

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-002297

John Doe, Appellant,

v.

Board of Zoning Appeals (BZA) and Town of Sullivan's Island (S.I.),  
S.I. Zoning Administrator, and S.I. Building Dept., Individually and in  
Official Capacity, Respondents

SUPPLEMENTAL RECORD ON APPEAL

John Doe  
C. Holmes  
P.O. Box 187  
2061 Middle Street  
Sullivan's Island, SC 29482-0187  
Appellant, pro-se

G. Trenholm Walker (S.C. Bar #5777)  
John P. Linton, Jr. (S.C. Bar #79130)  
Pratt-Thomas Walker, PA  
P.O. Drawer 22247  
Charleston, SC 29413-2247  
Phone: (843) 727-2200  
Attorneys for Respondents

**RECEIVED**

APR 26 2016

**SC Court of Appeals**

INDEX  
SUPPLEMENTAL RECORD ON APPEAL

Notice of Motion and Motion for Sanctions as to Defendants'  
Counsel, Filed October 14, 2015.....81

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHAS. )  
 )  
DOE )  
 Plaintiff, )  
 vs. )  
DOE ET AL )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
9th JUDICIAL CIRCUIT  
 CASE NO.: 2015-CP-10-00775  
**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

Plaintiff's Attorney: _____, Bar No. _____ Address: <u>POB 187, SE, SC 29482-0187</u> Phone: <u>883-3010</u> Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>SEC. 15-76-10, 07452</u>	
Estimated Time Needed: <u>15</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
_____, 20__	
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>20</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20__
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____, 20__	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 15-CP-10-0775
John Doe,	)	
	)	
	)	
Plaintiff,	)	NOTICE OF MOTION
	)	AND
-vs-	)	MOTION FOR SANCTIONS
	)	AS TO
	)	DEFENDANTS' COUNSEL
	)	
Board of Zoning Appeals (BZA) and	)	
Town of Sullivans Island (S.I.),	)	
S. I. Zoning Administrator, and	)	
S. I. Building Dept.,	)	
Individually and In Official	)	
Capacity.	)	
	)	
Defendants.	)	

FILED  
 2015 OCT 14 AM 10:48  
 JULIE J. ARMSTRONG  
 CLERK OF COURT  
 BY \_\_\_\_\_

TO Counsel for Defendants:

PLEASE TAKE NOTICE that the Plaintiff will move before the Presiding Judge, Court of Common Pleas, Ninth Judicial Circuit, Charleston, South Carolina, on the tenth day after service hereof, or as soon thereafter as counsel may be heard, for an order for sanctions as to Defendants' counsel pursuant to Rule 11, SCRCP, pursuant to S.C. Code Section 15-36-10, and/or pursuant to this Honorable Court's inherent authority regarding order entered September 23, 2015. This motion is based on the following grounds, including but not limited to, the attached affidavit, the attached order rescinding previous orders based on wrongdoing by Defendants' counsel, and the attached Transcript of

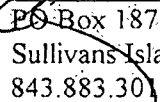
Record herein. Further grounds are that Defendants' counsel has perpetrated fraud upon the Court in the presence of the Court wrongfully inducing the Court to become an unwitting accomplice in Defendants' counsel's wrongdoing. On information and belief, Defendants' counsel made misrepresentations to, made material omissions to, and/or perpetrated fraud upon the Clerk of Court as well. In addition, Defendants' counsel knew, should have known, and/or failed due diligence in perpetrating, persisting in, and/or continuing the wrongdoing.

This motion will be based on the pleadings, discovery, orders, and/or other documents involving wrongdoing by Defendants' counsel and forthcoming affidavit(s) as well as Memorandum of Law.

For the foregoing reasons as well as others and for substantial justice affecting substantial rights, it is respectfully requested that this Motion be granted.

Respectfully submitted,

Dated October 3, 2015.

