THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case no. 2008-CP-23-5245
App. Case no. 2015-001836; 2009-141246
Court of Appeals no. 2015-UP-031, submitted Nov. 1, 2014

Blue Ridge Electrical Cooperative, Inc Petitioner,

vs.

Kathleen J. Gresham Respondent.

BRIEF OF RESPONDENT KATHLEEN J. GRESHAM

Kathleen J. Gresham
Tahlequah Farm
1524 Highway 11
Landrum, South Carolina 29356
864-895-4222
Pro Se Respondent

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[1] Gressette v. SC Electric and Gas Co., 370 S.C. 377, 635 S.E. 2d 538 (2006)

VERDICT OF TRESPASS (AS WELL AS THEIR FINDING THAT THERE NEVER EXISTED ANY DEBT OWED BY RESPONDENT TO PETITIONER, WHICH HAD BEEN THE SOLE COMPLAINT INITIATING THIS LAWSUIT BY PETITIONER).

1. The Trial Judge's denial of BREC's motions are supported by evidence and testimony in an extensive trial as also found by the jury verdict on all issues, rendered for Respondent.
2. There was no reversible error committed by either the Trial Judge or by The SC Court of Appeals. There is no error to correct from the jury trial or its results. The decision of The Court of Appeals should justly be affirmed and the Writ of Certiorari be denied, thus ending eight-plus years of litigation and appeals.
3. It is blatantly misleading for Petitioner to state that the "trial transcript" ... "does not exist," for the trial transcript DOES exist in its entirety, has not been previously challenged by Petitioner, was exactingly and laboriously reconstructed as to a small missing portion in a thorough, exhaustive manner by the Trial Judge AND by both parties including participation by many lawyers hired by BREC, who actively participated in all stages of this action from beginning to this end. That BREC intentionally misleads this Court in its current assertions; has mislead this Court about any alleged necessity for a Writ just as they have mislead the Court of Common Pleas' Judges (Larry Patterson, John Few, and Lawton McIntosh) as to other trial issues such as 1). The membership of Steve Gresham as a BREC member (he was NEVER a BREC member, finally admitted by BREC at jury trial after several years of litigation, and 2). BREC finally acknowledged that Respondent Kathleen Gresham was an "excellent customer" and paid exactly and without any delays, what BREC's sophisticated metering equipment, which they alone selected and installed, with their rates for over 35 years of Blue Ridge Coop membership, each and ever month. This Complaint initiated by BREC for a fictitious debt against Respondent was frivolously filed, has disrupted this Respondent and family for 9-plus years, and wrongfully used years of the Court system's resources and time while wrongfully following a "never-ending bunny hole" of financial folly for all BREC members, which includes BREC member Respondent.

C. Testimony of landowner along with the testimony of engineer/fire commissioner/volunteer firefighter/long-time area resident Steve Austin (now deceased as Court was notified in the summer of 2014 by his elderly mother) and testimony by Lt. Colonel Steve Gresham provided testimony as to right-of-way and supportive testimony of erection of support non-power pole and its extensive guy wires OUTSIDE any state right-of-way, outside metal road barrier, and onto landowner's farm without her permission and limiting her use of said land, taking her property. Such testimony from long-standing property owner and her measurements/knowledge and that of engineer Mr. Austin, among other testimony, provided evidence by which jury could base their verdict and upon which The Court of Appeals rightly Affirmed. Petitioner, once again, misleads this Court and misspeaks in a frivolous, wrongful manner.....13

D. Respondent testified as to her 35-plus year ownership, knowledge of her property boundaries, knowledge of her boundaries for fencing, maintenance, property issues, establishment of old boundaries of Scenic Highway 11; knowledge of boundaries as a founding member and establishing creator of the Glassy Mountain Fire/Safety district, and as to long-recognized right-of-way distance refuting any reported after-written contrary matter presented by BREC employee in feeble attempt to establish their control AFTER wrongful trespass onto Respondent's property. BREC-paid witness was not familiar with this special strip of scenic highway 11, nor its right-of-way of 20 feet from the roadway center, upon which Respondent had operated for 35-plus years as had the fire district, and as had the highway maintenance offices. BREC was also aware of boundary concerns by Respondent landowner but BREC purposefully proceeded with their non-power support pole and extensive guy wires onto landowner's farm outside the state-erected roadside, outside the extensive road-safety metal highway railings, all without her permission; interrupting her use of her land, and taking Respondent's property unjustly in their willful trespass. BREC could have easily placed their non-power, support-only pole within the 20 feet from the center of the highway 11 right-of-way or rebraced their pole so as not to disturb Respondent's long-held property. The jury was in the best position during this 3-day trial to determine and judge the credibility of the witnesses, to hear and view the evidence, to apply the law and common sense, to hear the arguments of BREC lawyer and their paid employees, to hear their testimony that the bills sent to Respondent had been fully paid as billed each and every month for over 35 years, to hear that Respondent had been a long-standing member of BREC for years prior to her marriage to Lt. Col. Gresham who had never been a member of the Blue Ridge Electric Coop, and for the jury to render their fair and impartial, unanimous verdict finding no debt and finding trespass by Petitioner.

BREC is, once again, misleading this Court as has been their pattern and practice since their inception of their Complaint initiation.....13

E – G. The Trial Court committed no reversible error in denying BREC's motion(s) for new trial. The jury, after 3-days of trial, along with the trial judge, had sufficient evidence to make their decision as to trespass, however small and insignificant or however bold and conspicuous. Landowner showed an invasion on her land, without her permission, which interfered with her right to use her land and/or for its enjoyment, such actions by BREC constituting an on-going and intentional taking. Such verdict was reached and agreed to by a jury of 12 people in open trial of 3 days and agreed as to procedure and process by the trial judge and by The Court of Appeals. Fact-finders have broad discretion in determination of facts and application of the law as given to them by the judge, and in determination of credibility of witnesses. The findings of fact and the jury verdict, supported by the trial court's motion(s) denial and sound discretion, should not be disturbed. There exists NO abuse of discretion nor is any abuse of discretion shown by Petitioner.

