THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th 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.

Return

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

Appellant respectfully submits Return to Motion to Dismiss in opposition to Pro Se respondents motion and disputes the misrepresentations contained therein. Facts pertinent to the motion are as follows. The order on appeal filed September 29, 2017, was wrongfully entered in the circuit court at a time when the matter was pending appeal with exclusive appellate jurisdiction. Rule 205, SCACR. See attached copy of Notice of Appeal (NOA) timely served on February 11, 2017, and pending on September 29, 2017. Pro Se respondents knew or should have known to request permission from the appellate court to file in the lower court. Pro Se defendants have materially omitted the fact that the Supreme Court denied Pro Se respondents express request to adopt that order. As such, the order on appeal is void/voidable.

In addition, pursuant to the attached copy of that motion which was wrongfully filed with the circuit court in violation of exclusive appellate jurisdiction, Pro Se defendants admit they have no interest or ownership rights 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 Pro Se respondents. Accordingly, the lower court order on appeal and all prior orders should be reversed for lack of standing.

Significantly and materially, on or before February 24, 2017, Pro Se respondents Becker and Grier represented to this Honorable Court that they were the only interested parties in this matter as memorialized in the attached copy of COA correspondence dated February 24, 2017. The record reflects Pro Se respondents Becker and Grier have now admitted lack of standing as the litigants in the lower court. Accordingly, all lower court orders must be reversed/vacated.

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, 5th Edition. In *Renaissance Enters., Inc. v. Summit Teleservices, Inc.*, the Court held that a corporation may appear Pro

Se only in magistrate's court. *Renaissance Enters., Inc. v. Summit Teleservices, Inc., 515 S.E.2d 257, 258 (S.C. 1999)*. As such, the Pro Se respondents Motion is a nullity. *Brown v. Coe*, 365 S.C. 137, 616 S.E.2d 705 (SC 2005). Accordingly, Pro Se respondents motion must be vacated/dismissed.

The record also reflects Pro Se respondents pattern and practice of skulking around Clerk of Court offices in the circuit court, in the Supreme Court, and in the Court of Appeals attempting impermissible ex parte communication with the courts. It also highlights why clerks should not be badgered by Pro Se respondents with an order in an unrelated matter regarding conflict of laws and the statute of limitations in a foreign jurisdiction, with unrelated caption, unrelated parties, different facts, and unrelated issues. As set forth more fully hereafter, the 2009 Doe order, which Pro Se respondents are so fond of, is not res judicata or collateral estoppel. Further, the ministerial duties of the clerk's office do not include making such determination. As noted below, untrustworthy Pro Se respondents pattern and practice of wrongdoing also highlights why the Supreme Court and the Fourth Circuit have ruled that findings from other cases are a form of hearsay and, therefore, improper for consideration by juries or jurists. *Mizell v. Glover*, 351 S.C. 392, 570 S.E.2d 176 (S.C. 2002).

In violation of new case law in *Brooks, infra*, Pro Se malpractice defendants unconstitutionally denied the appellant the right to respond and to self-representation. The order on appeal filed September 29, 2017, is essentially ex parte in violation of Rule 6, SCRCP. Appellant is denied substantial due process. No certificate of service was provided for the proposed order which was signed September 26, 2017, without timely notice, without hearing, and without opportunity to respond. Pro Se respondents unprofessionally failed to provide the proposed order to the other side before it was signed. The Appellant is prejudiced including, but not limited to, denial of State and federal constitutional rights and denial of opportunity to establish Pro Se respondent's violation of legal interest and other claims. *Brooks v. CCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017).

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, 5th 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.

III. Lack of jurisdiction may be raised at any time.

The Court of Appeals has such jurisdiction as the General Assembly prescribes by general law. S.C. Const. art. V, § 9. Its jurisdiction under S.C. Code §14-8-200(a) is as follows:

> [T]he court shall have jurisdiction over any case in which an appeal is taken from an order, judgment, or decree of the circuit or family court. S.C. Code §14-8-200(a).

The Court of Appeals is an error-correction court. S.C. Const. art. V, § 9. In a direct appeal, the focus is on the propriety of rulings made by the circuit court. See *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (1999). Toal *et al., Appellate Practice in South Carolina* (3d ed. 2016), p. 11. The instant matter is a direct appeal. Under Rules 205 and 241, SCACR, the lower court may not act or issue orders that affect an issue on appeal. In this case, the September 29, 2017, order on appeal affects issues pending on appeal at the time it was entered.

