

Haynsworth  
Sinkler Boyd, P.A.

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January 24, 2018

VIA HAND DELIVERY

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

Re: *Cynthia Holmes v. Haynsworth Sinkler Boyd, P.A.* (4)  
Case No. 2007-CP-10-1444  
Appellate Case No. 2017-001460  
HSB File No. 04625.1439

RECEIVED  
JAN 24 2018  
SC Court of Appeals

Dear Ms. Kitchings:

As your records may reflect, this firm represents Haynsworth Sinkler Boyd, P.A. (“HSB”) in the above-referenced matter. I am writing in response to Cynthia Holmes’ (“Holmes”) letter to this Court dated January 8, 2018, wherein she requests that this Court recall the remitter issued pursuant to the Court of Appeals’ order entered on July 7, 2017. *See* Order entered in *Holmes v. Haynsworth, Sinkler & Boyd, P.A., et al*, No. 2017-001460 (S.C. Ct. App. July 7, 2017 (a copy is attached as **Exhibit A**).

By this letter, HSB respectfully requests that this Court prohibit Holmes from continuing to violate the order issued by the Supreme Court of South Carolina, which directs the clerks of court in South Carolina to refuse to accept any filings from Holmes that are related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital (the “East Cooper Litigation”) unless the documents are filed by an attorney, other than Holmes, who is licensed to practice law in South Carolina. *See* Order, entered in *Doe v. Duncan*, No. 2008-UP-596 (S.C. Sup. Ct. Dec. 2, 2009) (a copy is attached as **Exhibit B**). Although Holmes was previously licensed by the South Carolina Bar, her license was later suspended. As of the date of this letter, Holmes has not been reinstated.

The Honorable Jenny Abbot Kitchings  
January 24, 2018  
Page 2

As an initial matter, many of the documents, letters, and filings Holmes sends to this Court are not signed, and therefore must be stricken. *See* Rule 11(a), SCRPC (“Every pleading, motion, or other paper of a party represented by an attorney shall be signed in his individual name by at least one attorney of record who is admitted to practice law in South Carolina . . .”). Even where Holmes has signed the paper at issue, the document or pleading directly relates to the East Cooper Litigation and must, therefore, be rejected. Indeed, this Court’s issued its July 7, 2017 order for that exact reason. (See Exhibit A.)

This appeal arises from orders entered in a malpractice case commenced on April 6, 2007 against HSB. The malpractice action arose from litigation Holmes commenced against East Cooper following the revocation of Holmes’ medical staff privileges at the hospital. On Holmes’ behalf, HSB unsuccessfully appealed for reinstatement of admitting privileges through East Cooper’s administrative process and, later, filed a lawsuit in federal court. The relationship between Holmes and HSB deteriorated, and Holmes subsequently filed the malpractice action. After protracted litigation over HSB’s handling of her case against East Cooper, Holmes’ claims against HSB were dismissed, and the trial court issued an order of sanctions against Holmes (the “Judgment”), which was affirmed by the South Carolina Supreme Court on June 4, 2014.

In November 2016, HSB commenced formal efforts to collect the Judgment and initiated supplemental proceedings against Holmes. The instant matter appeals a supplemental proceeding order issued by Judge Mikell R. Scarborough, Master-in-Equity for Charleston County, as a result of these proceedings. The order was filed on June 21, 2017. Accordingly, the supplemental proceedings, and therefore the supplemental proceedings order, arise directly from the malpractice case, which was itself a result of the East Cooper Litigation, and any “papers” filed in this matter fall within the scope of the Order. Because Holmes has made each filing in this matter *pro se* (if she signs the document at all), the filings are barred as a matter of law. (See Exhibit A.)

The letter at issue here is precisely the kind of filing contemplated by the Order. Although Holmes styles this document as a “letter,” it is essentially a request to recall the remittur, and is thus appropriately treated as a filing. As with the other filings in this case, Holmes has not secured an attorney licensed by the South Carolina Bar to sign the filing, but instead has signed it *pro se* in clear violation of the Order. Accordingly, HSB respectfully requests that this office prohibit Holmes from continuing to violate the Order.

