filed record clearly demonstrates, and established that on/or about, September 06, 2007, said Defendants' counsel LeRoy Free Laney, who is Respondents' in this matter, case 2013-CP-40-03078, filed his "Answer" pled and raised in (Volume I, ROA p. 198, ¶ 36, Lines 01-03), as an "affirmative defense," For a Fifteenth (15th)

Lines 01-03), as an "affirmative defense," For A Fifteenth (15th) Defense, provided:

¶ 36: "The Plaintiff is "barred" from recovery under the South Carolina Workers' Compensation Act as the Act provides for an "exclusive remedy" for injuries such as Plaintiff allegedly sustained." (See, Volume I, ROA p. 198, ¶ 36, Lines 01-03, Defendants' Counsel LeRoy F. Laney's Filed Answer, Dated September 06, 2007); (See, Also Appellant's filed "Reply" against Defendants' counsel Answer, Dated September 24, 2007, Case 2007-CP-40-03742); (Volume I, ROA pp. 200-202); p. 201, ¶ 02-05);

That, on/or about, June 10, 2010, the (former) presiding subsequent Court (Honorable J. Michelle Childs), "relied" upon Defendants' counsel's (Respondents') representation as aforesaid and granted summary judgment to Defendants' and dismissed Appellant's claims; (See, Volume I, ROA pp. 43-55; See, p. 53; Judge J. Michelle Childs' Order, Dated June 10, 2010, Case 2007-CP-40-03742);

IN THE MATTER OF CASE, 2009-CP-40-02442

That, on/or about, April 02, 2009, Appellant filed summons and complaint against the South Carolina Department of Corrections for grossly negligent § 15-78-60 (25), and for intentional assault and battery, § 15-3-530 (5), et seq; (See, Volume I, ROA pp. 182-189);

That, on/or about, May 18, 2009, Defendants' counsel, Heath M. Stewart, III, (who is Respondent in this case, 03078), filed his "Answer" to the aforesaid complaint;

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(See, Volume I., ROA pp. 203-211; Defendants' counsel filed Answer, Dated May 18, 2009, Case 2009-CP-40-02442);

That, on/or about, October 07, 2009, Defendants' counsel Heath M. Stewart, III (Who is Respondent in this action, 2013-CP-40-03078), filed Notice and Motion for summary judgment and Appellant filed his Opposing Motion, Affidavits and other materials; (See, Volume II., ROA pp. 352-363; pp. 364-374; & Volume III., ROA pp. 455-470;

That, on/or about, January 14, 2010, a motion hearing was held at the Broad River Correctional Institution, Via Courtroom area, before (former) respective Circuit Court Judge, J. Michelle Childs; and both parties presented their issues, defenses and arguments; (See, Volume II., ROA pp. 377-379;

That, on/or about, April 05, 2010, the (former) presiding Court as aforesaid in paragraph ¶ 02, of this page 40, by Order, found and determined that, "Plaintiff has pled a cause of action for grossly negligent against the Defendants' (SCDC); the same Court also found and determined that, "Plaintiff has stated a cause of action upon which relief can be granted for intentional assault and battery against the Defendants'; (See, Volume I., ROA p. 36, ¶ 02, lines 01-02; p. 36, ¶ 03, lines 09-10; p. 37, Top of Page, lines 01 and 02); (Honorable J. Michelle Childs' Order, Case 2009-CP-40-02442, Dated April 05, 2010); Volume I., ROA pp. 32-42;

Furthermore, the (former) presiding Court found and determined that, "Both parties have alleged facts that have "created" a genuine issue of material facts, etc; (See, Volume I., ROA

p. 38, ¶ 02, Lines 12-15; (Honorable J. Michelle Childs' Order);

Contrary to the (former) circuit court Judges' Order, as aforesaid, the Defendants' counsel Stewart, III, chose not to file motion to amend or reconsider, the ruling in the Order, under Rule 52 and 59 (e), of the S.C. Rules of Civil Procedure, which ruling was against Defendants'; nor or neither did the Defendants' counsel Stewart, III, appeal the (former) presiding Court's April 05, 2010, Order; but instead, filed a notice and motion for deposition; (See, Volume II., ROA pp. 379-383);

That, on/or about, May 14, 2010, a deposition hearing was held at the Broad River Correctional Institution, Via Courtroom area, and as a result, the deposition "repeated" the same issues, facts and questions, as it involved Appellants' prior discovery responses and requests; (See, Volume II., pp. 439-454; Volume III., pp. 455-475; pp. 561-581);

That, on/or about, February 23, 2011, Defendants' counsel Nikole H. Boland (who is Respondents' in this action, Case 2013-CP-40-02442), became a substitute legal counsel for the Defendants' (South Carolina Department of Corrections, Etc; to replace Respondent, Heath M. Stewart, III, reasons believe to "resign" from the Law Firm of Riley Pope & Laney, LLC;

That, on/or about, February 23, 2011, said Respondent Boland as legal counsel filed a subsequent notice and motion for summary judgment; and opposing to Respondents' said motion, Appellant filed notice and motion; (See, Volume II., ROA pp. 384-386; pp. 387-390);

That, on/or about, August 31, 2011, a subsequent motion for summary judgment hearing was convened and held at the Rich-land County, Court of Common Pleas, before a subsequent and presiding Judge, Honorable De Andrea Gist Benjamin; Respondent, Boland as legal counsel for Defendants' (SCDC), presented to the presiding Court and to the Appellant a "Memorandum In Support" of their aforesaid motion, and in which the Memorandum identified the "same" stated facts, issues, defenses and argument as the Defendants' counsel Stewart, III, presented in the "first-original" motion hearing, conducted before the (former) pre-siding Honorable J. Michelle Childs, in the January 14, 2010; (See, Volume II., ROA pp. 356-363; pp. 391-401; pp. 402-403); Defendants' Counsel Nikole H. Boland's August 31, 2011, Memorandum In Support);

During that proceeding, Appellant tried to explain to the presiding subsequent Court that the subject matters, which Defendants' counsel Boland intends to present has already been previously addressed before the (former) presiding Honorable J. Michelle Childs and to presiding Honorable L. Casey Manning, but on the contrary, the subsequent hearing Court (Respective, Judge Benjamin), orally rule over the bench, it's court, will hear Defendants' counsel Boland's (Respondent Boland's) said motion; (See, Volume III., ROA pp. 533-534; pp. 553-554); Appellant's Transcript of Record In Case, 2009-CP-40-02442);

That, on/or about, October 17, 2011, by Order, the

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respective subsequent Court as aforesaid, "over-ruled" the first original ruling in the Order of (former) presiding Honorable J. Michelle Childs; in which, the prior Order of (former) Judge Childs dated April 05, 2010, was not appealed by Defendants' counsel Stewart, III or Boland, in the 2009-CP-40-02442, case;

However, the subsequent respective presiding Court (Judge Benjamin), granted Defendants' counsel Boland's motion for summary judgment and dismissed Appellant's claims and causes of action; (See, Volume I., ROA pp. 19-23; Honorable De Andrea G. Benjamin's Order, Dated October 17, 2011);

That, on/or about, September 29, 2011, prior to receiving Judge Benjamin's subsequent final Order, Appellant filed a notice and motion, respectfully asking the subsequent Court (Judge Benjamin), to amend or to reconsider, under Rule 59 (e), of the S.C. Rules of Civil Procedure, and respectfully request the subsequent Court to withdraw or recuse it's rulings, and as a result, respective subsequent Court (Judge Benjamin), denied Appellant's said motions; (See, Volume I., ROA pp. 24-25);

That, Appellant did not appealed the subsequent Court's Order, but sought and filed a Rule 60 (b)(4), Notice and Motion, of the S.C. Rules of Civil Procedure, but the lower Court avoided having a hearing, and nothing availed on the said motions;

That, on/or about, May 29, 2014, in the case of, 2013-CP-40-03078, by Order of presiding Honorable G. Thomas Cooper, Jr., granted Respondents' Motion to Dismiss Appellant's claims or causes of action, with prejudice; Following the said Order

on/or about, June 06, 2014, Appellant filed Notice and Motion To Amend and To Reconsider, under Rule 52 (a), and 59 (e), of the S.C. Rules of Civil Procedure; (See, Volume I., ROA pp. 04-14; Honorable G. Thomas Cooper, Jr., Order, Granting Respondent's Counsel Damon C. Wlodarczyk, Motion To Dismiss; and Volume II., ROA pp. 302-341, of Appellant's Notice/Motion To Amend/Reconsider, Rule 52, 59 (e), SCACR;