The order on appeal filed September 29, 2017, was wrongfully entered in the circuit court at a time when the matter was pending appeal with exclusive appellate jurisdiction. Rule 205, SCACR. See attached copy of Notice of Appeal (NOA) timely served on February 11, 2017, and pending on September 29, 2017. Pro Se respondents knew or should have known to request permission from the appellate court to file in the lower court. Lack of jurisdiction may be raised at any time. *Dove v.*

Goldkist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994). Lack of jurisdiction may not be waived. *Amisub of S.C., Inc., v. Passmore*, 316 S.C. 112, 447 S.E.2d 207 (1994). Accordingly, the order is void and must be vacated.

IV. When deciding a jurisdictional question based on facts, a reviewing court has the duty to review the entire record and find the jurisdictional facts within the entire record.

When deciding a jurisdictional question based on facts, a reviewing court has the power and the duty to review the entire record, find the jurisdictional facts within the entire record, and decide the jurisdictional question in accord with the preponderance of evidence. *Canady v. Chas. Cty. Sch. Dist.*, 265 S.C. 21, 216 S.E.2d 755 (1975). Accordingly, Pro Se respondents motion must be denied.

V. The money judgment exception to automatic stay does not apply because the matter herein does not constitute a "money judgment" in the underlying claim within the contemplation of S.C. Code Section 18-9-130; rather the matter is incidental to the underlying claim.

The money judgment exception to automatic stay does not apply because the matter herein does not constitute a "money judgment" in the underlying claim within the contemplation of S.C. Code Section 18-9-130; 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*, 3rd edition (2016), p. 341. In the instant case, the underlying claims ended with directed verdict for the defendants. Significantly and materially, there was no counterclaim. 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). Accordingly, the matter herein is not a traditional money judgment and, therefore, it is subject to automatic stay under Rule 241(a), SCACR. Toal *et al*, *Appellate Practice in South Carolina*, 3rd edition (2016), p. 340. In the alternative, any

dispute regarding the application of automatic stay is resolved in the appellate court. *See Kearney v. Allen*, 287 S.C. 324, 338 S.E.2d 335 (2014). In this case, the right to represent oneself, to have access to the court, to file, and/or to defend is closely related to the right to a particular mode of trial, a well-established substantial right, and this order must be immediately appealed. *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005).

VI. Pro Se Respondents materially omit that the Notice of Appeal (NOA) was timely served, and the Clerk's Office has determined the Notice of Appeal was timely served.

Pro Se respondents conflate filing with service of the NOA and materially omit that the NOA was timely served on November 6, 2017. Rule 262, SCACR. Filing and service are not the same. Rule 262, SCACR. Moreover, Pro Se respondents materially fail to cite Rule 203(d), SCACR, regarding filing, which in pertinent part provides, "The notice of appeal shall be filed with the clerk...within 10 days after the notice of appeal is served." In this case, the NOA was timely served on November 6, 2017, timely filed by mail, and timely received on Monday, November 20, 2017. *Ex Parte Sadisco of Greenville, Inc., v. Greenville Cty. Bd. Of Zoning Appeals*, 340 S.C. 57, 530 S.E.2d 383 (2000).

VII. The order is appealable under S.C. Code Section 14-3-330(1).

The order is appealable under S.C. Code Section 14-3-330(1) because it involves the merits. An order "involving the merits" is one that "must finally determine some substantial matter forming the whole or a part of some cause of action or defense." *Mid-State Distributors, Inc., v. Century Importers, Inc.*, 310 S.C. 330, 426 S.E.2d 777 (1993). Standing is a prerequisite and is "a party's right to make a legal claim or seek judicial enforcement of a duty or right." *Powell ex rel. Kelley v. Bank of Am.*, 379 S.C. 437, 665 S.E.2d 237 (Ct. App. 2008); *Youngblood v. DSS*, 402 S.C.311, 741 S.E.2d 515 (2013). In this case, Pro Se respondents have admitted they have no standing thereby "necessarily affecting the

judgment." *Link v. School District of Pickens Cty.*, 302 S.C. 1, 393 S.E.2d 176 (1990). Accordingly, the motion must be denied.

VIII. The order is appealable under S.C. Code Section 14-3-330(2).

The order is appealable under S.C. Code Section 14-3-330(2)(a) because it affects a substantial right when such order "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action." In this case, the order effectively forecloses one party's right to contest the case on the merits including, but not limited to, Pro Se defendants wrongdoing and misrepresentations that they had ownership rights and interests which affects a substantial right and is immediately appealable. *McLaughlin v. Strickland*, 279 513, 309 787 (Ct. App. 1983).

