

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
In the Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

RECEIVED

JUL 28 2017

SC Court of Appeals

Case No. 2016-CP-23-02113

Appellate Case No. 2017-001147

Aminah A. Richburg,.....Appellant,

v.

E.A. “Rico” Williams, Director, District One S.C. Basketball Officials Association
and the South Carolina High School League,Respondents.

RESPONDENTS’ JOINT REPLY TO APPELLANT’S RETURN TO THE MOTION TO
DISMISS THE APPEAL

Pursuant to Rule 240(f), SCACR, Respondents jointly submit the following reply to Appellant’s return¹ to the motion to dismiss the appeal filed on behalf of Respondents, E.A. “Rico” Williams, Director, District One, S.C. Basketball Officials Association, and the South Carolina High School League. For the reasons set forth below, the Court should grant Respondents’ motion.

In support of her return, Appellant argued that she served the Notice of Appeal on counsel for Respondents on May 24, 2017, when she mailed the Notice of Appeal to the South Carolina Court of Appeals. The undersigned counsel were served with a document titled “Brief

¹ Although the Appellant’s filing was styled “Appellant’s Appeal to Dismiss Respondent’s Joint Motion to Dismiss,” the Respondents will refer to it as the Appellant’s return to the motion to dismiss pursuant to Rule 240(e), SCACR.

of Appellant,” which was dated May 24, 2017, and is attached as Exhibit A. This is clearly not a Notice of Appeal, nor does this mailing constitute service of the Notice of Appeal that had been previously filed with the Court of Appeals without a certificate of service. Importantly, the mailing of this document by Appellant on May 24, 2017, does not contradict Respondents’ assertions that they have never been served with the Notice of Appeal.

As raised in Respondents’ Motion to Dismiss, Rule 203(b) of the South Carolina Appellate Court Rules requires that a party seeking to appeal an order must serve a copy of the Notice of Appeal within 30 days of the party’s receipt of such order or judgment. This is a strict jurisdictional requirement, and an appellate court does not have the authority to extend or expand the time within which the notice must be served. Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.” (emphasis added)); *Sadisco of Greenville, Inc. v. Greenville Bd. of Zoning Appeals*, 340 S.C. 57, 530 S.E. 2d 383 (2000); *Mears v. Mears*, 287 S.C. 168, 337 S.E. 2d 206 (1985).

In the case *sub judice*, Appellant was required to serve a copy of her Notice of Appeal on or before May 24, 2017. The only document arguably served on May 24, 2017, was titled “Brief of Appellant,” and this filing did not meet the requirements of Rule 203, SCACR. Therefore, the appeal is not timely and this Court lacks jurisdiction to hear this matter. *See* Rule 260(a), SCACR (“Whenever it appears an appellant or a petitioner has failed to comply with these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.”).

For at least the reasons set forth above, Respondents respectfully request that the Court grant their motion to dismiss the appeal.

Respectfully submitted,

TURNER PADGET GRAHAM & LANEY, P.A.

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July 28, 2017

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July 28, 2017

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2017-001147

Aminah A. Richburg,Appellant ,

v.

E.A. "Rico" Williams, DistrictRespondent

One S.C. Basketball Officials

Association, and the South Carolina

High School League

BRIEF OF APPELLANT

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Attorney for Respondent (E.A. "Rico" Williams)

This matter came before the court on March 20, 2017, upon the following motions filed by the Appellate; (a) October 11, 2016 (Appellate Motion to Compel), (b) December 20, 2016 (Appellate Motion to Compel/Reconsider), (c) January 13, 2017 (Appellate Motion to Compel 1 &2 Interrogatories Request), (d) January 18, 2017 (Service of Memorandum Memo in Support to Dismiss Protective Order/ Motion to Reconsider), (e) Dismiss Respondents E.A. "Rico Williams Motion for Summary Judgment, and (f) Respondent South Carolina High School League's (SCHSL) Motion for Summary Judgment. The Appellate filed her complaint on March 31, 2016.