On contrary to Appellant's Rule 52, and 59 (e), SCRCF, said motions, on/or about, March 02, 2015, respective presiding Court, as aforesaid, "denied" Appellant's motions; (See, Volume I., ROA pp. 01-03, Honorable G. Thomas Cooper, Jr., Order, Denying Appellant's Rule 52, 59 (e), SCRCF, Motions); of Case, 2013-CP-40-03078;

Finally, on/or about, March 23, 2015, Appellant filed a Notice and Motion to Appeal, presiding Court's Order; (See, Volume I., ROA pp. 342-351;

#### STANDARD OF REVIEW

##### PRO'SE LITIGATION:

The U.S. Supreme Court has consistently held that "they" do not impose on persons "unlearned" in the law the same high standards of the legal art that they (U.S. Supreme Court) might place on the "members" of the legal profession; (Citing from Authorities held in, Pollard vs. United States, 352 U.S. 354, 363 (1957); Pro'se litigants are held to "less stringent standards" than formal pleadings drafted by Lawyers; (Citing from Authorities held in, Haines vs. Kerner, 404 U.S. 519,

523 (1972); Erickson vs. Pardus, 551 U.S. 89, 94 (2007); Gordon vs. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978); Also See, Keeler vs. Mauney, 500 S.E.2d 123, 125 (S.C. App. 1998); and also Citing, Henry vs. City of Rock Hill, 376 U.S. 776 (1964);

#### PREPONDERANCE OF EVIDENCE

In Appeals Court, this Court has authority to find facts in accordance with its' own view of the "preponderance of evidence," (citing from authorities held in, Tracy vs. Tracy, 682 S.E.2d 14, 16 (S.C. App. 2009); and citing from authorities held in the S.C. Appealability statute § 14-3-330, of the S.C. Code of Laws;

Where the issue involves jurisdiction, the Appellate Court can take its' own view of the preponderance of evidence, and review the "entire" record and resolve "jurisdictional doubt," and resolve "jurisdictional facts and law," under the S.C. Statute Code of Laws, § 14-3-330, and under the S.C. State Constitutional provision, Article 4, Section 5; and also citing from authorities held in, State Ex Rel. Medlock vs. Love Shop, LTD, 334 S.E.2d 528 (1985);

According to the authorities held in, State vs. Brown, 570 S.E.2d 559 (S.C. App. 2002), (Holding, "Subject matter of jurisdiction can be raised at any time, and can be raised "sua-sponte" by the trial Court;"

**"Lack of jurisdiction of the subject matter can be raised at any time, and "cannot" be "waived" even by consent and may be "raised" in this Appellate Court**

for the "first-time" without an exception; (Citing from authorities held in, State vs. Brown, 570 S.E.2d 559 (S.C. App. 2002); Also citing from authorities held in, Blanton vs. Statpos, (S.C. App. 2002), (Holding, "A judgment by a Court "without" jurisdiction of both parties and of the subject matter is "nullity and void," and without legal effect;

Furthermore, this respective Court of Appeals had ruled and concluded, in the Blantons' Court, supra., held, "and must be treated by the Courts whenever and for whatever purposes it is presented and relied on;

#### ARGUMENT I.

"Whether the Presiding Judge "erred" in his Findings in Time barring Appellants' claims or causes of action, under the statutory limitation, when Appellant filed notice and motion under the "Doctrine of Equitable Tolling and Equitable Estoppel?"

The Appellant argues, in reflecting from his statement of the facts in his Initial Brief," (Page 07, ¶ 02), that on/about, June 24, 2013, he filed a notice and motion under the provisions of the doctrine of equitable tolling and equitable; (Citing from authorities held in, Dillion County School District No. 02 vs. Lewis Sheet Metal, 332 S.E.2d at 561 (Ct. App. 1985); (Holding, "The doctrine of equitable estoppel is "reserved" for extraordinary circumstance, beyond the control of a party or claimant;" (See, Volume III., ROA pp. 614-627);

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Under the doctrine of "equitable tolling," it allows a party or claimant to initiate an action beyond the statutory limitations deadlines. Which is typically available "only if," the claimant or party was "prevented" in some "extraordinary way," from exercising his or her "rights," as an example of Appellant's record demonstrated that, respective Clerk of Courts' staff, Ms. Judy N. Davis, did exhibited;

(See, Appellants' Initial Brief of Statement of The Facts, Pages 05-07; See, Volume I., ROA pp. 212-231; Volume II., ROA pp. 250-259; Volume III., ROA pp. 523-525, of Transcript of Record; and Volume IV., ROA pp. 614-627; Also see, Dillion County School District No. 02 vs. Lewis Sheet Metal, 332 S.E.2d at 561 (Ct. App. 1985);

The Appellant asserts and argues, referring to respective Ms. Davis, Manager of Civil Records, of the Richland County Court of Common Pleas, the lower presiding Court "erred" and should have allowed Appellant to "proceed" with his (Appellant) causes of action, under the doctrine of equitable tolling, as a matter of law;

APPELLANT'S CAUSES OF ACTION TIME BEGAN TO ACCRUE:

Appellant asserts and argues that, his (Appellant's) causes of action began to run its' course, from the time, on/or about, January 14, 2010, during the subsequent motion hearing, when Defendants' counsel (Who is Respondent) Heath M. Stewart, III,

of, 2007-CP-40-03742, knowingly and willfully asserted and represented a false statement of material fact, in a judicial adjudication process before (former) presiding Circuit Court, (Judge) Honorable J. Michelle Childs; (See, Volume I., ROA pp. 51, ¶ 03, line 03, Thru p., 52, lines 1-2; p. 54, ¶ 01, lines 08-10; Order of (Former) Subsequent Judge J. Michelle Childs, Dated June 10, 2010);

Respondent Heath M. Stewart, III, engaged in conduct which involved deceit, dishonesty and misrepresentation as the record shows in the (former) respective Judge Childs' Order, as referred in the above paragraph ¶ 01, Argument I., in Volume I., ROA p. 51, ¶ 03, line 03, thru p. 52, lines 1-2, provided in pertinent parts, held:

p. 51, ¶ 03, line 03:

"Defendants' contend that Plaintiff's action is "barred" from (page 52, lines 1-2) "recovery under the Act as it provides the "exclusive remedy" for injuries such as Plaintiff allegedly sustained, etc;"

The Respondent Heath M. Stewart, III, further engaged in conduct which demonstrated deceit, dishonesty and misrepresentation to the Court as provided in pertinent parts held:

p. 54, ¶ 01, lines 08-10:

"Finally, Defendants' did not raised "Workers' Compensation exclusivity" in their previous summary judgment Order, etc;"

Appellant submits to this Court and shows clearly by the record of the Richland County Court of Common Pleas, Clerks'

office reveals, that on/or about, September 06, 2007, Defendants' Counsel, LeRoy Free Laney (Who is Respondent in this action, 2013-CP-40-03078) filed their "Answer" and pled for a Fifteenth (15th) Defense in, Volume I., ROA p. 198, ¶ 36, provided in pertinent parts, held:

¶ 36., "The Plaintiff is "barred" from recovery under the South Carolina Workers' Compensation Act as the Act provides for an "exclusive remedy" for injuries such as Plaintiff allegedly sustained;"

(See, Also Appellant's filed "Reply," on/or about, September 24, 2007, Case 2007-CP-40-03742);

The Appellant argues, the previous Order of respective (former) Judge Childs, and the aforesaid Respondents' filed Answer demonstrated and "give rise" to a cause of action of "fraud." (See, Appellant's Complaint Paragraphs, Volume I., ROA pp.103-107; Appellant's Amended Complaint Paragraphs, Volume I., ROA p. 144, ¶ 04, at ¶ 155; pp. 145-148;

Furthermore, Appellant argues, the Respondent LeRoy F. Laney, possessed with knowledge of these material facts, but on the contrary, "failed" to correct it and failed to withdraw from the fraudulent conduct, and yet, remained in "silence" to the (former) subsequent Court, and as a result, (Respondents) received the award in favor of a summary judgment; (See, Volume I., ROA pp. 53-55, Respective Judge J. Michelle Childs' Order, Dated June 10, 2010, Case 2007-CP-40-03742;)

