

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

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

Appellate Case No. 2017-001147

Aminah A. Richburg.....Appellant

v.

E.A. "Rico" Williams, District One
S.C. Basketball Officials Association,
And the South Carolina High School LeagueRespondents

APPELLATES RESPONSE TO DISMISS RESPONDENT'S JOINT MOTION STRIKE IN
THEIR RESPONSE TO THE APPELLATES MOTION FOR THE STATE OF SOUTH
CAROLINA IN THE COURT OF APPEALS TO PUNISH AND FINE THE RESPONDENTS
AND THEIR LEGAL COUNSEL FOR COMMITTING PERJURY ACCORDING TO THE
TRANSCRIPT OF RECORD ON MARCH 20, 2017 AND ALLOWING THE APPELLATE
AN EXTENSION ON FUTURE COURT PROCEEDINGS TO ORDER TRANSCRIPTS OF
ALL COURT APPERANCES PRIOR TO MARCH 20, 2017 DISCUSSED IN THE
TRANSCRIPT OF RECORD TO PRESENT AS EVIDENCE

The Court must not strike the Appellant's motion because it is not procedurally flawed, the motion has merit and it is not a frivolous filing. The Appellant pleads with South Carolina Court of Appeals to uphold and grant her motion. The Appellant has only asked the Court to consider all evidence presented by the Appellate as Pro Se in all matters pertaining to the Punishment and Fines for the Respondents and their Legal Counsel for committing perjury according to the Transcript of Record on March 20, 2017.

The Respondents Legal Counsel quoted and made references of several Judges in prior hearings and the Appellate only wishes to present actual truth and facts from those hearings to present as evidence. Based on prior experience involving the State Court of Appeals, a motion must be requested to ask for the transcript documents to be ordered out of time. The Appellate made an attempt to follow the protocol.

The Legal Counsel of the Respondents are still continuing deceitful behavior by quoting a portion of the Transcript on Record out of context. During the hearing which is reflected by the Transcript of Record, Judge Gravely did not have all of the Motions filed by the Appellate nor did he allow the Appellate to present her arguments. The Judge did not allow the Appellate to

speak and stated, “Okay. Let me hear—let me hear---just so I can get a handle, let me hear from what y’all --- y’all help me here” (Transcript, p. 9, Line 16-18).¹

Judge Gravely then allowed, Michael Montgomery and Sarah Hurley to speak ahead of the Appellate. When the Appellate made attempts to argue the case the Judge never gave the Appellate an opportunity to do so. Judge Gravely stated, “And let me just tell you, Ms. Richburg. You’re going to want to – you know, when she – what I’m going to do is I’m going to hear from her—“(Transcript, p. 19, Line 7-9), “Well, ya’ll tell me. Would it make sense to hear from both of you and then let her respond?” (Transcript, p. 19, Line 11-12).²

The Appellate made the statement, deviously communicated by the Respondents due to the fact that Judge Gravely stopped her testimony and arguments several times before he communicated the following; “All right. Ms. Richburg, I’m sure you have a lot to respond to there. I’ll be glad to hear from you.” (Transcript , p. 37, Line 4-6).³

The Appellant only communicated that she is seeking justice from the court to consider all previous Motions to Compel, The Motions to Dismiss Summary Judgement, Request for Admission and allow the Appellate to have the case heard by a jury trial according to the protocol set by the Court. Earlier in March 2017, Jude Gravely set the court date for August 7, 2017, before the Judge granted the Summary Judgement for the Respondents on March 20, 2017.

The Appellate communicated throughout the hearing that all communications from the Respondents were fictitious and false. Unfortunately when the Appellate attempted to communicate her arguments and the Court responded “ And I don’t need all that background – I mean, all the stuff that you’ve got – I mean, you know, I want you to tell me, specifically, about the email that he sent you, which is the basis of your complaint. You tell me all the reasons why that is not true.” (Transcript, p. 46, Line 24-25).⁴ (Transcript, p. 47, Line 1-3.)⁵

A motion to strike is not appropriate because a majority of the matter presented to the South Carolina Court of Appeals was not allowed to be heard or presented in the lower court.