FACTS

The Honorable Perry H. Gravely #2755, granted the Respondents Motions for Summary Judgment and denied the Appellate Motion to Compel. The Appellate has filed four to five Motions to Compel and wishes to be reimbursed for previous fees whereas the Motion was not addresses and the information presented was not considered.

The Appellate wishes to present facts based on the lawsuit initiated on March 31, 2016 by the Appellate.

The allegations of the Appellate arose out of a dispute with the Respondent Rico Williams based on one conversation between the Respondent and the Appellate on February 3, 2016.

On February 3, 2016, the Appellate sent a text message to the Respondent Rico Williams communicating her dismay with the topic of the conversation based on the Respondents repeated communication, asking the Appellate to call him at her convenience.

The Appellant's text message made comparisons to the professionalism of former leaders that created a supportive working culture that made officiating enjoyable, it was apparent to the Appellate that this supportive culture had declined. The Appellate, in her text, communicated that she previously confirmed the officiating assignment at Furman University with the Respondent Rico Williams.

The Appellate communicated that there was a conflict of interest with the Respondents initial topic of conversation pertaining to his personal business matters with the Appellate and then unprofessionally following-up with hearsay that "someone" communicated that the Appellate wore tight black sweat pants while officiating a SCHSL basketball game.

The Appellant felt threatened by patriarchal approach of the Respondent Rico Williams that he would terminate future officiating opportunities for the Appellate. The Appellate communicated to the Respondent that she would report the conflict of interest the

Respondent Rico Williams has with his business assigning Non-Affiliated SCHSL basketball games in Greenville, Spartanburg and Pickens county and his position as SCBOA District One Director granting him power to consider officials to officiate South Carolina High School League basketball games, which gives him all power like a tyrant. The Appellate communicated that she would notify the SCHSL if she continued to be subjected to unprofessional communications and if she did not receive any more officiating assignments and opportunities.

On February 5, 2016, at 11:49 a.m., the Respondent Rico Williams abused his power and deliberately created an issue by sending an email with false narratives and purposefully included a written text sent by the Appellant to the Respondent Rico Williams to deliberately influence the SCBOA Board Members and the State Basketball Commissioner Skip Lax to terminate her membership with the SCBOA District I.

On February 9, 2016, the Appellate read the message from the Respondent Rico William's and forwarded the message to Respondent Skip Lax requesting assistance because the Respondent Rico Williams communicated that he was his source of contact. The Appellate did not recognize many individuals the Respondent sent the email communication to.

On February, 10, 2016, the Respondent South Carolina Basketball Commissioner Skip Lax refused to intervene when contacted by the Appellate to assist with the matter. The Basketball Commissioner for the SCHSL communicated that it was an issue to be resolved at the district level. There are no instructions in the South Carolina Basketball Officials Association Constitution and By-Laws on how to resolve district issues when they involve an official and the district director, which is why the Appellate sought assistance from Skip Lax the South Carolina High School League Basketball Commissioner.

On February 11, 2016, the Appellate responded to the Respondent Skip Lax that her concerns were not a district matter and she would seek relief for her pain and suffering and lack of support she is receiving from the SCHSL from legal counsel.

On February 16, 2016, the Appellate forwarded Respondent Rico Williams communication to Respondent Joedy Moots who is listed as the Officials Representative. Several email communications took place between the Respondent Joedy Moots Officials Representative and the Appellate. Unfortunately, the Officials Representative did not represent the Appellate according to the SCBOA Constitution and By-Laws. The Respondent Joedy Moots shared several confidential communications between him and the Appellate with the Respondent Rico Williams.

On March 11, 2016, the Appellate was offered membership with the Charleston Whistleblowers Basketball Officials to officiate YBOA/ AAU basketball tournaments during the spring and summer.

On March 16, 2016, the Appellate received a communication from YBOA / AAU basketball official assigners that she would not be considered for assignments.