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Therefore, and citing from Authorities held in, Mario vs. Lewis, 389 S.C. 697 S.E.2d 684 (S.C. App. 2010); (Holding, "A fraudulent act element is met by any act characterized by "know-ingly" being dishonest in fact, and in "unfair dealings;"

Further, Appellant argues and asserts, with such conduct of Respondents' in mind, they (Respondents') knew that they (Respondents') pled and raised the "S.C. Workers' Compensation Act "exclusive remedy" as a defense, in the first "original" Court hearing before the presiding Honorable G. Thomas Cooper, Jr., on/or about, September 06, 2007, in their (Respondents') Answer, and in the January 10, 2008, motion hearing, prior to the March 26, 2008, adjudication process; (See, Volume I., ROA p. 198; pp. 63-65);

In additional, citing from Authorities held in, Jacobson vs. Yaschik, 155 S.E.2d 611 (1967); (Holding, "Non-disclosure," becomes fraudulent when it is the duty of the Respondents', even in this matter, acting as lawyers or being held as officers of the Court, having prior knowledge that such material facts, existed on record, but knowingly and willfully failed to disclose those pre-existed facts to the presiding Court, to the detrimental injuries and loss of the Appellant is "fraudulent;"

The Respondents' owed a duty of trust to disclose those previous material facts (Volume I., ROA p. 198), to the (former) subsequent presiding Court (Honorable J. Michelle Childs). If the Respondents' had disclose those facts (Volume I., p. 198), to the (former) subsequent Court as aforesaid, the outcome of

the summary judgment adjudication hearing would have been different;

Under the Authorities cited in, Logan vs. Cherokee Landscaping & Grading Co., (S.C. App. 2010) 698 S.E.2d 879, 240; (Hold-  
-ing, "Under Rule 12 (b)(6), of the S.C. Rules of Civil Procedure the S.C. Court of Appeals held, "a motion for failure to state facts sufficient to constitute a cause of action or cause of action, "should not be sustained," if the facts alleged and inferences reasonably deducible therefrom would entitle the Appellant to any "relief" on any theory of the case;

Furthermore, and citing from Authorities held in, Charleston County School District vs. Laidlaw Transit, Inc., (S.C. App. 2001) 559 S.E.2d 362, (Holding, "It is not whether the party will ultimately "prevail" or is likely to prevail, but whether the claimant is entitled to support claims alleged in his complaint;

For these foregoing reasons the Appellant respectfully request this Court would reverse the respective lower Courts' Findings in this matter.

#### ARGUMENT II.

Whether the Presiding Judge "erred" in denying and not permitting Appellant, by Motion for leave to Amend his Complaint before Defendants' (Respondents') were served Appellants' Summons and Complaint?"

The Appellant argues and assert, that on/or about, April

24, 2014, during the motion hearing (in the case, 2013-CP-40-03078), the presiding Court (Honorable G. Thomas Cooper, Jr.), made mention to Appellant in regards to Appellant's filed motion to amend complaint, but the presiding Court "failed" to continued to address the said motion appropriately in the presiding Court's final "findings;" (See, Appellant's Transcript Of Record, Case 2013-CP-40-03078, Volume III., ROA pp. 505-506; Appellant's Notice And Motion to Amend Complaint, Volume II., ROA pp. 292-293; Volume IV., pp. 628-635; Volume I., ROA pp.142-181); Also See, Judge Cooper's Order, Volume I., ROA pp. 05-14, never made any ruling of Appellant's request to amend complaint in the May 29, 2014, "Findings;"

Appellant motion to amend, refers to Rule 15 (c), of the S.C. Rules of Civil Procedure, under the "Relation-back Doctrine;" Appellant argues and asserts that such matters in Appellant's opposing motion, arose out of the same action, and his motion were filed on/or about, July 10, 2013; (See, Volume II., ROA pp. 292-293; Volume IV., pp. 628-635; and Also See, Volume I., ROA pp. 142-181);

For these reasons, Appellant respectfully request this Court to "reverse" the lower Court's Findings and allow Appellant to amend his complaint, if this Court finds it's necessary under the circumstances.

### ARGUMENT III.

"Whether the First Two (2), Original "Prior Unappealed Order(s)," are Binding Upon Respondents' In Subsequent Motion

Proceedings, Under Doctrine of The Law of The Case, As a Result, For The Lack of Jurisdiction?"

Appellant asserts and argues, and reflecting from the respective lower presiding Courts' Findings in it's Order, that on/or about, May 29, 2014, in the Case of 2013-CP-40-03078, which provided in pertinent parts, (Volume I., ROA pp. 07; and lines 01-03; Held:

"On March 26, 2008, this Court issued an Order finding, "that there were issues of fact to be resolved at trial and, therefore, summary judgment was denied;" (See, Original Order of Honorable G. Thomas Cooper, Jr., Dated March 26, 2008, C/A 2007-CP-40-03742); (Volume I., ROA p. 64);

The Appellant argues, that as a matter of law, the aforesaid "findings" of the March 26, 2008, Order, decided the merits based upon the "submissions" of the issues of the cause of action and precluded Defendants' counsel summary judgment motion; and according to the Authorities cited in, Spencer vs. Miller, 192 S.E.2d 863 (S.C. 1972), (Holding, "Once the trial Judge having "found" that triable issues "exist," trial Judge must leave those issues for a jury to determine;

See, also, Authorities cited in, Baril vs. Aiken Regional Medical Centers, 573 S.E.2d 830 (Ct. App. 2002), (Holding, "the merits of the issues "found" by a trial Court should be determine by a jury;

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Appellant further argues, that the results from the "first" hearing Court should have been tried by jury, as it were Ordered in the Findings of the same Court, Honorable G. Thomas Cooper, Jr.; (See, Volume I., ROA pp. 63-64; Citing, Baril vs. Aiken, 573 S.E.2d 830 (Ct. App. 2002);

The Defendants' in the case 2007-CP-40-03742, were the "aggrieved party," under Rule 201, of the S.C. Appellate Court Rules and the Defendants' had standing and a right to appeal the first Court's findings in the March 26, 2008, Order, but Defendants' counsel Stewart, III, chosed not to appeal; § 14-3-330; and citing from the Authorities held in, Shaw vs. City of Charleston, at 567 S.E.2d 530 (S.C. App. 2002), (Holding, "A party whose interest was affected by an "adversal Order" in an binding adjudication proceeding, that substantially affect-ed the rights of the "grieved party" has "standing and a right to appeal; (See, Rule 201, of the S.C. Appellate Court Rules and the S.C. Appealability Statute Code of Laws, § 14-3-330);

The Appellant asserts and argues, that Respondents' "never" made any mention to the presiding lower Courts, in case 2013-CP-40-03078, 2007-CP-40-03742 and 2009-CP-40-02442, that fact, that Respondents' did not appealed both prior unappealed Orders, in the first Original proceedings; (See, Volume III, p. 510, lines 03-09; Appellant's Transcript of Record, C/A 2013-CP-40-03078);

In support of these facts, citing from Authorities held in, State Ex Rel. Medlock vs. Love Shop, LTD., 334 S.E.2d 528

(1985), (Holding, "That, the second (subsequent) hearing Judge was "bound" by the "findings" of the first hearing Judge, on grounds of the "same stated facts," in the same action, whom the first hearing Judge entered judgment;

Furthermore, the Love Shop, LTD, Court held, "It was "clearly impermissible error" for the second (subsequent) hearing Judge to review and to reverse the "findings" of the first hearing Judge after the first hearing Judge entered judgment; (See, State Ex Rel. Medlock vs. Love Shop, Ltd., 334 S.E.2d 528 (1985));

Likewise, Appellant holding the same legal Authorities cited in, State Ex Rel. Medlock vs. Love Shop, Ltd., 334 S.E.2d 528 (1985), and applying the legal standard in both previous Cases 2007-CP-40-03742 and 2009-CP-40-02442, as a matter of law, it were "impermissible error" for the (former) respective subsequent presiding Court (Judge J. Michelle Childs and the respective subsequent presiding Court (Judge De Andrea Gist Benjamin) to review, and to reversed the "first original hearing Judges' "findings," after the two (2), first original hearing Courts, based on the same stated facts, issues, defenses and arguments, in the same action, had previously entered judgment;

In additional, the respective lower presiding Court ruled in it's May 29, 2014, Order, in the case 2013-CP-40-03078, in Volume I., ROA p.12, ¶ 02, lines 02-07, held:

"Moreover, it is clear from the record that both second summary judgment motions were supported by additional evidence in the form of "deposition testi-

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(continued),

-mony. Accordingly, as the second summary judgment motions were "procedurally allowed," there could not have been any "misrepresentation by RPL (Riley Pope & Laney, LLC, Law Firm) to the Plaintiff that the second summary judgment motions were proper as alleged by Plaintiff; (Volume I., ROA p. 12, lines 02-07; Judge Cooper,'s Order, May 29, 2014, C/A 2013-CP-40-03078);

Appellant argues and asserts, under Rule 43 (L), of the S.C. Rules of Civil Procedure, provided:

Rule 43 (L), SCRPC: Subsequent Applications For Order After Refusal:

"If any motion be made to any judge and be denied, in whole or in part, or be granted conditionally, "no" subsequent motion upon "the same stated facts" shall be made to any other judge in that action.

