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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2017-002618

**RECEIVED**  
APR 19 2018  
SC Court of Appeals

Harold Estes Blackwell, Jr..... Appellant,

v.

Miracle Hill Ministries, Inc., Anita Jane Miller  
(aka Anita M. Blackwell), and Williams Fisk ..... Respondents,

**MOTION TO DISMISS APPEAL**

Respondent Miracle Hill Ministries, Inc. respectfully moves this Court for an order dismissing this appeal because Appellant has failed to timely serve his notice of appeal on all respondents within thirty (30) days after receipt of written notice of the entry of the appealed order as required by Rule 203, SCACR. This motion is based on the following grounds:

**FACTUAL BACKGROUND**

This matter concerns a lawsuit initiated by a *pro se* litigant seeking damages relating to his former wife’s treatment at a rehabilitation treatment center operated by Respondent Miracle Hill Ministries, Inc. (“Miracle Hill”). On October 4, 2017, the Honorable Robin B. Stilwell held a hearing on multiple motions filed by the parties, including the Miracle Hill’s motion to dismiss under Rule 12(b)(6), SCRCF. On November 8, 2017, the circuit court issued a formal order dismissing Appellant Harold Estes Blackwell, Jr.’s claims with prejudice. A copy of the order

issued November 8, 2017 order is attached hereto as **Exhibit A**. On November 16, 2017, Appellant filed a motion pursuant to Rule 60(b)(1), SCRCF requesting that the trial court set aside its order issued November 8, 2017. A copy of Appellant's motion filed November 16, 2017 is attached hereto as **Exhibit B**. On December 11, 2017, the circuit court issued an order denying Appellant's motion. A copy of the order issued December 11, 2017 is attached hereto as **Exhibit C**.

On December 27, 2017, Appellant filed with the South Carolina Court of Appeals the following documents: (i) a copy of the order issued November 8, 2017 (*see* Ex. A); (ii) a copy of the circuit court's order granting Defendant Anita Jane Miller's Rule 12(b)(6) motion; (iii) a copy of the circuit court's order denying Appellant's Rule 60 motion (*see* Ex. C); and (iv) a proof of service. A copy of the proof of service filed December 27, 2017 is attached hereto as **Exhibit D**. Two days later, on December 29, 2017, Appellant filed a notice of appeal and proof of service with the Greenville County Court of Common Pleas. A copy of the notice of appeal and proof of service filed with the circuit court is attached hereto as **Exhibit E**. On January 11, 2018, Appellant file a notice of appeal with the South Carolina Court of Appeals. A copy of the notice of appeal filed with this Court is attached hereto **Exhibit F**.

### ARGUMENT

Under Rule 203(b)(1), SCACR, an appellant must serve a notice of appeal "on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." "Rule 203(b), SCACR, requires a party to serve his notice of appeal within thirty days after receiving written notice of the entry of a final order or judgment, and failure to do so divests this court of subject matter jurisdiction and results in dismissal of the appeal." *Canal Ins. Co. v. Caldwell*, 338 S.C. 1, 4, 524 S.E.2d 416, 418 (Ct. App. 1999). "[I]f a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to

‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.” *Elam v. South Carolina Dep’t of Transp.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004). Similarly, Rule 263(b), SCACR, states, “The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.” (emphasis added).

First, Appellant failed to serve a notice of appeal on all respondents within thirty days as required by Rule 203(b)(1), SCACR. According to the notice of appeal filed January 11, 2018, Appellant received notice of the circuit court’s order granting Miracle Hill’s motion to dismiss on November 14, 2017. *See* Ex. G, p. 1. Because the applicable time period was not tolled by Appellant’s motion filed November 16, 2017, *see infra* at 4, Appellant was required under Rule 203(b)(1) to serve a notice of appeal on all respondents on or before December 15, 2017.

As is permitted by Rule 262(b), it appears that Appellant attempted to serve the notice of appeal all respondents by mailing the documents on December 14, 2017 to the last known addresses of respondents’ counsel. *See* Ex. D, p. 1. However, counsel for Miracle Hill never received a notice of appeal in the mail. A review of the proof of service filed December 27, 2017 reveals a possible explanation. According to the proof of service, Appellant mailed the notice of appeal intended for Miracle Hill to the incorrect 1316 South Church Street instead of the correct address of 1306 South Church Street address for counsel for Miracle Hill. *See id.* The same deficiency can be observed with the notice of appeal and proof of service filed with the Greenville County Court of Common Pleas on December 29, 2017. *See* Ex. E. Because Appellant failed to mail the required documents to the last known address of counsel for Miracle Hill, Appellant has failed to serve Miracle Hill pursuant to Rule 262(b) and thus has failed to serve the notice of appeal on all respondents within thirty days as required by Rule 203(b)(1).

Furthermore, the deadline for Appellant to comply with Rule 203 was not tolled by Appellant's motion filed November 16, 2017. Pursuant to Rule 203(b), "[w]hen a timely motion for judgment n.o.v. (Rule 50, SCRCPP), motion to alter or amend the judgment (Rules 52 and 59, SCRCPP), or a motion for a new trial (Rule 59, SCRCPP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion." Unlike motions filed pursuant to Rules 50, 52, or 59, a motion filed pursuant to Rule 60 does not toll the applicable period under Rule 203. *See Coward Hund Constr. Co. v. Ball Corp.*, 336 S.C. 1, 5, 518 S.E.2d 56, 59 (Ct. App. 1999) (noting that a Rule 60 motion "d[oes] not toll the time for the filing and service of [a] notice of appeal").

Here, Appellant's motion dated November 16, 2017 was filed pursuant to Rule 60, SCRCPP. *See* Ex. B. The preamble of Appellant's motion clearly reads, "Plaintiff comes now to move this honorable Court to reconsider its Order dismissing this car from the bar pursuant to Rule 60(b)1 of the South Carolina Rules of Civil Procedure (SCRCPP)." *See id.* The motion does not contain any reference to Rules 50, 52, or 59. *See id.* Because Appellant's motion did not toll the applicable period under Rule 203, SCACR, Appellant was required to serve the notice of appeal upon all respondents on or before December 15, 2017, which he failed to do as described above.

Finally, the time period for Appellant to serve the notice of appeal has expired and cannot be extended. Rule 263(b), SCACR, provides, "The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof." (emphasis added). Since Appellant failed to serve Miracle Hill with the notice of appeal on or before December 15, 2017, he cannot cure his untimely appeal as the time period cannot be extended under Rule 263.

Appellant's failure to serve the notice of appeal in accordance with Rule 203(b) has divested this Court of jurisdiction, and thus his appeal must be dismissed for lack of jurisdiction.

**CONCLUSION**

For the foregoing reasons, Respondent Miracle Hill Ministries, Inc. respectfully submits that this Court should grant its motion to dismiss the instant appeal.

Respectfully submitted,



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Attorneys for Respondent Miracle Hill  
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April 13, 2018

Greenville, South Carolina

# Exhibit A

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Harold Estes Blackwell, Jr., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Miracle Hill Ministries, Inc., Anita Jane Miller )  
 (a.k.a Anita M. Blackwell), and William Fisk, )  
 )  
 Defendants. )  
 )  
 )

IN THE COURT OF COMMON PLEAS  
 THIRTEENTH JUDICIAL CIRCUIT  
 C.A. NO. 2017-CP-23-03754

**ORDER**

This matter came before me on motions to dismiss and to quash filed by Defendant Miracle Hill Ministries, Inc. (“Miracle Hill”). Present at the hearing on behalf of Miracle Hill was Adam C. Bach of the law firm Eller Tonnsen Bach, LLC. M. Lee Daniels, Jr. of the law firm M. Lee Daniels, Jr., P.C. appeared at the hearing on behalf of Defendant Anita Jane Miller (“Miller”), and Carrie H. O’Brien of the law firm Willson Jones Carter & Baxley, P.A. appeared on behalf of Defendant William Fisk (“Fisk”). The plaintiff appeared on his own behalf.

**I. MIRACLE HILL’S MOTION TO DISMISS**

Miracle Hill sought dismissal on the grounds that the plaintiff failed to allege facts sufficient to constitute a cause of action pursuant to Rule 12(b)(6), SCRPC. The plaintiff’s complaint makes numerous allegations related to Miracle Hill’s admission and treatment of Miller, who is his former wife, in its “Renewal” program for alcohol treatment. Blackwell alleges that Miracle Hill encouraged Miller to refuse all contact with him during her treatment, that Miracle Hill employees falsely informed police that Blackwell committed a crime, and that Miracle Hill assisted Fisk’s failure to act on Blackwell’s behalf to address Miller’s silence. Blackwell alleges that Miracle Hill’s actions caused him emotional distress, eventually causing him to attempt to

*AS?*

commit suicide on or about December 9, 2015. The complaint includes nine causes of action against Miracle Hill: (i) intentional infliction of emotional distress; (ii) gross negligence; (iii) civil conspiracy; (iv) breach of fiduciary duty; (v) aiding and abetting breach of fiduciary duty; (vi) defamation; (vii) fraudulent concealment; (viii) "mental health facility failure to control patient;" and (ix) fraud.