On March 23, 2016, the Appellate received a certified letter from the Respondent Rico Williams stating that the Greenville District (SCBOA District I) voted that if there is any intent of the Appellant to apply for future membership in District One, your application will not be accepted and if the Appellate desired to transfer to another SCBOA District, the Respondent Rico Williams will facilitate any communications needed.

The actions of all Respondents exposed the Appellate to public ridicule which caused her to be shunned and avoided. (Recent rejection to officiate with the YBOA organization). The serial defamation has caused the Appellate to sustain substantial injury to her professional reputation and her good will. As a direct and proximate result of the Respondents SCHSL recklessness, willfulness and wantonness by failure to intervene and properly investigate the false report submitted by Respondent Rico Williams, the Appellate has suffered damages from embarrassment; humiliation; mental suffering; lost earnings; loss of consortium; and cost of retaining an attorney to defend her from the false allegations made by the Respondents.

The Appellate has a genuine issue and will present evidence to dismiss the summary judgement granted by the Honorable Judge Gravely.

STANDARD OF REVIEW

The Appellate has plain, and undisputable facts on which reasonable minds can differ to support the dismissal of the summary judgment and support a Motion to Compel for the Appellate. The Appellate alleges that the email sent by the Respondent E.A. Rico Williams and the behavior of all of the Respondents has caused suffering and damages from embarrassment; humiliation; mental suffering; lost earnings; loss of consortium; and cost of retaining an attorney to defend her from the false allegations made by the Respondents. The interpretation of the Appellate solicitation and responses with of all Respondents involved previously by the Honorable Judge Gravely is based solely on evidence presented by the Respondents does not an appropriate summary judgment for the SCHSL along with the Respondents deceitful statements accepted by the Honorable Judge Gravely that they fully responded to Appellate discovery request when they have not. The Honorable Judge Gravely stated that any motion to compel the Appellate has filed with respect to discovery are in moot in light of the court's ruling on the Respondent's Motion for Summary Judgement. It is the Appellate hope that her evidence to dismiss the Summary Judgement

will assist those whom would render judgement to reverse the ruling of the Honorable Judge Gravely.

The Honorable Judge Gravely communicated that the Respondent E.A. Rico Williams statements were true. The Appellate has documentation that the factual statements communicated by the Judge are not true.

- 1. The Appellate was not marked off/blocked by two schools and ten basketball officials. (The two schools listed were Southside High School and Mauldin High School), the Appellate has evidence that she officiated basketball games for both schools (Games – 15380 Southside High School, 13406 Southside High School, 15529 Southside High School, 16078 Mauldin High School), the appellate was not marked off/ blocked as communicated by the Honorable Judge Gravely. The Appellate argument is twofold, the Respondent provided information to the high school league that she graduated from Southside High School, that is why she is blocked from Southside High School and the Appellate resides in the Mauldin High School zone, therefore she is blocked from officiating in the community in which she resides. The Respondent in his false narrative communicated that the Appellate was blocked by two schools due to marginality of her officiating performance by the two schools which is untrue.**
- 2. The Appellate was not blocked by ten basketball officials in SCBOA District One as communicated by the Honorable Judge Gravely, the documentation to support the Appellate is under Protection Order IN THE COURT OF COMMON PLEAS. COUNTY OF GREENVILLE. The Honorable Judge Gravely allowed the Respondents to present seven officials that are not SCBOA basketball officials as a part of the ten basketball officials alleged by the Respondents and the Respondents created another falsified list with officials whereas two the officials presented had games with the Appellate during the alleged block. All documents provided by the Respondents have been falsified with hand written dates as well as implied dates communicated in written format with no official documentation to support the allegation. All information provided by the Respondents and favored by the Honorable Judge Gravely were indeed falsified and are invalid.**
- 3. The Honorable Judge Gravely communicated that the list are not identical due to the fact that the Respondent SCHSL would have had access to officials blocks against the Appellate in all varsity sports and on the list provided by the Respondent SCHSL three officials are Basketball officials and seven officials are not basketball officials. Therefore it is not true that ten basketball officials blocked the Appellate.**
- 4. The Honorable Judge Gravely ruled and communicated that all of the officials that blocked the Appellate were rated higher than the Appellate, the Honorable Judge**

