

(S)

No. SC 2017-080601

In the Supreme Court of the United States

Glynndeavin von Fox,

Petitioner,

v.

The Medical University of South

Carolina,

Respondent.

**On Petition for a Writ of Certiorari to the United States Supreme Court Under Rule 13
Regarding Disallowance for *In Forma Pauperis* of Appeal to the South Carolina Court of
Appeals**

Petition for a Writ of Certiorari

Glynndeavin von Fox, S/N
St. Phillips Parish
164 Market Street, Suite 117
Charleston, South Carolina 29401

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SC Court of Appeals

Questions Presented

The questions presented in *Glynndeavin von Fox v. the Medical University of South Carolina* are clear, and provide concise legal arguments into two issues. The first issue being the recognition of three sources from a foreign country in the Sovereign Country of Japan, with the first source being a banned substance that was forced on Glynndeavin von Fox by the Japanese government, the second being a written prescription on a plastic baggy from the Japanese Immigration Bureau officer that gave the medication to Homeland Security at the John F. Kennedy International Airport (JFK), and lastly the Japanese prognosis that was illegally gained from a national hospital in Japan by either the 9th Circuit Solicitor's Office or Savage Law Firm in Charleston, South Carolina that was not signed under Rule 902 or acceptable under South Carolina Code of Law Title 15, Chap. 35, Art. 11, Sec. 15-35-910 to make a judicial movement with the current pending case, 2013A1010200095 and 2013A1010200096.

The second issue is with Title 18 U.S.C., Sec. 1113 regarding two endocrinology doctors informing a psychiatric doctor that after months of testing, the high levels of A1C regarding prescribed medicine given to Glynndeavin von Fox as being the issue, and to remove him off of the medicine before cardiac arrest take place. The psychiatric doctor refused to take Glynndeavin von Fox off of the medication, which was being used as a requirement for a bond condition by South Carolina in order to see his children, and remain free from issue with the penal system.

The question is whether or not a medical doctor can use a prognosis from a foreign country with these three issues:

- Non-signature, non-attestation, and non-seal from Japan or United States of America under Rule 902 federal or state legal codes from a national hospital system in Tokyo, Japan (Chiba Prefecture).
- Non-allowance by the Federal Food and Drug Administration (FDA) approval system to have a drug from Japan being used in a diagnosis of prescribed medication.
- Non-recognition under South Carolina Code of Law regarding two doctors recommendation for treatment in malpractice laws in South Carolina to determine the need to remove medication from prescription that is causing death related matters.

These three questions encompass the answer sought by the Writ of Certiorari petitioner?

Parties to the Proceeding and Rule 29.6 Statement

Petitioner, who were Plaintiff-Appellees below, are: Glynndeavin von Fox, a patient at MUSC, and a traveler from Tokyo, Japan.

Respondent, who were Defendants-Appellants/Cross-Appellees below, are: The Medical University of South Carolina (MUSC).

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Table of Authorities

Cases

Tatum Et Al. v. MUSC

Fletcher v. MUSC

Biser v. MUSC

*Pamila and John Mark Crawford, as Parents of M.C., a minor v. MUSC, South Carolina
Department of Social Services, and Greenville Hospital Systems*

Constitutional Authorities and Statues

Title 18 U.S.C., Sec. 1113

South Carolina Code of Law Title 15, Chap. 35, Sec. 15-35-910.

South Carolina Const. Art. 1, Sec. 3

Rules

Rule 902 under federal and state legal codes

Petition for a Writ of Certiorari

Petitioner Glynndeavin von Fox, respectfully submits this petition for a Writ of Certiorari.

Opinions Below

The opinion of the South Carolina Court of Appeals regarding the disallowance to file *In Forma Pauperis* with the South Carolina Court of Appeals.

Jurisdiction

The South Carolina Court of Appeals has jurisdiction over the matter regarding the disallowance, under United States Supreme Court Rules the Plaintiff has the right of Rule 13 to file with the United States Supreme Court, and is regarding the filing fees associated with the South Carolina Supreme Court.