The "power pole" under scrutiny on Respondent's land is NOT an actual "power pole" for it carries NO power; serves no one, especially not Respondent who richly paid BREC separately to bury her power in the 1980's so as not to see or have power poles and guy wires on her pristine mountain land/farm on scenic highway 11. Said offending

non-power support pole and guy wires serves to brace the across-the-street poles placed in the same time period by BREC. Said power poles were erected by BREC to supply power to a speculative small sub-division, never built. Said poles present NO good faith issue much less any issue of "exceptional public importance," as urged by Petitioner. At the commencement of this case, long pled as to trespass by Respondent, the trial judge noted on trial transcript page 14, line 3, (Supplemental Appendix p. 4) that "This was not an exceedingly complex case..." and Mr. Brandt as the lead, long-serving counsel for BREC, noted that "This case is basically about a bill collections..." (Supplemental Appendix p. 6, lines 1, 2) and that in referencing to Mr. Gresham, that "Mr. Gresham did not sign an agreement with the Coop but our position there is that he in fact dealt with the Coop on this very account...He's basically jointly and severally liable." (Supplemental Appendix p. 6, lines 14-21, trial transcript) even though Mr. Brandt then goes on to admit that the "bills were paid." then states that they refused to pay the bills. These contradictory statements by BREC illustrates their confusion, chaos, and misinformation about this case together with their stubborn insistence to seek additional monies for bills that had been diligently, promptly paid each and every month for 35-plus years, wrongfully characterizing Respondent and her family as debtors and shirkers. BREC, fully aware of the trespass claim made in immediate, rightful responsive pleading to BREC's complaint, was mostly focused on their unjust allegation of debt, thus illustrating that this was NEVER a hugely significant public policy or other issue for them. The support pole trespass was a big issue to Respondent landowner as the pole and wires invaded her carefully-maintained property, was installed without her permission, and could easily now and then, be removed and replaced. The trespass continues. BREC placed themselves in this pickle, wrongfully harming an innocent landowner and coop member who has faced for over 8 years, legal battle from BREC at huge expense. This case brought by BREC demonstrates the callous disregard by BREC of landowners' rights, of their stubbornness to proceed at full steam with wherever they deem the right-of-way without consideration of other rights-of-way boundaries or of the concerns of adjoining property owners. This case could have been easily avoided had BREC communicated properly with landowner, learned the actual facts, and paid attention to their own-acknowledged "excellent customer" and coop member (Kathleen J. Gresham) BEFORE willfully installing their non-power support pole and accompanying wires. (Supplemental Appendix p.8, line 8 - 9), BREC key employee and their primary witness, Denise McCormack, admitted that Kathleen was excellent customer and admitted that it didn't matter who paid the Blue Ridge Coop member's bill, even if it was Donald Trump. She also admitted that Kathleen had nothing to do with pole put on her property by Blue Ridge. (Supplemental Appendix pp. 10-11, lines 24, 25) The jury and court heard testimony from BREC engineer Alan Blackmon who testified he was in agreement with pole and he "would say" it was on highway right-of-way. (Supplemental Appendix p. 109). This case brought by Blue Ridge was all about their claim of debt. Senator David Thomas, brought in by Respondent in her genuine attempt to resolve the matter without litigation, testified that Kathleen was greatly concerned about the trespass issue and pole. Engineer Steve Austin testified that there existed a 20-foot right of way (Appendix p. 74) and that wires were on Kathleen's property (Appendix p. 72) Lt. Col. Gresham testified that BREC would not even talk with him about the bill as they asserted that he was not a

Coop member (Supplemental Appendix p. 18, lines 22-25) though suing him later in this action.

Respondent had long sought, from the beginning, punitive damages from BREC due to their conduct which was refused and prohibited at the last day, immediately prior to closing statements, by the Trial Judge on his own initiative, totally changing Respondent's closing argument and trial preparation and issues in place and properly pled, properly noticed and in play for over a year, without challenge. Respondent preserved her objection as totally disruptive to her case, which she continued to assert. Such arbitrary ruling by the trial court served to unjustly enrich BREC.

Respondent should not be robbed of her property, even by a power company of which she herself is a 35-plus year member; deprived of her long-implemented plans for her long-held property or abused by such an entity as BREC, meant to serve and work with its customer/member owners such as Respondent.

The trial record has evidence upon which the jury could and did make their findings of fact in conscientious manner with application of law after observing for 3 days, the demeanor, character, testimony and evidence of all witnesses. The Petitioner had several years of trial and pre-trial preparation time, extensive monies, a large legal team, extensive discovery, extensive mediation, and rigid refusal to requests to remove the non-functioning support pole and extensive guy wires, all of which they refused, preferring to sue Respondent for a debt not owed, to sue Respondent's husband claiming he was a member of BREC, which he never was as Respondent was a member years before her marriage to Lt. Col. Gresham, all known to Petitioner. BREC named Lt. Col. Gresham, per testimony, because he was Kathleen's husband only and occasionally wrote the monthly power bill checks. It gives pause to contemplate IF BREC automatically included, contrary to their written By-Laws introduced into evidence, inclusion as Coop members other spouses OR those who lived together without marriage OR others who may have made bill payment. This arbitrary process of Blue Ridge unfairly targeted Respondent, as did their careless erection of the non-power support pole outside the metal highway road barriers, outside the 20-foot from the center roadway, and onto the carefully-maintained farm of Respondent.

BREC adamant adherence to their agenda has served to harm not only Respondent's land with their trespass but harm Respondent herself and her family for 9 years AS WELL as the S.C. Court system. Petitioner should be sanctioned under the Frivolous Claims Act by this Court as moved by Respondent AND the Writ sought by Petitioner, justly denied with judgment for Respondent, AFFIRMED.....17

TABLE OF AUTHORITIES

STATEMENT OF THE CASE

This case is NOW about an alleged "matter of exceptional public importance" as urged by BREC of which Respondent herself is a long-time 36-plus year member in good standing. The case was commenced back in 2008 alleging a debt after a year of pleading by Respondent for BREC to more fully investigate the alleged "debt" as Respondent had paid her monthly power bills promptly, without delay, in full exactly as billed by BREC, based on their selection, installation, and reading of their own meters, asserted as state-of-the-art by Blue Ridge, since the 1980's. At the approximate time Blue Ridge proceeded, despite protests from Respondent and volunteers intervening on her behalf, including State Senator David Thomas, who attempted to resolve the matter justly, as a concerned public official and as constituent service, with their "debt collection" lawsuit against Respondent and her non-BREC husband, BREC placed and installed a non-power support-only large power pole and long anchoring guy wires on Respondent's long-held farm/property, located directly on S.C. Scenic Highway 11, upper, northern Greenville County. This non-power support pole was placed on Respondent's property in willful fashion by BREC agents, interfering with the peaceful enjoyment of her land, and without the written permission of Respondent. BREC could have chosen other means of supporting their added power poles which were initially installed to provide power for a reported subdivision several miles down the road from Respondent's farm, which did not and has not occurred. Respondent has consistently objected to the pole as she, in the 1980's, paid BREC richly to bury her own power so as not to see power lines and poles and not to mar the scenic beauty of one of the few scenic highways in SC and in the U.S. BREC, unfortunately, followed their agenda without regard to landowner's concerns and also proceeded with their "debt" collection. Ms. Jennings, becoming a Defendant in BREC's "debt" action, filed her denial as to

herself and as to husband, also named as a party, after a year of efforts to avoid such action. She filed denial of any debt, sought punitive damages, sought a motion to dismiss the non-member husband, and counter-claimed the Trespass due to the support pole and wires. It should be noted that the Blue Ridge power account is and has been in the name of 'Kathleen Jennings,' as has the property ownership since the 1980's. Lt. Col. Gresham is not the owner of the property nor ever been a member of the Coop, fully known to BREC and so reflected in their membership records.