A defendant may move to dismiss the plaintiff's complaint for "failure to state facts sufficient to constitute a cause of action" pursuant to Rule 12(b)(6), SCRPC. In considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint. *Stiles v. Onorato*, 318 S.C. 297, 457 S.E.2d 601 (1995). The question for the court is whether in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the allegations set forth on the face of the complaint state any valid claim for relief. *Plyler v. Burns*, 373 S.C. 637, 645, 647 S.E.2d 188, 192 (2007). The trial court's grant of a motion to dismiss will be sustained if the facts alleged in the complaint do not support relief under any theory of law. *Tatum v. Medical Univ. of South Carolina*, 346 S.C. 194, 552 S.E.2d 18 (2001).

A. *Intentional Infliction of Emotional Distress*

The complaint fails to allege facts sufficient to constitute a cause of action for intentional infliction of emotional distress. In order to state a claim for intentional infliction of emotional distress, a party must establish (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain or substantially certain such distress would result from his conduct; (2) the conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community; (3) the actions of defendant caused the plaintiff's emotional distress; and (4) the emotional distress

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suffered by the plaintiff was so severe that no reasonable person could be expected to endure it. *Bergstrom v. Palmetto Health Alliance*, 358 S.C. 388, 401, 596 S.E.2d. 42, 48 (2004).

Here, the complaint contains no allegations of sufficiently extreme or outrageous conduct on the part of Miracle Hill. In essence, Blackwell contends that Miracle Hill's alleged encouragement of Miller not to communicate with Blackwell amounts to extreme and outrageous conduct that exceeds all possible bounds of decency. As Miracle Hill argued at the hearing, there is no reported decision in South Carolina finding any similar conduct to be sufficiently outrageous or extreme for the tort of intentional infliction of emotional distress, and Blackwell brought no such authority to this Court's attention. Rather, as counsel for Miracle Hill contended, the complaint demonstrates that Miracle Hill acted in good faith to advise its patient in her recovery and to carry out the wishes of its patient not to communicate with her separated spouse. *See* Compl., at 24, ¶ 117(q) ("Mr. Lehman stated the decision not to provide an explanation for Defendant Miller's silence was entirely Defendant Miller [sic] decision and that Renewal clients routinely made such decisions without the influence of Renewal Staff."). Further, Blackwell argued at the hearing that Miller's decision not to contact him was her choice and decision, which he interpreted as "code" that she wanted to be contacted. Keeping in mind that the tort of intentional infliction of emotional distress is not a "panacea for wounded feelings rather than reprehensible conduct," *see Todd v. S.C. Farm Bur. Mut. Ins. Co.*, 283 S.C. 155, 171, 321 S.E.2d 602, 611 (Ct. App. 1984), the Court finds that the alleged conduct on the part of Miracle Hill is not sufficiently outrageous or reprehensible to constitute a claim of tort of intentional infliction of emotional distress.

B. *Gross Negligence*

The complaint fails to allege facts sufficient to constitute a cause of action for gross negligence. In order to state a claim for intentional infliction of emotional distress, Blackwell must show that (1) the defendants owed Blackwell a duty of care; (2) the defendants breached that duty by a negligent act or omission; and (3) Blackwell suffered damage as a proximate result of that breach. *Bloom v. Ravoir*, 339 S.C. 417, 422, 529 S.E.2d 710, 712 (2000). “First, the court must determine, as a matter of law, whether the law recognizes a particular duty.” *Moore v. Weinberg*, 373 S.C. 209, 221, 644 S.E.2d 740, 746 (Ct. App. 2007). If the plaintiff fails to prove the defendants owed him a legal duty of care, he fails to prove actionable negligence. *Doe v. Greenville County Sch. Dist.*, 375 S.C. 63, 72, 651 S.E.2d 305, 309 (2007).

Here, Blackwell has failed to allege any duty owed to him by Miracle Hill. In South Carolina, a negligence action against a medical provider may only be maintained by the patient. *See Bishop v. S.C. Dept. of Mental Health*, 331 S.C. 79, 91 (1998) (“If a physician deviated from accepted standards of professional care in treating a patient, he breached a duty of care to the patient and not a third party.”). While the complaint contains numerous allegations relating to potential duties owed by Miracle Hill to Miller, it does not allege that Blackwell was ever treated by the institution. *See Compl.*, ¶ 221. Accordingly, the Court finds that the complaint fails to sufficiently allege any legal duty owed by Miracle Hill to Blackwell, thus Blackwell’s claim for gross negligence must be dismissed.

C. *Civil Conspiracy*

The complaint fails to allege facts sufficient to constitute a cause of action for civil conspiracy. The elements of a civil conspiracy in South Carolina are (1) the combination of two or more people, (2) for the purpose of injuring the plaintiff, (3) which causes special damages.

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*LaMotte v. Punch Line of Columbia, Inc.*, 296 S.C. 66, 370 S.E.2d 711 (1988). “A claim for civil conspiracy must allege additional facts in furtherance of a conspiracy rather than reallege other claims within the complaint.” *Hackworth v. Greywood at Hammett, LLC*, 335 S.C. 110, 115 (Ct. App. 2009). Similarly, a plaintiff must allege special damages specifically caused by the civil conspiracy. *See id.*, at 117 (“If a plaintiff merely repeats the damages from another claim instead of specifically listing special damages as part of their civil conspiracy claim, their conspiracy claim should be dismissed.”); *see also Vaught v. Waites*, 300 S.C. 201, 209, 387 S.E.2d 91, 95 (Ct. App. 1989) (“The damages sought in the conspiracy cause of action are the same as those sought in the breach of contract cause of action. Because no special damages are alleged aside from the breach of contract damages, we hold the conspiracy action is barred.”)

Here, the plaintiff’s claim for civil conspiracy fails for three reasons. First, the complaint contains no allegations related to the commission of any act in furtherance of a conspiracy. Rather, a comparison of the plaintiff’s intentional infliction of emotional distress allegations, *see* Compl. ¶¶ 215-220, with the civil conspiracy allegations, *see id.* at ¶¶ 226-229, reveals essentially the same factual allegations. Second, the complaint contains no allegations of any special damages as a result of the conspiracy. The damages claimed in respect to the plaintiff’s claim for intentional infliction of emotional distress essentially mirror those of his claim for civil conspiracy. *See id.*, at ¶¶ 215-200, 226-229. Third, Blackwell’s allegations are that Miracle Hill’s treatment of Miller incidentally caused him harm and not that the purpose of her treatment was to harm Blackwell. The Court finds that these deficiencies merit the dismissal of Blackwell’s claim for civil conspiracy.

D. *Breach of Fiduciary Duty / Aiding and Abetting Breach of Fiduciary Duty*

The complaint fails to allege facts sufficient to constitute a cause of action for breach of fiduciary duty or aiding and abetting a breach of fiduciary duty. Generally, “a fiduciary relationship cannot be established by the unilateral action of one party. The other party must have actually accepted or induced the confidence placed in him.” *Brown v. Pearson*, 326 S.C. 409, 422-23 (Ct. App. 1997). The question of whether a fiduciary duty should be “imposed between two classes of people is a question for the court.” *Hendricks v. Clemson Univ.*, 353 S.C. 449, 458–59, 578 S.E.2d 711, 715 (2003). “Historically, this Court has reserved imposition of fiduciary duties to legal or business settings, often in which one person entrusts money to another, such as with lawyers, brokers, corporate directors, and corporate promoters.” *Id.*

Similar to the plaintiff’s claim for gross negligence, the complaint must contain sufficient facts to allege a fiduciary relationship between Blackwell and Miracle Hill. However, the complaint contains neither a mutual imposition of a fiduciary duty or an implied fiduciary duty under the law. As to the first point, the complaint contains no allegation stating that Miracle Hill agreed to assume a fiduciary duty with respect to Blackwell. *See Compl.*, at 57-58, ¶ 232(b). Rather, the complaint appears to assume an implied fiduciary relationship between Blackwell and Miracle Hill. As discussed above regarding the plaintiff’s negligence claim, the plaintiff has provided no authority for his position that the law imposes a fiduciary relationship between a medical provider and a patient’s spouse who did not receive any medical treatment. *See Bishop*, 331 S.C. at 91. For this reason, the Court finds that no such fiduciary duty should be presumed between Blackwell and Miracle Hill, and the plaintiff’s claim for breach of fiduciary duty should be dismissed.

With respect to the plaintiff's cause of action for aiding and abetting a breach of fiduciary duty, the Court finds that this cause of action should be similarly dismissed. For example, while the complaint contains bare, general allegations about "each defendant," it contains no allegations stating that Miracle Hill knew of a fiduciary duty owed by some third party to Blackwell and knowingly assisted that third party in breaching said duty. *See* Compl., at 59-62, ¶ 233, 236-240.

