

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

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

INDEX
SUPPLEMENTAL RECORD ON APPEAL

Notice of Motion and Motion for Sanctions as to Defendants’ Counsel, Filed October 14, 2015.....	81
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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>100187, 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: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ 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: ☒ YES/ ☐ NO			
SECTION II: Motion/Order Type ☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. _____, 20____ Signature of Attorney for ☐ Plaintiff/ ☐ Defendant Date submitted			
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>20</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ 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: _____ ☐ Other: _____			
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____, 20____	
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 20____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

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

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JULIE J. ARMSTRONG
CLERK OF COURT
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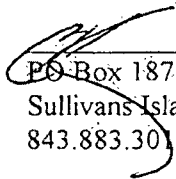
Record herein. Further grounds are that Defendants' counsel has perpetrated fraud upon the Court in the presence of the Court wrongfully inducing the Court to become an unwitting accomplice in Defendants' counsel's wrongdoing. On information and belief, Defendants' counsel made misrepresentations to, 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
Sullivan's 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



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,

Margie L. Seabrook
Margie L. Seabrook
Postmaster
2061 Middle St.
Sullivan's Island, SC 29482



Julie J. Armstrong
Charleston County Clerk of Court

Charleston County
Circuit Court Case Details
Public Index

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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
☒ Board of Zoning Appeals					Defendant		02/09/2015
☒ BZA					Defendant		02/10/2015
☒ Doe, John	PO Box 187 Sullivans Island SC 294820187				Plaintiff Pro Se		04/30/2015
☒ Doe, John					Plaintiff		04/14/2015
☒ Linton, John Phillips Jr.	PO Drawer 22247 Charleston SC 29413				Defendant Attorney		03/09/2015
☒ S I					Defendant		02/10/2015
☒ S I Building Dept					Defendant		02/10/2015
☒ S I Zoning Administrator					Defendant		02/10/2015
☒ Sullivans Island Town of					Defendant		03/09/2015

FILED
2015 MAR -9 PM 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)
COUNTY OF CHARLESTON) COURT OF COMMON PLEAS
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 – 9th Judicial Circuit
P O Box 901
Johns Island, South Carolina 29457
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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1 stated in your brief, which I have seen.

2 (HEARING CONCLUDED)

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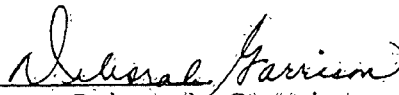
John Doe v Board of Zoning Appeals
Case No. 15-CP-10-0775
Hearing of April 17, 2015
Before The Honorable R. Markley Dennis, Jr.

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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 9th 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 Deborah Garrison
20
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

P.O. 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

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APR 26 2016

SC Court of Appeals

John Doe, Appellant,

v.

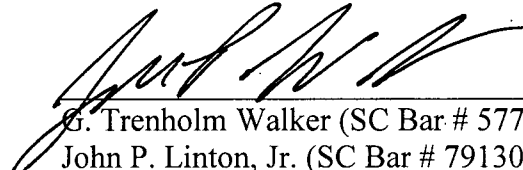
Board of Zoning Appeals (BZA) and Town of Sullivan's Island (S.I.),
S.I. Zoning Administrator, and S.I. Building Dept., Individually and in
Official Capacity, Respondents

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