Moreover, the denial of the right to represent oneself, to have access to the court, to file, and/or to defend is closely related to the right to a particular mode of trial, a well-established substantial right which was denied. S.C. Code Section 14-3-330(2); *see Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005); *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017).

The order is also appealable under S.C. Code Section 14-3-330(2)(c) because it affects a substantial right when such order "strikes out an answer or any part thereof or any pleading in any action." This case involves striking any pleadings, including but not limited to, lack of standing and other substantial defense. The Order must be immediately appealed. *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005). Accordingly, the motion must be denied.

IX. The order is appealable under S.C. Code Section 14-3-330(3).

The order is appealable under S.C. Code Section 14-3-330(3) which allows appellate review of orders affecting a substantial right "made in any special proceeding or upon a summary application in any action after judgment." In the instant case, the lower court proceeding is not a traditional action. It is a "special proceeding." *See Allen v. Partlow*, 3 S.C. 417 (1872). Denial of the right to defend including but not limited to, denial of substantial defense without a full and fair review on the entire record affects a substantial right in this special proceeding. Accordingly, the motion must be denied.

X. The order is appealable under S.C. Code Section 14-3-330(4).

The order is appealable under S.C. Code Section 14-3-330(4) because it affects an interlocutory order or decree ... "granting, continuing, modifying, or refusing the appointment of a receiver." S.C. Code Section 14-3-330(4). The prior lower court order on appeal entered March 14, 2017, provides "thereafter a receiver will be appointed." Order filed on March, 14, 2017. Accordingly, the order and prior orders are appealable under S.C. Code Section 14-3-330(4). *See Williams v. Northwestern Securities Life Ins. Co.*, 307 S.C. 462, 415 S.E.2d 809 (1992).

XI. New case law in *Brooks, infra*, supports review.

New case law in *Brooks, infra*, provides that the South Carolina Constitution guarantees every person the right of access to the courts. S.C. Const. art. I, § 9 provides, "All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained." A litigant has a statutory right to proceed pro se in South Carolina. S.C. Code Ann. § 40-5-80 (2011) ("[The chapter regulating the practice of law] may not be construed so as to prevent a citizen from prosecuting or defending his own cause, if he so desires."); *Washington v. Washington*, 308 S.C. 549, 550, 419 S.E.2d 779, 780 (1992).

The statutory right of self-representation is also provided to litigants under federal law. 28 U.S.C. § 1654 (2016). *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017). In this case, the right to represent oneself, to have access to the court, to file, and/or to defend is closely related to the right to a particular mode of trial, a well-established substantial right, and this order must be immediately appealed. *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005).

XII. The lower court's reliance on the December 2009 order is a violation of State and federal statutory and Constitutional law.

In *Mizell v. Glover*, the South Carolina Supreme Court stated: " We find persuasive the jurisprudence developed by the Fourth Circuit and other federal courts which have recognized that judicial findings of fact from one trial constitute hearsay when offered for admission in the context of another trial. See *Nipper v. Snipes*, 7 F.3d 415 (4th Cir. 1993); *U.S. Steel, LLC v. Tieco, Inc.*, 261 F.3d 1275 (11th Cir. 2001); U.S. v. Jones, 29 F.3d 1549 (11th Cir. 1994); *Blue Cross and Blue Shield v. Philip Morris, Inc.*, 141 F.Supp.2d 320 (E.D.N.Y.2001).[8] In *Nipper*, the Fourth Circuit held that judicial findings constitute hearsay and do not fall within any of the exceptions to the hearsay rule, including the exception for public records, Rule 803(8), FRE. *Nipper*. The Fourth Circuit made clear that its holding was firmly rooted in the common law. Id. (Citing 5 John H. Wigmore, Wigmore on Evidence § 1671a (James H. Chadbourn rev.1974) (citations omitted))." *Mizell v. Glover*, 351 S.C. 392, 570 S.E.2d 176 (S.C. 2002). "The federal courts addressing this issue point to the great weight and obvious prejudicial effect that credibility assessments of witnesses by judges have on subsequent juries. See *Philip Morris*, 141 F.Supp.2d 320 (denying admission of a judge's statement regarding credibility of expert witness for impeachment of that expert at a subsequent trial). Although *Philip Morris* involved the credibility assessment of a judge and not the assessment of a jury, the jury's factual finding introduced in this case is hearsay nonetheless, and we believe, is equally prejudicial. See *U.S. Steel v.*

Tieco (finding appellants were prejudiced by the admission of a previous judge's factual opinion into a subsequent trial because appellees relied on the opinion throughout the trial and advised the jury during closing argument to use the opinion to make their own credibility determinations)." *Mizell v. Glover*, 351 S.C. 392, 570 S.E.2d 176 (S.C. 2002). Accordingly, the consideration of hearsay in the form of a court order from another matter is reversible error and is contrary to State and Federal constitutional due process safeguards.

