

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
May 10, 2016
ronaldjarmuth@hotmail.com

RECEIVED

MAY 11 2016
SC Court of Appeals

By Certified Mail and E-Mail

The Honorable Chief Judge John C. Few
Court of Appeals
1220 Senate Street
Columbia, SC 29201
(803) 734-1890
ifew@sccourts.org

Re: Clerk of Court's Unilateral Refusal to Allow Judicial Panel to Decide My
"Motion for Reconsideration of Costs on Appeal" (May 6, 2016).

Jarmuth v International Club Homeowners Association 2013-000714

Hon. Chief Judge Few:

1. I am writing to you directly because Deputy Clerk V. Clair Allen is unilaterally with-holding my Motion for Reconsideration of Costs on Appeal from the panel, and it is clear that the only means available to raise the existence of the pleading to the panel is to communicate directly to you in your supervisory capacity over the administration of the court. This communication does not request that you make a determination yourself, merely that the panel be permitted to make its own determination on the merits.
2. On May 6, 2016 Deputy Clerk Allen returned all pleadings I filed: (a) my Motion for Reconsideration with Exhibits; (b) Reply with Exhibits; and (c) courtesy copies filed with the Court of Appeals of material filed with the South Carolina Supreme Court.
3. Her letter stated that the reason for the clerk to reject the motion was that

"the sending of the remittitur ended appellate jurisdiction. The Court will not be taking any action with regard to the motions. Accordingly, your motions are being returned to you."
4. Using this standard the Court of Appeals lacks jurisdiction to hear a motion for costs in any case. The remittitur closed consideration of rights and obligations created by the trial court order appealed. An Order for Costs creates new obligations and facts not

arising from the record in the trial court and is based on facts and law unrelated to the determination of the matter appealed.

5. The Deputy Clerk asserts that there is no recourse from a Clerk's Order awarding Costs. This abolishes that the centuries old doctrine that Orders may be challenged when they are plainly contrary to the facts and are unlawful. This doctrine is well stated in SC Civil Rule 60(b)(1) – mistake by the Clerk and 60(b)(3) – fraud by the Respondent. The Deputy Clerk's interpretation means that no matter how outrageous the misapplication of the law is and no matter how fraudulent the evidence (i.e. the Respondent claiming that they, not the Appellant, paid for and filed the transcript on appeal even though the Form 11 and paid receipt proves Appellant paid for the transcript on appeal) there is no judicial review and no opportunity to seek correction of the clear and convincing error of the clerk.

This carves out an area of law where a clerical employee creates equitable and legal obligations on her own without being subject to oversight, review, and correction by a judicial officer.

The extreme disparity between the Deputy Clerk's Order and the evidence and law stated in the Motion for Reconsideration (and likewise in the Return to the original Motion for Costs) has the appearance that that the deputy clerk has taken advantage of this self-created "loophole" to unlawfully favor the Respondent.

6. The Court of Appeals issued its remittitur on January 21, 2016. Per the clerk the Court of Appeals could no longer act on any further motion.

7. On February 8, 2016 the Respondent filed a Motion for Costs. The Court accepted and docketed the Motion.

8. On February 8, 2010 (later that day) Appellant filed a Return in Opposition with Exhibits. This was accepted and docketed. There was no Reply disputing the argument or evidence raised in the Return.

9. On March 24, 2016 the Clerk of Court issued a "Non-Disposition Decision – Order granting motion for costs" which in fact was dispositive of the facts and law relating to the request for costs.

10. On March 28, 2016 Appellant filed a Motion for Reconsideration citing errors of fact and of law in granting costs to the Respondent. Exhibits were provided. The docket entry termed this a "Motion – Other Motion (Reconsideration of order granting costs)". This was presented in person to the Court of Appeals.

11. The March 28, 2016 Motion for Reconsideration was not entered on the docket until April 4, 2016 after the Court of Appeals received a copy of a Petition filed with the South Carolina Supreme Court alleging that the Deputy Clerk was hiding the Motion from the Judges of the Court of Appeals.

12. On April 8, 2016 Respondent filed a Return in Opposition, which was filed. It did not appear on the on-line docket until April 20, 2016 (see below).
13. On April 12, 2016 Appellant (by mail) filed a Reply. This did not appear in the on-line docket until April 20, 2016. A stamped self-addressed envelope was provided to return Appellant's "clocked" copy.
14. On April 18, 2016 Appellant provided the Deputy Clerk with a letter demanding his "clocked copy". After receipt of this letter the Deputy Clerk mailed Appellant the clocked copy and docketed the Return and Reply. This is when the Return and Reply were entered on the docket.
15. On May 6, 2016 the Deputy Clerk returned the Motion for Reconsideration and Reply with exhibits. This is an administrative action not a judicial determination.
16. I ask that the Chief Judge, as chief administrative officer, forward the Motion for Reconsideration, the Return, and the Reply to the appropriate panel for fair consideration and that the Chief Judge look into the long delays in docketing filed papers in returning Appellant's clocked copy of his reply.