South Carolina Code of Law Unannotated, Title 16 – Crimes and Offenses, Chapter 9, Offenses Against Public Justice, Article I, Perjury, Perjury and Subordination of Perjury (2) It is unlawful for a person to willfully give false, misleading, or incomplete information on a document, record,

¹ This portion of the transcript is attached as Exhibit A for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

² This portion of the transcript is attached as Exhibit B for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240 (c) .

³ This portion of the transcript is attached as Exhibit C for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

⁴ This portion of the transcript is attached as Exhibit D for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

⁵ This portion of the transcript is attached as Exhibit E for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

report or form required by the laws of this state. The Respondents and the Legal Counsel are guilty of committing perjury according to South Carolina Law.

The Appellate has evidence to support her case that the Respondents and the Legal Counsel committed perjury and the Appellant's Motion has merit, the Respondent's admitted they committed discovery abuse as well as fabricating evidence, "So those blocks, three of them were basketball officials. And the other seven were from other sports." (Transcript, p. 57, Line 12-13).⁶ The Respondents communicated, "Secondly, he, also, mentions Kevin Brown. Kevin Brown was the treasurer of District One. And we've attached his memo – exhibits to our memo. His sign-in sheets -- or he created document based on an excel spreadsheet. And he writes it and signs it, Kevin Brown, I attest that this is true, where he takes all of those dates that people came in late. (Transcript, p: 58, Line 2-8).⁷

Another response from the Respondents, "—and there – for a number of items in that second set, we had to rely on the South Carolina High School league to provide. So she has it from the high school league. She just didn't get it from us. "So I – you know, our position is why should we have – I mean, we don't have it. We're relying on the high school league to produce it. Once it's produced, it shouldn't matter where it came from. It's official league reference." (Transcript, p. 16, Line 6-14).⁸

There are many more examples of perjury committed by the legal representation of the Respondents nothing presented by the Appellate is based on disagreements from the Appellate only factual information.

The Respondents failed to uphold the South Carolina Rules of Professional Conduct (Rule 407) Preamble: A Lawyer's Responsibilities as well as Rule 3.4, Fairness to Opposing Party and Counsel and their actions still cause pain and suffering to the Appellate as Pro Se in her attempts to discover and present the truth. All statements communicated by the Legal Counsel of the Respondents were unethical and maliciously deliberate in communicating false, misleading, incomplete, inconsistent, and erroneous testimony.

Mr. Montgomery communicated "We raised in our—in our brief that the high school league is a governmental entity, such would be subject to the Tort Claims Act. One —one thing I did not raise in my memo, but I wanted to be clear I raised to Your Honor is under 15-78-60, which is the Tort Claims Act, exceptions to waiver immunity —waiver of immunity, number five provides immunity---15-78-60, Section – Paragraph Five. "Which would be, basically, discretionary immunity, which says that the governmental entity is not liable for a loss resulting from the exercise of discretion or judgment by the governmental entity or employee, or the performance,

⁶ This portion of the transcript is attached as Exhibit F for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

⁷ This portion of the transcript is attached as Exhibit G for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

⁸ This portion of the transcript is attached as Exhibit H for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

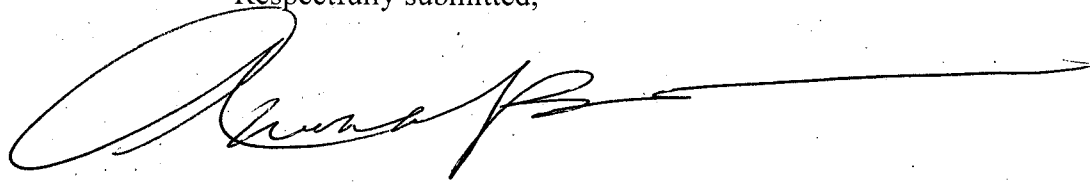
or failure to perform any act or service which is in the discretion or judgment of the employee – governmental entity or employee. (Transcript, p. 35 Line 9-25),⁹ (Transcript, p. 36 line 1).¹⁰ The false statements continue throughout the testimony of legal counsel. The Appellate has factual documentation that would refute all communications made by the Respondents and the factual information supports the complaint and negligence claims against the Respondents.