Law suit commenced with motion duly filed, hearing scheduled with Judge Larry Patterson wherein both Defendants sought to have husband dismissed as a party as he had never been a BREC member. Plaintiff's attorney did not appear at the noticed and scheduled hearing necessitating the Judge to call. At the motion hearing on November 6, 2008, when finally heard later, BREC's counsel assured Judge Patterson that Steve Gresham was a Blue Ridge Coop member and rightly included as a party. Defendants objected. Judge Patterson denied Defendant's motion based upon Plaintiff's assurance of Mr. Gresham's Coop membership. This untruthful assurance to the Court, as later born out at Trial in August of 2009, set the continued stage for inaccurate information given to the Court(s) by BREC. This matter proceeded through mediation. BREC continued to claim Mr. Gresham was a Coop member, subjected him to all processes.

Plaintiffs denied the trespass and damages, including punitive damages, well pled. Trial commenced, after jury selection, in Common Pleas with Judge McIntosh on August 26, 27, and 28, 2009. Plaintiff's key witness, Customer/membership director and key employee Denise McCormack, on cross-examination by pro se Jennings with permission by the trial judge to act also on behalf of her husband, admitted under oath that Steve Gresham was not and had never been a Member of BREC. She also admitted under oath that the BREC account was in the name

of Kathleen Jennings, had never been in any other name since its inception in the 1980's, that all monthly power bills, numbering into the hundreds of bills issued by Blue Ridge monthly for over 30 years, had been paid in full as billed, (Supplemental Appendix p. 11) promptly without hold-over or delay. She acknowledged that BREC had clipped the gate lock on several occasions (Supplemental Appendix p. 12); that Jennings had paid BREC to bury her own power (Supplemental Appendix p. 11); that she had long had Jennings' telephone number and contact information (Supplemental Appendix p. 9, line 20) and that Jennings had nothing to do with pole put on her property by BREC (Supplemental Appendix pp. 10 - 11, lines 24, 25). She also testified that Ms. Jennings had no say-so in the pole placement and was, indeed, after extensive questioning and introduction of BREC By Laws Exhibit, an "excellent customer." (Supplemental Appendix p. 8, line 8).

Ms. Jennings also called Charles Dalton as a witness, chairman of BREC, who had been "unavailable" as a witness until Ms. Jennings sought the assistance of the Court to serve his legal counsel of record with a trial subpoena. The same process occurred with Mr. Ken Southerland, the designated Blue Ridge Coop trustee for the Jennings property location, making the defense of this action by Defendant, difficult at best.

The Trial Judge indicated to the jury in open court and on the record that "this was not an exceedingly complex case... to be diligent, to listen to both parties..." which is exactly what the jury did. The jury was made well aware of the importance of their sworn role in this proceeding. Mr. Brandt, lead counsel for BREC, informed the jury that "this case is basically about a bill collection..." (Supplemental Appendix pp. 4, 6).

At the conclusion of the Plaintiff's case, the motion for dismissal of Mr. Gresham was again made as absolutely no testimony was given of his BREC membership. The counterclaim of

Mr. Gresham was held but later ruled by the Court in its written order. Testimony as to Defendant's case was also rendered by Jennings; by Steve Gresham; by engineer and former fire commissioner/active community leader and long-time resident and volunteer fire-fighter Steve Austin who was well familiar with special Highway 11, Greenville County right-of-way and well familiar with the Jennings' property. Testimony was consistently made that the support pole and accompanying guy wires were wrongfully placed in trespass on Kathleen's property. Testimony was consistently tendered by all said witnesses that the right-of-way in this scenic stretch of Highway 11 was 20 feet from the highway's center line and that the non-power pole and supporting long guy wires were outside the right-of-way. Ms. Jennings stressed that she knew the boundaries of her property, had researched same in extensive fencing in the 1980's and that she was the primary initiator and founding fire/safety Glassy Mountain Fire Commissioner and was well aware of said highway 11 road right-of-way. She testified that she was unable to tend to her property as she had for many years due to the impact and placement of BREC's pole and wires, which she sought removed.

At the conclusion of the second trial day, the Trial Judge admonished the parties as to the closing argument time limit that was imposed on them and that they would face problems with the Court should the time limit be exceeded. On the final trial day, just before closing argument and without notice or motion by either party, the trial judge suddenly announced that Defendant Jennings' claim for punitive damages was being refused by the Court, without further explanation. The trial judge made such decision overnight. Such announcement served to decimate the Defendants' case to the great benefit of BREC.

Petitioner now complains that Jennings did not focus on monetary loss for the trespass. The punitive damages issue was, however, removed arbitrarily by the court. Defendant showed

this case was never a debt collection case, never should have been filed, resulted in an injustice of unbridled power by BREC, and wreaked havoc on a member who had monthly paid her bills for over 35 years in full; had multi power disconnect notices which would cripple her life, family and livestock without power, was subjected to shame, ridicule, public filing as a debtor, plus had her long-owned property trespassed upon with the erection of a huge support pole and wires, to the financial benefit of BREC.

As a result of the bad faith conduct of BREC and for their misrepresentations to the Court(s), Ms. Jennings sought/seeks imposition of the sanctions of the Frivolous Claims provisions from this Court. Such actions by BREC have occupied a huge amount of time of this Court system and served to lessen the goals of fairness and justice at the expense of all. This action has consumed near 9 years of Respondent's life, marred stressful family health matters, demanded expenses, caused stress, distress, and subjected Respondent to wrongful characterization and character attack.

The Reconstruction hearings were held in Anderson County, SC being the home circuit of the trial judge and close to Plaintiff BREC. Jennings was directed to travel from northern Greenville County in Landrum, SC for the hearings. Scheduling around the judge's schedule and the various lawyers for Plaintiff posed difficulties as did the follow-up knee replacement medical appointments and family medical issues for Defendant, who had no role in the destruction of portions of the trial transcript. Defendant was not even informed of the destruction of a portion of the trial transcript plus the failure of the backup system by the Court reporter Mary E. DiGirolamo until approximately year after the trial. Jennings requested of Judge McIntosh's secretary that all trial reconstruction matters and all motions be fully recorded by a certified court reporter. The trial judge ordered that each party submit in writing initial stipulations and

attachments as to this case, which Jennings dutifully complied. He asked for a summary of any missing testimony. Jennings submitted to the trial judge a detailed letter specified, "to be made a part of the Court record." Jennings notes that "MOST of the transcript is in place and only a small percentage is deleted or missing."

