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**THE STATE OF SOUTH CAROLINA**  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

Appeal No. 2018-001279

Case No. 2013-CP-23-01715

**RECEIVED**  
JUL 16 2018  
SC Court of Appeals

Michael Stehney, Jr..... Respondent,

v.

Ronald E. Ferguson, Susan M. Ferguson,  
and Ronald J. Ferguson ..... Appellants.

**MOTION TO DISMISS APPEAL**

Respondent Michael Stehney, Jr., through his undersigned attorney, hereby respectfully moves to dismiss this appeal. The grounds for this motion are as follows:

1. The Motion for Appeal is deficient:
  - a. Ronald E. Ferguson and Susan M. Ferguson did not sign the Motion for Appeal nor did an attorney enter an appearance on their behalf.
  - b. The Motion for Appeal was signed by only Ronald J. Ferguson on behalf of all the Appellants. However, Ronald J. Ferguson is not an attorney at law licensed to admitted to practice in South Carolina and cannot legally act on behalf of Ronald E. Ferguson and Susan M. Ferguson.
  - c. In fact, Ronald J. Ferguson was previously admonished by the trial court for similar acts and otherwise acting as attorney on behalf of Ronald E.

Ferguson and Susan M. Ferguson (Exhibit 1 – Order for Dismissal January 9, 2014).

- d. Mr. Ronald E. Ferguson and Mrs. Susan M. Ferguson are well aware that Ronald J. Ferguson cannot act on their behalf and that they individually must file and/or sign any pleading, motion, or appeal.
  - e. Therefore, the only one who has appealed is Ronald J. Ferguson and not Ronald E. Ferguson or Susan M. Ferguson.
2. The Appellants failed to timely serve the notice of appeal:
- a. The trial court order from which this appeal is taken was served on the Appellants by First Class Mail on May 18, 2018 (Exhibit 2, Filed Certificate of Service).
  - b. Pursuant to SCACR Rule 203(b)(1), *“A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order for judgment.”*
  - c. Calculating from date of service with the added five (5) days for service by mail pursuant to SCRCRCP Rule 6(e),<sup>1</sup> the deadline for the Appellants to file this appeal was June 22, 2018.
  - d. The Respondent was served with the Notice of Appeal on July 5, 2018.
  - e. Therefore, Appellants failed to timely serve the Notice of Appeal and this appeal should be dismissed.
3. The Appellants did not file any motion that would stay the time for Appeal:
- a. Pursuant to SCACR Rule 203(b)(1), only when a timely motion filed under SCRCRCP Rules 50, 52, and 59 *“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.”*

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<sup>1</sup> Rule 263. Time: .....No additional time shall be allowed after service by mail or upon a statutory agent. Rule 6(e) SCRCRCP,<sup>1</sup> is not applicable to these rules, and no additional time shall be allowed by reason of service by mail or upon a statutory agent.

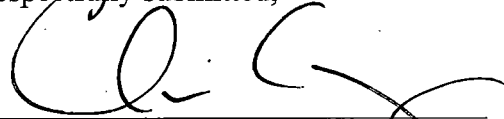
- b. The Appellants filed a Motion to Determine Contribution of Liability on May 25, 2018, and an Order denying their motion was filed on June 6, 2018. The Appellants then served the Respondent with Notice of Appeal on July 5, 2018.
  - c. However, Appellants' Motion to Determine Contribution of Liability does not qualify as a motion to stay an appeal under any of the of the SCACR Rules.
  - d. Therefore, time for appeal was not stayed by the Appellants' Motion to Determine Contribution of Liability, and time for serving the Notice of Appeal was June 22, 2017 (30 days after receipt of the judgment order of May 18, 2018 with an allowed five (5) days after date of mailing the Final Order in question to the Appellants).
  - e. Hence, Appellants failed to timely serve their Notice of Appeal regarding the Final Order and this appeal should be dismissed.
4. This Appeal is a frivolous appeal:
- a. Appellants are not in compliance with the Appellate Rules.
    - i. Appellants were aware that the Final Order had been entered on May 18, 2018, since they mentioned that fact in their Motion to Determine Contribution to Liability, which was filed on May 25, 2018 seven days after the Final Order had been mailed to them pursuant to Exhibit 1.
    - ii. Yet, Appellant, Ronald J. Ferguson, claims that they did not receive notice of the Final Order until June 8, 2018.
  - b. Appellants filed an appeal solely for the purpose of delay.
    - i. This case has been replete with delays from soon after its inception on March 25, 2013:
      - 1. beginning with law suits against the Respondent's attorneys and reports or threats of reports against the judges hearing the case;
      - 2. an interlocutory appeal to the Court of Appeals;