Constitutional and Statutory Provisions Involved

The constitutional and statutory provisions involved are Title 18 U.S.C., Sec. 1113; United States of America Constitution, Amend. 8; South Carolina Code of Law Title 15, Chap. 35, Sec. 15-35-910.

Statement of the Case

On the 24th of January, 2014, Glynndeavin von Fox was checked into the emergency room with a bag of medicine that the New York/New Jersey Port Authority Police Department and the Department of Homeland Security said was an illegal substance, and that Glynndeavin von Fox needed to go to a hospital to have the medicine checked out in his system. The bagged medicine was written in Japanese Kanji, and the contents of the prognosis were given to the Medical University of South Carolina by a reference to the psychologist on the South Carolina case of General Sessions, a one Dr. Susan Knight, Ph.D. in acknowledgement of legal counsel from Cameron Blazer, Esq. of Savage Law Firm. Of which, the testimony of Dr. Susan Knight, Ph.D. is being sought in a Common Pleas and General Sessions courtroom for failure to perform testing under contract with Glynndeavin von Fox to determine reasoning of request from the 9th Circuit Solicitor's Office regarding the case. This is due to the Rule 902 violated documents from Tokyo, Japan regarding the medicine bag and the prognosis from a national hospital in Japan.

The events after the emergency room were to admit Glynndeavin von Fox for evaluation of issues regarding the Japanese medicine without talking to Glynndeavin von Fox of the reasoning of admittance into the evaluation. The evaluation took place and the medicine required to be taken by South Carolina under Assistant Solicitor Stephanie Linder, Esq (Now defunct regarding South Carolina representation in the case.) had considerable damage to Glynndeavin von Fox regarding weight gain, A1c, and blood sugar levels that would place him in an emergency room. This violated the United States of America Constitution Amend. 8 regarding cruel and unusual bail procedures, and violates the reciprocal South Carolina Const. Art. 1 Sec.

3. The visits with endocrinology at MUSC proved that the issues with the A1c levels were caused by the prescribed medication that was given after evaluation on the 24th of January, 2014.

The two doctors, Dr. Morgan Jones, and Dr. Nicoleta Sora pleaded and requested psychiatrist Dr. Lisa Boyar to remove the patient from the medication because of the cardiac arrest issue, and Dr. Lisa Boyar refused to remove him from the medication. This violates Title 18 U.S.C., Sec. 1113 regarding the high risk of cardiac arrest in the aspect of a heart attack resulting in death. As the cases referenced from the Table of Authority, the Medical University of South Carolina can, and has been sued for malpractice as a private hospital that is not a part of the South Carolina hospital system. In the Charleston District Court of the United States of America filing, the magistrate judge and the federal judge in the matter determined that as MUSC is a state education facility it cannot be sued in a court of law by a private citizen, and one case in *Tatum Et Al. v. MUSC* proves this to be a reality in filing against MUSC.

Reason for Granting the Petition

The reason for granting the petition is based on the violation of the South Carolina Code of Law by The Medical University, and the ability to access Rule 13 of the United States Supreme Court regarding non—allowance to have jurisprudence review regarding *In Forma Pauperis* at the lower appellant court of a State in a Union of the United States of America in the given flow chart of normality of legal precedence in the United States of America.

Conclusion

Accordingly, the petition for a Writ of Certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

Glynndevin von Fox

St. Phillips Parish

164 Market Street, Suite 117

Charleston, South Carolina 29401

8

JULIE J. ARMSTRONG
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GLYNNDEAVIN VON FOX
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SC Court of Appeals

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

Order/Crt Heard Defnt's Mot to Dismiss & Granted the Motions

CASE NO: 2016CP1000636

Glynndeavin Von Fox VS Medical University Of South Carolina The

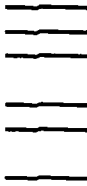
This judgment was entered on the 24th day of February, 2017, and notice mailed first class on Monday, February 27, 2017, to all counsel of record and/or all parties entitled to receive notice.