  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010

JULIE J. ARMSTRONG

CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258

RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

8



JOHN DOE  
PO BOX 187  
SULLIVANS ISLAND SC 29482-0187

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

Order/Order filed 4/10 & 4/30 are rescinded

**CASE NO: 2015CP1000775**

**John Doe VS Board of Zoning Appeals, defendant, et al**

This judgment was entered on the 06th day of May, 2015, and notice mailed first class on Monday, May 11, 2015, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

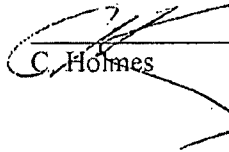
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

AFFIDAVIT

Personally came and appeared before me, Notary Public, C. Holmes, who upon being duly sworn did depose and say the following:

- 1) This affidavit is submitted in support of the attached Rule 59(e), SCRCP, Motion, and I am the plaintiff.
- 2) As owner of the land that is the subject of a decision of the board of appeals, I have statutory standing to appeal. S.C. Code § 6-29-820.
- 3) The attached copy of correspondence dated April 27, 2015, documents there was no required notice in Case No. 2015-CP-10-0775, *Doe v. BZA et al.* Moreover, it establishes that, on or before April 27, 2015, defendants knew or should have known they failed to provide the required notice to the other side. Defendants failed to timely disclose this material fact, thereby wrongfully inducing this Honorable Court to rely on their misrepresentations.
- 4) I received no required notice and no actual notice and was prejudiced thereby.
- 5) Defendants wrongfully induced this Honorable Court to rely on their misrepresentations and to sign ex parte order. On or before April 27, 2015, defendants failed to timely disclose the material fact that they failed their duty to provide required notice. Due in whole or in part to defendants' lack of diligence, ex parte order was signed. It has come to our attention that defendants made misrepresentations and/or material omissions to the Charleston County Clerk of Court as well.
- 6) It is fair to say that defendants would want notice. In what has become business as usual for defendants' counsel, they failed their professional responsibilities to this Honorable Court, to the Charleston County Clerk of Court, to their client, and to the other side. Defendants' motion should be dismissed/stricken.

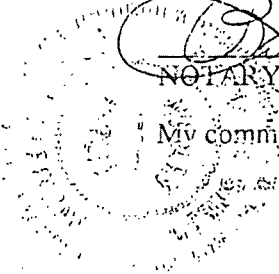
FURTHER THE AFFIANT SAITH NOT.

  
C. Holmes

Subscribed and sworn to before me,  
Notary Public, this 15 day  
of September, 2015.

  
NOTARY PUBLIC

My commission expires: December 18, 2016 **My Commission Expires**





April 27, 2015

PO Box 187

The enclosed mail was addressed to John Doe at the Post Office address. However, Pratt-Thomas, Walker, Attorneys At Law instructed me to place these letters into PO box 187.

If you have any questions or concerns, please call the attorney's office.

Sincerely,

A handwritten signature in cursive script that reads "Margie L. Seabrook".

Margie L. Seabrook  
Postmaster  
2061 Middle St.  
Sullivans Island, SC 29482



**Julie J. Armstrong**  
 Charleston County Clerk of Court

Charleston County  
 Circuit Court Case Details  
 Public Index

[Charleston County Home Page](#)   [Clerk of Court Home Page](#)   [Magistrates Court](#)   [SC Judicial Home Page](#)   [Search Tips](#)

**John Doe VS Board of Zoning Appeals , defendant, et al**

Case Number:	2015CP1000775	Court Agency:	Common Pleas	Filed Date:	02/09/2015
Case Type:	Common Pleas	Case Sub-Type:	Zoning Board.970	File Type:	Non-Jury
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Ended by Non Jury	Disposition Date:	04/10/2015	Disposition Judge:	Dennis, R. Markley Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties   Judgments   Tax Map Information   Associated Cases   Actions   Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Board of Zoning Appeals					Defendant		02/09/2015
<input checked="" type="checkbox"/> BZA					Defendant		02/10/2015
<input checked="" type="checkbox"/> Doe, John	PO Box 187 Sullivans Island SC 294820187				Plaintiff Pro Se		04/30/2015
<input checked="" type="checkbox"/> Doe, John					Plaintiff		04/14/2015
<input checked="" type="checkbox"/> Linton, John Phillips Jr.	PO Drawer 22247 Charleston SC 29413				Defendant Attorney		03/09/2015
<input checked="" type="checkbox"/> S I					Defendant		02/10/2015
<input checked="" type="checkbox"/> S I Building Dept					Defendant		02/10/2015
<input checked="" type="checkbox"/> S I Zoning Administrator					Defendant		02/10/2015
<input checked="" type="checkbox"/> Sullivans Island Town of					Defendant		03/09/2015

