

88165

STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

OCT 24 2018

SC Court of Appeals

Susan Harrison, Christopher Jones, Connie McKee,  
and Desimber Wattleton-Jones, Plaintiffs,

Of Whom Christopher Jones and Desimber Wattleton-Jones,  
Are the Appellants

v.

Mitch Eugene Davis a/k/a Mitch Davis a/k/a Michael Davis,  
Respondent

APPELLATE CASE NO. 2018-000625

APPELLANT’S MOTION FOR VOLUNTARY DISMISSAL  
AND MEMORANDUM IN SUPPORT

NOW COMES Appellant, Desimber Wattleton-Jones, and moves this Court to dismiss the above-captioned case pursuant to Federal and South Carolina Rules of Civil Procedure 41(a)(2).

**MEMORANDUM IN SUPPORT**

**I. FACTUAL SUMMARY**

The facts leading to this action have been presented to the Court previously in extensive detail and will be summarized here much more briefly:

On Sunday, January 31<sup>st</sup>, 2016, the Respondent Michael Davis was asked to step down from the position of Pastor of The Cornerstone Cathedral, formerly known as The Truth Outreach of West Union. Mr. Davis refused to step down and was therefore terminated according to the Constitution and By Laws for multiple violations of Moral Turpitude, including but not limited to Adultery, Fornication, Misappropriation of Funds, and Conduct Unbecoming of a Pastor.

On February 1<sup>st</sup>, 2016, the Appellant, Desimber Wattleton-Jones, along with Appellant, Christopher Jones, and Plaintiff Susan Harrison, filed suit against Mr. Davis requesting a Declaratory Judgment regarding the vote to terminate Mr. Davis as Pastor. Throughout the course of litigation, Judge J. Cordell Maddox determined that the Church itself should be represented by an attorney although the lawsuit was filed by Pro Se Plaintiffs.

On February 22, 2018 Judge Maddox issued an oral Order for the Plaintiffs to retain an Attorney to appear on behalf of the church within twenty (20) days of the hearing or the case would be dismissed. Plaintiffs made a good faith effort to retain an attorney on behalf of the church but were not able to secure an attorney at a reasonable rate prior to the deadline.

On April 5, 2018 Judge Maddox filed an Order for Dismissal written by the Respondent's attorney, James P. O'Connell. This Order consisted of multiple stipulations Judge Maddox neither requested nor stated he would effectuate during the hearing held on February 22, 2018. Specifically, the Order for Dismissal With Prejudice stated:

The above filed suit or action is hereby dismissed with prejudice, pursuant to the Rules of South Carolina Civil Procedure, and, as Ordered by the Court, from the Motion hearing of February 22, 2018; and Further, that the displacement of and removal of the Defendant as Pastor is reversed and that Defendant Pastor is the Pastor of congregation as existed at the time of the Defendant Pastor being removed.

Further Pastor Mike Davis will have all rights, duties and obligations of the Pastor of the Congregation as the congregations existed at the time and date of removal and will be the Pastor of the Congregation as the congregation existed at the time and date of removal and will be the Pastor of the church and all property of the church as existed at the date and time of removal.

Any police agency is authorized to aid Pastor Mike Davis with reinstatement and into the physical possession of the property of the congregation and church as existed the date and time of removal.

On April 9, 2018 a Notice of Appeal was filed by Appellant Christopher Jones, and on April 13, 2018 a Motion to Stay was filed. On April 27, 2018 the Motion to Stay was granted. On May 9, 2018 a Notice of Appeal was filed by Appellant Desimber Wattleton-Jones and the Appeals were

consolidated. Enclosed is a copy of the Notice of Appeal outlining in detail the grounds upon which the Appeal was filed, with the most pertinent causes summarized as follows:

Trial Court erred in the Order of a Judgment With Prejudice in favor of the Respondent based solely upon the lack of appearance of an attorney for Pro Se Plaintiffs, even though the Honorable Karl B. Allen, esq. did make an appearance on behalf of the Plaintiffs with Respondent's Counsel.

The Trial Judge erred in reversing the proper votes held by the Appellate and the Congregation to terminate the Respondent as Pastor according to its Constitution and By Laws and existing precedent in cases similarly situated.