Jennings notes that her testimony is missing and as she had maintained her notes, she submitted a summary thereof as to "relevant issues under appeal." Jennings also noted in this packet submission that the trial judge "threatened to hold me in contempt of court if I did not cut short my testimony and prohibited me from reciting all the facts in accordance with my counterclaim..." Jennings also noted in this Ordered summary that the trial judge had specifically limited closing arguments as to time and declared on the trial record, now missing, that he would stop us if his time limit was exceeded and hold the offender in contempt of court. At the beginning of the final day of trial, the trial judge without prior notice, ordered Jennings NOT to include anything in closing statement about punitive damages or other damages or she would be stopped and held in contempt of Court. The trial judge went on to state that he had thought about the matter overnight and changed his mind. Jennings reminded the judge that such matters were properly pled and that Plaintiffs had been on notice of each element of Defendants' counterclaim. Judge had presented the parties a copy of the punitive damages charge he was going to make, which charge he, on his own decision, later refused to charge. (Appendix p. 160).

Jennings diligently preserved her objections on the original trial record as in the following reconstruction. All pending motions of both parties were denied by the trial judge at the conclusion of the reconstruction hearings. The Appendix contains summary testimony of Fred Smith, of Freeman Gas whose testimony was also deleted. This testimony summary was approved by Smith and accepted as part of the reconstructed record alleviating his second court

appearance. The testimony showed the dependability of Defendant, the prompt pattern of utilities payments for many years, that Defendant even had a credit on her account and was an "excellent customer." (Appendix p. 135). This is the same pattern demonstrated by Jennings in all dealings with BREC.

In further compliance with the Order for purposes of reconstruction, Jennings included her summary of her testimony, also missing in the destroyed record. In pretrial discovery, Jennings repeatedly asked for the meter showing the reading to which BREC relied on claiming Jennings had not fully paid her bill. BREC repeatedly responded that the meter had been "stolen" or "missing." Jennings subpoenaed BREC witnesses Dalton and Southerlin to bring records via subpoena ducus tecum. Miraculously at the actual trial on the second day, one of the multi "stolen" or "missing meters per BREC Ronnie Alexander, BREC employee, arrived with him. Questions were posed as to where the meter had been, under whose control, had it been calibrated, results, and more with inadequate answers.

It was Jennings who had maintained diligently copies of the Judge's charging papers he had read to the jury on the last day of the trial on August 28, 2009. Copies of these charges were provided to the trial judge at the reconstruction hearing and to Mr. Brandt and also provided to them via the Ordered summary to be made a part of the Court record by the trial judge. These many efforts by Jennings, far and above anything done by Plaintiffs/Petitioners serve to counter the language in Judge Few's Order chastising Jennings and establishes the diligence of Jennings in doing all within her power to aid the Court to reconstruct the trial record. Jennings respectfully submits that had the trial court daily assured himself that the exhibits and recorded testimony was/were in place and secured, that none of this reconstruction effort would have been necessary.

BREC attacks Kathleen's testimony for the use of the word, "believe," suggesting in no uncertain terms that such word is weak and suggestive that Kathleen had no idea of the boundaries or of the subject matter at hand. Respondent responds that this word states a clear and firm knowledge of the matters under consideration as this word, "believe" is the very foundation of the Christian faith to which she lifelong ascribes. This is a firm, committed carefully utilized word and should be recognized as such. The jury was able to decide their verdict upon a lengthy viewing of the parties, of the witnesses, of their demeanor. They were able to give such weight as they deemed appropriate to each witness, believing all, or part, or none of their testimony and render a verdict that spoke the truth. Testimony and evidence was in place to support the jury's verdict, which should not be disturbed on appeal, by this Court substituting its judgment in place of the jury.

The Court of Appeals rightly adjudicated this matter in affirming the trial court and the jury verdict. The Court of Appeals did not abuse their discretion contrary to the just tenets of the appellate process. BREC failed in their case, failed in disproving their trespass, failed in seeking to collect on an alleged debt that was never due and failed in painting Respondent(s) as debtors. BREC also failed in upholding the sworn professionalism of legal counsel toward this Court and to the parties herein.

The Writ of Certiorari, which they unrelentingly sought, was woefully and wrongfully undertaken as was their Complaint. BREC's later attempts to get another bite at the proverbial apple at the expense of Respondent, of their Coop membership, and of the public, is obscene and objectionable, worthy of sanctions. It was misleading to this Court. The jury performed their sworn duties with diligence, honor, and wisdom. Punitive damages should not have been removed from their purview. Their verdict in favor of Respondent should be Affirmed along

with the trial court's rulings as to motions. There is NO issue as to the small portion of lost transcript as the parties went to great lengths to reconstruct the missing portions with ability to present what had been presented at trial, even if objection raised. The parties acknowledged in open court at reconstruction hearing that the record was reconstructed. There is, therefore NO missing transcript, in part or in whole, for reconstruction occurred per this Court's direction. All motions were ruled upon and any objections noted. For BREC to now claim that the transcript is missing or non-existent is a total misrepresentation.

This case, of long, stressful life, should conclude immediately with the denial of the Writ, affirmation of The Court of Appeals, affirmation of the trial judge, affirmation of the jury verdict, and its rightful conclusion of verdict on all counts to Respondent. The issue of punitive damages alone should be submitted to the lower court for determination.

ADDITIONAL STATEMENTS OF RESPONDENT'S ISSUES AS TO WRIT

In addition to response to Petitioner's Issues they have set forth to which Respondent has herein made Reply, Respondent asserts:

I. That the Court erred in failing to submit the issue of punitive damages, long pled by Respondent as her fundamental right in light of the extensive testimony and facts. The Court of Appeals should be Affirmed but for the issue of punitive damages sought by Respondent.

II. Respondent does not have a copy of any highway record offered by BREC witness Ronnie Alexander as part of her file from the original trial as she steadfastly maintained all copies in diligent manner as shown when recreation of the small missing portions of the transcript was necessary due to destruction of same by the court reporter. Respondent even maintained a hand-written charge as to trespass prepared in the trial judge's handwriting, which was not maintained by the court reporter or the court or apparently, the clerk of court.