3. two removals to Federal Court which were determined to be without merit;<sup>2</sup> and
  4. Willful delay in cooperating with discovery.
  - ii. All of the reports, appeals and such were denied, declared to be unfounded or remanded to the state trial court.
  - iii. Respondent believes that this appeal is another delay tactic.
5. Assuming *arguendo* that the Notice of Appeal was timely, it would only have been timely to the Order that denied Appellants' Motion to Determine Contribution of Liability had the Appellants appealed that Order. It is not timely for the judgment order. However, the Appellants did not file an appeal of the Order denying Appellants' Motion to Determine Contribution of Liability; they specifically filed an appeal of the judgment order.<sup>3</sup>

THEREFORE, the Respondent requests that the Court:

1. Dismiss this Appeal based on Appellants failure to timely serve the Notice of Appeal and by serving a deficient Notice of Appeal with regard to Appellants Ronald E. Ferguson and Susan M. Ferguson.
2. Grant the Respondent permission to pursue the execution of judgments already granted to him in the Final Oder of this matter in order that Respondent may be made at least partially whole.

Respectfully submitted,



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Chace D. Campbell S.C. Bar 13624  
John E. Chambers, Jr. S.C. Bar 9027  
Chace Campbell, P.A.  
12 East Stone Avenue  
Greenville, SC 29609

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<sup>2</sup> The federal court threatened the Appellants with sanctions if they tried to remove the case to federal court again.

<sup>3</sup> The time to file an appeal for the Order denying Appellants' Motion for Contribution of Liability ran on July 8, 2018.

(864) 268-8244  
Attorney for Respondent Michael Stehney,  
Jr.

July 12, 2018

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

Appeal No. 2018-001279

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Michael Stehney, Jr..... Respondent,

v.

Ronald E. Ferguson, Susan M. Ferguson,  
and Ronald J. Ferguson ..... Appellant.

**CERTIFICATE OF SERVICE**

This is to certify that I have served a true copy of the foregoing **Motion to Dismiss Appeal** in the foregoing case on the following persons this 11th day of July, 2018, by depositing a copy of the same with the United States Postal Service, postage prepaid to the following:

***Pro Se***

Ronald E. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

***Pro Se***

Susan M. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

***Pro Se***

Ronald J. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

CHACE CAMPBELL, P.A.



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Hannah Kituku  
Legal Assistant

July 18<sup>th</sup>, 2018

# **EXHIBIT 1**

FILED-CLERK OF COURT  
STATE OF SOUTH CAROLINA GREENVILLE CO. S.C. IN THE COURT OF COMMON PLEAS  
COUNTY OF GREENVILLE B. WICKENSIMMER

2019 JAN 9 PM 2 59

THIRTEENTH JUDICIAL CIRCUIT

Ronald E. Ferguson, Susan M. Ferguson, &  
Ronald J. Ferguson,

CA No. 2013-CP-23-05022

Plaintiffs,

v.

**ORDER OF DISMISSAL**

Chace Damon Campbell, Chace Campbell,  
P.A., Ruth Faith Hindman, Ruth Law Firm,  
LLC,

Defendants.

This matter is before the Court on Defendants' Motions to Dismiss pursuant to South Carolina Rule of Civil Procedure 12(b)(6). Plaintiffs all appeared *pro se* before the Court. Plaintiff, Ronald J. Ferguson, spoke on behalf of all of the Plaintiffs. Chace Damon Campbell and Chace Campbell, P.A. appeared represented by their attorney, Carol Simpson. Defendants Ruth Hindman and Ruth Law Firm, LLC appeared represented by their attorney L. Lee Plumblee.