XIII. Novel issues regarding new legislation, new statutory law, and new case law support review.

When a case contains a novel question of law, the appellate court is free to decide the question with no particular deference to the lower court. *Osprey Inc., v. Cabana Limited Partnership*, 340 367, 532 269 (2000). It is respectfully submitted that novel issues regarding the revised S.C. Code Section 15-36-10 and new case law in *Brooks* support review. *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017). *See Hicks v. Feiock*, 108 S.Ct. 1423, 485 U.S. 624, 99 L.Ed. 721, 56 U.S.L.W. 4347 (1988). "The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), or denial of fundamental procedural fairness, see, e.g., *Fuentes v. Shevin*, 407 U.S. 67, 82 (1972) (the procedural due process guarantee protects against "arbitrary takings"). *County of Sacramento v. Lewis*, 523 U.S. 833, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). See *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses). See S.C. Const. art. I, sec. 2, 3, 4, 10, and 14; S.C. Const. art. V, sec. 4; S.C. Const. art. V, sec. 5; U.S. Const., Article I, sec. 9 and 10; U.S. Const. amend. I, IV, V, VII, and XIV.

XIV. The 2009 Doe Order is unrelated and, therefore, inapplicable.

The 2009 Doe Order is unrelated and the issues are not the same. 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). See *State v. Cooper*, 342 S.C. 389, 536 S.E.2d 870 (2000); Toal *et al, Appellate Practice in South Carolina*, 3rd edition (2016), p. 341.

The FPA is unconstitutional on its face and as applied herein. Controlling precedent establishes that the Amended FPA is inapplicable because the cause of action arose prior to its effective date. *See Southeastern Site Prep v. Atlantic Coastal Builders and Contractors, LLC*, 394 S.C. 97, 107, 713 S.E.2d 650, 655 (S.C. App. 2011).

Significantly and materially, the less burdensome legal standard in the Amended FPA was improperly applied and is reversible as a matter of law. Though that improper circuit court Haynsworth order was stayed pending appeal, it was wrongfully reported to the appellate court and ODC during that stay purportedly pursuant to the inapplicable Amended S.C. Code Section 15-36-10 reporting provision. That improper FPA report effectively functioned as impermissible ex parte communication, thereby preventing and/or thwarting objective judicial review. That improper FPA report resulted in the unsupported 2009 order, Doe v. Duncan (DVD). That case is unrelated, it has a different caption, and it involves unrelated issues of conflict of laws and the statute of limitations in a foreign jurisdiction. That DVD order recites and relies on footnote 2 (two), but fails to provide any citation, source, or authority for footnote 2 (two), thereby concealing Haynsworth as the source. Thereafter, that unsupported DVD order in an unrelated case was used to thwart objective, meaningful appellate review of that very circuit court Haynsworth order on appeal. As set forth below, that unsupported DVD order in an unrelated case has been used wrongfully by *Pro Se* Legal Malpractice Defendants to deny State and federal

CONCLUSION

For the foregoing reasons and for substantial justice affecting substantial rights, appellant respectfully enters return in opposition and respectfully submits the motion must be denied.

Respectfully submitted,

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

PCP. CASE NO 17-000266

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

Case No. 2007-CP-10-1444

Doe (C. Holmes),

Appellant,

v.

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

Respondents.

NOTICE OF APPEAL

The Appellant appeals the attached order of the 9th Judicial Circuit Judge entered February 9, 2017. Pursuant to Rule 203 and controlling precedent, including but not limited to *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005) (see Toal *et al*, *Appellate Practice in South Carolina*, 3rd edition, 2016), the Appellant timely files and serves Respondents. All parties required to be served have been served.

Dated 2/11/17

C. Holmes
PO Box 187
Sullivans Island, SC 29482-0187
843.883.3010

Counsel of Record for Respondents:

Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
C/A NO: 2007-CP-10-01444

Cynthia Holmes, M.D.,

Plaintiff,

vs.

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

Defendants.

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,

Jenny Abbott Kitchings

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

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. 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. 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

9th 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.

PROOF OF SERVICE

I certify that I have served a copy of the foregoing response 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 March 2, 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

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, and
3) SASE for return.

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

Very truly yours,

DURST FAMILY MEDICINE, LLC

(843) 883-3176

(843) 883-3459

FACSIMILE TRANSMITTAL SHEET

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NOTES/COMMENTS: