

April 23, 2018

RECEIVED

APR 27 2018

SC Court of Appeals

ATTENTION COURT OF APPEALS:

Once again Mr. Hopewell, attorney for R & R Cleaning and Natalie Harris, has shown his ignorance in law as well as his deception of the courts. The Court of Appeals should treat this case as a criminal investigation instead of an appeal because of Mr. Hopewell perjury in court, his deception of the courts, his manufacturing/or use of false information in court, and his obvious obstruction of justice in court when he openly admitted the June 8th disposition he and his crooked legal assistant sent to me on June 23, 2016, contained false statements.

Mr. Hopewell continues to make irrelevant complaints and arguments surrounding this case. It is about time the courts quite romancing Mr. Hopewell (it's about two years now) with these downright ridiculous arguments and rule on the case.

Mr. Hopewell in his latest complaint claims I did not include the December 31st complaints in the designation of matter to be included in the record of appeals. That is true only because the December 31, 2015 complaint was unofficial (note unofficial) because the name of one of the defendants was spelled wrong (magistrate office mistake). The complaint was amended and the January 19, 2016 was the official complaint. Making the December 31, 2015 complaint irrelevant (see item 2a, 2b) (see Natalie Robinson and Natalie Harris 2b).

In his second, latest complaint he complains the letter that accommodated the June 8th disposition was not included in the Record of Appeals. That is true because like item 2a it contained the wrong name of defendant (Natalie Robinson not Natalie Harris) making it irrelevant (see item 3). That proves my point of deception by this crooked lawyer. He even copied the wrong name. Another episode of World's Dumbest Crooks!!

In his third complaint Mike Hopewell claims I did not include in the Record of Appeals a letter that he presented in a default hearing on August 15, 2016. It was a letter part of motion to dismiss. Also with the letter was the June 8, 2016 disposition that he openly admitted contain false and untrue information he and his legal assistant sent. The letter is irrelevant for two reasons. The first reason according to rule 210 it has no legal bearing on the case because Mike Hopewell admitted that the June 8th disposition contained false and misleading information (see item 4 highlighted). However by bringing the documents to court it only proves deception, perjury, and obstruction of justice by Mr. Hopewell. The second reason is rule 10 S.C. Bench Book civil court rules for a default hearing. Judge Becker should have dismissed Mr. Hopewell entire motion (letter, disposition) because in a default hearing the defendants can't bring any evidence or testimony that is disputing liability to the plaintiff (see exhibit 13) enclosed.

On his other complaint Mr. Hopewell complained I did not sent him a final brief and sent only a Record of Appeals as stated in Proof of Service (see item 5 enclosed). I was told and can be confirmed by case worker Shelby Snell of the S.C. Court of Appeals I was to send and I did send 7 copies of Record of Appeals to Court of Appeals. I also sent on copy to Mike Hopewell in

which most ink was removed. I then sent four additional final briefs to Court of Appeals in order to complete the total of 7 required for me to send to Appeal of Court (see item 5).

I would like the request that Mr. Hopewell quit engaging in ex-parte communications with the clerk of court. All requests or complaints should be directly addressed to the S.C. Court of Appeals not Ms. Kitchings. If this communications continue I have no choice but to contact Chief Justice Beatty on this matter. This is the fourth time this has happened (see item 60).

Edward Spears
503 Roughfork Street
Florence, SC 29501
Edward4920@att.net

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Thomas Russo, Court Judge

Case No. 2016-cp-21-2533
Appellate Case No. 2017-000746

RECEIVED
APR 27 2018
SC Court of Appeals

R&R Cleaning Service
Natalie Harris,

Respondent,

v.

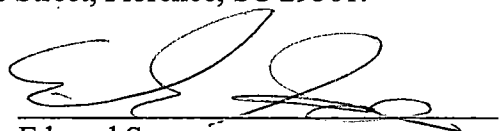
Edward Spears,

Appellant.

PROOF OF SERVICE

I certify that I have answered the respondent's complaints/questions by depositing in the U.S. Mail postage paid on April 26, 2018 to S.C. Court of Appeals, 1220 Senate Street, Columbia, Sc 29201, and Mike Hopewell, 380 West Evans Street, Florence, SC 29501.

April 23, 2018


Edward Spears
503 Roughfork Street
Florence, SC 29501
843-496-3711
edward4920@att.net

April
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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

3 Sets

The Honorable Thomas A. Russo

Trial Case No. 2016-CP-21-02533
Appellate Case No. 2017-000746

Edward Spears.....Appellant,

v.

R&R Cleaning Services and Natalie Harris.....Respondents.

