

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

HONORABLE J. CORDELL MADDOX, CIRCUIT COURT JUDGE

CASE NO. 2016-CP-37-0060

MITCHELL EUGENE DAVIS a/k/a MITCH DAVIS a/k/a MICHAEL DAVIS,

RESPONDENT

v.

SUSAN HARRISON and CHRISTOPHER JONES, PLAINTIFFS,
Of whom CHRISTOPHER JONES IS THE
APPELLANT

APPELLATE CASE NO. 2018-000625

RETURN TO NOTICE OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND TEMPORARY INJUNCTION
BY APPELLANT CHRISTOPHER JONES

Christopher Jones, is not eligible to appeal the Order of the Court, by the Honorable J.

Cordell Maddox, filed of recorded April 5, 2018 as Appellant was previously been

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advised that Appellant could not represent a Church and any other party, but must have a licensed attorney represent the Church, as stated by the Order of the Court.

Further, the Notice of and Motion for Temporary Restraining Order and Temporary Injunction is not properly before the Appeal Court, as there is no Order

From which the Defendant Christopher Jones, has to request, as Defendant was dismissed from the action Defendant Jones is now stating before the Court.

And, Respondent is requesting the Court for an Injunction as to the Appellant and a Restraining Order as to Appellant and those whom Appellant Claims as parties.

As per I. DANGEROUS AND CHURCH SAFETY CONCERNS

Does not apply in this matter as the Defendant Jones and other parties have conveyed and Deed the Church real estate and property to another party.

No actions, if factual, here, as no action will be and are being repeated, by Respondent.

A. The security stated by Rule 65(c) has not been deposited with the Court.

B. As per II. PARTIES:

The listed parties are not and were not Officers of the original Church, The Truth

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Outreach of West Union, S. C. nor has party Harrison filed any appeal.

1. There is an action filed by Maria Davis as an Associated Paster of the Truth Outreach Church as the representative of said church.
2. The other persons named are not parties nor members of the Truth Outreach.

C. Section III. JURISDICTION AND VENUE

1. As was shown previously the Appellant here Christopher Jones, is not and can not represent the other parties as he is not a licensed attorney in S. C.
2. Defendant Jones is now again arguing the Court has jurisdiction after have previously argued the Court has no jurisdiction, Defendant Jones previously filed pleadings are of record.
3. As to the real estate property of the Truth Outreach Church that is located in Oconee County S. C.

D. Section IV. Facts

1. Defendant Jones is attempting to argue the facts that were part of the appealed Case before the Court of Appeals, to determine the basis for the Temporary Restraining Order, the facts as stated have been previously answered and disputed.
2. The only relevant information as to this Motion is that there was attempted service on Defendant Jones and Defendant Wattleton-Jones, all during the

time the church was not in any service nor were those parties coming to or from the church.

3. As that was a one time service of process and does not bear repeating as the Served parties have Answered and otherwise responded to the service, there is no need to the Restraining Order or Injunction, as there is no requirement to serve the parties again.

E. As to APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

1. Respondent here would show that the service of process was valid and at no time disruptive.
2. Further, the process of service was because there are no other addresses for the parties served, except Post Office Box, that is shared by the appealing party with party Wattleton-Jones.
3. As to the emotional argument and the request for a hearing to settle the case that was believed settled by the Court ordering a return of the Church to Respondent.
4. Also, the Court has informed Appellant Jones that a licensed attorney has to represent the church, which Appellant Jones has failed to do and continues to do.

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5. The Respondent has been placed back into the Church but the Appellants have refused to allow the return.
 6. Defendant Appellants have sold the real property of the Church and appear to be in the process of selling the property of the original church.
- G. To have an injunction, the party must allege and show facts sufficient to constitute a Cause of Action for the injunction and demonstrate the injunction is reasonably necessary to protect the legal rights in litigation. Levine v. Spartanburg Regional Services District, Inc. 367SC458, 626SE2nd38(CA2005).
1. Respondent here is the only party that is able to show Respondent would and is suffering irreparable harm if the injunction is not granted, and Respondent is likely to succeed on the merits of the litigation, of which Appellant is unable to do, and further there is no adequate remedy at law. Grosshuesch v. Cramer 367SC1,623SE2nd833(2005).

For Respondent, but not for Appellant.
 2. Respondent requests the Court to balance the equities of the parties as to the particular facts of the case to determine that Respondent is entitled to the relief requested, not the Appellant.
- H. Respondent has demonstrated that irreparable harm is being done and continues to be done and that harm is continuing to be done by the Appellant unless an injunction is granted to Respondent and denied to Appellant.