Sincerely,

Ronald Jarmuth

Ronald Jarmuth
Appellant Pro Se
May 10, 2016

Attachments:

May 6, 2016 Clerk's letter
Docket April 2, 2016
Docket April 4, 2016
Docket April 11, 2016
Docket April 14, 2016
Docket April 20, 2016
Docket May 4, 2016
Docket May 6, 2016

CF: McNair Law, attorneys for Respondents.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
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May 06, 2016

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet SC 29576

Re: Ronald Jarmuth v. The International Club
Appellate Case No. 2013-000714

Dear Mr. Jarmuth:

This letter is to acknowledge receipt of your "Motion for Reconsideration of Order Granting Costs on Appeal," and "Petition for Writ of Prohibition and Mandamus" in the above matter. Please be advised that the sending of the remittitur ended appellate jurisdiction. The Court will not be taking any action with regard to the motions. Accordingly, your motions are being returned to you.

Very truly yours,

V. Claire Allen, Deputy

CLERK

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Case Information: 2013-000714

Court:	Court of Appeals	Classification:	Appeal - Common Pleas - Other
Short Title:	Ronald Jarmuth v. The International Club View Full Title	Case Status:	Remittitur
Consolidated:			
Filed Date:	04/05/2013	Oral Argument Date:	
Disposition Date:	03/04/2015	Disposition Type:	Opinion
Remittitur Date:	01/21/2016		
Lower Court or Tribunal:	Horry (2009CP2603596, 2010CP2611320)		

- Party Information			
Appellate Role	Party Name	Former	Attorney(s)
Appellant	Ronald Jarmuth	N	Self Represented
Respondent	International Club Homeowners' Association, Inc., et al.	N	Henrietta U. Golding Alicia E. Thompson
Respondent	K.A. Diehl, Inc.	N	Henrietta U. Golding Alicia E. Thompson
Respondent	Rosemary Toth	N	Henrietta U. Golding Alicia E. Thompson

Views

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Event Information		Saturday 4/2 Motion for rehearing NOT ON DOCKET	Doc
Filed Date	Event Information		
03/24/2016	Non-Dispositional Decision - Order granting motion for costs		---
02/08/2016	Motion - Return		---
02/08/2016	Motion - Costs		---
01/21/2016	Remittitur - Remittitur Sent		---
01/15/2016	Correspondence - Incoming (Supreme Court order denying petition for certiorari)		---
05/14/2015	Correspondence - Incoming (Supreme Court)		---
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03/04/2015	Dispositional Decision - Opinion		---
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06/12/2014	Final Brief - Briefing and Record Complete		---
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04/17/2014	Deficiency - Deficiency Letter Sent		---
01/08/2014	Record - Supplemental		---
01/02/2014	Non-Dispositional Decision - Order		---

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Respondent	Rosemary Toth	N	Henrietta U. Golding Alicia E. Thompson

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Filed Date	Event Information	Doc
04/01/2016	Motion - Other Motion(Petition for Writ of Prohibition and Mandamus)	---
03/28/2016	Motion - Other Motion (Reconsideration of order granting costs)	---
		Docketed 4/4/2016
03/24/2016	Non-Dispositional Decision - Order granting motion for costs	---
02/08/2016	Motion - Return	---
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Case Information: 2013-000714

May 4, 2016

Court: Court of Appeals **Classification:** Appeal - Common Pleas - Other
Short Title: Ronald Jarmuth v. The International Club **Case Status:** Remittitur
 View Full Title
Consolidated:
Filed Date: 04/05/2013 **Oral Argument Date:**
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Remittitur Date: 01/21/2016
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Respondent	Rosemary Toth	N	Henrietta U. Golding Alicia E. Thompson

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05/06/2016	Correspondence - Outgoing (regarding motions filed by appellant after remittitur)	---
05/04/2016	Motion - Return	---
04/18/2016	Correspondence - Incoming (appellant's request for copies)	---
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02/24/2015	Motion - Supplement Record	---

Ronald Jaemuth
249 Pickens Dr
Murrells Inlet SC
29576

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



7035 0640 0003 3805 3795

MAY 2016 PM 11

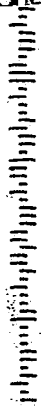
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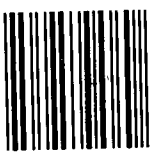
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