The Respondents continue to expose the Appellate with public ridicule, embarrassment, humiliation, mental suffering; lost earnings; and loss of consortium. The Motion presented by the Appellate was made to ensure that truth and factual data would be considered and honored by the court. The Appellate is a powerless/ voiceless female sports official in the State of South Carolina seeking truth and honor devoid of access to taxpayer dollars for legal support. Laws are created to protect and serve the citizens of South Carolina and it is the hope of the Appellate, that officials in the future will be honored and protected by the law and court system in the state of South Carolina. The Respondents and their legal counsel, willfully communicated false, misleading, or incomplete information on a document, record, report or form required by the laws of this state and they should be punished and fined for their behavior.

⁹ This portion of the transcript is attached as Exhibit I for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

¹⁰ This portion of the transcript is attached as Exhibit J for Response to the Motion to Strike. The Appellate submits the document to support the facts according to Rule 240(c).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aminah A. Richburg', with a long horizontal flourish extending to the right.

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Greenville, South Carolina
February 1, 2018

1 correctness with every question that I have with the
2 interrogatories.

3 Everything really conspired with an e-mail that was
4 sent by the Defendant, Eco -- I mean Rico Williams. He
5 initiated everything. Nothing was initiated by Aminah
6 Richburg, who is standing before you as the Plaintiff.
7 His insidious behavior resulted in a difference of --

8 THE COURT: Well, I'm just talking about discovery
9 here. I don't -- I mean --

10 MS. RICHBURG: Oh, okay. I got you.

11 THE COURT: I mean, I'm not talking about the case.
12 But it looks like this is the same thing that was filed
13 before and you already had a hearing on.

14 MS. RICHBURG: Well, that's the thing, Your Honor.
15 It never was discussed.

16 THE COURT: Okay. Let me hear -- let me hear -- just
17 so I can get a handle, let me hear from what y'all --
18 y'all help me here.

19 MR. MONTGOMERY: If I may --

20 THE COURT: Yes.

21 MR. MONTGOMERY: -- my understanding of sort of the
22 history, how we got here with discovery. There was a
23 motion -- a motion to compel filed very early on in the
24 case. I had asked Ms. Richburg for an extension. She did
25 not respond. I e-mailed her.

1 motion for summary judgment.

2 MS. HURLEY: Thank you, Your Honor.

3 Would you like me to give you a little bit of
4 background facts --

5 THE COURT: Yes.

6 MS. HURLEY: -- about this case?

7 THE COURT: And let me just tell you, Ms. Richburg.
8 You're going to want to -- you know, when she -- what I'm
9 going to do is I'm going to hear from her --

10 MS. RICHBURG: And then you'll let me --

11 THE COURT: Well, y'all tell me. Would it make sense
12 to hear from both of you and then let her respond?

13 MS. HURLEY: Probably.

14 THE COURT: Okay. I'll hear from both of them, then
15 I'll let you give a complete response.

16 MS. RICHBURG: Okay.

17 THE COURT: So you may want to take notes.

18 MS. RICHBURG: Okay.

19 MS. HURLEY: Your Honor, thank you.

20 Sarah Day Hurley for Rico Williams.

21 I'll just briefly go over the background facts.

22 There are two Defendants in the case, Rico Williams and
23 then the South Carolina High School League.

24 Mr. Williams works for FedEx. But he has for over
25 20 years been a basketball official, which means he

1 So, again, for those reasons that we set forth in our
2 brief, unless there are any questions, we will join in
3 with the remaining defenses by Mr. Williams.

4 THE COURT: All right. Ms. Richburg, I'm sure you
5 have a lot to respond to there. I'll be glad to hear from
6 you.

7 MS. RICHBURG: Thank you.

8 I'm glad to hear that you have the patience, Your
9 Honor. But what I have to say is pretty much in line with
10 what you've heard from the Defense, but in a different
11 perspective.

