

C. HOLMES, MD

P.O. Box 187

Sullivan's Island, SC 29482

843.883.3010

18 March 2017

Fax: 803.734.1839

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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MAR 22 2018

SC Court of Appeals

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

Dear Jenny:

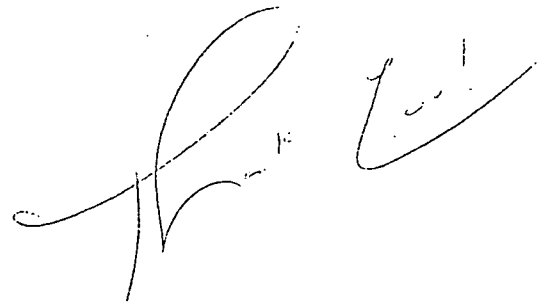
We hope you had a good St. Patrick's Day and weekend. Your assistance and that of your kind staff is greatly appreciated with the correspondence dated March 8, 2018, which was just received. The March 8, 2018, correspondence is at odds with the attached correspondence herein requesting that we file Motion to Recall Remittitur. Per that request, Motion to Recall Remittitur was timely filed. In addition, the March 8, 2018, correspondence is erroneously based on an inapplicable Doe order from 2009. Pursuant to the enclosed correspondence received by the Court of Appeals in this case on February 5, 2018, controlling case law establishes that the Doe order is unrelated and the issues are not the same, therefore, it is inapplicable. Moreover, the enclosed motion filed in the lower court establishes that the respondents have admitted they have no interest and, therefore, have no standing. As such, any filing by respondents herein is a nullity and must be vacated. *Brown v. Coe*, 365 S.C. 137, 616 S.E.2d 705 (SC 2005).

In sum, we respectfully request that the Motion be granted. Please find a check enclosed for filing fee. Thank you for your kind consideration and with best personal regards, I remain

Very truly yours,

A handwritten signature in cursive script, appearing to be "C. H.", written in black ink.

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

A handwritten signature in cursive script, appearing to be "R. H.", written in black ink.

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C. HOLMES

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SULLIVANS ISLAND SC

674 1605

1/25/18
Date

Pay Client, SCCO \$ 25.00
to the order of

Twenty Five and 00/100 Dollars



MEMO CLERK

Bank of America

ACH R/T 053904483

Memo Thank you! [Signature]

0538 [Redacted]

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1220 SENATE STREET
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November 03, 2017

Cynthia Holmes
PO Box 187
Sullivan's Island SC 29482

Re: Cynthia Holmes v. Haynsworth (4)
Appellate Case No. 2017-001460

Dear Ms. Holmes:

Your correspondence was received October 26, 2017. Your request to recall the remittitur must be filed in the form of a motion and must be in compliance with Rule 240, SCACR, or it will not be considered.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Mary M Caskey, Esquire

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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Cynthia Holmes, M.D.,

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

Plaintiff,

vs.

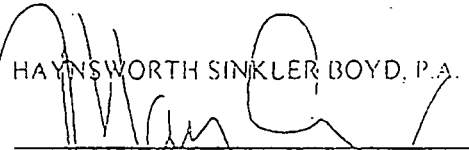
Haynsworth Sinkler Boyd, P.A., successor
to Sinkler & Boyd, P.A., Manton Grier and
James Y. Becker

Defendants.

FILED
2017 SEP 29 PM 2:20
CLERK OF COURT

DEFENDANTS' MOTION TO DISMISS CERTAIN PARTIES

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


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

September 22, 2017

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C. HOLMES, MD
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29 January 2017

Fax: 803.734.1839

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

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FEB 05 2018
SC Court of Appeals

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

Dear Jenny:

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

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

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

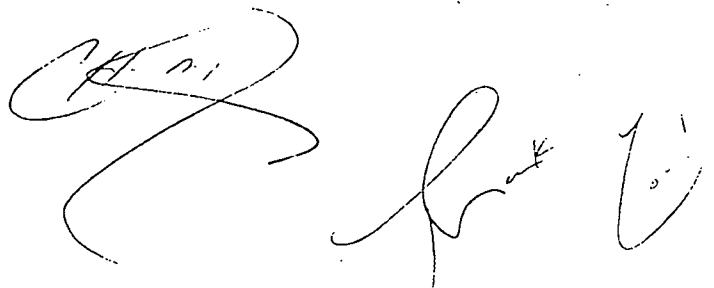
Moreover, enclosed please find a copy of this Honorable Court's correspondence dated February 24, 2017. Significantly and materially, that correspondence shows that Respondents to the appeals are James Y. Becker and Manton Grier. By motion entered in the circuit court in Case # 2007-CP-10-01444 on September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

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

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

Yours very truly,

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Three handwritten signatures in black ink are present. The first is a large, stylized signature that appears to be 'M. Grier'. The second is a signature that appears to be 'J. Becker'. The third is a smaller, more compact signature.

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SC Court of Appeals

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

Cynthia Holmes, Appellant,

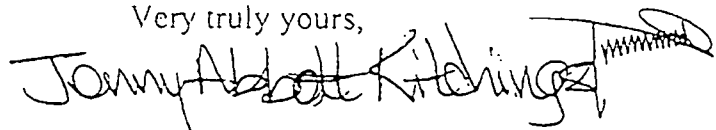
v.

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,



CLERK

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



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SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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February 24, 2017

Cynthia Holmes
PO Box 187
Sullivan's Island SC 29482

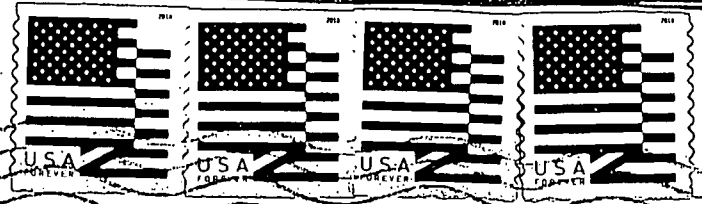
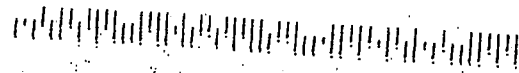
Re: Cynthia Holmes v. Haynsworth (3)
Appellate Case No. 2017-000266

Dear Dr. Holmes:

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

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. 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.



CHARLESTON SC 294

TUE 20 MAR 2018 PM

Personal & Confidential

The Honorable Jenny Abbott Kitchings

SCCOA

1220 Senate St.

Columbia, SC

29201

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