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.

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GLYNNDEAVIN VON FOX
8983 UNIVERSITY BLVD STE 104-174
NORTH CHARLESTON SC 29406-7102

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

Order/granting motion to dismiss

CASE NO: 2016CP1000636

Glynndeavin Von Fox VS Medical University Of South Carolina The

This judgment was entered on the 10th day of March, 2017, and notice mailed first class on Monday, March 13, 2017, 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

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2016-CP-10-0636

Glynndeavin Von Fox,

Plaintiff,

vs.

The Medical University of South Carolina,

Respondent,

ORDER GRANTING
MOTION TO DISMISS

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SC Court of Appeals

2017 MAR 10 11:39
CLERK OF SUPERIOR COURT
BY

THIS MATTER comes before the Court on a Motion to Dismiss pursuant to SCRPC 12(b)(6) filed by Defendant The Medical University of South Carolina ("MUSC") on October 11, 2016. A hearing was held on February 22, 2017. Because Plaintiff's Complaint fails to state a viable cause of action, Defendant's motion is hereby GRANTED.

PROCEDURAL HISTORY

Plaintiff, Glynndeavon Von Fox, filed this action against MUSC, *pro se*, on February 5, 2016. MUSC was served with the Complaint on September 6, 2016. The Complaint makes various allegations generally arising out of Plaintiff's diagnosis and treatment beginning in Tokyo in 2013, the release of his healthcare information and records, and various interactions and letters with certain other entities and individuals unaffiliated with Defendant. Liberally construed, the Complaint purports to allege causes of action for medical malpractice, violations of The Health Insurance Portability and Accountability Act of 1996 (HIPAA), breach of physician-patient confidentiality, violation of the Physicians' Patient Records Act, and violation of the Physician Practice Act.

Defendant MUSC filed the present Motion to Dismiss and supporting memorandum on October 11, 2016. On October 17, 2016, Plaintiff filed a responsive document opposing the motion. The matter was heard on February 22, 2017.

Handwritten signature

STANDARD OF REVIEW

“Under Rule 12(b)(6), a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action.” *Brazell v. Windsor*, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009). In considering such a motion, the Court must look to the allegations contained in the complaint and any inferences drawn from the facts as alleged.” *Spence v. Spence*, 384 S.C. 106, 116, 628 S.E.2d 869, 874 (2006). “If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper.” *Id.* at 116, 628 S.E.2d at 876. However, the Court should not consider a plaintiff’s unsupported conclusions, nor should it consider a plaintiff’s conclusions of law. *Charleston Cnty. Sch. Dist. v. Laidlaw Transit*, 348 S.C. 420, 426, 559 S.E.2d 362, 365 (Ct. App. 2002).

DISCUSSION

Viewing the allegations and any inferences reasonably drawn therefrom in the light most favorable to Plaintiff, the Court finds that the Complaint fails to state an actionable claim under any legal theory.

I. Plaintiff has failed to meet the procedural requirements necessary to state a medical malpractice claim under S.C. Code § 15-36-100(B).

Plaintiff’s Complaint fails to state a cause of action for medical malpractice against MUSC. Plaintiff alleges that his lawsuit arises from the “malpractice and refusal of treatment violations by MUSC” as a result of “the diagnosis of a medical condition that was derived from a Japanese Buddhist doctor from Tokyo, Japan in 2013.” Per the Complaint, Mr. Von Fox received medical care from emergency room personnel and certain individually-named health care providers, and was negligently and/or maliciously administered improper treatments or refused treatment. However, the Plaintiff’s professional negligence or malpractice claims must be dismissed as a matter of law because Plaintiff did

not include an expert affidavit, nor has he moved to submit one, as required by S.C. Code §§ 15-36-100(B), (C)(1).