12 The Defendants refer to the e-mail. That's what I
13 referred to earlier. This is what initiated everything.
14 And the big dissertation that you received --

15 THE COURT: Well, let me ask you this just -- just so
16 I can get it clear in my mind. Is the e-mail that -- is
17 the -- I mean, I realize there's lots of background
18 information --

19 MS. RICHBURG: Right.

20 THE COURT: -- but is the e-mail the basis of your
21 lawsuit as far as defamation?

22 MS. RICHBURG: That's what initiated it.

23 THE COURT: Okay.

24 MS. RICHBURG: That's what initiated it. And that is
25 why I was leading to this when I submitted the document on

1 chart -- I think the chart is under number -- it starts --
2 you can look at number 29.

3 THE COURT: All right.

4 MS. RICHBURG: When I gleaned all of the information
5 that was sent by the South Carolina High School League and
6 Ms. Hurley where they're saying truth -- to say that the
7 summary judgment that they're asking for is based on
8 truth. Out of the 10 officials that they sent under the
9 protection order, seven of those officials aren't even
10 South Carolina High School League basketball officials.
11 And that's for the entire state of South Carolina. I
12 gleaned all of the list of all of the officials.

13 So when you look at that chart where it says --

14 THE COURT: Well, does the affidavit say that -- it
15 just says 10 officials.

16 MS. RICHBURG: Right. It says 29 in my e-mail to --

17 THE COURT: No, no. The e-mail from him says 10
18 officials. It doesn't limit on any particular -- it
19 doesn't describe them as a specific...

20 MS. RICHBURG: See, we're dealing with --

21 THE COURT: I'm dealing with his e-mail. That's what
22 we're talking about.

23 MS. RICHBURG: Right. And what I'm saying is --

24 THE COURT: And I don't need all that background -- I
25 mean, all the stuff that you've got -- I mean, you know, I

1 want you to tell me, specifically, about the e-mail that
2 he sent you, which is the basis of your complaint. You
3 tell me all the reasons why that is not true.

4 MS. RICHBURG: All right. So, again, I'll just go
5 through it where it says, If you remember, starting there.
6 That is not true. Where he put, Even though your
7 responses were short, terse, and rude, that is his -- he
8 is stating that. That is not -- that's coming from him.
9 That is his opinion.

10 The e-mail -- I've already communicated that I had an
11 old flip phone at the time. So I don't have access to
12 this e-mail. So I -- I can't even recall what I sent. So
13 I've already communicated that.

14 THE COURT: Okay.

15 MS. RICHBURG: When he says, I received requested
16 information, there was no requested information sent from
17 Bob Wnukowski or Kevin Brown. They did not request any
18 information.

19 And when it says, You were marked off by two schools,
20 in the [inaudible] system, the two schools that are marked
21 off are Southside High School where I attended high school
22 and Mauldin High School in the zone which I reside.

23 But in the context in which the information was
24 used -- that's what I communicated in my first complaint
25 that in the context in which it was used, it was used to

1 too.

2 THE COURT: Okay.

3 MS. HURLEY: So there's no issue as to what the text
4 said.

5 THE COURT: Okay.

6 MR. MONTGOMERY: And, Your Honor, if -- if it
7 matters -- if it doesn't, let me know. But to address the
8 blocks where Ms. Richburg said some of the blocks weren't
9 basketball officials, we explained when we produced it,
10 the high school league has access to all varsity sports
11 that she officiates.

12 So those 10 blocks, three of them were basketball
13 officials. And the other seven were from other sports.
14 The blocks that Mr. Williams produced, which I can hand up
15 if you'd like, but it -- it sort of verifies everything --
16 and we've attached these as exhibits to our motion -- to
17 our memo.