MOTION TO DISMISS

The Respondents, through their undersigned attorney, hereby move the South Carolina Court of Appeals to dismiss the appeal pending in this case. This motion is made pursuant to Rules 209, 210 and 211, SCACR. The Respondents further crave reference to the Order of this court filed March 6, 2018.

MEMORANDUM AND CITATION OF AUTHORITIES

On November 21, 2017, counsel for the Respondents sent a letter to the court containing Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal as well as a Proof of Service reflecting service by mail of those

documents on the Appellant. This was received by the court and clocked in on November 22, 2017.

On December 29, 2017, by hand-delivery, counsel for the Respondents received a purported Record on Appeal from the Appellant. On January 8, 2018, counsel for the Respondents filed a Motion to Dismiss or in the Alternative Motion to Order Appellant to file a Proper Record on Appeal; and Motion for Extension of Time to file final briefs. This was received by the court and clocked in on January 9, 2018.

On March 6, 2018, this court, by the Order of Chief Judge James E. Lockemy, filed an Order which compelled the Appellant to serve a corrected Record on Appeal and a Proof of Service for the corrected Record on Appeal within thirty days of the date of the Order.

On April 6, 2018, counsel for the Respondents received, by mail, an envelope with a postmark of April 4, 2018 which contained photocopies of pages 2 and 3 of Respondents' prior motion, with handwriting thereon; a one-page document entitled "Letter to Complaints"; a Proof of Service dated April 2, 2018; and another purported Record on Appeal. Copies of all of the documents received from the Appellant on April 6, 2018 are attached hereto and incorporated herein by reference collectively as Exhibit 1.

Once again, items 1 and 3 contained in the Respondents' Designation of Matter to be Included in the Record on Appeal were not included in the latest version of the Record on Appeal that was received from the Appellant. In his "Letter to Complaints," Appellant affirmatively states that there were no complaints filed on December 31, 2015 in Case #2015CV2110108515. This statement is untrue. Attached as Exhibit 2 to this

motion is a copy of the Complaint that the Appellant filed in Magistrate's Court on December 31, 2015 with the case number set forth above.

Item number 3 in Respondents' Designation of Matter to be Included on Appeal, a letter from counsel for the Respondents to the Appellant dated June 23, 2016, was again not included in the latest version of the Record on Appeal. A copy of that letter is attached hereto and incorporated herein by reference as Exhibit 3.

Further, despite this court's Order of March 6, 2018, Appellant's handwriting appears on many of the pages in the Record on Appeal, though it appears that an attempt was made to blot out or otherwise remove some of the writing that was on the prior copy. In addition, Respondents, in their Designation of Matter, requested that their Motion to be Relieved from Default and Motion to Dismiss dated August 4, 2016, in the 2016 Magistrate's Court case, with attachments, be included in the Record on Appeal. Once again, the Appellant included only the first page. In his "Letter to Complaints," in item number 5, Appellant seems to be taking the position that, because he thinks the rest of the motion is irrelevant, he did not include it.

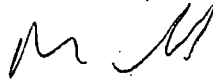
In addition to the grounds set forth above, it is also noted that, once again, the Appellant failed to serve copies of documents that were, apparently, filed with the court. In his Proof of Service dated April 2, 2018 and mailed April 4, 2018, it is indicated that the Appellant filed four copies of his Final Brief with the Court of Appeals. He did not enclose a copy of his Final Brief in what was served on the undersigned and that fact is reflected in the Proof of Service indicating only that he served a copy of the Record on Appeal. By her letter of February 1, 2018, Deputy Clerk V. Claire Allen advised the

Appellant that his failure to provide sufficient Proof of Service in the future would result in the dismissal of the appeal. A violation has once again occurred.

CONCLUSION

The Respondents hereby request that the appeal be dismissed due to Appellant's continued failure to provide a proper Record on Appeal pursuant to the rules and the prior Order of this court as well as the Appellant's continued and repeated failure to serve documents on the opposing party.

Respectfully submitted,



April 12, 2018

Michael S. Hopewell
ABBOTT, MCKISSICK & HOPEWELL, LLC
470 W. Evans Street
Post Office Box 148
Florence, SC 29503
(843) 669-0089
(843) 669-0085 fax
mhopewell@amhattorneys.com
Attorney for Respondents

Item 2A

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

2015CV2110108515
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT
COMPLAINT

Edward Spears
503 W. Roughfork St.
Florence, SC 29501
(843) 496-3711

3 sets

PLAINTIFF(S)

Vs

R & R Cleaning
Service

2215 West Palmetto
St.
Florence, SC 29501

Natalia Robinson

2215 West Palmetto
St.
Florence, SC 29501

Matt Rogers

2215 West Palmetto
St.
Florence, SC 29501

DEFENDANT(S)

I, **Edward Spears**, the Plaintiff in this civil action do make the following claims:

1. I believe that the defendant(s),

R & R Cleaning Service
Natalia Robinson
Matt Rogers

is/are a resident(s) of Florence County, and resides within the jurisdiction of the Florence Magistrate Court or this Complaint is properly filed in Florence County.