Under South Carolina law, a Plaintiff asserting professional negligence must include an expert affidavit supporting the claim:

In an action for damages alleging professional negligence against a professional licensed by or registered with the State of South Carolina and listed in subsection (G) . . . the plaintiff must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit.

S.C. Code § 15-36-100(B).

In lieu of a contemporaneous affidavit, under certain circumstances, a plaintiff may supplement the pleadings with an expert affidavit within forty-five days of filing:

The contemporaneous filing requirement of subsection (B) does not apply to any case in which the period of limitation will expire, or there is a good faith basis to believe it will expire on a claim stated in the complaint, within ten days of the date of filing and, because of time constraints, the plaintiff alleges that an affidavit of an expert could not be prepared. In such a case, the plaintiff has forty-five days after the filing of the complaint to supplement the pleadings with the affidavit. Upon motion, the trial court, after hearing and for good cause, may extend the time as the court determines justice requires. If an affidavit is not filed within the period specified in this subsection or as extended by the trial court and the defendant against whom an affidavit should have been filed alleges, by motion to dismiss filed contemporaneously with its initial responsive pleading that the plaintiff has failed to file the requisite affidavit, the complaint is subject to dismissal for failure to state a claim.

S.C. Code § 15-36-100(C)(1).

This statute applies to lawsuits alleging professional negligence against medical doctors, nurses, psychologists, and licensed counselors. *See* S.C. Code § 15-36-100(G).

Plaintiff has not submitted an expert affidavit in accordance with South Carolina law, nor has he moved to supplement his pleadings under S.C. Code § 15-36-100(C). By his Response to Motion to Dismiss, Plaintiff contends that "the Complaint is the Affidavit of the filer." *See* Pl.'s Resp. to Def.'s Mot. to Dismiss, Oct. 17, 2016. Even assuming that a Plaintiff's own affidavit could satisfy the requirements of § 15-36-100, Plaintiff has not demonstrated, nor does he even allege, that he is an expert "qualified as to

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the acceptable conduct of the professional whose conduct is at issue.” S.C. Code § 15-36-100(A). Plaintiff’s Complaint was filed on February 5, 2016, and the forty-five day “safe harbor” period expired on March 2, 2016. Plaintiff has not attempted to submit the requisite affidavit or moved the Court for additional time to supplement his pleading. Consequently, the Court finds that Plaintiff’s claims insofar as they allege professional negligence or malpractice must be dismissed.

II. HIPAA does not create a private right of action

Plaintiff alleges violations of his “rights to disclosure” under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA authorizes the Department of Health and Human Services to promulgate regulations intended to protect patient privacy and confidentiality of individuals’ medical records. *See In re Maple*, 434 B.R. 363, 369 (Bankr. E.D. Va. 2010) (citing *Webb v. Smart Document Solutions*, 499 F.3d 1078, 1084 (9th Cir. 2007)). Other courts addressing similar claims have unequivocally and unanimously concluded that HIPAA does not create a private right of action for individuals; rather, “the law specifically indicates that the Secretary of HHS shall pursue the action against an alleged offender.” *Logan v. Dep’t of Veterans Affairs*, 357 F. Supp. 2d 149, 155 (D.D.C. 2004); *accord Wilkerson v. Shinseki*, 606 F.3d 1256, 1267 n.4 (10th Cir. 2010); *Acara v. Banks*, 470 F.3d 569, 571 (5th Cir. 2006). To the extent that Plaintiff attempts to assert a cause of action for violations of HIPAA, this Court holds that no such private right exists. Therefore, Plaintiff’s cause of action alleging violations of HIPAA is dismissed.