18 But for the blocks that were produced subject to the
19 protective order, in the top right, it's got Bob
20 Wnukowski, who's referenced in the e-mail where he says, I
21 requested information from Bob Wnukowski and Kevin Brown.
22 Well, here you see Bob Wnukowski, he's the administrator
23 who pulls the 10 blocks that would be accessible by the
24 BOA for sub-varsity contest. So that, actually, supports
25 the fact that Rico didn't make them up. He asked Bob

1 Wnukowski to provide them.

2 Secondly, he, also, mentions Kevin Brown. Kevin
3 Brown was the treasurer of District One. And we've
4 attached his memo -- exhibits to our memo. His sign-in
5 sheets -- or he created a document based on an Excel
6 spreadsheet. And he writes it and signs it, Kevin Brown,
7 I attest that this is true, where he takes all of those
8 dates that people came in late. It's not just
9 Ms. Richburg. There are other officials where he says,
10 Came in at 6:50, came in at 7:15, left early.

11 MS. HURLEY: And he kept it in real time.

12 MR. MONTGOMERY: And he kept in real time. But he
13 went back from the spreadsheet and created this document
14 which was produced in this case.

15 The other thing, too, Exhibit E to my memo is the
16 e-mail that Ms. Richburg forwarded to Skip Lax. And about
17 halfway down, it says -- or Ms. Richburg writes, It is
18 true that I attended three meetings this year. That sort
19 of confirms what Rico said, which was the equivalent based
20 on the time sheets of two and a half.

21 So she's admitting when she sends this to Mr. Lax
22 that she didn't attend all four meetings. I wanted to be
23 sure that that was referenced --

24 THE COURT: Right.

25 MR. MONTGOMERY: Right. So unless there's anything

1 answered. That's not true. We -- we answered it timely.
2 I asserted a number of objections where I could answer. I
3 said we would and --

4 THE COURT: I'll let you respond. You don't have to
5 wave your hand.

6 MS. HURLEY: -- and there -- for a number of items in
7 that second set, we had to rely on the South Carolina High
8 School League to provide. So she has it from the high
9 school league. She just didn't get it from us.

10 So I -- you know, our position is why should we
11 have -- I mean, we don't have it. We're relying on the
12 high school league to produce it. Once it's produced, it
13 shouldn't matter where it came from. It's official league
14 reference.

15 THE COURT: All right. Briefly, so we can move on to
16 another motion.

17 MS. RICHBURG: Yes, Your Honor. As you know, I am
18 pro se, so I am trying to follow the protocol.

19 I was told by Judge Couch that when I asked for the
20 first set of interrogatories that I would receive a
21 response from both Ms. Hurley and Mr. Montgomery. And
22 that has been the practice.

23 Now, all of the sudden, maybe months later, I'm
24 hearing from Ms. Hurley just now that now they're deciding
25 when they are selectively making the decision when they

1 to any games until your membership status is reviewed by
2 the district board of directors. Again, going back to the
3 bylaws and the relationship between the BOA and the high
4 school league, the BOA retains the right to determine
5 who's going to be a member.

6 So that was a membership issue, but it's also -- it
7 doesn't involve any varsity contest or any specific
8 issues, other than sort of personality differences.

9 We raised in our -- in our brief that the high school
10 league is a governmental entity, such would be subject to
11 the Tort Claims Act. One -- one thing I did not raise in
12 my memo, but I wanted to be clear I raised to Your Honor
13 is under 15-78-60, which is the Tort Claims Act,
14 exceptions to waiver immunity -- waiver of immunity,
15 number five provides immunity --

16 THE COURT: Wait. What was the section number again?

17 MR. MONTGOMERY: 15-78-60, Section -- Paragraph five.

18 THE COURT: 15-78-60, Paragraph Five.

19 MR. MONTGOMERY: Which would be, basically,
20 discretionary immunity, which says that the governmental
21 entity is not liable for a loss resulting from the
22 exercise of discretion or judgment by the governmental
23 entity or employee, or the performance, or failure to
24 perform any act or service which is in the discretion or
25 judgment of the employee -- governmental entity or

1 employee.

2 And given that Mr. Lax has the discretion as to
3 whether or not to be involved, he exercised that
4 discretion. And just because the Plaintiff does not like
5 what he -- that he -- what he said or that it was a local
6 matter, that's not grounds for a negligence claim.