The Trial Judge erred in conveying rights to the Respondent regarding property not owned or governed by the Respondent and not addressed in the original complaint, but previously owned by The Cornerstone Cathedral and currently owned by The Rural Economic Development Corporation.

The Trial Judge erred in accepting the Order As Written by the Respondent's Counsel, which served as a wholly unmerited judgment in favor of the Respondent without a single hearing heard by the Honorable Judge Maddox or the requested Jury regarding the Merits of the case.

By virtue of the Order by the Honorable Judge Maddox, the church was essentially reformed by the Court as a Hierarchal Church, whereby the Respondent, Michael Davis, can simply declare all members who voted for his termination are no longer members and govern the church as the highest authority, when by admission of the Respondent's counsel, the church was established as and continues to be a Congregational Church, with the Congregation Itself being the Highest Authority. This act was a clear overreach by the Honorable Judge Maddox, as it blurred the lines between the Separation of Church and State and violated the Church's Constitutional Right to govern itself.

On May 14, 2018 the case was Ordered by the Honorable Judge Stephanie P. McDonald to be remanded to the circuit court, with the appeal to be held in abeyance, and the Stay to remain in effect pending the circuit court's issuance of an order in this case.

On June 4, 2018 the Honorable Judge J. Cordell Maddox held a hearing, at which he stated the hearing was scheduled to correct on the record any references to restoring the Respondent Michael Davis to any positions or possession of any property with assistance from Law Enforcement. Judge Maddox stated that he did not read the entire Order as submitted by Mr. O'Connell, and that the

Order was intended to be purely administrative in nature, based solely upon the fact that an Attorney had not appeared on behalf of the church itself. Judge Maddox notified all parties that the Order issued on April 5, 2018 would be amended accordingly.

On August 22, 2018 Judge Maddox issued an Amended Order Of and For Dismissal, a copy of which is enclosed. This Amended Order removed all references to restoring Mr. Davis to any position at The Cornerstone Cathedral and removed all references to the property. On, August 31, 2018 Mr. James P. O'Connell filed a Motion to Reconsider which requested that Judge Maddox revise the Order to reinsert the language regarding the position of Mr. Davis and the possession of the property, specifically stating:

“That order issued and recorded as earlier noted, removed all references to the placement of Defendant back into the Church. The removal of those points and Order is the subject of this Motion. The parts of the newly filed Order completely removed the re installation of Defendant. Pursuant to the rules of Civil Procedure that removal of the language of the Order which was not the Order of the Court must be placed in this Order for Defendant's to regain the Church as the Plaintiffs action was dismissed with prejudice.

On September 24, 2018 The Honorable J. Cordell Maddox filed again an Amended Order Of and For Dismissal dated September 14, 2018, identical to the previous Amended Order for Dismissal, which again Ordered the case Dismissed With Prejudice as of September 24, 2018 and included a letter from Cindy Hicks, Judge Maddox's Administrative Assistant, dated September 21, 2018, addressed to The Honorable Beverly Whitfield, Oconee County Clerk of Court, which requested that a certified copy of the Order be provided to the attorney(s) of record.

## **II. STANDARD FOR DECISION**

Ordinarily, a plaintiff is entitled to a voluntary dismissal without prejudice as a matter of right, unless there is a showing of legal prejudice to the defendant. *Moore v. Berkeley County*, 290 S.C. 43, 44, 348 S.E.2d 174, 175 (1986); *Gulledge v. Young*, 242 S.C. 287, 291, 130 S.E.2d 695, 697 (1963). If no legal prejudice exists, the trial judge has no discretion with respect to granting a dismissal without prejudice.

It is Mr. O'Connell who requested that the case be Dismissed With Prejudice, it is Mr. O'Connell who submitted the original Order Of and For Dismissal to be filed by Judge Maddox, and it is Mr. O'Connell that requested that the Appeal be Dismissed. It is not conceivable that the Voluntary Dismissal of this Appeal by the Appellant would prejudice the Respondent in any way given the Respondent's attorney has previously sought the dismissal of the same.