III. Plaintiff has failed to state a claim for breach of patient-physician confidentiality

To the extent that Plaintiff has attempted to bring a cause of action for breach of patient-physician confidentiality, that claim, likewise, fails. South Carolina law recognizes an action against a physician for the disclosure of confidential information, unless the disclosure is compelled by law or consented to by the patient. *See Snavely v. AMISUB of S.C., Inc.*, 379 S.C. 386 (2008) (citing *McCormick v. England*, 328 S.C. 627, 635–40, 494 S.E.2d 431, 435–37 (Ct. App. 1997)). In *McCormick v. England*, the South Carolina Court of Appeals held for the first time that an actionable tort lies for a physician’s breach of the

duty to maintain the confidences of his or her patient in the absence of a compelling public interest or other justification for the disclosure:

In *Hodge v. Shea*, 252 S.C. 601, 168 S.E.2d 82 (1969), our Supreme Court stated that the physician-patient relationship is a confidential relationship. Further, South Carolina's legislature has recognized a physician's duty to maintain confidences gained in the course of treatment and has empowered the State Board of Medical Examiners to discipline physicians for the unauthorized disclosure of patient confidences. See S.C. Code Ann. § 40-47-200 (Supp. 1996); 26 S.C. Code Ann. Regs. 81-60(D) (Supp. 1996). In *Hedgepath*, our Supreme Court ruled that Reg. 81-60(D) required a physician to maintain patient confidences within the limits of the law. Although Reg. 81-60(D) does not in itself create *civil liability* for an unauthorized disclosure, at least one court has found that such a provision unquestionably establishes a physician's *duty* of confidentiality. See *Humphers v. First Interstate Bank*, 298 Or. 706, 696 P.2d 527, 535 (1985) (en banc) (in which the Supreme Court of Oregon stated that the actionable wrong lies in the breach of duty in a confidential relationship, whereas a statute providing for the disciplining of a physician who divulges a professional secret "only establishes the duty of secrecy in the medical relationship.").

McCormick, 328 S.C. at 639, 494 S.E.2d at 437.

Plaintiff does not allege that MUSC disclosed confidential information to anyone. Rather, he specifically alleges that his "attorney at the time" called a physician at MUSC regarding certain emails and letters, and that he did not "see the emergency in the issue with these letters that [the attorney] claims." He does not claim that any physician or other healthcare provider employed by MUSC disclosed his confidential health information. The Court therefore dismisses Plaintiff's claims for breach of patient-physician confidentiality.

IV. Alleged violations of the Physicians' Patient Records Act, S.C. Code § 44-115-30, and the Physician Practice Act, S.C. Code § 40-47-70, fail because neither creates a private right of action or imposes civil liability.

Plaintiff attempts to assert claims against MUSC for violating certain provisions of the Physicians' Patient Records Act, S.C. Code § 44-115-30, and the Physician Practice Act, S.C. Code § 40-47-70. These claims fail because neither statute creates a private right of action. The former sets out certain procedures when a request for patient medical records is made, but does not give rise to civil liability for failing to release medical records to a patient or failing to do so within a specific time. The latter is a licensing statute which outlines licensure requirements, sets out a code of ethics, establishes the

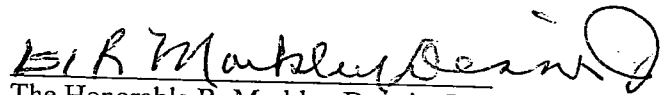
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Board of Medical Examiners, and empowers the Board to discipline physicians. S.C. Code § 40-47-10 *et seq.* It does not expressly create a private cause of action or impose civil liability, and South Carolina courts have held that similar statutes intended to regulate professions and licensure do not support an action for negligence per se. *See Hurst v. Sandy*, 329 S.C. 471, 494 S.E.2d 847 (Ct. App. 1997) (holding that statutes governing the registration of engineers and land surveyors do not provide a private cause of action because the essential purpose is to regulate the engineering profession rather than impose private civil liability). Consequently, the Court dismisses Plaintiff's actions under the Physicians' Patient Records Act and the Physician Practice Act.