E. *Defamation*

The complaint fails to allege facts sufficient to constitute a cause of action for defamation. The elements of defamation include: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the part of the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication. *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 508, 506 S.E.2d 497, 501 (1998). The complaint cites three occasions where Blackwell alleges he was defamed by Miracle Hill: (i) when Miracle Hill "published" "to third parties" information relating to Miller's accusations of Blackwell's "adultery under oath in her divorce proceedings," *see* Compl., at 64, ¶¶ 246-247; (ii) when Miracle Hill's employee stated to police officers that Blackwell "was guilty of public intoxication and domestic abuse," *see id.*, at 64, ¶ 250; and (iii) when Miracle Hill's employee "published defamatory material to a marriage counselor" who Miracle Hill provided to Miller. *See id.*, at 64, ¶ 252.

With respect to the first and second claims of defamation, these statements are subject to privilege. Our Supreme Court has held that "defamatory matter contained in pleadings filed according to law in a court having jurisdiction, if relevant and pertinent to the issues in the case, are absolutely privileged." *McKesson & Robbins, Inc. v. Newsome*, 206 S.C. 269, 33 S.E.2d 585 (1945). Accordingly, Miller's accusation of Blackwell's adultery in the context of a divorce

proceeding in a South Carolina Family Court is absolutely privileged and cannot form the basis of a defamation claim against Miracle Hill.

Similarly, Miracle's communications with police cannot form the basis of a defamation cause of action. In *Conwell v. Spur Oil Co. of Western South Carolina*, 270 S.C. 170, 178, 125 SE2d 270 (1962), our Supreme Court held that communications made in good faith on a subject matter where the persons involved in the communication share a common interest are privileged, even though the communication may otherwise be actionable if no privilege were involved, even where the common interest is not a legal one, but only a moral or social one. As the complaint alleges, Miller "accus[ed] Plaintiff of domestic abuse to the staff at Miracle Hill." *See* Compl., at 43, ¶ 215(a)(iii). Therefore, Miracle Hill had at least a moral or social obligation to protect its patient from someone who "she felt...sought to do her physical harm again." *See id.*, at 40, ¶ 194. Since these communications were between only Miracle Staff and police officers, this Court finds that such statements were privileged.

Finally, the complaint contains no allegations relating to legally presumed or special damages relating to the "defamatory material" communicated to a marriage counselor. In South Carolina, only four types of slander are actionable without the existence of special damages, which "include statements that impute unchastity, a criminal offense, a loathsome disease, or matter incompatible with business or trade." *Id.*, 332 S.C. at 525-26, 506 S.E.2d at 510. The complaint states only that "defamatory material" was communicated to a marriage counselor provided by Miracle Hill to Miller. *See* Compl., at 64, ¶ 252. The complaint does not specify what comprised the "defamatory material," thus there are no allegations implicating any of the four categories described for legally presumed damages. Furthermore, none of the allegations set forth any specific harm to Blackwell's reputation because as a result of Miracle Hill's communications with

the marriage counselor. Accordingly, the Court finds that the complaint does not set forth sufficient allegations to constitute a cause of action for defamation

F. *Fraudulent Concealment*

Blackwell's seventh cause of action for fraudulent concealment appears to be directed solely at Defendant Fisk. See ¶¶ 260-271. None of the allegations mention Miracle Hill or the defendants generally. *Id.* Accordingly, the complaint fails to allege facts sufficient constitute a cause of action for fraudulent concealment against Miracle Hill.

G. *Mental Health Facility Failure to Control Patient*

The complaint fails to allege facts sufficient to constitute a cause of action against Miracle Hill for its failure to control Miller. South Carolina law does not recognize a general duty to warn of the dangerous propensities of others. *Sharpe v. S.C. Dep't of Mental Health*, 292 S.C. 11, 354 S.E.2d 778 (Ct. App. 1987). However, when a defendant has the ability to monitor, supervise, and control an individual's conduct, a special relationship exists between the defendant and the individual, and the defendant may have a common law duty to warn potential victims of the individual's dangerous conduct. *Rogers v. S.C. Dep't of Parole & Community Corrections*, 320 S.C. 253, 464 S.E.2d 330 (1995). This duty to warn arises when the individual has made a specific threat of harm directed at a specific individual. *Id.* A defendant must "be aware or should have been aware of the specific threat made by the patient to harm a specific person." *Bishop*, 331 S.C. at 87-88.

Here, the complaint does not allege that Miracle Hill knew of any threat to the plaintiff. The complaint states that Miracle Hill "failed to take any steps to control the conduct of Defendant Miller" and "negligently treated a voluntary patient" who "executed her plan to injure Plaintiff." See Compl. at 67, ¶¶ 275-278. These allegations attempt to describe a negligence cause of action

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against Miracle Hill regarding its treatment of Miller, however Miracle Hill owes no duty to Blackwell with regard to Miller's treatment. Importantly, these allegations do not describe a specific threat made by Miller against Blackwell or Miracle Hill's knowledge of any such threat. Therefore, the plaintiff's eighth cause of action fails to constitute a claim against Miracle Hill and shall be dismissed.

#### H. *Fraud*

To establish fraud, the following elements must be shown: (1) a representation; (2) the falsity of the representation; (3) the materiality of the representation; (4) knowledge of its falsity, or reckless disregard for its truth or falsity; (5) intent that the representation be acted upon; (6) the hearer's ignorance of the falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury. *Ardis v. Cox*, 314 S.C. 512, 431 S.E.2d 267 (Ct. App. 1993). "Failure to allege all elements is fatal to a claim of fraud." *Hansen v. DHL Laboratories, Inc.*, 316 S.C. 505, 511 (Ct. App. 1994). "In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." Rule 9(b), SCRPC.

Here, all nine elements of fraud have not been plead with particularity as required by Rule 9(b). With respect to the nine elements enumerated in the *Ardis* case, Blackwell has alleged that false information was communicated to him (elements 1 and 2), *see* Compl., at 67, ¶ 282; (ii) that he had a right to rely upon that information which was material (elements 8 and 3), ¶ 281; (iii) that he relied upon the information (element 7), ¶ 280; and (iv) that his reliance proximately caused damages (element 9), at 68, ¶ 283. None of the allegations describe Miracle Hill's knowledge of the falsity of the information or reckless ignorance (element 4); Miracle Hill's intention that its representation be acted upon by Blackwell (element 5); or Blackwell's ignorance of the falsity

(element 6). Rather, Blackwell alleges that Miracle Hill was “ignorant of the claims made regarding their methods” and that Miracle Hill “has no incentive to provide a legitimate treatment protocol.” *See* Compl, ¶¶ 284-285. These allegations, if proven at trial, would not establish Miracle Hill’s knowledge of falsity, its intended inducement of Blackwell’s reliance, or Blackwell’s ignorance of falsity, the cause of action for fraud must be dismissed. None of the causes of action against Miracle Hill meet the standard required under Rule 12(b)(6), SCRPC.

Accordingly, the motion to dismiss filed by Defendant Miracle Hill Ministries, Inc. is hereby **GRANTED** and all of the plaintiff’s causes of action against Miracle Hill contained within the complaint are hereby **DISMISSED WITH PREJUDICE**.

## **II. PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION**

On September 11, 2017, the plaintiff filed a motion entitled “Request for Temporary Injunction.” In his motion, the plaintiff requests that the Court require Miracle Hill to “immediately cease providing treatment for the disease of addiction and remove all references to their claims their treatment program bears any semblance to ‘the 12 Steps’ in their handbooks and on their websites.”

For a preliminary injunction to be granted, the plaintiff must establish that (1) he would suffer irreparable harm if the injunction is not granted; (2) that he will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law. *County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002). “The remedy of an injunction is a drastic one and ought to be applied with caution.” *Strategic Resources Co. v. BCS Life Ins. Co.*, 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006).

First, the plaintiff cannot establish that he would suffer any irreparable harm if the injunction is not granted. As the plaintiff contends, Miracle Hill’s former clients are “dying at a

significantly high rate than other addiction treatment facility ‘graduates,’” and that he will “suffer guilt and remorse he did not know sooner he could file for injunctive relief to prevent Miracle Hill’s treatment program from further damaging members of his community.” *See* Pltf. Mot. for Temp. In. filed Sept. 11, 2017. Importantly, the plaintiff does not allege that he is currently or has ever been treated by Miracle Hill. Neither the plaintiff’s motion nor his arguments at the hearing provide any indication that the plaintiff would personally suffer any harm if the injunction were not granted. To the contrary, Miracle Hill and its patients would suffer harm from being forced to halt the treatment program. *See Strategic Resources Co.*, 367 S.C. at 544, 627 S.E.2d at 689 (“In deciding whether to grant an injunction, the court must balance the benefit of an injunction to the plaintiff against the inconvenience and damage to the defendant, and grant an injunction which seems most consistent with justice and equity under the circumstances of the case.”).

Second, the plaintiff is not likely to succeed on the merits of this litigation. As the parties conceded, participation in Miracle Hill’s Renewal program is entirely voluntary and its patients choose to enter the program. Blackwell is not a patient, has never received treatment from Miracle Hill, and has no standing to represent third parties who voluntarily chose to undergo the Renewal program. Furthermore, as analyzed exhaustively above, Blackwell is not likely to succeed on the merits against Miracle Hill in light of the Court’s dismissal of his causes of action against Miracle Hill.

