

**C. HOLMES, MD**

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29 January 2017

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Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Post Office Box 11629  
Columbia, SC 29201/29211

**RECEIVED**

JAN 30 2018

SC Court of Appeals

Re: Holmes v. Becker et al  
App. Case No. 2017-01460

Dear Jenny:

We trust you and the members of your kind staff are well. Many thanks for your patience. Pursuant to legislative intent and statutory authority, your conscientious efforts to facilitate appeals with even-handedness and fairness are greatly appreciated. With your permission, we are responding to Defendants correspondence dated January 24, 2018, which we just received.

For ease of reference, we incorporate pertinent case law herein, and we respectfully submit that controlling precedent and case law confirm this appeal is unrelated to and, therefore, not controlled by Doe v. Duncan. In particular, the "decision of whether to award sanctions is a collateral issue and does not constitute a ruling upon the merits of the case. ...See *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 394, 396, 110 S.Ct. 2447, 110 L.Ed.2d 359 (1990). *Pee Dee Health Care, P.A., v. Estate of Thompson*, 418 S.C. 557, 795 S.E.2d 40 (S.C.App. 2016). Moreover, the matter herein does not constitute a "money judgment" in the underlying claim within the contemplation of S.C. Code Section 18-9-130



and the issues are not the same; rather the matter is incidental to the underlying claim. *State v. Cooper*, 342 S.C. 389, 536 S.E.2d 870 (2000); *Toal et al, Appellate Practice in South Carolina*, 3<sup>rd</sup> edition (2016), p. 341. Accordingly, the matter herein is incidental to or collateral to the underlying claim, is unrelated to any previous matter with different issues, different caption, and different parties, and, therefore, is not subject to *Doe v. Duncan*.

Moreover, enclosed please find a copy of this Honorable Court's correspondence dated February 24, 2017. Significantly and materially, that correspondence shows that Respondents to the appeals are James Y. Becker and Manton Grier. By motion entered in the circuit court in Case # 2007-CP-10-01444 on September 29, 2018, petitioners, James Y. Becker and Manton Grier, have now admitted they have no ownership rights or interests and, therefore, have no standing. *Georgetown Cty. League of Women Voters v. Smith Land Co., Inc.*, 393 S.C. 350, 713 S.E.2d 287 (S.C. 2011). Accordingly, the order on appeal herein and all prior lower court orders should be vacated/reversed.

Further, a corporation is not allowed to appear Pro Se in contested matters. Corporations, which are artificial creatures of state law, do not have a right to appear pro se. See S.C. Code Ann. § 40-5-320 (1986). See *Days Inn Worldwide, Inc. v. JBS, Inc.*, No. 08-1771, 2010 WL 625391, \*2 (D.S.C. Feb. 19, 2010) ("It is well-settled that a corporation may not represent itself."). See *Renaissance Enters., Inc. v. Summit Teleservices, Inc.*, 515 S.E.2d 257, 258 (S.C. 1999); *In re Easter*, 275 S.C. 400, 272 S.E.2d 32 (1980); *State v. Despain*, 319 S.C. 317, 460 S.E.2d 576 (1995). Accordingly, the order on appeal herein and all prior lower court orders should be vacated/reversed.

Thank you for all your help and with best regards, I am

Yours very truly,



cc: Pro Se Defendants' Counsel

M.M. Caskey  
1201 Main St. #2200  
Columbia, SC 29201

This is to advise that the title in the above matter has been changed to read as follows:

Cynthia Holmes, Appellant,

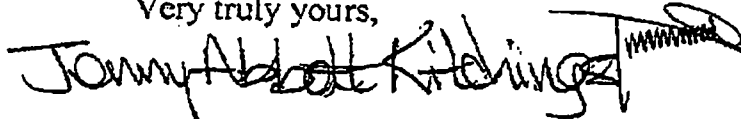
v.

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.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "Tommy Abbott Kitching". The signature is written in a cursive style with a horizontal line through the middle of the name.

CLERK

cc: James Y. Becker, Esquire  
Manton M. Grier, Esquire



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V CLAIRE ALLEN  
DEPUTY CLERK

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February 24, 2017

Cynthia Holmes  
PO Box 187  
Sullivan's Island SC 29482

Re: Cynthia Holmes v. Haynsworth (3)  
Appellate Case No. 2017-000266

Dear Dr. Holmes:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

DURST FAMILY MEDICINE, LLC

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SC Court of Appeals

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