Such charge was presented to the trial court on one of the reconstruction hearing days, April 29, 2013, by Jennings. The trial judge identified same as his handwriting and acknowledged it was presented in court on August 28, 2009, the late afternoon prior to jury charges to occur the next day. (Appendix p. 190). Respondent objected to same but it was charged. nevertheless. This hand-written charge was made an official part of the court record along with the other charging papers Jennings had maintained from trial, making a full record. The missing item appears to be the hearsay paper presented at reconstruction hearing by Ronnie Alexander, which was not introduced at trial or referenced by BREC chief engineer, Charles Alan Blackmon. Mr. Blackmon testified at the actual trial, record in place not destroyed, had no recollection of the highway guard rail beyond BREC had constructed their non-power support pole and wires and "would say it's on the highway easement." (Supplemental Appendix p.13, lines 21-24). This flimsy, unknowledgeable testimony from BREC engineer of senior status, was significant in its lack of knowledge about this now "extremely" important event to BREC. It is a paid employee of BREC of many years, the senior engineer, who undertook no measurements of Jennings' property, presented no data, and only rode by. His nonchalance about the event was further compounded in that he never sought to speak to landowner, never been to her house, never talked with landowner, and acknowledged that BREC placed the pole on Jennings property (Appendix p. 68), had no idea what happened to the meter or meters removed by BREC from the Jennings house, remembered that the meters had been a "tad bit fast," had not had the meter in his possession and did not know where it had been, did not know if it was reconditioned, did not know if it was recalibrated, did not know if it was refurbished, did not know if it was cleaned out, and **did** know they were "some bad experiences with Slumberger meters," as elicited by Jennings. (Supplemental

Appendix p. 14 - 16). This witness and his unknowledgeable, nonchalant testimony without any personal knowledge as BREC's senior engineer would be a grave concern to any reasonable jury as to the issue of trespass as well as to the suit for debt. This Court cannot disregard this slack pattern of practice by BREC as demonstrated multi times through their own witnesses, through their initiation of this lawsuit and its prosecution of the Jennings-Gresham household, as well as the purposeful invasion and trespass on the Jennings' farm. The missing meter, despite subpoena by Jennings to produce it, seeking analysis of it, was a tremendous issue for Respondent and this witness confirmed that it was anyone's guess where it was, if it was, and under what circumstances it had been maintained. This type of trial preparation by BREC for a case years in the brewing, illustrates the lack of prominence, much less a public issue of great importance as urged by BREC now. The Court of Appeals was correct in application of its standard of review and its affirmation of the jury verdict and affirmation of the trial judge's dismissal of motions, but for that as to punitive damages.

III. That this Court, in addition to denying the Writ and Affirming the judgments of the Jury, of the Trial Court (but for the punitive damages issue), and of the SC Court of Appeals, should file Sanctions against BREC for its abuse of the Respondent, of the Court System, and against the integrity of the legal process.

Respondent's Reply to Petitioner's Arguments

I.The SC Court of Appeals acted properly and committed no error in Affirming the Trial Court. Petitioner relies on Gressette v.SC Electric and Gas Co., 370 S.C.377, 655 S.E.2d 538 (2006) on multiple points in this Writ in chastising the Appeals Court for committing "reversible error" in "failing to recognize, follow and adhere to ...precedent."

Once again, BREC only relates part of the story and their assertions to the Court must be carefully checked. Justice James Moore, writing in the Gressette opinion, notes that this is a class action lawsuit for trespass and related issues stemming from a WRITTEN easement which now-complaining landowners had granted previously to SCE&G. It is enough said that this case is without procedural or precedent value to the case at hand for it is UNDISPUTED that Jennings-Gresham did NOT ever grant an easement to BREC for the pole and wires in dispute, which were placed by BREC totally on their own initiation and without written permission of landowner, constituting a trespass and infringement on her long-held property. In fact, to further demonstrate the strong opinion and opposition by Jennings to tall power poles, Jennings testified, also undisputed and admitted by key BREC witness Denise McCormack, in trial, that Jennings paid a hefty sum to BREC in the 1980's, to bury her power lines. This case is clearly distinguishable and the Supreme Court and The Court of Appeals should not be called upon to plow the way for speculative private land takings or to support those who do so. Failure to seek such written permission especially when landowner has cautioned not to impede her land or mar her scenic highway 11 corridor, results in an unjust taking, theft of property, offensive and un-American property grab. Judges should not broaden the scope of utility companies or any other companies already wide power and limitless pocketbooks to the detriment of a private landowner. Judges should not legislate from the bench or sanctity of the courtroom, should not allow utility companies or cooperatives such as BREC to seize private property no matter how small or large or convenient for them the patch of land may be, and should not allow BREC by hearsay document or alleged permission document or charging/placing document or any other such means to override private property rights.

In response to Petitioner's point I, B, Gressette as read above, already had in place a WRITTEN easement by landowner in favor of the electrical company, such totally not the case as to Jennings, thus this point and cited case is way afield and not applicable to the facts at hand.

In response to Petitioner's point C, Respondent refuted the alleged approval and the cross examination of witness demonstrated he had little knowledge at the actual trial of the boundaries and issues which he polished up prior to the reconstruction hearing, in attempt to rehabilitate his poor testimony and performance at trial upon issues known for well over a year-plus concerning Respondent's trespass claim by BREC, where he was employed as a supervisor. This document is in question as is the testimony of the witness, all seen and observed by the jury in judging the credibility, lack thereof, trustworthiness, and what such witness had to gain or lose, in reaching their verdict.

In response to point D, it is well established that a property owner is entitled to give her opinion as to the boundaries and other factors of the property she has owned. Jennings did exactly that and also testified as to her extensive knowledge of her property boundaries, to her long-time ownership, to fencing perimeters and research with the fence company and as to this particular stretch of scenic highway in order to erect her extensive fencing back in the 1980's when few people lived on Highway 11, Glassy Mt., northern most Greenville County. She testified as to her fire department start-up, to the establishment of the fire/safety department as a volunteer, to establishment of the routes and boundaries thereof, and other right-of-way related issues, unique to this area, now effectively serving many people as well as being one of the few designated scenic highways in the U.S. As with other witnesses, the jury was able to view, to judge, to weigh, and to compare the credibility of all the witnesses, their honesty, what each had to gain or lose in their testimony, their forthrightness, and their demeanor not able to be observed

by any appellate court. The judgment of such an impartial jury, selected in a long day of jury selection on Monday, August 24, 2009, is formidable and should not be overturned absent severe circumstances that do not exist in this case. The jury had ample testimony and evidence presented at trial upon which to base their verdict but for the issue of punitive damages, properly pled by Defendants, and removed suddenly and swiftly without just cause by the trial judge on the last day of trial, severally jeopardizing and harming Respondent/Defendant's case and over one year of trial preparation and proper pleading. The trial judge should not have removed this issue from the jury as he deprived Defendant Jennings of her right to present such issue to the jury for she had established in testimony and pled that BREC had acted in disregard of landowner's rights, among other factors. As current Justice, then Judge John Few, also formerly of the 13th Circuit, ruled in Hollis v. Stonington Development, LLC, 394 S.C.383, 714 S.E.2d 904 (2011) heard by the SC Court of Appeals and Affirmed, "The issue of punitive damages must be submitted to the jury if more than one reasonable inference can be drawn from the evidence as to whether defendant was reckless, willful, or wanton." Respondent should have been allowed to proceed with her long-pled punitive damages claim, shockingly and with threats of contempt of court if mentioned, withdrawn and disallowed by the trial court at the very last minute just prior to closing statement. Such action by the trial judge was prejudicial and wrong as to Jennings, an abridgement of due process, and did amount to abuse of discretion, as consistently preserved by Jennings at trial and in motions.