### **III. ARGUMENT**

#### **a. There Is No Longer a Live Case or Controversy Before The Court**

The jurisdiction of the appeals court extends to live cases and controversies. See U.S. Const. art. III, S 2. That requirement persists throughout all stages of the litigation. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 67 (1997) ("[A]n actual controversy must be extant at all stages of review."); *McAlpine v. Thompson*, 187 F.3d 1213, 1216 (10<sup>th</sup> Cir. 1999). A federal court lacks jurisdiction "to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue before it." *Church of Scientology v. United States*, 506 U.S. 9, 12 (1992). If an order in plaintiff's favor would do no good or serve no purpose, the appeal is moot.

The primary issues raised in the Appeal have been adjudicated by Judge Maddox with the Amended Order of and for Dismissal With Prejudice filed by Judge Maddox on August 22, 2018 and again on September 24, 2018. The Order as Amended by Judge Maddox removed all stipulations that would have given the Respondent Michael Davis a legal right to return to the Position of Pastor or take possession of the property located at 185 Cornerstone Drive in West Union, South Carolina. As affirmed by Mr. James P. O'Connell, the Respondent's attorney, the Amended Order "removed all references to the placement of Defendant back into the Church...The parts of the newly filed Order completely removed the re installation of Defendant." Therefore, an Order by the Appeals Court to do the same would be ineffective.

#### **b. Neither of the Narrow Exceptions to the Mootness Doctrine Apply**

There are two narrow exceptions to the Mootness Doctrine: the "voluntary cessation" exception and an exception for matters "capable of repetition, yet evading review." Neither exception applies here. While an Appellant may render a controversy apparently moot by voluntarily altering its conduct, the "voluntary cessation" exception arises where "despite the apparent demise of the controversy, its resolution has a reasonable

chance of affecting the parties' future relations." *Clarke v. United States*, 915 F.2d 699,703 (D.C. Cir. 1990). In this matter, neither would apply as the original case has already been Dismissed With Prejudice, with the Issues that gave rise to the Appeal having been Amended, and once again filed following the Respondent's Motion to Reconsider, thereby completely adjudicating the case and all associated matters with the Dismissal With Prejudice on September 24, 2018.

#### IV. CONCLUSION

The Amended Order of and for Dismissal With Prejudice filed by The Honorable Judge J. Cordell Maddox, whereby all references to the restoration of the Respondent to any position at The Cornerstone Cathedral and possession of the property were removed, have rendered this Appeal Moot. There is no action the Appeals Court could feasible take to further resolve the Issues brought forth in the Appeal by the Appellant. Therefore, Appellant Desimber Wattleton-Jones requests that the Honorable Judge Stephanie P. McDonald issue an Order for the Dismissal of this Appeal.

October 23, 2018

Respectfully,  


---

Desimber Wattleton-Jones  
Appellant Pro Se  
P.O. Box 1064  
Greenville, S.C. 29602  
864-999-8237

cc: James P. O'Connell  
139 Grace Drive  
Easley, SC 29640  
Attorney for Respondent

Christopher Jones  
Appellant, Pro Se  
Post Office Box 1064  
Greenville, SC 29602

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
  
SUSAN HARRISON AND )  
CHRISTOPHER JONES )  
  
V )  
  
MITCH EUGENE DAVIS AKA MITCH )  
DAVIS AKA MICHAEL DAVIS, )

IN THE COURT OF COMMON PLEAS  
TENTH JUDICIAL CIRCUIT

201~~6~~-CP-37-00060

AMENDED

ORDER OF AND FOR DISMISSAL

THE UNDERSIGNED, the attorney for the Defendant, based upon the oral Order of the Court, Honorable Cordell Maddox, issued from the bench, February 22, 2018; that Plaintiffs had to have an attorney of record within twenty (20) days of the date of the hearing or the suit would be dismissed with prejudice.

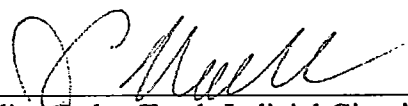
Defendant giving due credit to the oral order, Defendant states by the Order, issued from the Bench at the Motion Hearing February 22, 2018, that the period of time as Ordered by the Court has expired and neither the Court nor the Defendant's attorney has received any written communication from any South Carolina licensed attorney stating the representation of the Plaintiffs, the Court, that the Plaintiffs had spoken to an attorney and were engaging an attorney for this action.

