

STRITZINGER v SOUTH CAROLINA, ET ALL

IN THE 5<sup>TH</sup> JUDICIAL CIRCUIT

COLUMBIA, SOUTH CAROLINA

2018CP4002738

**NOTICE OF INTERLOCUTORY APPEAL TO THE SOUTH CAROLINA COURT OF APPEALS**

**Movant is appealing an Order of Continuance filed by Judge Burch in this case to the South Carolina Court of Appeals, as it included two motions which were denied as an operation of law.**

- 1) Movant has served the State of South Carolina with a pleading filed in this cause as Docket Entry #1, and self styled his own pleading, as Stritzinger v South Carolina, et ALL with Verizon, and Bank of America being the additional parties summarized due to employment complaints which the States Chief Labor Inspector found had to be tried in the Circuit Court of South Carolina
- 2) Movant then moved to amend his pleading to add personal issues with his children, and a divorce settlement agreement which the State of Texas has both refused to let him amend but also to file formal bills of exception allowed under TRCP270.
- 3) Movant filed a Motion attached as Exhibit A to continue, compel, and amend which has been granted in part, but denied in two parts. Movant believes that Judges Kelly, and Chief Judge Hood have denied his motions to amend his pleading, and to compel leaving only an appeal of two South Carolina Probate cases remaining, **and without any evidence to defend himself.** Movant believes this is in error as the probate cases cannot be argued without the testimony of experts from Bank of America and Verizon relating to career history, and specific issues which happened at both companies which have made employment more difficult.
- 4) Movant is seeking the court Overrule these denials on an interlocutory basis noting it has been less than 15 days, since the standard Texas mark of seventy five days since a hearing has been made, **and believes that Judge Kelly in an open court room stated he believed the same principal applied. In other words Judge Kelly implied that Judge Hood had denied his two other motions from the bench.**

- 1) South Carolina Rules of Civil Procedure – 52
- 2) Texas TRCP 329b(c). If the trial court has signed an order denying a motion for new trial or a motion to modify, correct, or reform the judgment—or if such a motion has been overruled by operation of law—the trial court loses plenary power over the judgment thirty days after the motion was denied / overruled. See TRCP 329b(e). So, if a party files a timely motion for new trial, and that motion for new trial is overruled by operation of law 75 days after the judgment was signed, the trial court judge could nevertheless grant a motion for new trial as long as the judge does so by 105 days after the judgment was signed.

Signed this 28<sup>th</sup> day of November 2018

John S. Stritzinger

2018 NOV 30 AM 11:14  
JEANNETTE W. BRIDE  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

RECEIVED  
DEC 07 2018  
SC Court of Appeals

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeannette W. Bride*  
C.C.P. & G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STRITZINGER v SOUTH CAROLINA

CAUSE: 2018CP4002738

{ IN THE CIRCUIT COURT OF SOUTH CAROLINA  
{ 5<sup>TH</sup> JUDICIAL CIRCUIT  
{ COLUMBIA, SOUTH CAROLINA

2018 JUN 19 PM 1:58  
JEANETTE W. McBRIDE  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

**MOTION FOR TEMPORARY ORDERS & SUBPOENA TO VERIZON FOR DISCOVERY**

- a) Movant seeks a subpoena issued to Verizon for his work related electronic records ~~at the company, movants submitted expense reports, all signed agreements in any form,~~ and a position order for Verizon to file a specific statement on what contracts if any it believes are in force.
- b) Movant seeks for the court to set a review hearing to review Verizon's obligations thereafter under contract to provide counsel and legal support.
- c) Movant seeks for the court to lift his work-related suspension so that he can return to work at Verizon until Bank of America can respond.
- d) Movant seeks a trial set for the soonest available date at the conclusion of the discovery period.
- e) Movant seeks the court to enter a discovery control plan, and trial plan of record.
- f) Movant seeks a summons to each party.

**NOTICE OF MATERIAL BREACHES**

- 1) Movant notes that Verizon's bad behavior in this case included illegal surveillance being applied to a US Citizen which meets the standard of 8<sup>th</sup> amendment violations for torture, ordering an employee to provide the intellectual property of another public company in tangible form as a condition for continued at-will employment, and a wrongful suspension following a visit to a Charleston-area subcontractor for Verizon which resulted in the erroneous reporting of a rental car stolen in the State of Florida as grounds for suspension while the trial proceeded.
- 2) Movant has reason to believe Verizon used a GPS device to track a family vehicle into an Amtrak lot to have the car towed so that he would not make a trial date in Virginia Beach. At the trial Verizon's outside counsel asked for a dismissal of his employment cause which was granted and then reset in the Circuit Court of Virginia in Cause CLI4-4663.
- 3) Movant believes the towed vehicle did not have a GPS device in it (Jetta) and using one was in violation of the Supreme Court Judgement in US v KARO. (Supreme Court: 1984) - 468 U.S. 705.

**PRAYER**

Movant prays for a summons to be issued, subpoenas, discovery control plan, and temporary orders lifting his work related suspension. Movant seeks back pay and notices a violation of Virginia Code 40.1.29.

STRITZINGER v SOUTH CAROLINA ET ALL

IN THE COURT OF APPEALS  
COLUMBIA, SOUTH CAROLINA

**EXHIBIT A**  
**CERTIFICATE OF SERVICE & DOCKETING STATEMENT**

Exhibits A-F have been served to Gregory Parker, Court Appointed Counsel for the State of South Carolina, Larry Smith (Richland County Attorney), David Crain(Verizon Outside Counsel), Amanda Groves(Bank of America Outside Counsel), and James Richardson at the addresses seen below on or before 12/7/2018 by facsimile, and email.