At the commencement of the lawsuit after selection of the jury, the trial judge advised Jennings to "just pay your d--- debt," referencing Jennings to BREC. Jennings advised the trial judge that if he had already had such a bias and prejudice without even hearing the facts, he should consider recusing himself from this trial and should have so stated it earlier in the

process. Jennings advised this judge that she had, indeed paid her obligations and paid the BREC bills faithfully as the evidence would show. At the reconstruction hearings in Anderson County, counsel for Blue Ridge Mr. Brandt announced to the Court that Blue Ridge was no longer seeking any alleged past bill amounts from Jennings, acknowledging the rightful actions of the jury's verdict in this key area of their Complaint, which had been their sole basis in bringing this lawsuit. Mr. Brandt also announced in binding form to Jennings and to the trial judge that Blue Ridge was also not seeking any attorney's fees and costs from Jennings-Gresham either from the trial, from the appeals, or otherwise.

Also as to point D, both parties, Plaintiff and Defendant have a federal and state constitutional right to a trial by jury on the question of punitive damages, thusly denied arbitrarily by the trial judge over objection by Defendant Jennings. (Cited in Hollis, citing the U.S. Constitution. The Court of Appeals committed no error in denying BREC request for a new trial as the trial transcript was reconstructed thanks to the assistance and record maintenance of Respondent, as the Court and BREC trial counsel did not possess full copies which had been maintained by Jennings. There was no surmise, no conjecture, and no speculation, which Petitioner accepted when Respondent presented documents at the reconstruction hearing and no objection(s) was/were made thus are waived now by Petitioner. The case at hand is significantly distinguished from State v. Ladson, 373 S.C.320, 644 S.E.2d 271 (2007) in that in Ladson, a criminal case wherein Mr. Ladson had been sentenced to a non-parole term of 25 years in prison, there was NO transcript. No part of the trial had been recorded. The record was, at best, largely conclusory and recalled in summary fashion as noted by the Court of Appeals Judge Kittredge. In Ladson, there could be no meaningful appellate review as no transcript. Much time had passed as well. The transcript was painstakingly reconstructed at great personal sacrifice of

Respondent. There exists a record that does "permit meaningful appellate review," as the Ladson standard requires. Mr. Brandt indicated on the record at trial beginning that this was "basically about a bill," (Supplemental Appendix p. 6, lines 1-2) while the trial judge stated in his opening remarks that "This is not an exceedingly complex case... (Supplemental Appendix p. 4, line 3). Now, almost 9 years later and a bevy of lawyers of BREC still continuing on this case, the facts established at trial might look a little different. The jury saw through it all and reached a verdict that 'spoke the truth.' The trial court, in failing to grant JNOV or Petitioner's other motions, did not abuse his discretion for the facts were in evidence and a reasonable jury could easily have decided what this reasonable jury did decide, but for the Court's refusal to allow the issue of punitive damages. The only matter of "exceptional public importance," demonstrated by these facts at hand before this Court is that BREC exercised terrible judgment in invading and trespassing on Respondent's property and in bullying her and her non-member BREC husband in a bogus debt collection action to show their power and 'unstopability.' The jury stopped them. The trial court finally stopped them with denial of their motions in just fashion. The Court of Appeals stopped them. The Supreme Court of our state should stop them as well and urge BREC's adherence to proper use of power to more effectively serve its hard-working and hard-paying coop members. Justice has been 'unblinded.' The only issue not properly decided is the issue of punitive damages, which was preserved by Jennings even though she was wrongfully denied due process and/or presentation to the empaneled jury on this long-pled issue, to her detriment and to her surprise at the last hour of trial just prior to closing arguments and testimony, to great disadvantage.

BREC should be prohibited from complaint about damages when they reaped a windfall from the trial judge in his erroneous, last minute ruling from the bench on August 28th, 2009, the

last day of trial, that contempt sanctions would befall Jennings should she even mention punitive damages much less ask the jury for them. In Welch v. Epstein, 342 S.C.279, 536 S.E.2d 408 (2000), rehearing denied Nov.4, 2000, "the issue of punitive damages must be submitted to the jury if more than one reasonable inference can be drawn from the evidence as to whether the defendant's behavior was reckless, willful or wanton," Code 1976, sect.15-33-135. Submission of the issue of punitive damages was absolutely essential and the responsibility of the trial judge. Correction can occur by re-submission of the punitive damages issue ALONE to the lower court as Respondent has so moved and continues to do so.

As to point E, The Court of Appeals was correct in denying Petitioner's request for a new trial as a matter of law for testimony was in dispute and the jury could and did find the evidence as they heard it and considered it in light of the entire case presentation in which they participated for three days. The jury's verdict will not and should not be overturned if any evidence exists that sustains the factual findings implicit in the Court's decision. (Welch v Epstein, 342 S.C.279, 536 S.E.2d 408 (2000) Simplistically put, fact finder is imbued with broad discretion. It is not the function of reviewing court to weight evidence and determine credibility of witnesses. (Small v. Pioneer Machinery, Inc., 329 S.C.448, 494 S.E.2d 835 (1997).

Writing for the Supreme Court, Justice Beatty held that the factual findings of the jury will not be disturbed unless no evidence reasonably supports the jury's findings. (Austin v. Stokes-Craven Holding Corp., 387 S.C.22, 691 S.E.2d 135 (2010). In the case at hand, there is considerable evidence to support the jury's verdict, such verdict upheld also by the trial court's rejection of Petitioner's motion for JNOV as, did The Court of Appeals. The trial court has discretion in denying a motion for JNOV and in the light most favorable to the party opposing

the motions and to deny the motions where the evidence yields more than one inference. (Strange v .S.C. Dept. of Highways, 314 S.C.427, 445 S.E.2d 439 (1994).