The Court ORDERS, ADJUDGES, and DECREES:

The above filed suit or action is hereby dismissed with prejudice, pursuant to the Rules of South Carolina Civil Procedure

AND IT IS SO ORDERED!

Dated: 13, 2018  
Oconee, South Carolina

  
\_\_\_\_\_  
Presiding Judge Tenth Judicial Circuit

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Honorable J. Cordell Maddox, Circuit Court Judge

Case No. 2016-CP-37-0060

Mitchell Eugene Davis,  
aka Michael Davis

Respondent

v.

Desimber Wattleton-Jones

Appellant

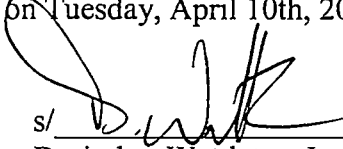
RECEIVED  
MAY 11 2018  
SC Court of Appeals

df

NOTICE OF APPEAL

Desimber Wattleton-Jones, appeals the order of the Honorable J. Cordell Maddox dated Thursday, April 5, 2018. Appellant received written notice of this order via U.S. Mail from the Oconee County Court of Common Pleas on Tuesday, April 10th, 2018.

May 9, 2017

s/   
Desimber Wattleton-Jones  
Post Office Box 1064  
Greenville, SC 29602  
(864) 999-8237  
Appellant-Pro se

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

May 4, 2018

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

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

RE: Mitchell Eugene Davis aka Michael Davis, Respondent,  
v. Desimber Wattleton-Jones, Appellant, Case No. 2016-CP-37-0060

Dear Ms. Kitchings:


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

1. A Money Order for \$100.00 for the required fee.
2. Proof of service of the notice of appeal on the respondent[s].
3. A copy of the order[s] [judgment] which is [are] to be challenged on appeal.

This appeal is being filed with the South Carolina Court of Appeals because, upon information and existing facts pertaining to Case No. 2016-CP-37-00600, Appellate asserts:

- 1) The Appellant has been directed by The Honorable Judge McDonald to file a motion pursuant to Rule 240 of the South Carolina Appellate Court Rules if she wishes to address the court or seek remedy regarding the referenced case.
- 2) The Order for Dismissal With Prejudice of the referenced case which was written and submitted by the Respondent's attorney, was Improper, included Blatantly False and Misleading Statements, and was not signed by the Honorable Judge before the Final Order was submitted to the Clerk of Court (enclosed).
- 3) Trial Court Lacked Subject Matter Jurisdiction to hear and decide the case.
- 4) The Merits of the case were never heard before the Trial Court.
- 5) Trial Judge erred in dismissing the case With Prejudice without deciding the case on the Merits.
- 6) Appellant's prior Motions that were duly filed and recorded by the Trial Court were never heard.
- 7) Trial Court erred in requiring an attorney to appear for Pro Se Plaintiffs in the instant matter.
- 8) Trial Court erred in the Order of a Judgment With Prejudice in favor of the Respondent based solely upon the lack of appearance of an attorney for Pro Se Plaintiffs, which the Honorable Karl B. Allen, esq. did make an appearance on behalf of the Plaintiffs with Respondent's Counsel.
- 9) The Trial Judge erred in reversing the proper votes held by the Appellate and the Congregation to terminate the Respondent as Pastor according to its Constitution and By Laws and existing precedent in cases similarly situated.
- 10) The Trial Judge erred in conveying rights to the Respondent regarding property not owned or governed by the Respondent and not addressed in the original complaint, but previously owned by The Cornerstone Cathedral and currently owned by The Rural Economic Development Corporation.
- 11) The Trial Judge erred in accepting the Order As Written by the Respondent's Counsel, which served to grant an undeserved and unmerited judgment in favor of the Respondent without a single hearing heard by the Honorable Judge Maddox or the requested Jury regarding the Merits of the case.