Finally, the plaintiff has not established that there is no adequate remedy at law. Again, the plaintiff cannot establish his right to bring any cause of action against Miracle Hill on behalf of current or former patients. Since he has no standing to represent these individuals, he cannot establish that he has any remedy under the law for such claims. Regarding the claims has failed in this case, he has alleged nine causes of action against Miracle Hill, and all nine claims may be

reduced to a money judgment if Blackwell is successful at trial. Accordingly, the plaintiff's motion for a preliminary injunction is **DENIED**.

### **III. MIRACLE HILL'S MOTION TO QUASH SUBPOENAS**

On October 3, 2017, Miracle Hill filed a motion to quash two subpoenas served to Miracle Hill employees commanding their appearance at the Greenville County Courthouse on October 4, 2017 at 9:00 AM. A hearing on the parties' pending motions was scheduled to begin that same time and location. The first subpoena was served upon Reid Lehman on or about September 18, 2017 and the second subpoena was served upon Bill Slocum on or about September 28, 2017.

Pursuant to Rule 45(c)(1), SCRCP, "[a] party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena." The court "shall quash or modify" a subpoena that subjects any person to an undue burden. *See* Rule 45(c)(3)(A), SCRCP.

First, the plaintiff intended to offer testimony from Lehman and/or Slocum in response to the defendants' separate motions to dismiss the complaint. A ruling on a motion to dismiss under Rule 12 "must be based solely upon the allegations set forth on the face of the complaint." *Tousaint v. Ham*, 292 S.C. 415, (1987). Therefore, these subpoenas impose an undue burden upon these witnesses as their purported testimony would not unnecessary to the Court's determination of the sufficiency of the pleadings. *See HDSherer, LLC v. Nat. Molecular Testing Corp.*, 292 F.R.D. 305, 308 (D.S.C. 2013) ("This undue category encompasses situations where the subpoena seeks information irrelevant to the case.").

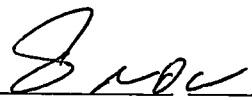
Second, the plaintiff intended to offer these witnesses' testimony in support of his motion for a preliminary injunction. As analyzed above, the plaintiff cannot prove that he would suffer irreparable harm, that he is likely to succeed on the merits in this litigation, or that there is an

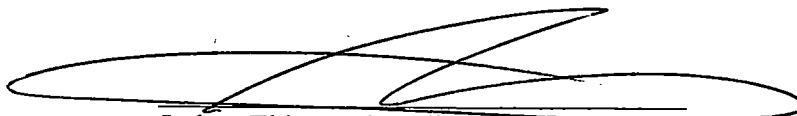
inadequate remedy at law. The Court finds that the subpoenas issued to Reid Lehman and Bill Slocum are hereby quashed pursuant to Rule 45(c), SCRPC. Accordingly, Defendant Miracle Hill Ministries, Inc.'s motion to quash is **GRANTED**.

**IV. CONCLUSION**

THEREFORE IT IS ORDERED THAT: (i) the motion to dismiss filed by Defendant Miracle Hill Ministries, Inc. is hereby **GRANTED** and all causes of action asserted against Defendant Miracle Hill Ministries, Inc. are hereby **DISMISSED WITH PREJUDICE**; (ii) the motion for a preliminary injunction is **DENIED**; and (iii) the motion to quash the subpoenas filed by Defendant Miracle Hill Ministries, Inc. is **GRANTED**.

**IT IS SO ORDERED.**

  
\_\_\_\_\_, 2017  
Greenville, South Carolina

  
Judge, Thirteenth Judicial Circuit  
2158

# Exhibit B

STATE OF SOUTH CAROLINA )  
COUNTY OF Greenville )

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ JUDICIAL CIRCUIT

2017 NOV 18 CASE NO.: 2017-CP-23-03754

Blackwell

vs.

Miracle Hill

Plaintiff )  
Defendant. )

FILED CLERK OF COURT  
PAUL D. WICKENHAUSE  
GREenville  
MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

Plaintiff's Attorney: <u>Harold Blackwell pro se</u> _____, Bar No. _____ Address: <u>315 Glendale Rd, Union, SC 29379</u> Phone: _____ Fax: <u>864-303-7000</u> E-mail: _____ Other: <u>halblackwell@gmail.com</u>	Defendant's Attorney: <u>Adam Bach</u> _____, Bar No. _____ Address: <u>Greenville</u> Phone: _____ Fax: _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>Reconsider</u> Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES/ <input type="checkbox"/> NO	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>Adam Bach</u> Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant <u>11/16/17</u> Date submitted	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Harold Estes Blackwell, Jr.  
Plaintiff

vs.

Miracle Hill Ministries, Inc.  
Anita Jane Miller (a.k.a. Anita M. Blackwell)  
William Fisk  
Defendants

2017 NOV 16 PM 4:15

FILED-CLERK OF COURT  
PAUL B. WICKENBARGER  
GREENVILLE, S.C.

IN THE COURT OF COMMON  
PLEAS

THIRTEENTH JUDICIAL  
CIRCUIT

Case No. 2017-CP-23-03754

PLAINTIFF'S MOTION TO  
RECONSIDER

Plaintiff comes now to move this honorable Court to reconsider its Order dismissing this case from the bar pursuant to Rule 60(b)1 of the South Carolina Rules of Civil Procedure (SCRCP). The Court dismissed all of Plaintiff's causes of action on the grounds that the plaintiff failed to allege facts sufficient to constitute a cause of action pursuant to Rule 12(b)(6), (SCRCP).

#### LEGAL STANDARD

Plaintiff avers the Court has abused its discretion in regards to both law and its reliance on factual conclusions that do not have evidentiary support. (An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, without evidentiary support. *Fontaine v. Peitz*, 291 S.C. 536, 354 S.E.2d 565 (1987)). As such, justice demands the Court's Order must be rescinded.

#### *Factual Conclusions Without Evidentiary Support Relied Upon by the Court*

1. The Order's statement, "The plaintiff's complaint makes numerous allegations related to Miracle Hill's admission and treatment of Miller, who is his

former wife." (see Order at 1 ¶2) is a factual conclusion not supported by the evidence. The complaint's minutia is not for the court's disgruntlement but to articulate the profound difference in Miller's silence and her refusal to explain her silence. The complaint alleges Miller's refusal to explain her silence is the lynchpin of plaintiff's case. (see Compl. at ¶¶ 59, 62, 63, 68, 75, 76, 77, 78, 80, 83, 85, 87, 88, 91, 109, 117(q)(b), 118(b)(e), 121, 129, 146, 149, 157, 181, 190 and 197) Had Miller sent a one-line letter stating she wanted a divorce or needed time to think, plaintiff would have known she was at Miracle Hill of her own volition and the illegal acts of the defendants would have never occurred. Plaintiff is suing no one because he received "the silent treatment" from Miller.

2. The Order's statement, "In essence, Blackwell contends that Miracle Hill's alleged encouragement of Miller not to communicate with Blackwell amounts to extreme and outrageous conduct that exceeds all possible bounds of decency" is a factual conclusion not supported by the facts alleged in the complaint. (Ibid). "In essence" is not a conclusion a reasonable person could draw from 27 contrary allegations in the complaint. The Order's contention, "Miller not communicate with Blackwell" is not reflective of Miller's refusal to provide an explanation for her silence and is therefore a factual conclusion not supported by the evidence in the complaint.

3. The Court's Order referring to Miller as a "patient" (see Order at 3, ¶2) of Miracle Hill is a factual conclusion not supported by the evidence as such an

allegation is not on the face of the complaint and is directly contradicted in the complaint. (see Compl. at ¶ 117(r)).

4. The statement in the Court's Order, "its patient not to communicate with her separated spouse" (see Order at 3, ¶2) is a factual conclusion not supported by the evidence. (see Compl. at ¶¶ 59, 62, 63, 68, 75, 76, 77, 78, 80, 83, 85, 87, 88, 91, 109, 117(q)(b), 118(b)(e), 121, 129, 146, 149, 157, 181, 190 and 197).

5. The statement in the Court's Order that plaintiff seeks a "panacea for wounded feelings" is factual conclusion not supported by the evidence. (see Compl. at ¶182). Plaintiff avers suicide is a far cry from "wounded feelings.

6. The Order's statement, "Here, Blackwell has failed to allege any duty owed to him by Miracle Hill" is a factual conclusion not supported by the evidence. (see Compl. at ¶221(a)). Plaintiff asserts his pleading in regards to a duty of care owed to him by Miracle Hill is sufficient for a pro se litigant (Supra).

7. The Order's statement, "Accordingly, the Court finds that the complaint fails to sufficiently allege any legal duty owed by Miracle Hill to Blackwell thus Blackwell's claim for gross negligence must be dismissed" is a factual conclusion not supported by the evidence. (see ¶¶ 6&7 above).

8. The Order's statement, "Third, Blackwell's allegations are that Miracle Hill's treatment of Miller incidentally caused him harm" (see Order at 5, ¶2) is a factual conclusion not supported by the evidence. Plaintiff alleges through the complaint Miller's actions were the product of her rage, were calculated to cause him harm and that Miracle Hill encouraged and participated in Miller's scheme.

