

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

9<sup>th</sup> Judicial Circuit Court Judge

App. Case No. 2017-002403  
Case No. 2007-CP-10-1444

---

Cynthia Holmes (C. Holmes),

Appellant,

v.

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

Respondents.

---

**EXPEDITED MOTION**

---

C. Holmes  
P.O. Box 187  
Sullivans Isd.,  
SC 29482-0187  
(843)883-3010  
For Appellant

**RECEIVED**  
MAR 05 2018  
SC Court of Appeals

Appellant respectfully submits Expedited Motion with abeyance request. Pursuant to the attached copy of their document filed with the circuit court, Pro Se defendants admit they have no interest and, therefore, have no standing. Pursuant to the attached copy of correspondence from the Court of Appeals, Pro Se defendants, who now admit lack of standing, are the only parties herein. Apparently, Pro Se defendants breached the contract with their professional liability carrier as cavalierly as they breached the contract with their employer.

### ARGUMENT

#### **I. Lack Of Standing.**

Pro Se Defendants James Y. Becker and Manton Grier filed motion in the circuit court in this Case # 2007-CP-10-01444. See attached copy. By that motion, Pro Se Respondents 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). Further, enclosed please find a copy of this Honorable Court's correspondence. That correspondence states that the Respondents are James Y. Becker and Manton Grier, who now admit lack of standing. Accordingly, Pro Se defendants have no standing in the lower court either, and the lower court orders must be vacated/reversed.

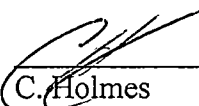
## II. A corporation is not allowed to appear Pro Se in appellate courts.

Moreover, a corporation is not allowed to appear Pro Se in appellate courts. Black's Law Dictionary defines Pro Se as: "For Himself; in his own behalf." Black's Law Dictionary, 5<sup>th</sup> Edition. 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 Easler*, 275 S.C. 400, 272 S.E.2d 32 (1980); *State v. Despain*, 319 S.C. 317, 460 S.E.2d 576 (1995). "In *State v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939), this Court held that a corporation must act through licensed attorneys in legal matters. That holding was modified in *In re Unauthorized Practice of Law*, 309 S.C. 304, 422 S.E.2d 123 (1992), in which the Court held a non-lawyer, officer, agent, or employee may represent a business entity pursuant to S.C.Code Ann. § 40-5-80 (1986) in civil magistrate's court proceedings. The Court stated further that the magistrate shall require a written authorization from the entity's president, chairperson, general partner, owner or chief executive officer." *Brown v. Coe*, 365 S.C. 137, 616 S.E.2d 705 (SC 2005). The cover letter with the Motion herein reflects it was filed by employees of the corporation and, therefore, Pro Se. In addition, there is no written authorization from corporate executive. In *Renaissance Enters., Inc. v. Summit Teleservices, Inc.*, *supra*, the Court held that a corporation may appear Pro Se only in magistrate's court. As such, the Motion is a nullity. *Brown v. Coe*, *supra*. Accordingly, the lower court orders must be vacated/reversed.

CONCLUSION

For the foregoing reasons and for substantial justice affecting substantial rights, appellant respectfully requests that this Court grant this motion with abeyance.

Respectfully submitted,

  
C. Holmes  
P.O. Box 187  
Sullivans Isd.,  
SC 29482-0187  
(843)883-3010  
For Appellant

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01444

Plaintiff,

vs.

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

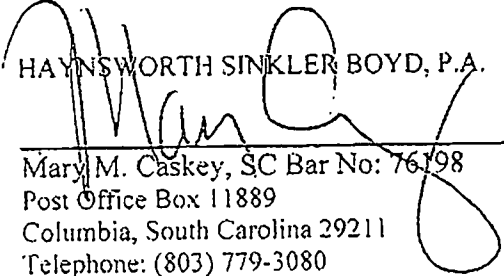
Defendants.