- 12) By virtue of the Order by the Honorable Judge Maddox, the church was essentially reformed by the Court as a Hierarchal Church, whereby the Respondent, Michael Davis, can simply declare all members who voted for his termination are no longer members and govern the church as the highest authority, when by admission of the Respondent's counsel, the church was established as and continues to be a Congregational Church, with the Congregation Itself being the Highest Authority. This act was a clear overreach by the Honorable Judge Maddox, as it blurred the lines between the Separation of Church and State and violated the Church's Constitutional Right to govern itself.
- 13) The Honorable Judge Maddox entered the Order of Dismissal based upon the grounds that the Plaintiffs either did not retain an attorney or did not notify the court or the Respondent's Counsel that an attorney was involved on behalf of the Plaintiffs, which is incorrect. The Respondent's Counsel has admitted to being in contact with the Honorable Senator Karl Allen, Esq., who both spoke to and wrote to the Respondent's Counsel on behalf of the Plaintiffs on multiple occasions in the weeks prior to the Order. The Order as written by the Respondent's Counsel actually states this did not happen and does not even mention that this is the reason for the Order, but instead served to act not as a mere Dismissal, but an actual Judgment in favor of the Respondent by virtue of the directives therein.
- 14) Respectfully, although the Court may not have been aware that the Respondent's Counsel was in communication with an Attorney corresponding on behalf of the Plaintiffs, there existed a duty of the Court, and specifically the Honorable Judge Maddox, to at minimum:
  - a. provide an actual Written Order clarifying the directives and consequences of the Oral Order prior to issuing a Dismissal With Prejudice;
  - b. hold a status hearing to receive an update on the progress of the Oral Order for the Pro Se Plaintiffs to retain an attorney;
  - c. hold a hearing for the Plaintiff's Motion for Dismissal based upon Lack of Subject Matter Jurisdiction (enclosed), which was Paid For and duly Submitted to the Court by the Plaintiffs on March 2nd 2018, an entire month prior to the Order; and
  - d. verify the statements in the Order written by Mr. O'Connell were factually true, prior to accepting the Order As Written by the Respondent's Counsel, to ensure that the Order itself was relevant to the issues being litigated, legally and ethically sound, and did not violate the Constitutional or Civil Rights of either party, which the Court failed to do.
- 15) The statements in the Order for Dismissal With Prejudice, granted by the Honorable Judge Maddox, are Categorically False, the directives are unrelated to the case matter, and the intent of the Order is completely flawed, unjustified, and unethical as it was written not by The Honorable Judge Maddox, but by Mr. James P. O'Connell, in order to secure an unmerited judgement in favor of the Respondent.

Sincerely,  
  
s/ \_\_\_\_\_  
Desimber Wattleton-Jones, Appellant  
Post Office Box 1064  
Greenville, SC 29602  
(864) 999-8237

cc: James P. O'Connell  
139 Grace Drive  
Easley, SC 29640  
Attorney for Respondent

Christopher Jones  
Post Office Box 1064  
Greenville, SC 29602  
Appellant, Pro Se

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF OCONEE )  
 )  
SUSAN HARRISON and )  
CHRISTOPHER JONES, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MITCH EUGENE DAVIS, aka )  
Mitch Davis aka Michael Davis, )  
 )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT

Civil Action 2016-CP-37-0060

NOTICE OF and MOTION  
to RECONSIDER, and or  
CHANGE and or AMEND

**PLAINTIFFS, YOU WILL PLEASE TAKE NOTICE, THAT Attorney for Defendant, has been requested to file, this Motion to Reconsider, Change and or Amend: to PLAINTIFFS and their Attorney.**

PLEASE TAKE NOTICE The Defendant will move before the Ordering Judge for the Court above indicated on the tenth (10<sup>th</sup>) day after service hereof or at such other time and place as is convenient to the court and for an Order pursuant to South Carolina Rules Civil Procedure Rule 52(b) Court may amend the Court's findings, make additional findings, and may amend the Judgment accordingly, with Rule 59(e) as to filing within 10 days of receipt of the Order from the Clerk of Court:

The DEFENDANT, requests the Court and hereby moves the Court to Reconsider, Alter and or Amend the Order of the Court that was issued by the Court recorded August 22, 2018, as the revised or new Order does not have a month assigned in the signature block for the hearing Judge.