2015 MAR -9 PH 3:52  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing Notice of Motion and Motion to Dismiss by first class mail to the below-listed party on March 5, 2015:

John Doe, pro-se  
2061 Middle Street  
Sullivan's Island, SC 29482-0187

By: Chris Morrow  
Chris Morrow  
Paralegal to John P. Linton, Jr.

STATE OF SOUTH CAROLINA )  
 ) COURT OF COMMON PLEAS  
 COUNTY OF CHARLESTON )  
 John Doe, )  
 )  
 Plaintiff, )  
 v. ) Case No. 15-CP-10-0775  
 )  
 Board of Zoning Appeals, )  
 )  
 Defendants. )

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on April 7, 2015, before The Honorable R. Markley Dennis, Jr., in Courtroom 4B of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by counsel as follows:

APPEARANCES:

John P. Linton, Esq.

Treholm Walker, Esq.

Deborah Garrison  
 Circuit Court Reporter – 9<sup>th</sup> Judicial Circuit  
 P O Box 901  
 Johns Island, South Carolina 29457  
[dgarrison@sccourts.org](mailto:dgarrison@sccourts.org)

John Doe v Board of Zoning Appeals  
Case No. 15-CP-10-0775  
Hearing of April 17, 2015  
Before The Honorable R. Markley Dennis, Jr.

2

1 THE COURT: Doe versus Board of  
2 Zoning Appeals. Y'all are back? Is this  
3 Sullivans Island?

4 MR. LINTON: Yes, Your Honor.

5 THE COURT: Okay. Who is ----

6 MR. WALKER: Jane Doe d/b/a (sic)  
7 John Doe does not appear to be here.

8 THE COURT: Have they proceeded  
9 always as "Doe", "the Does"?

10 MR. LINTON: Yes, Your Honor. All  
11 they've filed is a Notice of Appeal as John  
12 Doe, and we've filed a Motion to dismiss that  
13 appeal.

14 THE COURT: Did they have an  
15 address where the Does live?

16 MR. LINTON: Yes.

17 THE COURT: Now we know the Does.  
18 They were sent notice of that, Miss Caroline?

19 CAROLINE LEONARD: Your Honor, notice  
20 was sent to 2061 Middle Street on Sullivans  
21 Island, South Carolina.

22 THE COURT: Is that the address  
23 that you have?

24 MR. LINTON: Your Honor, it is. I  
25 believe -- was the zip code on there? 29482-

1 187?

2 CAROLINE LEONARD: That's correct.

3 MR. LINTON: That's the same.

4 THE COURT: Very well.

5 MR. WALKER: And that is the  
6 subject property, too.

7 THE COURT: Okay. Then --

8 MR. LINTON: Your Honor, it is not  
9 the subject property. We believe that's the  
10 United States Post Office on Sullivan's  
11 Island.

12 THE COURT: You briefed it?

13 MR. LINTON: Yes, Your Honor.

14 THE COURT: Your Motion is  
15 granted. Thank you, sir. If you (Mr.  
16 Linton) want to prepare an Order, I will be  
17 happy to sign it. A Motion to Dismiss is  
18 what you're asking for?

19 MR. LINTON: Yes, Your Honor.  
20 We've briefed it. We have not filed the  
21 brief but ---

22 THE COURT: File the brief. For  
23 the record, I am relying on your position  
24 stated in the brief -- and the fact that they  
25 are not here, but primarily the position

John Doe v Board of Zoning Appeals  
Case No. 15-CP-10-0775  
Hearing of April 17, 2015  
Before The Honorable R. Markley Dennis, Jr.