As to points F, The Court of Appeals correctly applied the standard in refusing to set aside the jury's verdict as a matter of law or otherwise. Several parties made testimony. There was no failure by Respondent as to trespass onto her land. A landowner has the right to testify about the perimeters and her knowledge about her land, which testimony was presented. It is NOT the role of The Court of Appeals or other court to substitute their judgment for that of the jury or to impose their decision for a jury's decision. Appellate court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party and will reverse ONLY WHEN (emphasis added) there is NO evidence to support the ruling below. Neither the trial court nor the appellate court has authority to decide credibility issues or to resolve conflicts in the testimony or evidence. The jury's verdict will not be overturned IF ANY evidence (emphasis added) exists that sustains the factual findings implicit in its decision. (Welch v. Epstein, 342 S.C.279, 536 S.E.2d 408 (2000).

As to point G, Testimony was made by several witnesses, including the landowner of long duration-ownership of her farm land as to boundaries and knowledge of same with details about her fencing placement in the 1980's, its placement, the intrusion of BREC onto her land, past the large structural steel or medal roadside barriers, position of the long guy wires to service the non-power support pole, her inability to clean the land as she had for thirty plus years with the intrusion, her objection to such a pole on her land, her attempts to have BREC remove the pole, and her adamant about its wrongful placement. It is up to the jury to judge the weight given to each witness' testimony, to apply the law as given, and to use their common sense. The appellate court(s) should not disturb the jury's discretion. The trial court was/is in a position to

view the evidence, as was the jury who issued their verdict, from a perspective that an appellate court can never match. (Norton v. Norfolk Southern Railway Co., 350 S.C.473, 567 S.E.2d 851 (2002).

It is generally held in the modern common law that trespass to land is actionable per se and that the action will lie and nominal damages may be recovered regardless of actual loss to the landowner. (Johnson v. Phillips, 315 S.C.407, 433 S.E.2d 895 (Ct.App.1993); 318 S.C.453, 458 S.E.2d 427 (1995) and reh'g denied, (Aug.11, 1993). The Court of Appeals of S.C.in this case, recognized that from its earliest history, the *common law* has been vigilant to protect the rights of private property and liberty and safety of the person.

Freedom from discomfort and annoyance while using lands is often as important to a person as freedom from physical interruption with his use or freedom from detrimental change in the physical condition of the land itself. (Restatement (Second) of Torts Sect.821D (1979) quoted in Babb et al v. Lee County Landfill SC, LLC, 405 S.C.129, 747 S.E.2d 468 (2013)

Justice Hearn, writing for The Supreme Court in Babb v. Lee County Landfill SC, LLC, reviewed the issue of trespass noting that there is no requirement of unreasonableness; rather, any trespass, however small and insignificant, gives rise to an actionable claim. An action in trespass entitles a plaintiff (Respondent through her counterclaim) to even nominal damages even in the absence of any actual injury. In this case at hand, Respondent did experience actual injury from the loss of use of her property, interference with her grounds and farm maintenance, loss of scenic beauty, being forced to endure the intrusion of a large utility pole and long, extensive guy wires on her property, inability to now maintain the area on which the pole and intruding wire lines are located, and loss of her exclusive possession. BREC was intent on making money by utilizing Respondent's land to support their "money makers, (i.e. the power

poles). The pole and wires were not erected by BREC as bird stands or scenic markers but as moneymakers, at the expense and injury to Respondent. She had a right to argue punitive damages and to have the pole and wire removed with damages awarded to her for the injury, still on going.

BREC's entry and construction of pole and wires were actual physical entries and actual invasion of Respondent's treasured and pristine land where she had sacrificed to bury her own Blue Ridge power lines to avoid the eyesores of poles and wires and above-ground storm damage even if this decision forced her to pay BREC their demanded, large fee to bury her power. Above ground power to Respondent's home was 'free,' to be a BREC customer but the cost of buried power, more novel, exceptional and even visionary in the 1980's, cost a 'pretty penny,' into the thousands of dollars, which Respondent paid, preferring to live meagerly for extra years in order to bury her power and avoid visible, ugly, and invasive poles and steel wires. It is the right of a landowner to hold values and standards for her land and to make sacrifices to accomplish them. It is NOT a right of a cooperative like BREC or any other, to boldly enter such land, being aware of the landowner's desires as they profited from them in the buried power construction and each month with her prompt bill payments, to radically upset the long-held plan and use the Respondent's land for their own purpose without written permission. It is undisputed that NO written permission occurred with this trespass. Clearly, a large, looming pole and long, steel guy wires are tangible things constructed in an invasive entry on Respondent's property, requiring a construction team and heavy hoisting equipment and specialized construction requiring considerable time. This invasion constituted a classic, common law occurrence of trespass. Respondent met her burden of proof as to trespass by her own testimony, by that of her husband, by engineer Austin, and importantly, by admission of BREC witnesses who

acknowledged the pole and wires past the scenic highway right-of-way upon which Respondent has operated for 35 plus years. There was no need for expert testimony as trespass is NOT beyond the common knowledge of the jury as where a layperson can comprehend and determine an issue without the assistance of an expert, expert testimony is not required. (Babb)

Respondent lived quietly, bothered no one on her farm, insisted on the front gate be steadily locked to prevent the escape of animals as. Fred Smith, manager of Freeman Heating and Gas in Landrum, testified. Smith's testimony was also destroyed but reconstructed by agreement with his submitted written statement, attached hereto and furnished to the trial judge by Respondent in accordance with the judge's reconstruction Order to the parties, made a part of the Court record. Smith testified that he had been manager since 1986 and knew Ms. Jennings as "a long standing and valued customer, paid her bills promptly and even had a credit of $732.00 on her account." This testimony, presented in summary form for appeal, further illustrates Ms. Jennings' frustration and even anger at BREC for several times clipping her front gate locks, ruining them, to gain illegal entry to her property when the meters BREC alone installed were promised Respondent to be 'state-of-the-art,' even by the highest authority at BREC, Charles Dalton, the CEO. Destroying the front gate and its locks on several occasions, as even confirmed in testimony of key BREC employee witness Denise McCormack (Supplemental Appendix p. 7, lines 7-13), reluctantly admitting on cross-examination that it "could have been more than one" unauthorized property entry, demonstrates the reckless behavior, willful and wanton behavior of BREC toward even one of its long-standing, 'excellent' by testimony of the employees, member. This type of bullying behavior with no respect for property rights and no regard for honorable business practices obviously impacted the jury and even the trial judge, adamant at case

beginning that this was just a case about debt. There was NO debt. There never had been any debt.