The Defendants' said "deposition testimony" was "cumulative in nature, because the record clearly established the facts in Defendants' May 07, 2009, subsequent motion, case 03742, was the same stated facts as in Defendants' counsel October 26, 2007, motion; Defendants' counsel LeRoy F. Laney, had pled an affirmative defense in their Answer, on/or about, September 06, 2007, prior to March 26, 2008, adjudication process; and subsequently, afterwards, Defendants' counsel Heath M. Stewart, III, in the January 14, 2010, subsequent summary judgment hearing verbally stated to the (former) Judge Childs that Defendants

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did "not" raised the Workers' Compensation "exclusivity" in their previous summary judgment Order. (See, Volume I., ROA p. 54, ¶ 01, lines 08-10; pp. 63-64; p. 198; and Volume II., ROA pp. 405-406; pp. 415-416);

Citing from Authorities held in, Nelson vs. Charleston And Western C., Railroad Co., 98 S.E.2d 798 (S.C. 1957), (Holding "The S.C. Supreme Court ruled, "In order to escape application of the doctrine of the law of the case, there must be a material change in evidence; Additional evidence cumulative in nature, will "not" take the case out of the rule to constitute a material change, where evidence of the "same" class and character was considered in the former proceedings; 3 Am. Jur., Appeal & error, section 1000;

The Appellant argues, that both "depositional testimonies," in the subsequent previous cases, 03742 and 02442, as a matter of law, which Respondents' claimed to use as "additional evidence gave "rise" to cumulative effect, in facts, as evidence of the same class, same nature, and character, because the Richland County Court of Common Pleas, Clerk's record established and demonstrated that it was pled and raised previously; Nelson vs. Charleston And Western C., Railroad Co., 98 S.E.2d 798 (S.C. 1957);

Respondents' also uses the Affidavit of Lieutenant Morris Elmore, as additional evidence, it is cumulative in fact. (See, Volume III., ROA pp. 500-501; Judge Cooper's May 29, 2014, Order, ruled that the Affidavit of Lt., Elmore, was use to

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support Defendants' counsel (Respondents') May 07, 2009, second motion for summary judgment, in regarding to the deposition testimony, it was cumulative; (See, Volume I., p. 07, ¶ 02, Lines 02-04; Volume III., ROA pp. 500-501, Affidavit of Lt., Elmore, were sworn to on/or about, October 01, 2007, prior to March 26, 2008, adjudication proceedings, was cumulative in effect, citing Authorities held in, Nelson vs. Charleston And Western C., Railroad Co., 98 S.E.2d 798 (S.C. 1957);

The Appellant argues and asserts the depositions testimony were the same stated facts and questions also raised in Plaintiff Request for discovery and responses, was cumulative in nature, having the same class and character; (See, Volume III., ROA pp. 475-502; pp. 598-605);

Appellant argues and asserts, Defendants' counsel filed motion for summary judgment in the case 2009-CP-40-02442, dated on/or about, October 07, 2009, and Defendants' Memorandum In Support, Dated January 06, 2010, involved the same stated facts, defenses and arguments as reflecting to the subsequent motion for summary judgment dated on/or about, February 23, 2011;

Compare, Defendants' counsel subsequent Memorandum In Support dated on/or about, August 31, 2011, to Defendants' counsel first Memorandum In Support, dated on/or about, January 06, 2010, both of the records established the same stated facts, issues, defenses and arguments as were submitted previously before the (former) circuit court Judge, respective J. Michelle Childs' Order, dated on/or about, April 05, 2010;

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(See, Volume II., ROA pp. 352-363; pp. 384-386; pp. 391-401;  
and as a matter of law, such material facts established  
cumulative in nature, facts and evidence, and such acts of  
Defendants' counsel violates Rule 43 (L), of the S.C. Rules  
of Civil Procedure, and See, Nelson vs. Charleston & Western  
C., Railroad Co., 98 S.E.2d 798 (S.C. 1957):

Citing from the  
Authorities held in, Watson vs. Goldsmith, 31 S.E.2d 317 (1994);  
(holding, "An estoppel by record is the preclusion to deny the  
truth of matters set forth in a record, whether judicial or  
legislative, and also to deny the facts adjudicated by a Court  
of competent jurisdiction and is "binding" on the parties  
and those privities with them;

That, as a matter of law,  
Respondents' are legally "estopped" by the previous filed record;  
Watson vs. Goldsmith, 31 S.E.2d 317 (1944);

The S.C. Supreme Court ruled in,  
McLeod vs. Sandy Island Corp., 264 S.C. 463, 215 S.E.2d 903  
(S.C. 1975); (Holding, "Defendants' in an action must "plead"  
all his/her defenses, whether legal or equitable, and he/she  
is "estopped" by judgment in the first proceeding from instit-  
-uting a separate proceeding on the same cause against the same  
party.

In, the Eichman's Court, cited as, Eichman vs. Eichman,  
329 S.E.2d 765 (1985); (Holding, "Despite of husband's contention  
that "he did "not" raised issue of paternity in the "previous  
support proceedings," an prior "unappealed Order," determining

the paternity issue to child, "barred" husband under the doctrine of res judicata;

Further, the Eichman's Court supra., held, "prior to the judgment Order, there was before that Court: 1). The Complaint, 2). The filed Answer and Counterclaim, 3). A Reply, and 4). An Order issued on/or about, October 08, 1979;

In additionally, the Eichman's Court, supra., held, "because the husband "neglected" to pled or raise the paternity issue by motion before judgment entered, the husband is "barred" from pleading or raising the "paternity issue" in a "subsequent" proceeding, under the doctrine of res judicata, Rule 8 (c), Rule 43 (L), of the S.C. Rules of Civil Procedure;

Likewise, holding the same legal standard of law, from the Eichman's Court, supra., the Appellant argues and asserts, the Respondents' are "barred" from pleading or raising an affirmative defense, the S.C. Workers' compensation Act "exclusive remedy" in a subsequent proceedings, as Respondents' deceptively did in both previous cases, 03742 and 02442, once judgment entered;

For these reasons set forth herein, and accordingly, Respondents' are "bound" by the first original "unappealed Orders, and Appellant respectfully request this Court to reverse the prior unappealed summary judgment orders for the lack of jurisdiction, res judicata, Rule 8 (c), and 43 (L), of the S.C. Rules of Civil Procedure.

ARGUMENT IV.

"Whether One (1), Circuit Court Judge has the power, authority or jurisdiction to review, reverse or overrule the Findings of another Circuit Court Judge involving the same stated facts, issues, defenses or the same subject matter in the same action?"

The lower respective presiding Court (Honorable G. Thomas Cooper, Jr.), ruled in his Order, on/or about, May 29, 2014, in Appellant's Volume I., ROA p. 12, lines 01-02, Held:

"Both case(s), 2007-CP-40-03742 and 2009-CP-40-02442, were decided by different judges and which resulted in favorable rulings contrary to the first Orders which denied summary judgment. (Further, The Court Held: (p. 12, lines 03-10);

"Contrary to Plaintiff's contention, the Supreme Court of South Carolina has already ruled on this issue to "RPL's" favor." (Citing from Authority held in, Ballenger vs. Bowen, 313 S.C. 476, 477, 443 S.E.2d 379, 380 (1994); (which held, "That a different trial judge previously denied the [summary judgment] motion did not preclude "APAC" from renewing it's motion once new evidence came to light. etc.