- Gravely failed to consider the Appellate only completed her third year as a basketball official, first, second and third year officials are always assigned games with officials that have ten or more years' experience with a higher rating, the rating of the officials was not the issue, however seven of the officials under protective order are not basketball officials in the State of South Carolina, therefore all of the officials that blocked the Appellate communicated by the Honorable Judge Gravely were not rated higher than the Appellate and those that are by way of the SCHSL are strategically assigned to ensure the highest level of professionalism when officials are assigned basketball games in the State of South Carolina.**
- 5. The Honorable Judge Gravely ruled and communicated that the Appellate had technically not attended all of the required District One Meetings. The Appellate has proof that officials were only required to attend four meetings and the Appellate attended all of the required meetings. The Appellate has evidence that she responded to an email sent by the Respondent E.A. "Rico" Williams on October 27, 2015 determining her certification and membership with SCBOA District One and on November 10, 2015 she was assigned games for the 2015-2016 Basketball Season indicating that she met all requirements. The Appellate asked for copies of all sign-in sheets for all SCBOA Members including arrival times of all members to ensure equity for all members not just the Appellate. The Respondents failed to provide the documentation. The Respondents created a falsified chart with meeting attendance dates and arrival times for selected members. The documents presented by the Respondents are not authentic and are falsified.**
 - 6. The Scope of Privilege was exceeded by the Respondent E.A. Rico Williams and the Respondent SCHSL, none of the communications and professional actions were made in good faith according to the By-Laws and Constitution of the South Carolina Basketball Officials Association and the laws in the State of South Carolina governing the administrative duties of Non-Governmental organizations and paid staff professionals toward the Appellate. All statements communicated by all Respondents were false and malicious toward the character of the Appellate. The Appellate believes that the Respondent E.A. Rico Williams had a motive to act towards the Appellate with malice after the text message was sent by the Appellate to the Respondent E.A. "Rico" Williams. The Respondent E.A. "Rico" Williams with the assistance of SCHSL members denied the Appellate opportunity to earn money by officiating for SCBOA District One and local organizations where the Appellate resides in the Upstate in South Carolina. The Appellate was referred to other basketball organizations in South Carolina to earn money officiating basketball games and her opportunities have been diminished by the actions of the Respondents. The summary judgment is not appropriate on the basis of qualified privilege.**

- 7. The Respondent SCHSL was negligent by failing to intervene. There was a duty of care owed by the Respondents based on the By-Laws and Constitution of the SCBOA as well as the requirements by Non-Governmental/Non-Profit Organizations in the State of South Carolina. The Appellate was a paid member of the SCBOA organization and all members in leadership must adhere accordingly. The Respondent SCHSL admitted that they did not properly investigate the claims made by the Appellate. The Appellate has communicated the damages she has occurred based on the breach of duty by the Respondents the SCHSL.**
- 8. The Appellate sought intervention of the Respondent Commissioner Skip Lax and Respondent Joedy Moots based on their position communicated in the SCBOA Constitution and By-Laws. Neither Respondents acted professionally and performed equitably with the Appellate according to the By-Laws and Constitution to which the Appellate was a paid member.**
- 9. The Respondent SCHSL is not a governmental entity therefore the SCHSL is not immune from liability.**