Plaintiff avers the Court's understanding that plaintiff's case is about Miller's silent treatment instead of her refusal to explain her silence is again manifest.(Ibid).

9. The Order's statement, "the complaint contains no allegation stating that Miracle Hill agreed to assume a fiduciary duty with respect to Blackwell" and "the Court finds that no such fiduciary duty should be presumed between Blackwell and Miracle Hill and the plaintiff's claim for breach of fiduciary duty should be dismissed" (see Order at 6, ¶2) are factual conclusions not supported by the evidence. (see Compl. at ¶232(b)(4)).

10. The Order's statement, "it (complaint) contains no allegations stating that Miracle Hill knew of a fiduciary duty owed by some third party to Blackwell and knowingly assisted that third party in breaching said duty" (see Order at 7, ¶1) is a factual allegation not supported by the evidence. Plaintiff alleges Reid Lehman, acting in the scope of his employment, required Fisk to take on a fiduciary role. (see Compl. at ¶232(b)(4) and 233(e)(2))

11. The Order's statement, "With respect to the first and second claims of defamation, these statements are subject to privilege" is a factual conclusion not supported by the evidence. The complaint nowhere states who heard Slocum make his report to the police nor states Slocum was alone when he making his report to the police.

12. The Order's statement, "Since these communications were between only Miracle Hill and police officers" is a factual conclusion not supported by the evidence. (see previous item 11).

13. The Order's statement, "None of the allegations describe Miracle Hill's knowledge of the falsity of the information or reckless ignorance" is a factual conclusion not supported by the evidence. Plaintiff attached to his complaint a rendition of contradictions (Exhibit E) between what Lehman knew was right and what he actually did. Plaintiff also states Miracle Hill was ignorant of their protocol's lack of efficacy due to a failure to investigate and proffers a modicum of consideration due a pro se litigant would allow the short step to an allegation of recklessness. (see Compl. at ¶284).

14. The Order's statement, "Miracle Hill's intention that its representation be acted upon by Blackwell (element 5); or Blackwell's ignorance of the falsity (element 6)." are factual conclusions not supported by the evidence. The clear inference of having a 30 minute conversation to confirm what was published on the website shows Miracle Hill, using the medium of Toby Woodard, fully intended for plaintiff to act and he did by asking Woodard facilitate Miller's acceptance into the Renewal program. Plaintiff also clearly alleges he was deceived. (see Compl. at ¶34, 35, 36, 37, 38, 39, & 40).

*Mistakes of Law Contained in the Court's Order*

15. The absence of consideration which should be afforded Plaintiff's complaint due to his pro se status is an abuse of the Court's discretion. A Rule

12(b)(6) motion to dismiss tests the sufficiency of the complaint. ("As Dean Lightsey and Professor Flanagan point out in their treatise, a Rule 12(b)(6) motion "is directed to the factual and legal sufficiency of the complaint ... and only that document is considered." H. Lightsey and J. Flanagan, South Carolina Civil Procedure at 276 (1985)" Woodall v. Allen 307 S.C. 297, 298 (1992) 414 S.E.2d 794). Therefore, the court must decide whether plaintiff has sufficiently met the pleading standard set out in Twobel as applied to a pro se litigant's. (*The Supreme Court articulated the appropriate standard a court must follow in deciding a 12(b)6 motion to dismiss in Twobel. First, a court must accept all factual allegations set forth in the complaint as true. Tellabs, Inc. v. Makor Issues and Rights, Ltd., 551 U.S. 308, 322 (2007).* ("In determining if a petition states a claim or cause of action, the averments of the petition are to be given a liberal construction, according the averments their reasonable and fair implication should be indulged from the facts stated. So considered, a petition should be held sufficient if its averments invoke substantive principles of law which entitle plaintiff to relief. A petition is not to be held insufficient merely because of a lack of definiteness or certainty in allegation or because of informality in the statement of an essential fact." Boyer v. Guidicy Marble, Terrazzo & Tile Co., Mo.Sup., 246 S.W.2d 742; Gerber v. Schutte Inv. Co., 354 Mo. 1246, 194 S.W.2d 25; Stephens v. Kansas City Gas Co., 354 Mo. 835, 191 S.W.2d 601; Section 509.250, RSMo 1949, V.A.M.S." Zuber v. Clarkson Const. Co., 363 Mo. 352, 355, 251 S.W.2d 52, 54)), ("More specifically, if the court can reasonably read the pleadings to state a valid claim on which a pro se plaintiff

*could prevail, it should do so despite the plaintiff's failure to cite proper legal authority, his or her confusion of various legal theories, his or her poor syntax and sentence construction , or his or her unfamiliarity with pleading requirements."*

Burkhart v Corrections Corp of America 2009 OK CIV APP 76 224 P.3d 1278 (Div 4, 2009) and ("*It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson.*" Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA). The Court's Order obviously did not afford plaintiff any of the required accommodations. In fact, plaintiff avers the Order holds him to an exceedingly high standard of sufficiency.

16. The Order states, "The question for the court is whether in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the allegations set forth on the face of the complaint state any valid claim for relief." Plyler v Burns, 373 S.C. 637, 645, 647 S.E. 2d 188, 192 (2007)). This statement's lack of acknowledgement plaintiff appears pro se shows clearly the court has not given Plaintiff's complaint the lenient consideration demanded by precedent as cited above. Plyler was not a pro se litigant and therefore, in regards to the instant case, is not analogous. (Ibid).

17. Plaintiff avers his suicide attempt, alleged in the complaint to be the result of Miracle Hill's wanton and reckless acts (see Compl. at ¶190), greatly diminished his "client" appeal as he sought legal representation in this matter. Plaintiff's diminished credibility due to the harm he suffered at the hands of Miracle Hill, stacked with the potential cost of the litigation and the charitable

nature of Miracle Hill's reputation, in effect, precluded plaintiff from acquiring an attorney on a contingency basis. To bring this suit without funds to pay an attorney "up front" left plaintiff no option but to file pro se. As such, justice demands plaintiff be afforded each advantage and every consideration the law might provide a pro se litigant. (Ibid Burkhart ). The court's order is void of any indication like consideration was used to evaluate the sufficiency of the complaint or even that such consideration was applicable. Therefore, the Court's Order is in error per the law and the demands of justice regarding the entire Order.

*Intentional Infliction of Emotional Distress*

18. The court's Order statement, "As Miracle Hill argued at the hearing, there is no reported decision in South Carolina finding any similar conduct to be sufficiently outrageous or extreme for the tort of intentional infliction of emotional distress, and Blackwell brought no such authority to the court's attention." is not taken from the face of the complaint as required (Twoble, Ibid). Plaintiff did bring to the court's attention in his proposed order that presumably the able barrister Mr. Bach would have cited any case in which "similar conduct" was found to not be outrageous. As such, Mr. Bach's observation only accentuates the uniqueness and rarity of Miracle Hill's conduct, a characteristic by definition of "sufficiently outrageous or extreme" conduct. By construing Mr. Bach's observation as exculpatory, the court has failed to construe "all ambiguities, conclusions, and inferences" in a light most favorable to plaintiff as the law requires. (*All ambiguities, conclusions, and inferences arising from the evidence must be*

*construed most strongly against the moving party.*" Vermeer Carolina's, Inc., Appellant, v. Wood Chuck Chipper Corporation, Respondent. 336 S.C. 53 (1999), 518 S.E.2d 301), Additionally, plaintiff is not required to show authorities to survive a Rule.12(b)(6) Motion to Dismiss. ("More specifically, if the court can reasonably read the pleadings to state a valid claim on which a pro se plaintiff could prevail, it should do so despite the plaintiff's failure to cite proper legal authority, his or her confusion of various legal theories, his or her poor syntax and sentence construction , or his or her unfamiliarity with pleading requirements." (*Burkhart* Ibid)

19. Additionally, the court errs in accepting and relying on the aforementioned determining metric proffered by opposing counsel in determining if the level of outrage is sufficient by making a comparison of conduct in previous court decisions. The level of distress suffered by plaintiff is the superior metric according to the law. (" Where physical harm is lacking, the courts should look initially for more in the way of *extreme* outrage as an assurance that the mental disturbance claimed is not fictitious. *Hansson v. Scalise Builders of S.C., 374 S.C. 352*). There is no more extreme reaction to emotional distress than suicide and the court's determination plaintiff's allegations are an attempt to assuage hurt feelings is incongruent with the complaint's content in every respect.

20. In a light construed most favorably to plaintiff, Miracle Hill's role in plaintiff's suicide attempt is plainly on the face of the complaint. "It is for the court to determine whether on the evidence severe emotional distress can be found; it is

for the jury to determine whether, on the evidence, it has in fact existed. Under the heightened standard of proof for emotional distress claims, a party cannot establish a prima facie claim for damages resulting from a defendant's tortious conduct with mere bald assertions. To permit a plaintiff to legitimately state a cause of action by simply alleging, "I suffered emotional distress" would be irreconcilable with the South Carolina Supreme Court's development of the law in this area. The court must look for something more -- in the form of third party witness testimony and other corroborating evidence -- in order to make a prima facie showing of "severe" emotional distress." (Ibid)). The court's statement on page 3, "the court finds that the alleged conduct on the part of Miracle Hill is not sufficiently reprehensible to constitute a claim of tort of intentional infliction of emotional distress" is beyond the court's purview as the order states this as fact and fatally flaws the court's order to dismiss this case pursuant to Rule 12(b)(6). (Ibid).