This case was more about power and BREC's being used to doing what they wanted, when they wanted, to earn their own profits, regardless of the rights of those in their path. This is why Respondent pled punitive damages and likely would have received them but for the abuse of discretion by the trial judge on this long-pled issue at the last day of trial. BREC deserves the imposition of Court sanctions. They have earned the denial of their Writ. Moving the pole and wires would have been and is a simple, cheap fix but it was more important to BREC to 'prevail,' to whine about being the first time they were marked as what they are – trespassers. There is no sympathy for them. They invited their own exposure as trespassers. The Writ should be denied. The appeal of BREC ended.

CONCLUSION

This lawsuit, initiated by BREC, should never have been filed. It is and has been a travesty of justice, insulting to Kathleen Jennings, to her husband, Steve Gresham, to their entire family, and has brought embarrassment and disrepute to BREC, and its unsuspecting rural members, unaware of the exorbitant spending to sue an "excellent customer of long years, duration. It has also brought unnecessary angst to the S.C. Court System and an incalculable cost to all. It has been a 'no win' for everyone from the outset. It was anticipated by Jennings who diligently sought for BREC to "see the light," and abandon their notions of any lawsuit, even bringing in State Senator David Thomas to use his own investigative powers and analysis in his tenacious fashion, without bias, to try to resolve the matter as to the alleged debt. Initially, the Senator advised Ms. Jennings to just "pay the bill," just as the trial judge, Lawton McIntosh, did at commencement of trial. However, the case was not as "simple," as these smart men initially

decreed nor as Mr. Brandt, BREC's chief lawyer and legal team guru, termed it in open court from the beginning of the trial way back in August of 2009. The case was underway in pleadings and discovery for approximately two years before this 3-day jury trial, demanded by Respondents. It is aged and gotten gray in an escalating expensive process that had taken years of toll on Respondent, through a myriad of family health issues and times much better spent on living. This is a classic case of "David versus Goliath," with Respondent in the "David" role.

In short, the jury was attuned, right-on, and blazingly accurate in finding for the Respondent on all matters, allowed to be presented to them – the lack of, non-existent debt and the trespass. They were firm in their conviction and keenly observed all trial witnesses and evidence through 3 days in Greenville Common Pleas Court back in August of 2009. Eight-plus years, excluding the over a year Jennings spent trying to reason with BREC to have them look at the case a different way, even before the non-power pole was erected on her pristine mountain land and home, was without avail. Just prior to BREC's initiating of this lawsuit, BREC constructed the non-power, support-only pole and extensive guy wires. This blatant trespass was the ultimate slap in the face and occurred just as Jennings and her husband were served the complaint. Thus, the denial as to the debt and the trespass, along with request for costs, was counterclaimed. Jennings has received no costs from BREC, not even the mediation costs or for the motion to dismiss Steve Gresham as a party, when Blue Ridge knew full well he was not and had never been a coop member and that there is no "jointly and severally liable," as Mr. Brandt urged the jury at trial commencement. You were either a member or not.

Respondent proved the lack of debt. Respondent proved the trespass. Respondent would have prevailed on the issue of punitive damages had it not been unceremoniously and without notice, yanked from her on the morning of the last day of trial, August 29, 2016, by the trial

judge over the objection of Respondent, as a running objection. Respondent was threatened with contempt of court if she dared mention punitive damages, thus significantly undermining her case of long duration. That concern continues today.

This WRIT was improvidently issued but was based on the wrongful and misleading actions and plan of BREC who are trespassers as to Respondent's land and acted entirely unfairly in this entire case and its prosecution. The Writ is challenged and it should be dismissed with costs to Respondent. The Jury, as the Trial Judge (but for the punitive damages issue) acted correctly, well within the evidence presented, with common sense, and applied their verdict and rulings to the truth. The Court of Appeals also affirmed correctly and applied the correct judicial review, did not legislate from the bench, grasped the facts, recognized that BREC had trespassed, and properly, Affirmed.

This case does "present a matter of exceptional public importance," but not for the reason urged by BREC. This exceptional public importance is the importance of private land rights, of the rights to use and maintain and enjoy one's property without fear of intrusion, construction, and taking by such "Giants" as BREC, with limitless resources and power. This case is of exceptional public importance because a power/utility company such as BREC should not be able to harass, intimate, and bully any customer, much less one with a demonstrated payment track record of excellence by dozens of threats to shut off their power, break into their locked farm with animals, and sue them for alleged years' old debt when the company themselves, as with BREC in this case, selected the meter equipment, installed it, monitored it, and kept it up, if they did, solely at their discretion upon which an innocent customer consumer was forced to rely. BREC's conduct was outrageous and continues to be so. There was no debt. There never was. It

was BREC stubbornness at its highest, easily discoverable, and imperiled these Respondent(s) for approximately 9 years and counting.

BREC deserves and has earned sanctions. They deserve the moniker of 'trespasser,' and Respondent deserves an apology and her life back with no repercussions and retaliations. The Supreme Court of S.C. should deny BREC's Writ and Affirm the jury verdict and The S.C. Court of Appeals. It would be a just end for the offending pole and wires to be removed and the land returned to its glory.

Kathleen Jennings (Gresham), pro se
Tahlequah Farm - 1524 Highway 11
Landrum, SC 29356
(Greenville County)
864-895-4222

Glassy Mountain, Landrum, S.C
July 16, 2016

THE STATE OF SOUTH CAROLINA

In the Supreme Court

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

And

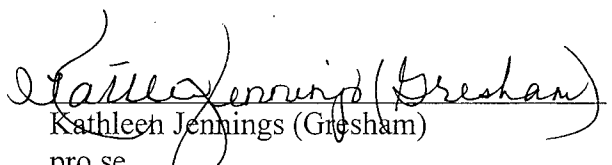
APPEAL FROM THE S.C. COURT OF APPEALS

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2008-CP-23-5245
App. Case No.: 2015-001836; 2009-141246
Court of Appeals No.: 2015-UP-031, submitted Nov. 1, 2014

CERTIFICATE OF PRO SE RESPONDENT

The undersigned hereby certifies that this Respondent's Final Brief complies with Rule 211 (b), SCACR.



Kathleen Jennings (Gresham)
pro se
Tahlequah Farm
1524 Highway 11, Greenville County
Landrum, South Carolina 29356
864-895-4222

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PROOF OF SERVICE

I certify that I have personally served the Final Brief of Respondent Kathleen Jennings (Gresham) upon the Petitioner and the Clerk of South Carolina Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid on July 20, 2016, to:

Larry C. Brandt Law Firm and Associates
Post Office Box 738, 3691 Blue Ridge Blvd
Walhalla, South Carolina 29691
(864-638-5406)

Clerk of Court of Appeals
Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

Steven W. Hamm
C. Jo Anne Wessinger Hill
Richardson Plowden & Robinson, PA
1900 Barnwell Street
P.O. Box Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400

Kathleen Jennings
1524 Highway 11
Landrum, SC 29356

July 20, 2016