1. Defendant did understand from the Motion hearing based on the Appeals Court requesting the issuing Judge confirm and or alter, alter or amend the issued Order of February 22, 2018 filed April 5, 2018, which indicated that the Defendant was to be returned to and placed in the church as Defendant was Pastor January 2016.
2. That Motion hearing from the Appeals Court was heard on June 4, 2018, and the Court informed that the Judge would only remove from the Order issued April 5, 2018 was the part as to law enforcement placing Defendant in the Church. See attachment hearing cover sheet. Later the Judge requested from Attorney O'Connell a copy of the February 22, 2018 Motion hearing Order and then the Order the subject of this motion issued.
3. That order issued and recorded as earlier noted, removed all references to the placement of Defendant back into the Church.
4. The removal of those points and Order is the subject of this Motion. The parts of the newly filed Order completely removed the re installation of Defendant.
5. Pursuant to the rules of Civil Procedure that removal of the language of the Order which was not the Order of the Court must be placed in this Order for Defendant's to regain the Church as the Plaintiffs action was dismissed with prejudice.
6. The review of the Order filed with the Court June 5, 2018, indicates clearly that the Court only direct and Ordered the removal of the phrase and statement

that directed the provision "of law enforcement involvement".

7. Therefore the Order which is the formal Order of the Court should have only removed that same provision, and not any other provisions and conditions as to the placement of Defendant as the Pastor the the church as the church was of January 2016.

Respectfully submitted:

Upon information and belief there would be no good reason or belief that the Plaintiff would Negotiation this matter, per SCRCR Rule 11.

/JAMES P. O'CONNELL  
DEFENDANT'S Attorney  
James P. O'Connell  
139 Grace Drive  
Easley SC 29640  
Phone 864-220-0005 Fax 220-0005 & 498-7210  
tracycantrell@bellsouth.net

Date: AUGUST 30, 2018

Easley, SC

**OCONEE COUNTY COMMON PLEAS COURT  
HEARING COVER SHEET**

<b>JUDGE:</b>	J Cordell Maddox, Jr.
<b>DATE:</b>	06/04/2018
<b>DOCKET #:</b>	2016CP3700060
<b>NATURE OF HEARING:</b>	Judge To Amend Final Order
<b>PLAINTIFF:</b>	Susan Harrison; et al
<b>PLAINTIFF'S ATTORNEY:</b>	Pro Se
<b>DEFENDANT:</b>	Michael Davis; et al
<b>DEFENDANT'S ATTORNEY:</b>	James P O'Connell, Esq.

**NOTES:** Judge held hearing to amend Order of Dismissal filed 4/5/18; to remove provision of law enforcement involvement. Dismissal was an administrative dismissal. Judge to prepare amended Order of Dismissal.

**IF NO HEARING IS HELD PLEASE CHECK ONE OF THE FOLLOWING:**

- CASE CONTINUED
- DISMISSAL TO BE FILED
- OTHER

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
SUSAN HARRISON AND )  
CHRISTOPHER JONES )  
V )  
MITCH EUGENE DAVIS AKA MITCH )  
DAVIS AKA MICHAEL DAVIS, )

IN THE COURT OF COMMON PLEAS  
TENTH JUDICIAL CIRCUIT

2016-CP-37-00060

AMENDED

ORDER OF AND FOR DISMISSAL

THE UNDERSIGNED, the attorney for the Defendant, based upon the oral Order of the Court, Honorable Cordell Maddox, issued from the bench, February 22, 2018; that Plaintiffs had to have an attorney of record within twenty (20) days of the date of the hearing or the suit would be dismissed with prejudice.

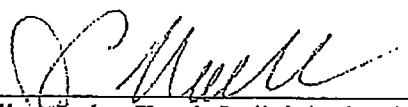
Defendant giving due credit to the oral order, Defendant states by the Order, issued from the Bench at the Motion Hearing February 22, 2018, that the period of time as Ordered by the Court has expired and neither the Court nor the Defendant's attorney has received any written communication from any South Carolina licensed attorney stating the representation of the Plaintiffs, the Court, that the Plaintiffs had spoken to an attorney and were engaging an attorney for this action.

The Court ORDERS, ADJUDGES, and DECREES:

The above filed suit or action is hereby dismissed with prejudice, pursuant to the Rules of South Carolina Civil Procedure

AND IT IS SO ORDERED!