21. Another metric of measuring outrage given more weight by the court than examples of outrage deemed sufficient is the ease with which the conduct could have been modified to avoid causing extreme emotional distress. Plaintiff's avers in his complaint all he wanted was legitimate confirmation Miller was at Miracle Hill of her own volition (which was Fisk's only charge that Fisk negotiated for himself in his counter offer to plaintiff in the telephone call after the July 20 meeting). (See Compl. at ¶127, 128, 129 & 130)). Plaintiff asked Miracle Hill to simply suggest to Miller a five (5) minute telephone call or a short note in Miller's

handwriting (Miller's note of June 27, 2015, was insufficient because plaintiff did not see the conditions under which she wrote the note and it did not speak to her willingness to be at Miracle Hill. (See Compl. at ¶¶ 78, 80, 81, 82, 85 & 87)).

Miracle Hill refused this simple request. Also, Miracle Hill refused to return plaintiff's telephone calls, answered his mail or his email in the six weeks between May 28, 2015 and July 18, 2015, which would have been a simple accommodation.

22. Plaintiff alleges in his complaint Miracle Hill's refusal to facilitate an answer from Miller was for absolutely no other reason than to torture plaintiff. (See Compl. at ¶¶ 85 & 86 for inference). As alleged, Miracle Hill's goal for plaintiff was to "teach him a lesson" (See Compl. at ¶¶ 72, 73) through the use of this torture and this torture was the nexus for his decision to take his own life. (See Compl. at ¶ 220)

23. The court's order, page 3, statement, "Rather, as counsel for Miracle Hill contented, the complaint demonstrates that Miracle Hill acted in good faith to advise its patient in her recovery and to carry out the wishes of its patient not to communicate with her separated spouse" is not ascertainable from the face of the complaint. Plaintiff is baffled at the court's citation of item number 24 of the complaint as it has nothing to do with anything in the above statement. The court also cites item number 117(q) of the complaint as evidence Miracle Hill was acting in good faith but 117(q) is merely a recounting of a statement made by Reid Lehman in the July 27, 2015, meeting as an explanation for why Miller's silence would not be explained. Plaintiff alleges in the complaint the real reason was to

teach plaintiff a lesson (See Compl. at ¶ 72) and that Miller's refusal to provide an explanation had nothing to do with her recovery but was a sign Miller would soon relapse. (See Compl. at ¶¶ 10, 11, 12, 20). Since the court's statement on page 3 referenced above cannot be ascertained from the complaint and the court obviously weighs opposing counsel's proffer, defendant's motion is one for summary judgment. (see *Brown v Leverette* "The order of the trial court does not specifically indicate the court considered the respondents' supporting affidavits in ruling on the 12(b)(6) motion and heard the motion as a motion for summary judgment. However, it is apparent the trial court necessarily looked beyond the complaint and considered the respondents' affidavits in ruling on the motion in order for the court to conclude in its order that "at the time of the matters alleged in the Complaint, [respondents] were not charged with the duty of maintaining the county highways and traffic control devices on the county highways of Lexington County." This conclusion is not ascertainable from the face of the complaint and could only have been discerned from the affidavits. The trial court gave no notice to the parties that it was going to consider the affidavits and hear the 12(b)(6) motion as a motion for summary judgment. The first indication that the respondents' affidavits would be used to support the 12(b)(6) motion was the trial court's order of dismissal.) As such, the Order must be found to be outside the law as no notice was given plaintiff of a summary judgment hearing.

24. The court's order under section B entitled *Gross Negligence* states, "In order to state a claim for intentional infliction of emotional distress." Plaintiff is

baffled as to how "intentional infliction of emotional distress" has anything to do with "gross negligence" in this context. It is nonsense and fatally flaws the court's dismissal of plaintiff's claim for Gross Negligence.

25. The Order continues the aforementioned sentence, "Blackwell (plaintiff) must show," then list the elements of a claim for negligence. Plaintiff is not required to "show" anything but that he is entitled to relief due to the alleged facts and their reasonable inferences to survive a Motion to Dismiss pursuant to Rule 12(b)(6) (See Rule 8(a)(2) SCRCPP and *Twoble* (Ibid)). This is also a mistake of law and fatally flaws the Court's dismissal of plaintiff's negligence claim.

26. Subsequently, in the same paragraph, the Court states, "If the plaintiff fails to prove the defendants owed him a duty of care, he fails to prove actionable negligence" citing *Doe v Greenville County Sch. Dist.*, 375 S.C. 63, 72, 651 S.E.2d 305, 309 (2007). In *Doe* the Court was making a ruling on summary judgment, not a Rule 12(b)(6) Motion to Dismiss and the case is therefore irrelevant as cited in the Order inferring plaintiff must "prove" allegations. This is another mistake of law that fatally flaws the Court's dismissal of plaintiff's negligence claim.

27. In the second paragraph under the heading Gross Negligence, the Order states, "In South Carolina, a negligence action against a medical provider may only be maintained by the patient" citing *Bishop v. S.C. Dept. of Mental Health*, 331 S.C. Dept. of Mental Health, 331 S.C. 79, 91 (1998). In *Bishop*, a grandmother brought a case against the mental health providers for injuries to a granddaughter caused by her daughter who had just received treatment from the

defendants. Citing *Bishop* in the instant case is a mistake at law. The relationship between the parties is not analogous to plaintiff's attempt to establish a duty of care in an action for negligence in the instant case even if the Court's assertions that plaintiff alleged Miracle Hill is a medical provider and plaintiff did not allege treatment by Miracle Hill is supported by the complaint's allegations (which is not the case). (Supra).

28. The Order in the same paragraph states, "Accordingly, the Court finds that the complaint fails to sufficiently allege any legal duty owed by Miracle Hill to Blackwell, thus Blackwell's claim for gross negligence must be dismissed." The Court's use of "Accordingly" shows inarguably the Court has relied upon mistakes at law as grounds for its determination to dismiss plaintiff's claim of negligence.

29. Also, the statement plaintiff does not allege he was treated by the "institution" is not supported by the allegations in the complaint (supra). Accordingly, the Court's dismissal of plaintiff's claim for negligence pursuant to Rule 12(b)(6) is a mistake in law.

*Breach of Fiduciary Duty / Aiding and Abetting Breach of Fiduciary Duty*

30. The Court's statement under the heading *Breach of Fiduciary Duty / Aiding and Abetting Breach of Fiduciary Duty*, "As discussed about regarding the plaintiff's negligence claim, the plaintiff has provided not authority for his position that the law imposes a fiduciary relationship between a medical provider and a patient's spouse who did not receive any medical treatment." is fraught with error. (Supra)

31. In the first place, plaintiff is not required to provide authority for his position in his pleading. (See Rule 8 SCRPC and Burkhart 2009 OK CIV APP 76 224 P.3d 1278 (Div 4, 2009)). In the second place, a pro se litigant's cause of action cannot be dismissed for failing to provide authorities. (Ibid) The Order's reliance on plaintiff's failure to cite authority to dismiss the case is fatally flawed.

32. The Order states, "With respect to the first and second claims of defamation these statements are subject to privilege." (see Order at 7, ¶3). This statement does not construe the facts in the best light of the nonmoving party as required. (Twoble, Ibid). The complaint makes no mention of who was in the room when Slocum was speaking on the phone to the police. The Order's assumption no one was in Slocum's presence cannot be properly derived from the record. The Order's on assertion of privilege is predicated on who heard the alleged utterances. (see Order at 8, ¶1). The police report is redacted so we only know someone from Miracle Hill made the statement. The complaint states upon information and belief Slocum made the call to the police dispatcher but does not speak to who might have been in the presence of the person making the call.

33. Additionally, the Order asserts Miracle Hill's interaction with police was done in good faith which is another wholly improper construction of the allegations decided in Miracle Hill's favor in error of law. (see Twoble, Ibid). Once the Order's foundation of good faith is not considered, no moral or social obligation existed.

34. The Order's assertion, "Since these communications were between Miracle Hill staff and police officers, this Court finds that such statements were privileged" adds to the face of the complaint. The police report is redacted and there is no indication of who might have been privy to the caller's side of the conversation. There is no evidence the communications were only between police and Miracle Hill staff.