APPELLATE MOTION TO COMPEL

At the hearing held on March 20, 2017 the Appellate communicated that she was entitled to Interrogatories not submitted by the Respondents. The Appellate gave specificity to all documentation she has not received and elaborated that she has asked for the documentation since October of 2016 and filed numerous motions to obtain the discovery information. The Respondents did not provide proper evidence that they fully responded to the Appellate request and their objections were not valid and reasonable under the circumstances. The Appellate has provided numerous evidence to support her complaint and plea for a jury trial. The evidence was very verbose with all of the previous motions because she was instructed to state what she was seeking and why the information must be presented to the Appellate. The Appellate has attempted to narrow down only the factual information needed to provide a burden of proof for her case. Unfortunately, the Appellate must rely on the Respondents for discovery information to refute all claims made on their behalf. The Respondents have not provided the discovery information needed and the Appellate has not received any of the Second Interrogatories from the Respondent Rico Williams. The SCHSL responds to several interrogatories stating that the discovery information must come from Respondent Rico Williams and unfortunately the Respondent has not shared that information. Again, the Appellate cannot meet her burden of proof with respect with her Motion to Compel is the Respondents fail to provide the necessary documents needed for the Appellate to meet her burden of proof requirements.

CONCLUSION

The Appellate has plain, and undisputable facts on which reasonable minds can differ to support the dismissal of the summary judgment and support a Motion to Compel for the Appellate. The Appellate alleges that the email sent by the Respondent E.A. Rico Williams and the behavior of all of the Respondents has caused suffering and damages from embarrassment; humiliation; mental suffering; lost earnings; loss of consortium; and cost of retaining an attorney to defend her from the false allegations made by the Respondents. The interpretation of the Appellate solicitation and responses with of all Respondents involved previously by the Honorable Judge Gravely is based solely on evidence presented by the Respondents does not an appropriate summary judgment for the SCHSL along with the Respondents deceitful statements accepted by the Honorable Judge Gravely that they fully responded to Appellate discovery request when they have not. The Honorable Judge Gravely stated that any motion to compel the Appellate has filed with respect to discovery are in moot in light of the court's ruling on the Respondent's Motion for Summary Judgement. It is the Appellate hope that her evidence to dismiss the Summary Judgement will assist those whom would render judgement to reverse the ruling of the Honorable Judge Gravely.

Respectfully Submitted,



May 24, 2017

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In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
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The Honorable Perry H. Gravely, Circuit Court Judge

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SC Court of Appeals

Case No.: 2016-CP-23-02113

Appellate Case No.: 2017-001147

Aminah A. Richburg Appellant,

v.

E.A. "Rico" Williams, Director, District One S.C. Basketball Officials
Associations and the South Carolina High School League. Respondents.

CERTIFICATE OF SERVICE

I, the undersigned legal assistant of the law offices of Sowell Gray Robinson Stepp & Laffitte, L.L.C., attorneys for Defendant, South Carolina High School League, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Respondents' Joint Reply to Appellant's Return to the Motion to Dismiss the Appeal

Counsel Served:

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Carenn N. Moore
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July 28, 2017.



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July 28, 2017

HAND DELIVERED

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

JUL 28 2017

SC Court of Appeals

RE: Aminah A. Richburg v. E.A. "Rico" Williams, Director, District One S.C. Basketball Officials Association, and the South Carolina High School League
Civil Action No.: 2016-CP-23-02113
Appellate Case No.: 2017-001147
Date of Loss: 2/2/16
IRF Claim No.: 74430
Our File No.: 5346/1536

Dear Ms. Kitchings:

Enclosed herewith for filing please find the original and seven (7) copies of the Respondents' Joint Reply to Appellant's Return to the Motion to Dismiss the Appeal in the above-referenced matter. We would ask that you file the original and return a clocked-in copy of same to us.

By copy of this letter to Ms. Aminah A. Richburg and Sarah Day Hurley, Esquire, we are herewith serving a copy of same upon each of them.

With warmest regards, I remain

Very truly yours,


J. Michael Montgomery

JMM:cnm

Enclosures

cc: Ms. Aminah A. Richburg
Sarah Day Hurley, Esquire