Dated: 13, 2018  
Oconee, South Carolina

  
\_\_\_\_\_  
Presiding Judge Tenth Judicial Circuit

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS  
COUNTY OF OCONEE TENTH JUDICIAL CIRCUIT

2018 SEP 24 A 11:43

SUSAN HARRISON AND  
CHRISTOPHER JONES

2016-CP-37-00060

AMENDED

V

ORDER OF AND FOR DISMISSAL

MITCH EUGENE DAVIS AKA MITCH  
DAVIS AKA MICHAEL DAVIS,

THE UNDERSIGNED, the attorney for the Defendant, based upon the oral Order of the Court, Honorable Cordell Maddox, issued from the bench, February 22, 2018; that Plaintiffs had to have an attorney of record within twenty (20) days of the date of the hearing or the suit would be dismissed with prejudice.

Defendant giving due credit to the oral order, Defendant states by the Order, issued from the Bench at the Motion Hearing February 22, 2018, that the period of time as Ordered by the Court has expired and neither the Court nor the Defendant's attorney has received any written communication from any South Carolina licensed attorney stating the representation of the Plaintiffs, the Court, that the Plaintiffs had spoken to an attorney and were engaging an attorney for this action.

The Court ORDERS, ADJUDGES, and DECREES:

The above filed suit or action is hereby dismissed with prejudice, pursuant to the Rules of South Carolina Civil Procedure

AND IT IS SO ORDERED!

Dated: 9/14, 2018  
Oconee, South Carolina

  
\_\_\_\_\_  
Presiding Judge Tenth Judicial Circuit

Copies to:  
Atty \_\_\_\_\_ (P) \_\_\_\_\_ (D) \_\_\_\_\_  
DSS \_\_\_\_\_ other \_\_\_\_\_  
Mailed  Boxed \_\_\_\_\_ handed \_\_\_\_\_

ENTERED  
  
COMPUTER



State of South Carolina  
The Circuit Court of the Tenth Judicial Circuit

J. CORDELL MADDOX, JR.  
JUDGE

100 SOUTH MAIN STREET  
POST OFFICE BOX 8002  
ANDERSON, SOUTH CAROLINA 29622  
TELEPHONE: (864) 260-4636  
FAX: (864) 260-6348  
E-MAIL: cmaddox@scjd.state.sc.us

September 21, 2018

The Honorable Beverly Whitfield  
Oconee County Clerk of Court  
PO Box 678  
Walhalla, SC 29691

FILED OCONEE COUNTY, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT  
2018 SEP 21 A 11:43

Re: 2016-CP-37-60/Susan Harrison et al v Mitch Eugene Davis et al

Dear Honorable Whitfield:

Please find enclosed an order for the above referenced case that has been signed by Judge Maddox.

I would greatly appreciate it if you would file this in your office and provide certified copies to the attorney(s) of record.

Thank you for your assistance in this matter. With kindest regards,

Sincerely,

*Cindy Hicks*

Cindy Hicks  
Administrative Assistant  
Judge J. Cordell Maddox, Jr.

/ch  
enclosure

IN THE SOUTH CAROLINA COURT  
COURT OF APPEALS

Desimber Wattleton-Jones,

Appellant,

v.

Mitchell Eugene Davis,  
aka Michael Davis

Respondent

CERTIFICATE OF SERVICE

CIVIL ACTION NO.

CASE NO. 2018-000625

I, Desimber Wattleton-Jones, the Appellant-pro se, hereby affirm under the penalty of perjury that I have served by Email, Fax, U.S. Mail, or did cause the same to be hand delivered, a copy of the MOTION FOR VOLUNTARY DISMISSAL on the Respondents at the following address on Tuesday, October 23, 2018.

James P. O'Connell  
139 Grace Drive  
Easley, SC 29640  
Attorney for Respondent

The Honorable Clerk of Court  
Oconee County  
205 W. Main Street  
Walhalla, SC 29691

Christopher Jones, Appellant Pro Se  
P.O. Box 1064  
Greenville, S.C. 29602

**RECEIVED**  
OCT 24 2018  
SC Court of Appeals

October 23, 2018

Respectfully,



Desimber Wattleton-Jones, Appellant Pro Se  
P.O. Box 1064  
Greenville, S.C. 29602  
desimberrose@gmail.com  
864-999-8237