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stated in your brief, which I have seen.

(HEARING CONCLUDED)

John Doe v. Board of Zoning Appeals  
Case No. 15-CP-10-0775  
Hearing of April 17, 2015  
Before The Honorable R. Markley Dennis, Jr.

5

1 STATE OF SOUTH CAROLINA )  
2 ) CERTIFICATE  
3 COUNTY OF CHARLESTON )  
4 )

5  
6 I, the undersigned Deborah Garrison, Circuit  
7 Court Reporter for the 9<sup>th</sup> Judicial Circuit, hereby  
8 certify that the foregoing is a complete and  
9 accurate transcript of the hearing held in the  
10 within action heard on April 7, 2015, before The  
11 Honorable R. Markley Dennis, Jr.;

12 I further certify that I am neither kin nor  
13 counsel to any of the parties and have no interest  
14 in the outcome of this action.

15  
16  
17  
18   
19 \_\_\_\_\_  
20 Deborah Garrison  
21  
22

23 Charleston, South Carolina  
24 September 1, 2015

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS  
) NINTH JUDICIAL CIRCUIT  
) CASE NO.: 15-CP-10-0775

John Doe,

Plaintiff,

-vs-

Board of Zoning Appeals (BZA) and  
Town of Sullivans Island (S.I.),  
S. I. Zoning Administrator, and  
S. I. Building Dept.,  
Individually and In Official  
Capacity.

Defendants.

CERTIFICATE  
OF  
SERVICE

8X

JULIE J. ARMSTRONG  
CLERK OF COURT

2015 OCT 14 AM 10:49

FILED

The undersigned hereby certifies that a copy of the foregoing is timely forwarded to the Presiding Judge, and a copy is timely served upon the attorney for all defendants on this date by depositing it in the U.S. Mail, proper postage pre-paid, addressed to counsel of record at 16 Charlotte St., POD 22247, Charleston, SC 29403, 29413-2247.

Dated October 3, 2015.

  
C. Holmes

POB 187  
SI, SC 29482-0187  
843.883.3010

PO. Box 187  
Sullivan's Island, SC 29482-0187  
843.883.3010

---

The Honorable Julie Armstrong  
Clerk of Court, Charleston County  
100 Broad Street  
Charleston, SC 29401

Re: Doe v. BZA et al  
Case no. 15-CP-10-0775

Dear Mrs. Armstrong:

Enclosed for filing please find original motion. Also, enclosed please find:

- 1) Proof of Service and one copy,
- 2) the filing fee,
- 3) one copy,
- 4) Motion Cover Sheet, and
- 5) SASE for return of the file-marked copies.

Thank you for your kind attention to this matter. With best personal regards, I remain

Very truly yours,

cc

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-002297

**RECEIVED**

APR 26 2016

**SC Court of Appeals**

John Doe, Appellant,

v.

Board of Zoning Appeals (BZA) and Town of Sullivan's Island (S.I.),  
S.I. Zoning Administrator, and S.I. Building Dept., Individually and in  
Official Capacity, Respondents

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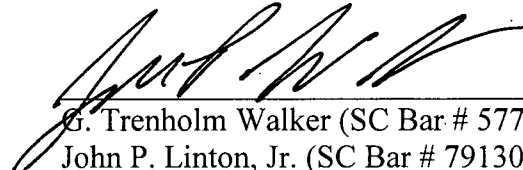
CERTIFICATE OF COUNSEL

---

I certify that the Supplemental Record on Appeal contains no matter which is  
irrelevant to this appeal.

Respectfully submitted,

PRATT-THOMAS WALKER, PA



---

G. Trenholm Walker (SC Bar # 5777)  
John P. Linton, Jr. (SC Bar # 79130)  
P.O. Drawer 22247 (29413-2247)  
16 Charlotte Street  
Charleston, SC 29403  
(843) 727-2200

April 25, 2016  
Charleston, South Carolina