The Appellant argues and asserts, there were no "new evidence" came into light; Respondents' made a claim of discovering new evidence in the deposition hearings, in the form of Appellant's testimony (See, Volume III., ROA p. 515, lines 21-25; p. 516, lines 1-25; p. 517, lines 01-08; p. 519, line

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18-21; Transcript of Record, Case 2013-CP-40-03078); The deposition hearing testimonies in the cases, 03742, which transpired on/or about, October 15, 2008, demonstrated as cumulative effects in the same class, character of nature; Nelson vs. Charleston And Western C., Railroad Co., 98 S.E.2d 798 (S.C. 1957);

Let's look at Respondents' information from their "deposition testimony of Appellant, (See, Volume III., ROA pp. 599-605); October 15, 2008, Deposition Hearing; and compare it with the Appellant's Request for Discovery and Responses from the Defendant's counsel; (See, Volume III., ROA pp. 475-492;

In Appellant's Volume III., ROA pp.493-502, involves the same identical material and information that were presented and filed in the records, prior to the January 10, 2008, opposing motion for summary judgment, that Respondents' counsel purported to use again during the deposition hearing;

a). Respondents' counsel in the January 14, 2010, motion hearing submitted the S.C. Workers' Compensation Act "Exclusivity Remedy" as an affirmative Defense, as a second or subsequent motion (See, Volume II., ROA p. 415, ¶ 01, lines 07-10);

b). Respondents counsel used an Affidavit of Lieutenant Morris Elmore, to support their second motion for summary judgment (See, Volume III., ROA pp. 500-501, Dated October 01, 2007;

Appellant argues, both paragraphs (a) and (b), materials and information was not newly information or new evidence; Defendants' counsel and Respondent LeRoy F. Laney, pled the S.C. Workers' Compensation Act Exclusive Remedy as an Affirmative

Defense, in their Answer (See, Volume I., ROA p. 198; on/or about, September 06, 2007; the affidavit of Lt. Elmore, was sworn to on/or about, October 01, 2007, (See, Volume III., pp.500-501;

The Defendants' (former) counsel Heath M. Stewart, III, who is Respondent, on/or about, January 14, 2010, convinced the (former) presiding Court (Honorable J. Michelle Childs) in Appellant's Volume I., ROA p. 54, ¶ 01, lines 08-10) of the June 10, 2010, Order, that "Defendants' did "not" raise workers' compensation exclusivity in their previous summary judgment Order; (In Judge G. Thomas Cooper, Jr., Order, March 26, 2008);

The Records clearly convinces this Court that the Defendants' Counsel Stewart, III, knowingly and willfully misled (former) Judge Childs;

Now, the Respondents' counsel Damon C. Wlodarczyk, has made an attempt to "convince the lower Court the same misrepresentation of material facts (Respondents' counsel Wlodarczyk statement of facts in, Appellant's Volume II., ROA p. 262, ¶ 02, lines 03-10, provided in pertinent parts:

"Moreover, the first Order denying summary judgment did "not" address whether the Plaintiff's negligence/gross negligence claims were "barred" by the "exclusivity" provision of the South Carolina Worker's Compensation Act, which was the sole basis for judgment in favor of the Defendants' in Judge Child's Order.

(Furthermore, Respondents' counsel Wlodarczyk asserted):

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"Based upon the record before this Court on Plaintiff's motion, there is "no" evidence that the second summary judgment motion and Order granting said motion was based solely on the same facts presented to "Judge Cooper" two (2), years previously; (See, Volume II., ROA pp. 262, Dated January 29, 2013, Defendants' Memorandum);

The Appellant argues and asserts, Respondents' counsel Wlodarczyk has knowingly and wilfully misled the lower Court and intends to misled the respective, S.C. Court of Appeals;

Again, the Richland County, Court of Common Pleas, Clerk's filed records clearly established and demonstrated that on/or about, September 06, 2007, Defendants' counsel LeRoy F. Lane, filed his "Answer" and pled for a fifteenth (15th) defense, the S.C. Workers' Compensation Act Exclusive remedy (See, Volume I., ROA p. 198, ¶ 36, lines 01-03);

That, on/or about the same time herein mention, September 24, 2007, Appellant filed his "Reply" (See, Volume I., ROA p. 201, ¶ 03, lines 01-05); It is undisputably misleading the lower respective Court of the material facts. (Citing the authorities held in, Mario vs. Lewis, 697 S.E.2d 684 (S.C. App. 2010), (Holding, "A fraudulent act element is met by any characterized by "knowingly" being dishonest in fact, and having a conduct of "unfair dealing;"

Further, and citing authority held in, Watson vs. Goldsmith, 31 S.E.2d 317 (1944); (Holding, "An estoppel by record" is the preclusion to deny the "truth" of matters set forth in a record, etc;

The Respondents' counsel Wlodarczyk has mis-applied the

holdings held in, Balleger vs. Bowen, 443 S.E.2d 379, 380 (1994) and Dorrell vs. South Carolina Department of Transportation, 361 S.C. 312, 325, 605 S.E.2d 12, 18 (2004);

In, Balleger and Dorrell authorities, there were "new evidence that came into light, that the first hearing Court did not hear. Under Rule 43 (L), of the S.C. Rules of Civil Procedure, the Rule held, "If any motion be made to any judge and be denied, in whole or in part, or be granted conditionally, "no" subsequent motion upon the same stated facts shall be made to any other judge in that action."

Respondents' counsel presented the same stated facts which were denied by both "first-original" Courts. If, the (former) Judge Childs, and the currently respective Judge Benjamin, would have "examined" the previous records, it is believed those two (2) subsequent Courts would have ruled differently;

Under the authorities cited in, State Ex Rel. Medlock vs. Love Shop, LTD., 334 S.E.2d 528 (1985); (which held, "the second hearing judge was "bound" by the findings of the first hearing judge, upon the same stated facts, in the same action, whom the first hearing judge, entered judgment;

It was "impermissible error," for the second hearing judge to review and reverse the findings of the first hearing judge; Citing authorities held in Belton vs. State, 443 S.E.2d 554 (S.C.1994); (which held, "Another Circuit Court Judge of the same Court does "not" have power, authority or jurisdiction, even to review, or reverse

the findings of another Circuit Court Judge; Thus, such acts of the individual Circuit Court Judge, to review and reverse the Findings of another Circuit Court Judge is not in unified and harmony with the S.C. Constitutional provision, Article V., section 1, thru 11, and such acts are in violation of the appealability statute § 14-3-330, for the S.C. Appellate Court's jurisdiction and such acts infringes upon the S.C. Supreme and Court of Appeal's jurisdiction and authority, which was delegated by the S.C. Constitutional provision of separate of power act;

Thus, such acts does not provide Appellant with proper due process of law, in violation of the U.S. Constitutional Amendment of the 14th; Also, citing the authorities held in, Murphy vs. Brown, 205 S.E.2d 839 (S.C. 1974); (Holding, "It is the rule of law in this State of South Carolina, that a prior judgment of a competent Court having jurisdiction of the parties and the subject matter is "conclusive" in any subsequent action between the same parties, or their privies, of all questions which were actually litigated in a prior action and determined by judgment;

Citing and reflecting to the authorities held in, Judy vs. Martin, 674 S.E.2d 151 (S.C. 2009); (Holding, "Original Orders are conclusive in any subsequent action between the same parties or their privities;

For these foregoing reasons both subsequent respective Courts' (former) Honorable J. Michelle Childs, and respective subsequent Court, Honorable De Andrea Gist Benjamin, under the

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aforesaid cited Authorities mention herein, did not have power, authority or jurisdiction to review, reverse, modify or overrule the prior original "unappealed" Orders of Honorable G. Thomas Cooper, Jr., and the (former) Honorable J. Michelle Childs, for lack of jurisdiction;

WHEREFORE, for these reasons Appellant respectfully request this Court to reverse the prior subsequent Orders, as a matter of law.

ARGUMENT V.

"Whether the Presiding Judge "erred" in his Findings in, raising Case law, "Dorrell vs. South Carolina Department of Transportation," absent from implied-consent pleadings, which was not before him, and plead Case law, "Hill vs. York County Sheriff Department," was implied-consent before the Court?"