The Honorable Jenny Abbot Kitchings  
January 24, 2018  
Page 3

Thank you for your assistance with this matter, and please do not hesitate to contact me if you have any questions.

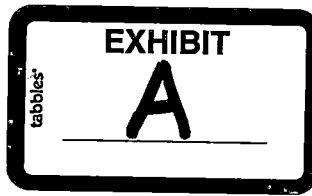
Sincerely yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Mary Cothonneau Eldridge

MCE/rhb

Cc: Cynthia Holmes, M.D.  
Mary M. Caskey, Esq. (via e-mail only)



# The South Carolina Court of Appeals

Cynthia Holmes, Appellant,

v.

Haynsworth, Sinkler & Boyd, P.A., successor to Sinkler & Boyd, P.A.; Manton Grier; and James Y. Becker, Defendants,

Of whom Manton Grier and James Y. Becker are Respondents.

Appellate Case No. 2017-001460

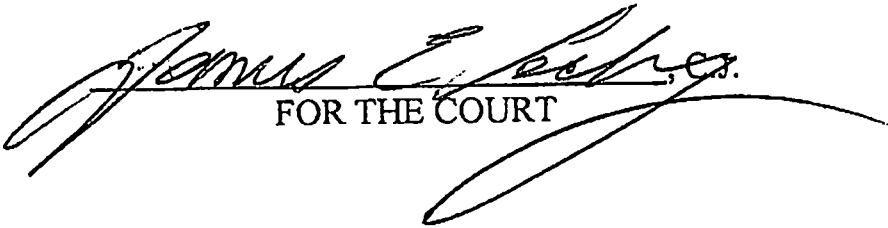
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## ORDER

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The appellant filed a pro se notice of appeal from an order of the circuit court indicating a formal order is forthcoming. This appeal is dismissed because the order on appeal is not a final order. *See Metts v. Mims*, 384 S.C. 491, 499, 682 S.E.2d 813, 817 (2009) (finding a form order indicating a formal order will follow is not in any way final). Furthermore, this Court is prohibited from accepting any further pro se filings from the appellant in actions related in any way to the revocation of her medical staff privileges. *Doe v. Duncan*, S.C. Sup. Ct. order dated December 2, 2009. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Columbia, South Carolina

  
FOR THE COURT

cc:

Cynthia Holmes

Mary M Caskey, Esquire

**FILED**

July 7, 2017



## The Supreme Court of South Carolina

J. Doe,<sup>1</sup>

Petitioner,

v.

Richard L. Duncan, Meredith  
Bond, Sidney Gilreath and  
Gilreath & Associates,

Respondents.

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### ORDER

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Petitioner has filed a petition for a writ of certiorari seeking review of the Court of Appeals' decision in Doe v. Duncan, Op. No. 2008-UP-596 (S.C. Ct. App. filed Oct. 17, 2008). The petition is denied.

However, this action is just one in a number of frivolous actions petitioner has filed relating to the revocation of her medical staff privileges at East Cooper Community Hospital *in 1997*.<sup>2</sup> Because we find petitioner has

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<sup>1</sup> It is unclear why petitioner was allowed to proceed anonymously in this action. We note further that petitioner has at various times in other actions gone by the name Cynthia Holmes and Cynthia Collic. In order to avoid any confusion, we point out that J. Doe, Cynthia Holmes and Cynthia Collic are one and the same.

<sup>2</sup> A circuit court judge presiding over one of petitioner's lawsuits, found the following in a recent order imposing sanctions on petitioner:

Throughout the history of this case, Dr. Holmes has proven herself to be profoundly litigious. Since being assigned to Courtesy Staff at East Cooper Hospital in 1997, Dr. Homes engaged in a lengthy, albeit fruitless, administrative appeal of the