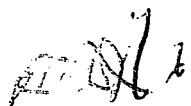
CONCLUSION

Construed in the light most favorable to Plaintiff, the allegations and inferences of the Complaint fail to state an actionable claim under any theory. Accordingly, Defendant MUSC's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure is hereby GRANTED.

IT IS SO ORDERED.


The Honorable R. Markley Dennis, Jr.
Presiding Judge

This 3rd Day of March, 2017
Charleston, South Carolina



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YEARS
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Alissa D. Fleming, Esquire
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March 10, 2017


Glynndeavin Von Fox
8983 University Blvd.
Suite 104-174
N. Charleston, SC 29406

RE: Glynndeavin von Fox v. The Medical University of South Carolina
C/A No.: 2016-CP-10-00636
BWPH File No.: 1.628

Dear Mr. Von Fox:

Enclosed for service upon you please find an Order Granting Motion to Dismiss regarding the above-referenced matter. Please let me know if you have any questions or concerns.

Sincerely,


Alissa D. Fleming

ADF/lap
Enclosure

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JUN 09 2017

SC Court of Appeals

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



The South Carolina Court of Appeals

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March 13, 2017

Glynndeavin Von Fox
8983 University Blvd.
Suite 104-174
North Charleston SC 29406

Re: Glynndeavin Von Fox v. MUSC
Appellate Case No. 2017-000601

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JUN 09 2017

SC Court of Appeals

Dear Mr. Von Fox:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Specifically, you do not state who you have served.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.
- The required filing fee has not been submitted. The correct filing fee is \$100.00.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alissa D. Fleming, Esquire

The South Carolina Court of Appeals

Glynndeavin Von Fox, Appellant,

v.

MUSC, Respondent.

Appellate Case No. 2017-000601

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SC Court of Appeals

ORDER

Appellant has filed an appeal from the circuit court's order granting Respondent's motion to dismiss and providing that a formal order will follow. Because the circuit court has not issued its formal order, this appeal is dismissed. *See* Rule 201(a), SCACR ("Appeal may be taken, as provided by law, from any final judgment, appealable order or decision."). Appellant's motion to stop order is denied. The remittitur will be sent as provided in Rule 221, SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Glynndeavin Von Fox
Alissa D. Fleming, Esquire
M. Dawes Cooke, Jr., Esquire
John William Fletcher, Esquire

FILED

March 20, 2017

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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

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SC Court of Appeals

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

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

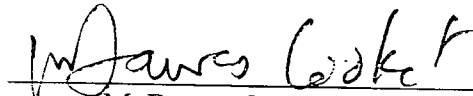
1. Appellant Glynndeavin von Fox ("Appellant") filed this lawsuit on February 5, 2016 in the Court of Common Pleas of Charleston County, South Carolina. Plaintiff is not represented by counsel in this matter.
2. Plaintiff has alleged claims against MUSC asserting, *inter alia*, malpractice and refusal 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.



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

Dated: March 13, 2017
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In The Court of Common Pleas

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

SC Court of Appeals

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

Glynndeavin Von Fox Appellant,

v.

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

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.

M. Dawes Cooke, Jr.

M. Dawes Cooke, Jr., Esq.
Alissa D. Fleming, Esq.
John W. Fletcher, Esq.
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SC Court of Appeals

M. Dawes Cooke, Jr., Partner
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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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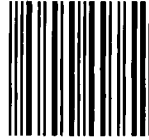
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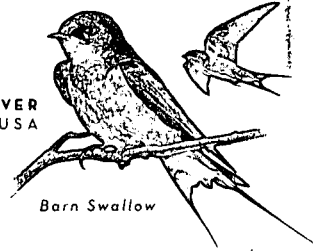
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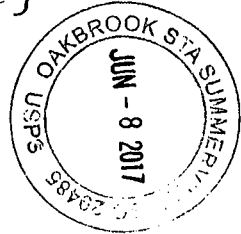
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