2. I make this complaint on the following:

Plaintiff states the he is filling for harassment, favoritism, supervisory negligence, retaliation, wrongful termination.

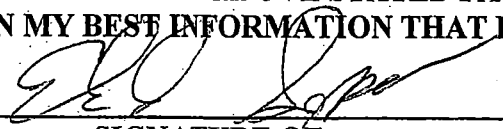
3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ 7500.00 and/or relief as below requested:

Plus \$80.00 Court Cost

including any costs resulting in this action.

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE STATED FACTS ARE TRUE EXCEPT THOSE BASED ON MY BEST INFORMATION THAT I BELIEVE TO BE TRUE.

**DECEMBER 31, 2015
PLAINTIFF/ATTORNEY**


SIGNATURE OF

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Edward Spears
503 W. Roughfork St.
Florence, SC 29501
(843) 496-3711

2015CV2110108515
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT
COMPLAINT

Item 2 B

Exb. 1

PLAINTIFF(S)

Vs

R & R Cleaning Service	Natalie Harris	Matt Rogers
2215 West Palmetto St.	2215 West Palmetto St.	2215 West Palmetto St.
Florence, SC 29501	Florence, SC 29501	Florence, SC 29501

DEFENDANT(S)

I, Edward Spears, the Plaintiff in this civil action do make the following claims:

1. I believe that the defendant(s)

R & R Cleaning Service
Natalie Harris
Matt Rogers

is/are a resident(s) of Florence County, and re the jurisdiction of the Florence Magistrate Court or this Complaint is properly filed in Florence County.

2. I make this complaint on the following:

Plaintiff states the he is filling for harassment, favoritism, supervisory negligence, retaliation, wrongful termination.

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ 7500.00 and/or relief as below requested:

Plus \$80.00 Court Cost

including any costs resulting in this action.

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE STATED FACTS ARE TRUE EXCEPT THOSE BASED ON MY BEST INFORMATION THAT I BELIEVE TO BE TRUE.

JANUARY 19, 2016


SIGNATURE OF PLAINTIFF/ATTORNEY

Item 3

Abbott, McKissick & Hopewell, LLC

Attorneys at Law

Attorneys at Law
Michael C. Abbott
Robert D. McKissick
Michael S. Hopewell

P.O. Box 148
470 W. Evans St.
Florence, SC 29503
(843) 669-0089
(843) 669-0085 Fax
amhattorneys.com
mhopewell@amhattorneys.com

June 23, 2016

Mr. Edward Spears
503 W. Roughfork Street
Florence, SC 29501

notice!

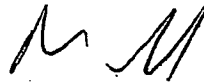
Re: Edward Spears v. R&R Carpet and Cleaning Service, Natalia Robinson
and Matt Rogers
Civil Action No. 2015-CV-2110108515
Our File No. 2016.008

Dear Mr. Spears:

Enclosed is a copy of the Order of Final Disposition in regard to the above-referenced matter which we herewith serve upon you.

Very truly yours,

ABBOTT, MCKISSICK & HOPEWELL, LLC



Michael S. Hopewell

MSH/lsc
Enclosure

cc: Jamie Hickman (via E-mail)

RULE 210
RECORD ON APPEAL

Item 4

(a) Time for Service. Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be immediately filed with the clerk of the appellate court.

(b) Time for Filing. The appellant must file with the clerk of the appellate court fifteen (15) copies of the Record on Appeal no later than the date his brief(s) are due under Rule 211. As provided by Rule 267(d), one copy filed with the appellate court shall be filed unbound. The appellate court may require an appellant to file additional copies of the Record on Appeal.

(c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, exhibits and other materials or documents, and a certificate by appellant. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal. If the original court reporter's numbering has been deleted, the Record on Appeal shall contain ellipses or other notation indicating when pages of the court reporter's transcript have been omitted.

Where witness testimony is included in the Record on Appeal, the first page of each witness's direct, cross, redirect and recross examination must show the name of the witness, the phase of examination and the name of the counsel conducting the examination. If this information is not already reflected on the page, the top of the page shall be annotated with the required information in the following form: John H. Doe--Direct (Cross) (Redirect) (Recross) Examination by Mr. Smith.

(d) Title. The title page shall contain the caption as set forth in Rule 267. Nothing shall be printed on the title page except the caption.

(e) Index. Every Record on Appeal shall contain an index to the principal matters therein to include orders, judgments, decisions, pleadings, pretrial matters, opening statements, testimony, motions, closing arguments, jury charges, post-trial

Exb 13

amount in which the plaintiff is entitled.