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1. Respondent is informing the Court Respondent has no adequate means to regain the church as the Court has ruled the police authorities are not to be involved.
2. Respondent has demonstrated by the illegal deeding of the real estate of the Church; Respondent's church will have no real estate and no assets because of the actions of the Appellant(s).
3. Respondent has a likelihood of success on the merits. Appellant has illegally Conveyed the real party by an illegal deed. Appellants illegally forced out the Respondent Pastor of The Truth Outreach of West Union, SC not by ecclesiastical means, but by reliance on the authorities not being involved, which has already been shown by the Court ruling that the previous suit was dismissed with prejudice.
 - a. Respondent seeking this preliminary injunction, does not have to prove an absolute Legal right, Respondent need only present a fair question to raise the existence of such a Right. Levine367SC465/626SE2nd42
 - b. A Court may consider the merits of the case to an extent necessary to determine if a Temporary injunction is appropriate Helsel v. City of North Myrtle Beach 305SC29, 413SE2nd824(1992).

Appellant(s) Jones "took over" the church and have denied access to the church to the Respondent. Appellant(s) have taken assets of the Church for

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their own property. Respondent is entitled to the issuance of an injunction based on the likelihood of proving the Appellant(s) actions.

4. Respondent does not have an adequate remedy at law, as the assets of the church have been taken and continue to be taken even though Appellant(s) Jones were dismissed from their suit with Prejudice.
5. An equitable injunction rather than a remedy at law is necessary as the ownership of the real property and assets are at issue, with Respondent having no remedy. Grosshuesch v. Cramer 367SC1/623SE2nd833(2005).
 - a. Preservation of property at issue until the case has been adjudicated is the “quintessential hallmark of an injunction”, whereas the legal remedy of Attachment Involves the Court taking jurisdiction of the assets as security for a judgment.
 - b. The assets here, both real and personal are those of the Truth Outreach church represented by Respondent.

THEREFORE Respondent is requesting the Court issue a temporary injunction, enjoining Appellant(s) from, withdrawing, liquidating, transferring or otherwise having access to the assets of the Truth Outreach by Respondent and, by the placement of the Respondent as the Pastor of the Truth Outreach as the Truth Outreach was January 1, 2016, with the real estate being restored to the Truth Outreach as also the assets of the Truth Outreach, during this matter.

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Further, Respondent requests that the Court not to order the posting of any bond for the Respondent, as the Respondent has no funds since removal from the Church by Appellant(s) Jones and the Truth Outreach Church of West Union, S. C. has no funds.

RESPECTFULLY SUBMITTED:

I SO MOVE;

Date: Sept. 25, 2018

s/JAMES P. O'CONNELL
Respondent's Attorney James P. O'Connell 4259
139 Grace Drive, Easley Sc 29640
Phone 864-220-0005 & 498-7210
jpatrickoconnell@yahoo.com

SEPTEMBER 25, 2018

ATTORNEY FOR RESPONDENT

OTHER COUNSEL OF RECORD:

NONE, PRO SE APPELLANT, Christopher Jones
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September 25, 2018

Clerk South Carolina Court of Appeals
Attn: Clerk of Court Jenny Abbott Kitchings
Attn: Clerk of Court Kitchings
1220 Senate Street
Columbia, South Carolina (SC) 29201
Post Office Box 11629
Columbia, South Carolina (SC) 29211

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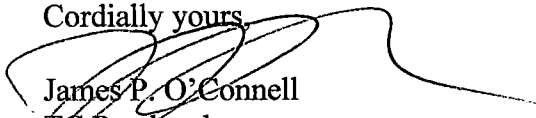
RE: Mitchell Eugene Davis aka Mitch Davis aka Michael Davis, Respondent
v. Susan Harrison and Christopher Jones, Plaintiffs of whom Christopher Jones is the
Appellant Appellate Case. No. 2018-000625

Dear Clerk V. Claire Allen: or, Clerk of Court, Jenny Abbott Kitchings:

- A. Find here enclosed for clocking in and recording for filing, the Repondent's
- B. Return, to the Motion for a Temporary Restraining Order and Temporary
Injunction of Appellant Jones.
- C. The Certificate of Service or Affidavit of Service is also here being filed of
Record. Also, the cover letter for the Return being served is here attached.

Advise promptly in writing.

Cordially yours,


James P. O'Connell
LC Paralegal
encls as stated
cc as indicated

James P. O'Connell, Esquire
Attorney at Law
139 Grace Drive
Easley, SC 29640

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