**BACKGROUND**

Plaintiffs Ronald E. Ferguson and Susan M. Ferguson were named as Defendants in a civil suit filed by Chace Campbell and Ruth Hindman on behalf of their client, Michael Stehney. The Stehney action is still pending before this Court. In response to that suit, Ronald E. Ferguson et. al. brought this separate action against Mr. Campbell, Ms. Hindman, and their law firms in which the Fergusons allege six causes of action, including Fraud, Negligence/Negligence Per Se/Intentional Tort, Trespass, Nuisance, Defamation, and Conspiracy. Each of these purported causes of action arise out of actions taken by Defendants in their representation of Mr. Stehney in the separate action. Plaintiffs Ferguson, in this case, alleged that, by prosecuting the Stehney action in the manner in which they did, the Defendants breached duties owed to the Fergusons.

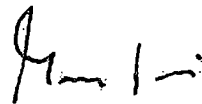
After reviewing the Memorandum of Law submitted by Defendant Campbell, and after reviewing the Complaint and hearing the arguments of the parties and counsel, this Court makes the following findings of fact and conclusions of law:

1. This Court has subject matter and personal jurisdiction. Greenville County is the proper venue for this action.
2. Plaintiffs initiated this action against attorneys who were prosecuting a separate action against them on behalf of Michael Stehney complaining of the manner in which Defendants were conducting their representation of Stehney.
3. The action between Stehney and the Plaintiffs is still pending.
4. No attorney-client relationship exists between the Plaintiffs to this action and the Defendants to this action.
5. No duty exists between the Plaintiffs and Defendants. To hold otherwise would result in the absurd situation of attorneys having to defend in one action the manner in which the attorneys went about representing their clients in a separate action while that separate action still is pending.

~~While it is not a part of the Court's findings of fact and conclusions of law, the Court did admonish Ronald Ferguson, who signed and filed the pleadings in this matter on behalf of all of the Plaintiffs, regarding the unauthorized practice of law and advised Mr. Ferguson that it may be wise for him and for his family members to retain counsel in the Stehney matter.~~

For the reasons stated above, and taking all allegations of Plaintiffs' Complaint in a light most favorable to Plaintiffs, this Court finds that Plaintiffs' Complaint should be, and the same is, dismissed pursuant to South Carolina Rule of Civil Procedure 12(b)(6).

**AND IT IS SO ORDERED.**



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D. Garrison Hill  
Circuit Court Judge  
Thirteenth Judicial Circuit

January 9, 2014  
Greenville, SC

# **EXHIBIT 2**

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Stehney, Jr.,  
Plaintiff,

vs.

Ronlad E. Ferguson, Susan M. Ferguson,  
and Ronald J. Ferguson,  
Defendants.

IN THE COURT OF COMMON PLEAS  
13TH JUDICIAL CIRCUIT

CA No. 2013-CP-23-01715

**CERTIFICATE OF SERVICE**

This is to certify that I have served a true copy of **Final Order** in the forgoing case on the following persons this 18th day of May, 2018, by depositing a copy of same in the United States Mail, postage prepaid, by first class mail to the last known address as follows:

Ronald E. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

Susan M. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673


Ronald J. Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673

CHACE CAMPELL, P.A.



Darlene Lewis, CPSC, PP, PLS  
Paralegal

May 18, 2018  
Greenville, South Carolina

 **Chace Campbell, P.A.**  
Attorney At Law

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July 12, 2018

**VIA FIRST CLASS MAIL**

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

***RE: Michael Stehney, Jr., Respondent v. Ronald E. Ferguson et al***  
***Appeal No.: 2018-001279***

Dear Clerk Kitchings:

Please find enclosed an original and eight copies of Respondent, Michael Stehney, Jr.'s, Motion to Dismiss Appeal along with a check for \$25.00 in the referenced matter.

Please file the original and copies accordingly and return a court clocked copy to us in the envelope provided.

If you have any questions, please do not hesitate to call our office.

Sincerely,

CHACE CAMPBELL, P.A.

  
Hannah Kituku

cc:  
Ronald E. Ferguson (w-enc.)  
Susan M. Ferguson (w-enc.)  
Ronald J. Ferguson (w-enc.)

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JUL 16 2018

SC Court of Appeals

Chace Campbell P.A.  
12 East Stone Avenue  
Greenville, SC 29609

Jenny Abbott Kitchings  
Clerk of Court  
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**SC Court of Appeals**