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Hospital's decision. She then sued the Hospital in federal court, and failing there, in state court. She sued Mr. Becker and Mr. Grier and their law firm over the handling of the federal case. She sued two Tennessee lawyers in both South Carolina and Tennessee state courts over their role in achieving a settlement of her state court case against the Hospital. In 2005, Dr. Holmes sued the Hospital in a second action, alleging a wide array of complaints against the Hospital and several physicians, the gist of which was that the Hospital continued to refuse to increase her level of privileges. In Dr. Holmes' 2005 case against East Cooper Hospital, which the Court deemed to be barred by her settlement of the 2000 case, the Court imposed a \$90,000 sanction for violation of the [South Carolina Frivolous Proceedings] Act. In each of the cases Plaintiff has filed *pro se* since settling her 2000 state court case against East Cooper Hospital, Plaintiff has asserted baseless and frivolous claims for which she lacked any evidentiary support. She has launched numerous pointless appeals, every one of which has been resolved in favor of the respondents. Throughout, Plaintiff has made baseless, maybe scandalous, allegations against numerous physicians and lawyers without care, and in absence of evidentiary support. Her tactics have been dilatory, vexatious, that is brought without sufficient grounds, oppressive and unreasonable.

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Plaintiff['s] conduct through the case appears to have been nothing but vexatious, that is, brought without sufficient grounds, and the maintenance of this completely frivolous claim can only be characterized as unreasonable. As before, Dr. Holmes was the losing party in a lawsuit a decade ago. She has persisted in pursuing this case for nearly a decade yet has never adduced a shred of evidence that anything the Defendants did made any difference in the outcome of the federal court action about which she complains.

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Clearly, Plaintiff has abused the judicial system generally, and these Defendants in particular, with her unreasonable and ill-considered frivolous lawsuit. Throughout this matter, and in her other cases, Dr. Holmes has repeatedly shown that she is unwilling and unable to evaluate the merits of her own cases, and that she is unable to present any evidence to support her claims. She has evidenced a pattern of abusing the legal process in bringing frivolous actions and the potential remains for her to continue that practice unless severe sanctions are levied against her.

engaged, and continues to engage in, vexatious litigation related to that issue, we hereby direct the Clerks of Court in this state to refuse to accept further filings from petitioner in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than petitioner, licensed to practice law in this state.<sup>3</sup>

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<sup>3</sup> In addition to the above captioned action, petitioner has filed notices of appeal and petitions for a writ of certiorari in the following actions:

J. Doe v. Manton Grier James Y. Becker and Haynsworth Sinkler Boyd, P. A., as successor to Sinkler & Boyd, P. A. (2002-CP-01-1448 and 2002-CP-40-3705)


Cynthia Holmes, M.D. v. Haynsworth, Sinkler & Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Grier, and James Y. Becker (2007-CP-10-1444)

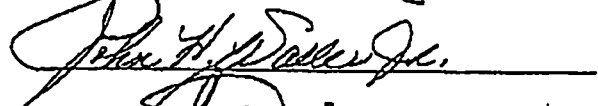
Cynthia Holmes, M.D. v. East Cooper Community Hospital, Inc.; Tenet Healthsystem Medical, Inc.; John Grady, M.D.; Paul Yantis, M.D. (2005-CP-10-5113)

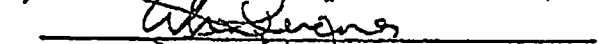
The latter action is now pending in this Court. Only the appeal at issue has resulted in the issuance of an opinion by the Court of Appeals. The remaining appeals were dismissed by order of the Court of Appeals prior to the issuance of an opinion because the appeals were interlocutory. We note that in these matters, petitioner has filed numerous frivolous motions, indicating her lack of knowledge of or complete disregard for the appellate process.


We also note that petitioner has recently been sanctioned in two of these matters (2005-CP-10-5113 and 2007-CP-10-1444) by the circuit court. By order dated July 27, 2009, the circuit court ordered petitioner to pay \$90,000 in attorney's fees to opposing counsel based on her frivolous initiation and continuation of the proceeding. By order dated November 18, 2009, the circuit court, as noted in footnote 1 above, sanctioned petitioner and entered judgment against her in the amount of \$200,000, noting the amount was not as much as was justified by the facts.


IT IS SO ORDERED.

  
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C.J.

  
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J.

  
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J.

  
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J.

  
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J.

Columbia, South Carolina

December 2, 2009

Haynsworth  
Sinkler Boyd, P.A.

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