35. The Order's states, "The complaint does not specify what comprised the "defamatory material," thus there are no allegations implicating any of the four categories described for legally presumed damages." The complaint does allege, at least by inference incorporated by reference, Miracle Hill told the marriage counselor plaintiff was a stalker, a domestic abuser and had had a restraining order placed against him. (see Compl. at ¶¶170, 171). These allegations, construed in their every day meaning as required, obviously could be determined by a jury as allegations of criminal behavior. ("words must be given their ordinary popular meaning, and if they are susceptible of two meanings, one slanderous and the other innocent, it must be left to the jury to determine from all of the circumstances attending the publication, in what sense the defendant used them." Nettles v. MacMillan Petroleum Corporation, 210 S.C. 200, 42 S.E. (2d) 57; Duncan v. Record Pub. Co., 145 S.C. 196, 143 S.E. 31; 485\*485, Williamson v. Askin & Marine Co., 138 S.C. 47, 136 S.E. 21; Davis v. Niederhof, 246 S.C. 192, 143 S.E. (2d) 367. "If the evidence is susceptible to more than one reasonable

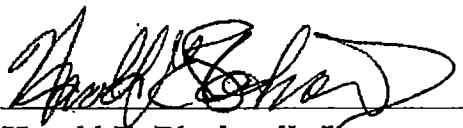
inference, the case should be submitted to the jury." Quesinberry v. Rouppasong, 331 S.C. 589, 594, 503 S.E.2d 717, 720 (1998).

36. The Order's dismissal of plaintiff's cause of action for defamation is fatally flawed per the aforementioned mistakes at law.

*Conclusion*

37. The Order is fatally flawed containing both mistakes at law and mistakes where the Court's determinations are shown to not be supported by the evidence. The Court must find these many mistakes compelling. Plaintiff prays the Court will reconsider and rescind its Order to dismiss plaintiff's claims for outrage, gross negligence, breach of fiduciary duty and defamation then allow plaintiff to amend his complaint as justice demands.

So says Plaintiff, pro se,

A handwritten signature in black ink, appearing to read "Harold E. Blackwell, Jr.", written over a horizontal line.

Harold E. Blackwell, Jr.

at Union, SC  
November 16, 2017

# Exhibit C

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF GREENVILLE  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2017CP2303754

Harold Estes Blackwell Jr	DEC 11 AM 11:54 FILED-CLERK OF COURT PAUL B. WICKS, CLERK GREENVILLE, SC	Anita M Blackwell
---------------------------	---	-------------------

<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

Circuit Court Judge	2158	12/11/2017
	Judge Code	Date

**For Clerk of Court Office Use Only**

This judgment was entered on **December 11, 2017**, and a copy mailed first class or placed in the appropriate attorney's box on **December 11, 2017**, to attorneys of record or to parties (when appearing pro se) as follows:

**Harold Estes Blackwell Jr** 315 Glendale Road Union, SC  
29379

**Amy Miller Snyder** 1000 E. North St. Suite 200 Greenville,  
SC 29601

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

---

**Court Reporter**

---

**Paul B. Wickensimer** Greenville County Clerk Of  
Court - Clerk of Court

---

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

---

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Harold Estes Blackwell, Jr., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Miracle Hill Ministries, Inc., Anita Jane )  
Miller, a/k/a Anita M. Blackwell, and )  
William Fisk, )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

**ORDER DENYING PLAINTIFF'S  
MOTION TO RECONSIDER**

C. A. No.: 2017-CP-23-03754

This matter comes before the Court pursuant to the Plaintiff's Motion for Reconsideration of the Court's Order dated on or about November 8, 2017. After having had the opportunity to carefully review the Motion, the Court respectfully denies the same.

**AND IT IS SO ORDERED.**

  
ROBIN B. STILWELL

December 11, 2017  
Greenville, South Carolina

FILED-CLERK OF COURT  
PAUL B. WOODRUM  
GREENVILLE, SC  
2017 DEC 11 AM 11:45

ENTERED COMPUTER

# Exhibit D

85491

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin Stilwell, Circuit Court Judge

Case No. 2017-CP-23-3754

**RECEIVED**  
DEC 27 2017  
SC Court of Appeals

Harold Estes Blackwell, Jr. Appellant


v.

Miracle Hill Ministries, Inc. Respondents  
William Fisk  
Anita Jane Miller

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Miracle Hill Ministries, Inc., William Fisk and Anita Jane Miller by depositing a copy of it in the United States Mail, postage prepaid, on December 14, 2017, addressed to their attorneys of record, Adam Bach, 1316 S. Church Street Greenville, South Carolina 29605, Carrie Obrien, 6701 Carmel Road, Suite 475, Charlotte, NC 28226, M. Lee Daniels, 1200 Woodruff Road, Suite A-3, Greenville, S.C. 29607, respectively.

December 20, 2017

  
Harold Estes Blackwell, Jr.  
315 Glendale Road  
Union, South Carolina 29379  
(864) -303-7000  
Appellant, *pro se*

**LETTER TO THE APPELLATE COURT CLERK  
FILING THE NOTICE OF APPEAL**

December 20, 2017

**RECEIVED**

DEC 27 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

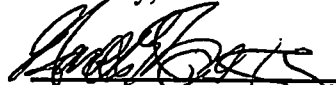
RE: Harold Estes Blackwell, Jr., Appellant, v. Miracle Hill Ministries, Inc.,  
William Fisk, Anita Jane Miller, Respondent, Case No. 2017-CP-23-3754

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents.
- (2) A copy of the orders which are to be challenged on appeal.
- (3) A filing fee of \$100.\*

Sincerely,

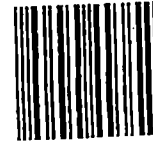


Harold E. Blackwell, Jr.  
315 Glendale Road  
Union, South Carolina 29379  
(864) 303-7000  
Appellant, *pro se*

cc: Adam Bach  
1316 S. Church Street  
Greenville, South Carolina 29605,  
(864) 236-5013  
Carrie O'Brien  
6701 Carmel Road, Suite 475  
Charlotte, NC 28226  
(704) 247-9679  
M. Lee Daniels  
1200 Woodruff Road, Suite A-3  
Greenville, S.C. 29607  
(864) 242-9484



1000



29211

U.S. POSTAGE  
PAID  
UNION, SC  
29379  
DEC 21 17  
AMOUNT

**\$2.24**

R2305K138956-14

Hal Blackwell  
315 Glendale Road  
Union, SC 29379

**RECEIVED**  
DEC 27 2017  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

# Exhibit E

**LETTER TO CLERK OF LOWER COURT  
FILING NOTICE OF APPEAL**

September 16, 2000

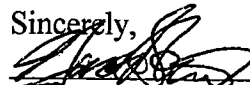
The Honorable Paul B. Wickensimer  
Clerk of Court for Greenville County  
305 E. North Street  
Greenville, South Carolina 29000

RE: Harold Estes Blackwell, Jr., Appellant, Respondent, v. Miracle Hill  
Ministries, Inc. Case No. 2017-CP-23-3754

Dear Mr. Wickensimer:

Enclosed for filing is a notice of appeal in the above case.

Sincerely,



Harold Estes Blackwell, Jr.  
315 Glendale Road  
Union, South Carolina 29379  
(864) 303-7000  
halblackwell@gmail.com  
Appellant, *pro se*

Other Counsel of Record:  
Adam Bach  
1306 South Church Street  
Greenville, South Carolina 29607  
Attorney for Respondent Miracle Hill Ministries  
(864) 236-5013

M. Lee Daniels  
120 1200 Woodruff Road, Suite A-3  
Greenville, South Carolina 29607  
Attorney for Respondent Anita Jane Miller  
Telephone: (864) 242-9484

Carrie O'Brien  
11440 Carmel Commons Blvd #206  
Charlotte, NC 28226  
Attorney for Respondent William Fisk  
Telephone: (704) 544-1718

FILED-CLERK OF COURT  
PAUL B. WICKENSIMER  
CLERK OF COURT

2017 DEC 29 AM 8:45

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin Stilwell, Circuit Court Judge

Case No. 2017-CP-23-3754

Harold Estes Blackwell, Jr.

Appellant,

v.

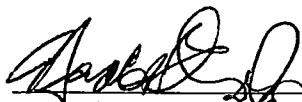
Miracle Hill Ministries, Inc.  
William Fisk  
Anita Jane Miller

Respondents.

NOTICE OF APPEAL

Harold Estes Blackwell, Jr. appeals the orders of the Honorable Robin Stilwell dated October 8, 2017, in respects to Miracle Hill and November 8, 2017, for Defendants Miller and Fisk. Appellant received written notice of the Court's orders per the Rules on November 14, 2017, for all defendants.

December 13, 2017

  
Harold Estes Blackwell, Jr.  
315 Glendale Road  
Union, South Carolina 29379  
(864) 303-7000  
halblackwell@gmail.com  
Appellant appears *pro se*

Other Counsel of Record:  
Adam Bach  
1306 South Church Street  
Greenville, South Carolina 29607  
Attorney for Respondent Miracle Hill Ministries  
(864) 236-5013

FILED-CLERK OF COURT  
PAUL A. WILSON  
GREENVILLE, SC

2017 DEC 29 PM 8:46

M. Lee Daniels  
120 1200 Woodruff Road, Suite A-3  
Greenville, South Carolina 29607  
Attorney for Respondent Anita Jane Miller  
Telephone: (864) 242-9484

Carrie O'Brien  
11440 Carmel Commons Blvd #206  
Charlotte, NC 28226  
Attorney for Respondent William Fisk  
Telephone: 704.544.1718

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin Stilwell, Circuit Court Judge

Case No. 2017-CP-23-3754

Harold Estes Blackwell, Jr.

