

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In The Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

Trial Court Case No. 2016-CP-10-0636

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MAR 15 2017

SC Court of Appeals

Glynndeavin Von Fox Appellant,

v.

Medical University of South Carolina..... Respondent.

RETURN TO APPELLANT'S MOTION TO STOP ORDER

M. Dawes Cooke, Jr., Esq.
Alissa D. Fleming, Esq.
John W. Fletcher, Esq.
Barnwell Whaley Patterson & Helms, LLC
P. O. Drawer H
Charleston, SC 29402
(843) 577-7700
Attorneys for Respondent

Glynndeavin Von Fox, *Pro Se*
8983 University Boulevard, Suite 104-174
North Charleston, SC 29406
Appellant Pro Se

AND NOW COMES Respondent The Medical University of South Carolina ("MUSC"), and files this Return to Motion to Stop Order and, in support thereof, avers as follows:

INTRODUCTION

1. Appellant Glynndeavin von Fox ("Appellant") filed this lawsuit on February 5, 2016 in the Court of Common Pleas of Charleston County, South Carolina. Plaintiff is not represented by counsel in this matter.

2. Plaintiff has alleged claims against MUSC asserting, *inter alia*, malpractice and refusal to treat.

3. The instant appeal involves Plaintiff's appeal from the trial court's grant of summary judgment to MUSC as to all counts.

4. On or about October 11, 2016, MUSC filed, its Motion to Dismiss and Memorandum in Support thereof in the trial court.

5. On February 24, 2017, the trial court entered a Form 4 Order granting MUSC's Motion to Dismiss and indicating that "[t]here will be a formal Order to follow."

6. On or about March 3, 2017, Appellant apparently filed a Notice of Appeal from the dismissal of his claims.

7. On the same date, Appellant also apparently filed a Motion to Stop Order, which is the subject of this Return.

8. It is unclear precisely what Appellant is requesting in his Motion to Stop Order. However, MUSC believes that Appellant is asking this Court to reinstate his case in the trial court, pending the resolution of this appeal.

9. MUSC respectfully submits that nothing in S.C.A.C.R., Rule 241 or any other rule authorizes the relief Appellant requests here.

10. MUSC further submits that neither this Court nor the trial court possesses the authority to enter an order staying the dismissal of a lawsuit.

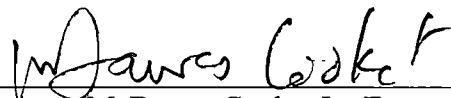
11. Appellant cites no authority permitting this Court (or any court) to enter a

stay or supersedeas of an order *dismissing a lawsuit*.

12. Appellant cites no authority permitting this Court (or any court) to allow a plaintiff, whose lawsuit has been dismissed with prejudice, to obtain the reinstatement of his case pending appeal.

CONCLUSION

13. For the foregoing reasons, the Court should deny Appellant's Motion to Stop Order.



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Dated: March 13, 2017
Charleston, South Carolina

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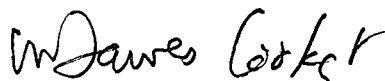
Glynndeavin Von FoxAppellant,

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PROOF OF SERVICE

I certify that I have served the foregoing Return to Motion to Stop Order on Appellant Glynndeavin von Fox by depositing a copy of it in the United States Mail, postage prepaid, on March 13, 2017, addressed to Glynndeavin von Fox, 8983 University Boulevard, Suite 104-174, North Charleston, SC 29406.



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SC Court of Appeals

M. Dawes Cooke, Jr., Partner
dcooke@barnwell-whaley.com

March 13, 2017

1.628
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Glynndeavin Von Fox vs. Medical University of South Carolina
C/A No. 2016-CP-10-0636

Dear Ms. Kitchings:

Please find enclosed the original and seven copies of Respondents Return to Appellant's Motion to Stop Order and Proof of Service with regard to the above referenced matter. Please file the original and six copies and return the seventh clocked copy to me in the enclosed envelope. By copy of this letter and pursuant to the Certificate of Service I am serving copies of the same on Appellant, Glynndeavin Von Fox, *Pro Se*.

Thank you for your attention and your assistance.

With kind regards,

M. Dawes Cooke, Jr.

MDC/dlh
Enclosures
cc w/enc.: Glynndeavin Von Fox, *Pro Se*

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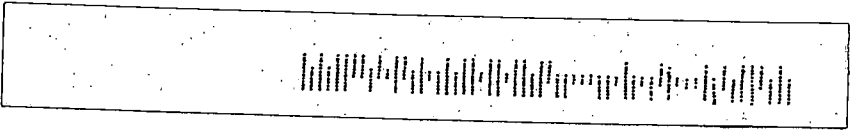
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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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