FILED  
2017 SEP 29 PM 2:20  
CLERK OF COURT

**DEFENDANTS' MOTION TO DISMISS CERTAIN PARTIES**

Defendants Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Grier and James Y. Becker (collectively, the "Defendants") hereby move this Court to dismiss Manton Grier and James Y. Becker as petitioners under the Verified Petition filed on January 3, 2017. Messrs. Becker and Grier are employees of Haynsworth Sinkler Boyd, P.A. and do not have any ownership rights or interests in the sanctions judgment that is the subject of the Verified Petition. As a result, they request that they be dismissed as Petitioners, and that Haynsworth Sinkler Boyd, P.A. be the sole remaining petitioner in this action. There are no pending claims asserted by Plaintiff against Defendants in this matter. A proposed order is attached.

HAYNSWORTH SINKLER BOYD, P.A.

  
Mary M. Caskey, SC Bar No: 76198  
Post Office Box 11889  
Columbia, South Carolina 29211  
Telephone: (803) 779-3080  
Facsimile No: (803) 765-1243  
ATTORNEYS FOR DEFENDANTS

September 22, 2017

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

Cynthia Holmes, Appellant,

v.

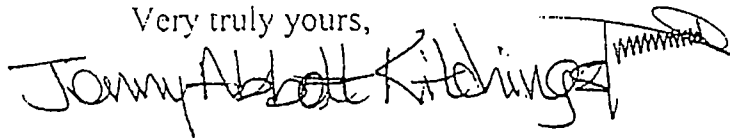
Haynsworth, Sinkler & Boyd, P.A., successor to Sinkler & Boyd, P.A.; Manton Grier; and James Y. Becker, Defendants,

★

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 "Jonny Abbott Kitching". The signature is written in a cursive style with a large, sweeping flourish at the end.

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

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

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.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

9<sup>th</sup> Judicial Circuit Court Judge

---

App. Case No. 2017-002403  
Case No. 2007-CP-10-1444

---

Cynthia Holmes (C. Holmes),

Appellant,

v.

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

**RECEIVED**  
MAR 05 2018  
SC Court of Appeals  
Respondents.

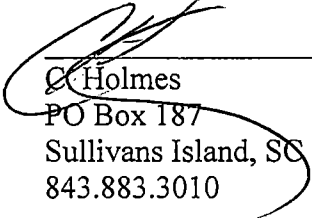
---

PROOF OF SERVICE

---

I certify that I have served a copy of the foregoing motion on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to Respondents on this date at 1201 Main St. #2200, Columbia, SC 29201.

Dated February 28, 2018.

  
C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010

Fax: 803.734.1839

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

**RECEIVED**  
MAR 05 2018  
SC Court of Appeals

Re: Holmes v. Becker et al  
App. Case No. 2017-02403

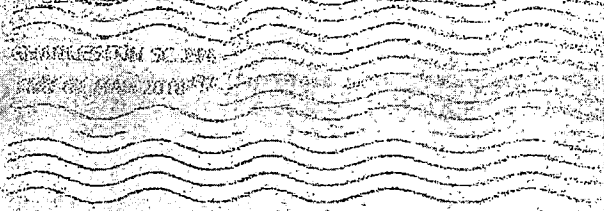
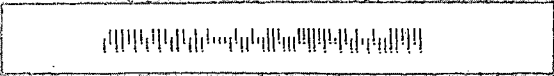
Dear Jenny:

Enclosed for filing is the original with abeyance request in the above case. Also, enclosed are the following:

- 1) Seven copies,
- 2) Proof of Service and a copy,
- 3) SASE for return, and
- 4) Filing fee.

Thank you for your kind attention to this matter. With best personal regards, I remain

Very truly yours,



The Honorable Jenny A. Kitchings  
SCCA  
1220 Senate St.  
Columbia, SC 29201

**RECEIVED**  
MAR 05 2018  
SC Court of Appeals