Appellant

v.

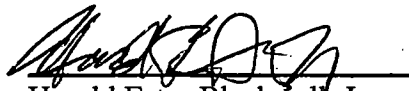
Miracle Hill Ministries, Inc.  
William Fisk  
Anita Jane Miller

Respondents

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Miracle Hill Ministries, Inc., William Fisk and Anita Jane Miller by depositing a copy of it in the United States Mail, postage prepaid, on December 14, 2017, addressed to their attorneys of record, Adam Bach, 1316 S. Church Street Greenville, South Carolina 29605, Carrie Obrien, 6701 Carmel Road, Suite 475, Charlotte, NC 28226, M. Lee Daniels, 1200 Woodruff Road, Suite A-3, Greenville, S.C. 29607, respectively.

December 20, 2017

  
Harold Estes Blackwell, Jr.  
315 Glendale Road  
Union, South Carolina 29379  
(864) -303-7000  
Appellant, *pro se*

FILED-CLERK OF COURT  
GREENVILLE COUNTY  
SOUTH CAROLINA

2017 DEC 29 AM 8:46

# Exhibit F

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin Stilwell, Circuit Court Judge

Case No. 2017-CP-23-3754

Harold Estes Blackwell, Jr.

Appellant,

v.

Miracle Hill Ministries, Inc.  
William Fisk  
Anita Jane Miller

Respondents.

**RECEIVED**  
JAN 11 2018  
SC Court of Appeals

NOTICE OF APPEAL

Harold Estes Blackwell, Jr., Plaintiff, appeals the orders of the Honorable Robin Stilwell granting defendant's motions to dismiss, dated October 8, 2017, in respects to Miracle Hill, and November 8, 2017, for Defendants Miller and Fisk. Harold Estes Blackwell, Jr. also appeals the order of the Honorable Robin Stilwell denying Plaintiff's Rule 59(e) motion regarding Defendant Miracle Hill Ministries, Inc. and Plaintiff's Rule 60(b)1 motions upon which the Court has not ruled pertaining to Defendants Miller and Fisk. Appellant received written notice of the Court's orders per the Rules on November 14, 2017, granting all defendants motion to dismiss. Plaintiff received written notice of Judge Stilwell's order denying Plaintiff's Rule 59(e) motion December 12, 2017.

December 13, 2017



Harold Estes Blackwell, Jr.  
315 Glendale Road  
Union, South Carolina 29379  
(864) 303-7000  
halblackwell@gmail.com  
Appellant appears *pro se*

Other Counsels of Record:

(cont. next page)

Adam Bach  
Eller Tonnsen Bach  
1306 South Church Street  
Greenville, South Carolina 29605  
Attorney for Respondent Miracle Hill Ministries  
(864) 236-5013

M. Lee Daniels  
Wimberly, Lawson, Daniels, & Brandon, LLC  
1200 Woodruff Road, Suite A-3  
Greenville, South Carolina 29607  
Attorney for Respondent Anita Jane Miller  
Telephone: (864) 242-9484

Carrie O'Brien  
Wilson Jones Carter & Baxley, P.A.  
11440 Carmel Commons Blvd #206  
Charlotte, NC 28226  
Attorney for Respondent William Fisk  
Telephone: 704.544.1718

Harold (Hal) E. Blackwell, III  
315 Glendale Road  
Union, South Carolina 29379

January 8, 2018

V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
JAN 11 2018  
SC Court of Appeals

Re: Case No. 2017-002618

Dear Ms. Allen,

Please find enclosed the notice of appeal referenced in your letter of January 4, 2018. I must have inadvertently left this important document out of my earlier mailing to your office. The notice includes all of the information outlined in your letter plus the date on which plaintiff was notified by mail his motion to reconsider had been denied.

If you have any questions please let me know.

Kindest regards,



Hal Blackwell  
Plaintiff, pro se  
(864) 303-7000  
halblackwell@gmail.com

cc: Adam Crittenden Bach, Esquire  
Carrie Hailman OBrien, Esquire  
Melegia Lee Daniels, Esquire  
Paul B. Wickensimer, Clerk of Court, Greenville, South Carolina

(864) 303-7000  
halblackwell@gmail.com

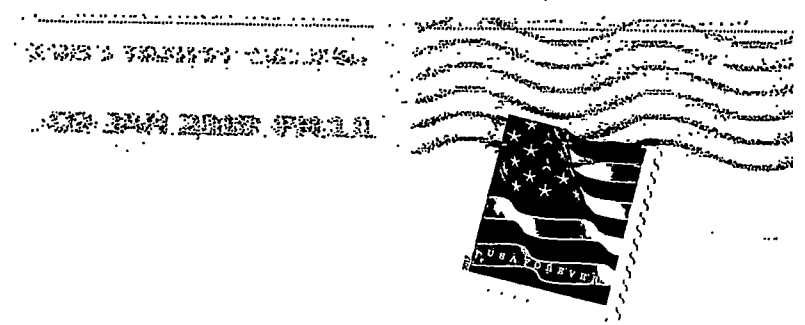
Hal Blackwell  
315 Glendale Road  
Union, SC 29379

**RECEIVED**

JAN 11 2018

SC Court of Appeals

V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211



29211-162929



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2017-002618

**RECEIVED**  
APR 19 2018  
SC Court of Appeals

Harold Estes Blackwell, Jr..... Appellant,

v.

Miracle Hill Ministries, Inc., Anita Jane Miller  
(aka Anita M. Blackwell), and Williams Fisk ..... Respondents,

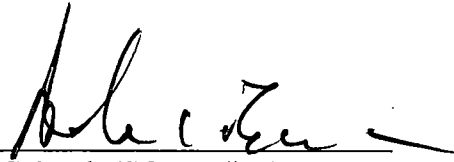
**PROOF OF SERVICE**

The undersigned certifies that he served Respondent Miracle Hill Ministries, Inc.'s Motion to Dismiss Appeal by depositing a copy of same in the United States Mail, postage prepaid, on this the 13<sup>th</sup> day of April 2018, addressed to the self-represented Appellant and counsel for Respondents at the addresses listed below:

Harold Estes Blackwell, Jr.  
315 Glendale Rd.  
Union, SC 29379

Carrie Hailman O'Brien  
Willson Jones Carter & Baxley, P.A.  
6701 Carmel Road, Suite 475  
Charlotte, NC 28226

Melegia Lee Daniels, Jr.  
M. Lee Daniels, Jr., P.C.  
1200 Woodruff Road, Suite A-3  
Greenville, SC 29607



Adam C. Bach (SC Bar # 74885)  
R. Hudson Smith (SC Bar # 101369)  
ELLER TONNSEN BACH, LLC  
1306 South Church Street  
Greenville, SC 29605  
Telephone: (864) 236-5013  
Facsimile: (864) 312-4191  
*abach@etblawfirm.com*  
*hsmith@etblawfirm.com*

Attorneys for Respondent Miracle Hill  
Ministries, Inc.

April 13, 2018

Greenville, South Carolina



ELLER TONNSEN BACH  
*Attorneys at Law*

Adam C. Bach  
*Licensed in South Carolina and North Carolina*  
abach@etblawfirm.com

1306 South Church Street  
Greenville, SC 29605  
Telephone (864) 236-5013  
Facsimile (864) 312-4191

April 13, 2018

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

*Re: Harold Estes Blackwell, Jr. vs. Miracle Hill Ministries, Inc., Anita Jane Miller (aka Anita M. Blackwell), and Williams Fisk  
Appellate Case No.: 2017-002618*

Dear Ms. Kitchings:

Enclosed please find the originals and six copies (6) of Respondent Miracle Hill Ministries, Inc.'s motion for extension of time to file initial brief and designation of matter to be included in the record on appeal and motion to dismiss, along with our firm's check in the amount of \$50.00 for your filing fees and a proof of service for the same. We would appreciate your filing the originals and returning the clocked copies to us.

Please let us know if we may provide any additional information to you at this time.

Sincerely,

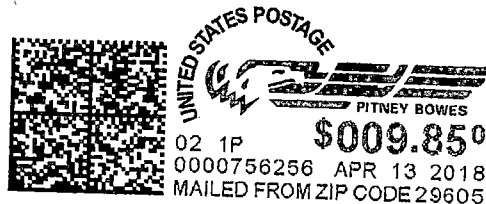
ELLER TONNSEN BACH, LLC

  
Adam C. Bach

ACB/amp  
Enclosures

cc: Harold Estes Blackwell, Jr.  
Carrie Hailman O'Brien  
Melegia Lee Daniels, Jr.

**RECEIVED**  
APR 19 2018  
SC Court of Appeals



 **ELLER TONNSEN BACH**  
*Attorneys at Law*

1306 South Church Street • Greenville, SC 29605

**RECEIVED**  
APR 19 2018  
SC Court of Appeals

*The Honorable Jenny Abbott Kitchings*  
*Clerk, South Carolina Court of Appeals*  
*P. O. Box 11629*  
*Columbia, SC 29211*