Appellant argues and asserts, that on/or about, April 24, 2014, during the motion proceedings, the presiding Court, in the Case 2013-CP-40-03078, gave the Respondents' counsel Wlodarczyk consent at the Respondents' counsel's request, to plead the legal citation of, Hill vs. York County Sheriff Department, 437 S.E.2d 179, 180 (Ct. App. 1993); (See, Appellant's Volume II., ROA pp.298-299, Respondent's Exhibit; Also See, Volume III., ROA pp. 518, lines 02-25; & p. 519, lines 01-07; (See, Judge G. Thomas Cooper,'s May 29, 2014, Order, Case 03078, in Volume I., ROA p. 12);

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The lower, respective presiding Court's Order, did not "exhibited" or disclosed the case law, "Hill vs. York County Sheriff Department, but instead, the aforesaid Order exhibited case laws, Ballenger vs. Bowen, and case law, Dorrell vs. South Carolina Department of Transportation; The Appellant "relied" upon, Hill vs. York County Sheriff Department, to defend.

According to the authorities cited in, Loftus vs. Loftus, 331 S.E.2d 372 (S.C. App. 1985); and Morgan vs. Blackwell, 334 S.E.2d 817 (S.C. 1985); (which held, "A judgment, decree or order, whether in law or equity, "must" accord with and be warranted by the pleadings of the party in whose "favor" it is rendered;"

Furthermore, the S.C. Court of Appeals held in, Loftus' Court, "due process" requires that a litigant be placed on notice and motion of the issues which the Court is to consider;

In additionally, the Court of Appeals held, "It is well settled that ordinary a party may not receive "relief" not contemplated in his pleadings; and this rule of law cannot be "stretched" so as to permit the judge to award "relief" not contemplated by the pleadings;"

"A judgment or decree, whether in law or equity, must conform to both pleadings and proof and be in accordance with theory of action on which pleadings are "framed" and case was tried;"

In the authorities cited in, Morgan vs. Blackwell, 334 S.E.2d 817 (S.C. 1985); (which held, "If the issues was not "raised" by Notice and Motion, it cannot be determined by that Court.

Appellant argues, that both case laws, Balleger vs. Bowen, and Dorrell vs. South Carolina Department of Transportation, was not pled by Respondents' counsel Wlodarczyk, on any notice and motion, neither was the two (2), aforesaid case laws, were verbally presented by "implied-consent, during the motion proceeding, on/or about, April 24, 2014;

For these foregoing reasons, the Appellant respectfully request this Court to "reverse" the lower respective presiding Court's Findings.

ARGUMENT VI.

"Whether the subsequent Presiding Courts, (Former) Judge J. Michelle Childs, Lacked the jurisdiction of subject matter, to review, and to reverse the "Original" Unappealed Findings of Judge G. Thomas Cooper, Jr., And Whether Judge De Andrea Gist Benjamin, Lacked jurisdiction of subject matter, to review and reverse the "Original" Unappealed Findings of (Former) Judge J. Michelle Childs?"

The Appellant argues and asserts, that in, Appellant's Volume I., ROA p. 07, ¶ 03 lines 01-03, Titled, (I. Facts Relative To Case No.: 2007-CP-40-03742 provided in pertinent parts, held:

"Following a hearing on the second motion for summary judgment, Judge Michelle Childs issued an Order on, June 10, 2010, which in part granted the defendant's motion for summary judgment.

The Order was not appealed.

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Furthermore, the respective lower presiding Court ruled in its Order, Respondents' counsel Facts II., Relative to Case No.: 2009-CP-40-02442, Volume I., ROA p. 07, ¶ 06, lines 01-03; provided in pertinent parts, held:

"Following a hearing on, August 31, 2011, Judge Benjamin issued an Order granting to the Defendants' summary judgment."

"The Order was not  
"appealed."

The Appellant argues and asserts, while it is a fact, and is true that, Appellant did "not" appeal "both" previous subsequent Orders, 2007-CP-40-03742 and 2009-CP-40-02442;

Citing from Authorities held in, McCain vs. Brightarp, 399 S.C. 240, 730 S.E.2d 916 (S.C. App. 2012); (which held, "Because and while it is true, "Brightarp" did not appeal "both" Orders, but as a matter of law, subject matter of jurisdiction can be raised at any time;"

Lack of jurisdiction of the subject matter can be raised for the "first-time" on appeal, and can be raised "sua-sponte" by the Court; (See, State vs. Brown, 570 S.E.2d 559 (S.C. App. 2002); and citing from authorities held in, Blanton vs. Stathos, 570 S.E.2d 565 (S.C. App. 2002); (which held, "A judgment by a Court "without" jurisdiction of both parties and of the subject matter is "nullity and void," and without legal effect, and must be treated by the Courts whenever and for whatever purposes it is presented and relied on;"

Appellant argues, that both subsequent respective Courts, (former) presiding Honorable J. Michelle Childs in the previous case, 2007-CP-40-03742, and presiding Honorable De Andrea Gist Benjamin, in the previous case, 2009-CP-40-02442, did "not" have jurisdiction of the subject matter to review, reverse, modify the findings of another Circuit Court Judge of the same concurrent jurisdiction, of the same privities, between the same party; unappealed findings.

Citing from authorities held in, Long vs. Carolina Baking Co., 8 S.E.2d 326 (S.C.1926); (Holding, "Where there is competent and relevant evidence on factual issue found by a Court, to take to the jury, the Supreme Court or any other party or any other Courts "cannot" lawfully interfere with such verdict;

For the foregoing reasons herein and based upon the record, Appellant respectfully request this Court to reverse the lower Court's previous findings, as a result of prior unappealed Orders for the lack of jurisdiction;

#### ARGUMENT VII.

"Whether The Respondents' action in Both Cases, in 2007-CP-40-03742, and in, 2009-CP-40-02442, in pleading the same stated facts, issues, defenses and arguments in a subsequent proceedings, in the same action, gave rise to causes of action of abuse of legal process?"

The Appellant argues that, Respondent, LeRoy Free Laney, drafted the pleadings in Defendants' filed "Answer" on/or about,

September 06, 2007, (See, Volume I., ROA pp. 193-194; p. 198; this record exhibits' pleading the "exclusive remedy defense" of the S.C. Workers' Compensation Act, in the first hearing Court; and from this point, it clearly demonstrates that the Respondents' was consciously "aware" of the facts;

This is evidence, and based on this fact, Respondents' failed to disclosed these facts to the subsequent presiding Courts in both cases, and in this present case 2013-CP-40-03078, Respondents' neither acknowledged it, neither filed a motion with the Courts to "withdraw from" their fraudulent conduct, but refrain and remains in "silents," with hopes of benefiting of two (2) favorable summary judgment, which such scheme of Respondents' led Appellant to a detrimental lost;

Citing from the authorities held in, Broadmoor Apartments vs. Horwitz, 413 S.E.2d 9, (S.C. 1991); (Holding, "The essential elements of a cause of action for "Abuse of legal process," are: 1) Ulterior purposes, 2) An wilful act, in use of process not proper in regular conduct of proceeding;

One who uses a legal process whether criminal or civil against another, primarily to accomplish a purpose for which it is not designed is subject to liability to the other for harm caused by the "abuse of process; Broadmoor Apt., vs. Horwitz 413 S.E.2d 9 (S.C. 1991);

The Appellant argues and asserts in his "complaint," (See, Volume I., ROA p. 87, ¶¶ 86-89; and in Appellant's Amended Complaint, Volume I., p. 143, ¶¶ 02, 04-05; p. 144, ¶ 03, case

of, 2007-CP-40-03742, which exhibited the facts that Respondents' "Abused legal Process" through wilfully act, of filing a subsequent motion for summary judgment pleading the same stated facts and defenses, which Respondents' knew by record (Volume I., ROA p. 198, ¶36), that such pleading had previously been adjudicated on/or about, March 26, 2008, by Order; (See, Volume I., ROA pp. 63-64, Judge G. Thomas Cooper, Jr.);

Respondents' having ulterior purpose of having hopes to "obtain a favorable summary judgment ruling in the second hearing of presenting the same stated facts and defense, to prevent Appellant from having a jury trial, and thus such conduct of Respondents' while in use of the process was "not" proper in the regular course of conduct of the proceeding; Broadmoor Apt. vs. Horwitz, 413 S.E.2d 9, (S.C. 1991);

In the case of 2009-CP-40-02442, Appellant's Amended Complaint in, Volume I., ROA p. 149, ¶¶ 01-05; it exhibits Respondents' abused of legal process causes of action elements, and for these foregoing reasons, Appellant respectfully request this Court to "reverse" the respective lower Court's Findings.

#### ARGUMENT VIII.

"Whether The Respondents' had a duty to disclose the material facts to the subsequent Court (those facts) that previously existed on the Clerk of Court's record and whether The Respondents' acted in Bad-Faith, for failure to disclose those facts to the subsequent Court, before that Court made its' determination, which resulted to the outcome of the

proceeding?"