A suit on an account is where the defendant had a charge account with the plaintiff or where the plaintiff sold the defendant goods or services. The notarized statement of account should itemize all charges to the account and all credits to the balance being sued on. An example of credits that should be shown are partial payments made by the defendants. The statement of account must be signed by the plaintiff and his signature must be notarized (See FORMS section of the Bench Book).

In unliquidated suits where the amount being sued for is not readily ascertainable and must be determined by the court, a damage hearing must be held when the defendant is in default. An example of this is where the defendant has damaged the plaintiff's automobile. The amount of those damages is not already established and, therefore, the plaintiff must appear at the damage hearing and prove the amount of his damages.

If the defendant has been placed in default, a damage hearing has been set for the plaintiff to come in and prove his damages, and the plaintiff fails to appear at the damage hearing after due notice, the plaintiff's complaint should be dismissed.

Likewise, if a defendant has filed an answer but fails to appear at the trial, then the trial should proceed without the defendant and the plaintiff would be permitted to prove his damages or claim against the defendant without the defendant having the chance to dispute the plaintiff's claims.

In cases where a defendant has been served, failed to file an answer within the prescribed time, placed in default, and the suit is for an unliquidated sum, the court must arrange a damage hearing for the plaintiff to prove the amount of his damages or claim. The court should notify the defendant and the plaintiff of the date and time of that hearing. The defendant is entitled to attend the hearing if he so desires. If the defaulting defendant appears at the damage hearing, he is not entitled to put forth any evidence or testimony disputing liability to the plaintiff. A defaulting party's participation at a damage hearing is limited to objecting to evidence and cross-examining plaintiff's witnesses.

If at the time of filing the complaint, a plaintiff requests that the court send him a copy of the affidavit of service of the complaint on the defendant, the court should send a copy of the affidavit of service to the plaintiff as soon after the complaint is served as possible. When a plaintiff is represented by an attorney, the attorney will generally use the copy of the affidavit of service to determine if the defendant has filed an answer within the prescribed time. If the defendant does not file an answer within that time, the attorney will then forward an affidavit of default to the court. If the amount claimed is for liquidated damages or is a suit on an account with a notarized statement of account attached, he should also forward an order of default judgment which could be signed by the Court and filed.

A notice of hearing should not be attached to the summons and complaint when it is served. At this point of the case, the court does not know if the defendant will answer and, therefore, whether a hearing is necessary. A hearing should not be set and a notice of hearing sent to the parties until the defendant has filed an answer with the court, or has failed to file an answer within the prescribed time and placed in default by the Court. This enables the plaintiff, when coming to the hearing, to know if the defendant is contesting

P 13

Item 5

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Thomas Russo, Court Judge

Case No. 2016-cp-21-2533

R&R Cleaning Service
Natalie Harris,

Respondent,

v.

Edward Spears,

Appellant.

PROOF OF SERVICE

I certify that I have mailed seven copies to Record of Appeals and four copies of Final Briefs to Court of Appeals, 1220 Senate Street, Columbia, SC 29201. I also sent by mail a copy of Record of Appeal to Mike Hopewell, 380 West Evans Street, Florence, SC 29501.

April 2, 2018


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Florence, SC 29501
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edward4920@att.net

Item 6

Abbott, McKissick & Hopewell, LLC
Attorneys at Law

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Robert D. McKissick
Michael S. Hopewell

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www.amhattorneys.com
mhopewell@amhattorneys.com

April 12, 2018

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

Re: Edward Spears
vs. R & R Cleaning Services and Natalie
Harris
Appellate Case #2017-000746
Our File #2016008

Dear Ms. Kitchings:

Please find enclosed the following documents regarding the above referenced matter:

1. One original and seven (7) copies of the Motion to Dismiss;
2. Original and one (1) copy of Proof of Service; and
3. Our firm's check in the amount of \$25.00 to cover the filing fee.

I would appreciate you filing the original Proof of Service and Motion to Dismiss stamping as received the copy of same and returning a filed copy of each to me in the enclosed self-addressed, stamped envelope.

If you have any questions or concerns, please do not hesitate to let me know.

With kind regards, we are

Very truly yours,



Michael S. Hopewell

MSH/kch
Enclosures

cc: Mr. Edward Spears
Mr. Jamison Hickman (via email)

Edward Spears
503 Rough Fork St.
Flo., S.C. 29501



1030



29201

U.S. POSTAGE
PAID
FLORENCE, SC
29501
APR 26, 18
AMOUNT

\$1.13
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FIRST CLASS

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SC Court of Appeals

Court of Appeals
1220 Senate St.
Columbia, S.C.