7 Again, the sort of -- to claim that the high school
8 league had some absolute responsibility to get involved
9 sort of ignores the fact that it's the -- that it's the
10 local districts that have the membership right to
11 determine who's going to be a member. We can't force
12 somebody to -- to be a member.

13 And so that's partly where Mr. Lax's decision not to
14 become involved -- and, again, it was Mr. -- Mr. Moots and
15 Mr. Lax said -- said basically, you know, we don't think
16 that there was anything done wrong here by Mr. Williams.
17 And that continues to be the case.

18 And just because the Plaintiff doesn't agree with
19 that conclusion that they reached doesn't mean that it's
20 negligence based upon the standards which, you know, as --
21 as an official she's an independent contractor. She's not
22 an employee. She doesn't have any particular right to
23 continue "employment" as an official. It's up for --
24 every year it's up. And there doesn't appear to have to
25 be a reason to accept or not accept someone.

PROOF OF SERVICE APPELLATES RESPONSE TO DISMISS RESPONDENT'S JOINT MOTION TO STRIKE IN THEIR RESPONSE TO THE APPELLATES MOTION FOR THE STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS TO PUNISH AND FINE THE RESPONDENTS AND THEIR LEGAL COUNSEL FOR COMMITTING PERJURY ACCORDING TO THE TRANSCRIPT OF RECORD ON MARCH 20, 2017 AND ALLOWING THE APPELLATE AN EXTENSION ON FUTURE COURT PROCEEDINGS TO ORDER TRANSCRIPTS OF ALL COURT APPERANCES PRIOR TO MARCH 20, 2017 DISCUSSED IN THE TRANSCRIPT OF RECORD TO PRESENT AS EVIDENCE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
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The Appellate Aminah A. Richburg, Pro Se certify that I have served the Appellate Response To Dismiss Respondent's Joint Motion To Strike In Their Response To The Appellate Motion For The State of South Carolina In The Court of Appeals To Punish and Fine The Respondents and Their Legal Counsel For Committing Perjury According To The Transcript on Record on March 20, 2017 and Allowing the Appellate an Extension on Future Court Proceedings to Order Transcripts of All Court Appearances Prior to March 20, 2017 Discussed in the Transcript of Record to Present as Evidence, by depositing a copy of it in the United States Mail, postage prepaid on February 1, 2018 addressed to the attorney on record for E.A. Rico Williams, Sarah Day Hurley, P.O. Box 1509, Greenville, South Carolina 29602 and also addressed to Sowell SG Gray, 1310 Gadsen Street, P.O. Box 11449, Columbia, South Carolina 29211, attorney Michael Montgomery attorney for the South Carolina High School League.

February 1, 2018



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Appellant

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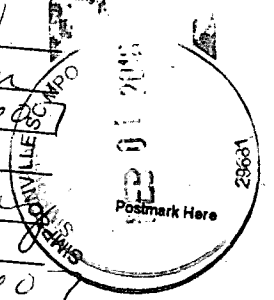
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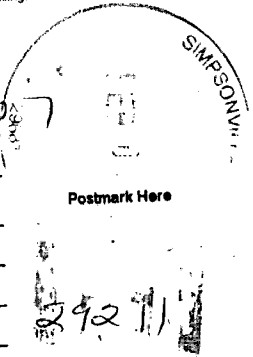
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217 Plum Creek Ch
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To: Sowell S G (Cory)
1310 Gasden Street
P.O. Box 11449
Columbia, South Carolina
ATTN: Michael Montgomery

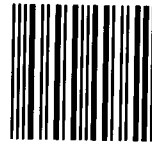


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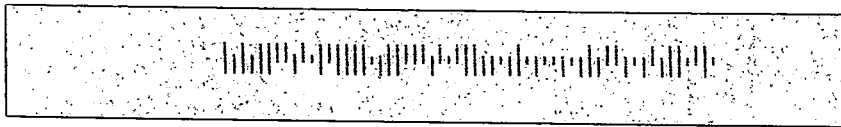


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FEB 05 2018

SC Court of Appeals

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The Honorable Jenny Abbott Kitchings
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Columbia, South Carolina 29211