Appellant argues and asserts, citing from the authorities held in, The Matter of Jennings, 321 S.C. 440, 453 S.E.2d 869 (S.C. 1996); (Holding, "Attorney Katherine Jennings' conduct of knowingly failure to "reveal or disclose" the issues and facts to the subsequent presiding Judge, that she (Attorney Jennings), had been before "another judge "previously" for temporary hearing on "the same child support issue" until the subsequent judge asked about the "notes in the file of the record" from prior judge, as a matter of law, such misconduct constituted, lack of candor, under Rule 407, of the South Carolina Appellate Court Rules of Professional Conduct for Lawyers;

Likewise, applying the same legal standard of law, towards the Respondents' in both previous cases, 03742 and 02442; The Respondents' knew that they (Respondents'), had previous pled the S.C. Workers' Compensation Act, "exclusive remedy as an affirmative defense in their filed "Answer" dated on/or about, September 06, 2007, (See, Volume I., ROA p. 198, ¶ 36, drafted and signed by Respondent LeRoy F. Larey, (See, Volume I., ROA pp. 193 and 198); But, Respondents' quietly and deceptively, ignored and misled the (former) subsequent Court (Judge Childs), and knowingly falsely stated in Volume I., ROA p. 54, ¶ 01, lines 08-10, that Defendants' did "not" raise workers' compensation exclusivity in their previous summary judgment Order.

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(See, (former) Honorable J. Michelle Childs' Order, dated June 10, 2010, Volume I., ROA p. 54, For Case 2007-CP-40-03742);

**Respondents' current legal counsel, Damon C. Wlodarczyk, on/or about, January 29, 2013, in his filed "Memorandum In Support of Oppositional Response, "agreed and ratified" the Respondents' Heath McAlvin Stewart, III, fraudulent conduct; (See, Volume II., ROA p. 262, ¶ 02, lines 03-07; ¶ 03, lines 01-03, Case 03742; p. 266, ¶ 02, lines 01-03, in Case 02442;**

For these foregoing reasons, Respondents' had an legal ethical obligation of duty to "disclose" the pre-existence material facts, during the adjudication process proceedings to the (former) subsequent presiding Court (Judge Childs); and as a result of Respondents' knowingly failure to and intentionally remained in "silent" to disclose those facts to the aforesaid Court, Respondents' acted in bad-faith, which conduct encompasses fraud, dishonesty and other intentional misleading conduct;

WHEREFORE, for these reasons, Appellant respectfully request this Court to reverse the lower respective Court's findings.

#### ARGUMENT IX.

"Whether The Presiding Judge "erred" in his Findings by dismissing with prejudice Appellant's claims or causes of action of "duplicity?"

The Appellant argues and asserts, and referring to the presiding Honorable G. Thomas Cooper, Jr., Order, dated on/or about, May 29, 2014 (See, Volume I., ROA p. 11, ¶ IV.), holding,

"Plaintiff has failed to alleged facts sufficient to constitute causes of action for the doctrine of "duplicity," and citing case law of authorities, State vs. Samuels, 743 S.E.2d 773, 776 (2013), (which held, "the doctrine of duplicity applies to the rule regarding "duplicitious indictments and has "no indictment" in the civil context;"

Appellant opposed Respondents' and the lower Court's Finding and defining the Black's law definition of the word "duplicity" defined as the act of being "deceitful" double dealing in pleadings or having a conduct in civil or criminal context of engaging in a continuance scheme or pleading two (2), or more distinct grounds of defense for the same issue; (Citing from authorities held in, Re Lathan, 600 S.E.2d 902 (S.C.2004);

Appellant avers, Respondents' pled the S.C. Workers' Compensation Act, exclusivity remedy as an affirmative defense in their Answer, on/or about, September 06, 2007, and allowed judgment to entered, on/or about, March 26, 2008; Respondents' filed a subsequent motion for summary judgment on/or about, October 07, 2009, and during a subsequent hearing, argued and asserted that they (Defendants') did "not" raised the S.C. Worker's Compensation "exclusivity" in their previous summary judgment Order; (See, Volume I., ROA p. 54; ROA p. 198, ¶ 36);

For these foregoing Appellants' claims for duplicity should be granted and Appellant respectfully request this Court to reverse the lower Court's findings.

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ARGUMENT X.

"Whether The Presiding Judge "erred" in his Findings by Dismissing with Prejudice Appellant's Claims or Causes of "Unclean-Hands?"

The Appellant argues that, the lower respective Court on/or about, May 29, 2014, by Order (See, Volume I., ROA p. 10, ¶ III., provided:

"Plaintiff has failed to alleged facts sufficient to constitute causes of action for Unclean hand, etc.

The Appellant argues and disagree, and asserts, that when Respondents' represented in the present of (former) Circuit Court Judge, Honorable J. Michelle Childs, on/or about, January 14, 2010, and asserted the fact that, "they (Defendants') ~~did~~ "not" raise the Workers' Compensation "exclusivity" in the "previous" summary judgment Order; But on the contrary, the Richland County Court of Common Pleas, Clerk's filed "record" showed and demonstrated that, on/or about, September 06, 2007, Respondents' did raise the "exclusivity", and such conduct of ~~denial by Respondents~~ "gave rise" to a cause of action, that ~~Respondents' hands were "unclean;"~~

The purpose of the "unclean-hands doctrine" is to prevent a court from aiding and betting a party in the commission of fraud or misconduct, and to prevent a party from "using the Court" to reap the benefits of wrongdoings. A Court can deny "relief" under the unclean-hands doctrine "only" where there is a close "nexus" between a party's "unethical conduct" and transactions in which that party seeks; Citing from the Authorities held in, Wachovia Bank N.A. vs. Coffey, 689 S.E.2d

For these reasons and the foregoing Appellant respectfully request this Court to reverse the findings of the lower Court.

ARGUMENT XI.

"Whether the Presiding Judge "erred" in his Findings by dismissing with prejudice Appellant's Claims or Causes of Action of Civil Conspiracy?"

Appellant argues and asserts, that the lower Court's Finding held on/about, May 29, 2014, Order (See, Volume I., ROA p. 13, ¶ VII.), provided in pertinent parts, held:

"Plaintiff has failed to allege facts sufficient to constitute causes of action for "civil conspiracy?"

Appellant argues and disagrees, that Respondents' Heath M. Stewart, III, independent acts in the furtherance of conspiracy as an "overt act," is shown and demonstrated in Appellant's Amended Complaint of Volume I., ROA p. 145, ¶ 155, Lines 01-05; and from Respondents' act herein mention, it was not his duty to "knowingly represent a false statement of material fact thus such acts, shows that Respondent Stewart, III, acted outside the scope of his employment, individually;

(Citing from Authorities held in, Cricket Cove Ventures, LLC vs. Gillard, 701 S.E.2d 39 (S.C. App. 2010); (Holding, "Developers' civil conspiracy claims against County Council Members was not "precluded" by the "intracorporate conspiracy doctrine" that prevents a conspiracy between persons acting within the scope of their employment, "where developer asserted

civil conspiracy claims against council members in their "individual capacity" rather than in their official capacity as council members; and also citing from authorities held in, Greenville Public Co. vs. Dailey Reflectors, Inc., 496 F.2d 391, 399 (4th Cir. 1974); (Holding, "The intracorporate immunity doctrine does "not" apply where corporate officer or agent or employee has an "independent personal stake" in achieving the corporation's illegal objectives;

Appellant argues and asserts, Respondent Stewart, III, individually had an "independent" personal stake to obtain and achieve the Defendants' a favorable summary judgment ruling, by knowingly represented a false statement of material facts before the subsequent Courts;

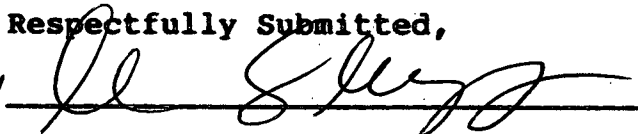
**For these reasons and foregoings Appellant respectfully request this Court to reverse the lower respective Court's Findings.**

**CONCLUSION**

**WHEREFORE, Appellant prays that this Court grant him relief as requested by reversing both subsequent previous summary judgment findings and remand for jury trial as a result of prior unappealed Orders for lack of jurisdiction, and grant any other relief, deemed necessary just and proper.**

Respectfully Submitted,

s/



CLARENCE S. GREGORY, #227394

NOVEMBER 20, 2015,

30th

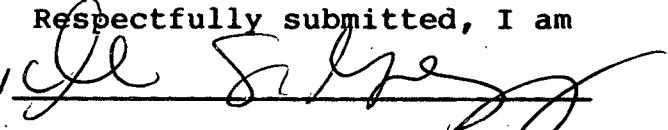
APPELLANT'S FINAL INITIAL BRIEF, PRO'SE

**RECEIVED**  
CERTIFICATE OF COMPLIANCE  
DEC 07 2015

SC Court of Appeals

I, hereby certify that this "Final Brief of Appellant" complies with Rule 211 (b), of the South Carolina Appellate Court Rules (SCACR).

Respectfully submitted, I am

s/ 

RICHLAND COUNTY,  
COLUMBIA, SOUTH CAROLINA 29210  
DATED: NOVEMBER ~~20~~<sup>30</sup>TH, 2015

CLARENCE S. GREGORY, #227394  
C/O BROAD RIVER CORRECTIONAL  
MURRAY UNIT, B-WING RM. 234  
4460 BROAD RIVER ROAD  
COLUMBIA, SOUTH CAROLINA  
ZIP CODE 29210-4012

APPELLANT'S FINAL BRIEF  
APPELLANT PRO' SE CASE NO.:  
#2015-000740

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From The Richland County  
Court of Common Pleas From Orders of  
Honorable G. Thomas Cooper, Jr.,  
Fifth Judicial Circuit Court Judge

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Appellate Case No.: 2015-000740

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Case No.(s): 2013-CP-40-03078  
2007-CP-40-03742

Subsequent Interlocutory Orders of (Former) Circuit Court Judge,  
Honorable J. Michelle Childs:

Case No.(s): 2007-CP-40-03742  
2009-CP-40-02442

Subsequent Interlocutory Order of Circuit Court Judge,  
Honorable De Andrea Gist Benjamin:

Case No.: 2009-CP-40-02442

---

Clarence S. Gregory, . . . . . Appellant,  
Verses

Riley Pope & Laney, LLC, Law Firm, Attorney(s) and Counselor(s)  
at Law; Individually and Individually named, Theodore D. Riley,  
T. Lowndes Pope, LeRoy Free Laney, Nikole H. Boland, Of Whom  
All are sued In Their Individual and Professional Capacities,  
Riley Pope & Laney, Limited Liability Contractor(s)(LLC);

AND

Heath McAlvin Stewart, III, Individually and Individually named  
Of Who, Formerly Employed with, Riley Pope & Laney, LLC, Law  
Firm, An Agent Attorney Is Sued In His Individual and  
Professional Capacities, Et Al.,

All Whom are named as Defendants,  
Of Which, Riley Pope & Laney, LLC, Is The Respondent.

RECEIVED

DEC 07 2015

SC Court of Appeals

CERTIFICATE OF SERVICE

This is to certify that I, CLARENCE S. GREGORY, #227394, have this day of November 20<sup>th</sup>, 2015, have caused to be served upon the person(s) named below the attached/enclosed, Cover Letter, Appellant's Final Brief, Certificate of Compliance and Certificate of Service, in the above-captioned matter, which are sent from within the Broad River Correctional Institution, MailRoom, by Via United States' Regular First-Class postage, pre-paid, served upon the following Individual(s):

The S.C. Court of Appeals  
C/o Honorable Jenny A. Kitchings  
Clerk of Appellate Court  
1220 Senate Street  
Post Office Box 11629  
Columbia, South Carolina 29211-1629

Riley Pope & Laney, LLC, Law Firm  
C/o Mr. Damon Christian Wlodarczyk, Esquire For Respondent  
Attorney(s) And Counselor(s) at Law  
2838 Devine Street  
Post Office Box 11412  
Columbia, South Carolina 29211-1412

Richland County,  
Columbia, South Carolina 29210 S/  
This November 20<sup>th</sup>, 2015,  
30<sup>th</sup>

Respectfully Submitted, I am

  
CLARENCE S. GREGORY, #227394

APPELLANT PRO'SE

CASE NO.: 2015-000740

VIII

Clarence S. Gregory, #227394  
C/o Broad River Correctional Inst., (BRCI)  
Murray Unit, B-Wing Rm. #234  
4460 Broad River Road  
Columbia, South Carolina 29210-4012

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DEC 07 2015

SC Court of Appeals

Via U.S. Regular (First-Class Mail)

Date: November ~~28~~, 2015  
30th

To: Riley Pope & Laney, LLC, Law Firm  
C/o Mr. Damon Christian Wlodarczyk, Esquire For Respondent  
Attorney(s) And Counselor(s) at Law  
2938 Devine Street  
Post Office Box 11412  
Columbia, South Carolina 29211-1412

RE: Gregory, Clarence S. #227394 vs. Riley Pope & Laney, LLC,  
Et Al.  
Appellate Case No.: 2015-000740

Dear Mr. Wlodarczyk/Esquire For Respondent:

In reference to the above-subject matter, please find enclosed a copy of the original, Appellant's Final Brief, Certificate of Compliance, and Certificate of Service.

By copy upon receipt of this letter on this date, you have been served.

Richland County,  
Columbia, South Carolina 29210

This day, November ~~28th~~, 2015

November 30th

Sincerely, I am

S/   
CLARENCE S. GREGORY, #227394

Appellant Pro'se

Cc: The Honorable Jenny A. Kitchings, Clerk of The Appellate Court of Appeals

(ORIGINAL)

Clarence S. Gregory, #227394  
C/o Broad River Correctional Inst., (BRCI)  
Murray Unit, B-Wing Rm. #234  
4460 Broad River Road  
Columbia, S.C. 29210-4012

Via U.S. Regular (First-Class U.S. Mail)

Date: November ~~20~~, 2015  
30<sup>th</sup>

RECEIVED  
DEC 07 2015  
SC Court of Appeals

To: The S.C. Court of Appeals  
C/o Honorable Jenny A. Kitchings  
Clerk of Appellate Court  
1220 Senate Street  
Post Office Box 11629  
Columbia, S.C. 29210-4012

RE: Gregory, Clarence #227394 vs. Riley Pope & Laney, LLC, Et  
Appellate Case No.: 2015-000740

SUBJ: Enclosed, Appellant's Final Brief, Certificate of  
Compliance And Certificate of Service, For Filing Purposes

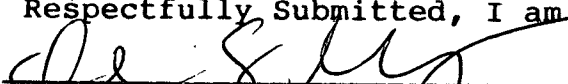
Dear Honorable Kitchings/Clerk of Court:

In reference to the above-subject matter, please find enclosed One (1), original and two (2) copies, one of the copies is to be clocked-stamped & filed and return to the Appellant for his record, as I have enclosed a pre-paid envelope, addressed to you in my behalf.

This is Appellant's Final Brief and by copy and in receipt of this Cover Letter, on this date, you have been served.

Thank you so kindly for your assistance and cooperation, in regarding to this requested matter!

(Have a Happy Thanksgiving)

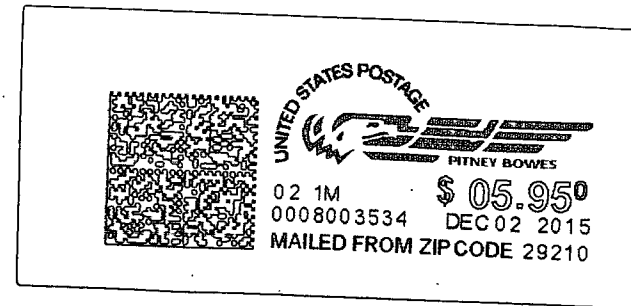
Respectfully Submitted, I am  
s/   
CLARENCE S. GREGORY, #227394

Cc: Mr. Damon Christian Wlodarczyk, Esquire For Respondent

11/20/2015

30

CLARENCE S. GREGORY, # 227394  
C/O BROAD RIVER CORRECTIONAL INST.,  
MURRAY UNIT, B-WING RM. #234  
4460 Broad River Road  
Columbia, S.C. 29210-4012



VIA U.S. Regular Mail

To: The S.C. Court of Appeals  
C/O Honorable Jenny A. Kitchings  
Clerk of Court,  
Post Office Box 11629  
Columbia, S.C. 29211-1629  
(F-BT.)

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SC Court of Appeals

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