John S. Stritzinger /S

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**EXHIBIT B**  
**DOCKETING STATEMENT**

**DOCKETING STATEMENT**

- 1) Issues – Representation of Counsel, Original and Cross-Claims Consolidated on Appeal, 14<sup>th</sup> Amendment Violations of the US Constitution, and Issues which cannot be tried in the lower courts of South Carolina.
- 2) Appellant – John S. Stritzinger – 2156 Cresthill Rd, Columbia, SC 29223
- 3) Appellee's:
  - a) State of South Carolina – Attention Gregory Parker  
1722 Main St. Suite 302 Columbia, SC 29201  
greg@jerryreardonlaw.com
  - b) Richland County South Carolina – Attention Larry Smith  
**2020 Hampton St., Ste. 4018 Columbia SC 29204**  
Smith.Larry@richlandcountysc.gov
  - c) Bank of America – Via Counsel of Record –  
Ms. Amanda Groves  
300 South Tryon Street  
16th Floor  
Charlotte, NC 28202  
Phone: +1 704-350-7700  
Fax: +1 704-350-7800  
AGROVES@WINSTON.COM
  - d) Verizon – Via Counsel of Record –  
Mr. David Crain  
440 Monticello Ave, Norfolk, VA 23510  
(757) 628-5582  
DCRAIN@WILSAV.COM
  - e) Wright Family & Christopher Grant – Via Counsel of Record –  
Mr. James Richardson  
221 W 6th St, Austin, TX 78701  
(512) 482-8808  
JRICHARDSON@RICHARDSONBURGESS.COM

**RECEIVED**  
DEC 07 2018  
SC Court of Appeals

Sincerely,  
s/ John S. Stritzinger  
John S. Stritzinger  
2156 Cresthill Rd  
Columbia, SC 29223  
(843)352-3459  
Pro-Se & Appellant

STRITZINGER v SOUTH CAROLINA ET ALL

IN THE COURT OF APPEALS  
COLUMBIA, SOUTH CAROLINA

**EXHIBIT C**  
**ORDER OF CONTINUANCE – CHIEF JUDGE R. WOOD**

Chief Judge R. Hood from his office, requested that the Sitting Judge Mr. Paul Burch enter an order of Continuance, which effectively denied the other requested relief attached to the Motion Heard on this day.



Richland Common Pleas

**Case Caption:** John Stritzinger vs South Carolina  
**Case Number:** 2018CP4002738  
**Type:** Order/Electronic Form 4

So Ordered

s/Paul M. Burch, Judge #2048

Electronically signed on 2018-09-20 12:11:57 page 3 of 3

ELECTRONICALLY FILED - 2018 Sep 20 12:26 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4002738

**EXHIBIT D**

**ORDER OF DISMISSAL – SOUTH CAROLINA CIRCUIT JUDGE - KELLY**

After a reset, more than seventy five days after the initial hearing Appellant believes his relief was overruled as an operation of law, but even if it was not, the remaining relief was denied by Judge Kelly as seen below.

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Richland  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP4002738

John Stritzinger  
PLAINTIFF(S)

South Carolina  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other Action was not commenced per SCRPC 3(a).
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter is before the Court by way of a motion seeking certain relief as set forth in the motion filed 19 June 2018. The Court denies relief as prayed for and dismisses this matter, ex mero motu.

Plaintiff filed a Petition for Writ of Certiorari with the Clerk of Court for the County of Richland, State of South Carolina on 21 May 2018 and requested to file in forma pauperis. By order of the Court, Plaintiff's request was denied 22 May 2018. It is unclear to this Court as to whether or not Plaintiff thereafter paid filing fees as required. But, it is clear to this Court that additional filings in this matter have been filed by Plaintiff, pro se. And, it is clear to this Court that Plaintiff has failed to commence an action in this Court by filing and serving a Summons and Complaint in accordance with Rule 3(a), SCRPC. Until an action is pending, there is nothing a Court can do. Chabek v. Nationwide Mut. Fire Ins. Co., 303 S.C. 28 (1990).

The Court dismisses this case.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/29/2018 .

Stritzinger John for John Stritzinger  
South Carolina  
John Stritzinger for Stritzinger John

ELECTRONICALLY FILED - 2018 Nov 29 3:35 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4002738

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SC Court of Appeals



Richland Common Pleas

**Case Caption:** John Stritzinger vs South Carolina  
**Case Number:** 2018CP4002738  
**Type:** Order/Electronic Form 4

It is so Ordered.

s/ R. Keith Kelly - 2165

Electronically signed on 2018-11-29 13:07:49 page 3 of 3

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STRITZINGER v SOUTH CAROLINA ET ALL      IN THE COURT OF APPEALS  
COLUMBIA, SOUTH CAROLINA

**EXHIBIT E**  
**ORDER BY DUTH FORK(SC) MAGISTRATE ON VERIZON CLAIMS**

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

DUTCH FORK  
MAGISTRATE'S COURT

John S. Stritzinger

Movant

vs.

Verizon Federal and the United States Government

Respondents

2018 JUN -4 PM 3:41  
DUTCH FORK MAGISTRATE

After review, there is no venue or jurisdiction for this action in a South Carolina County Court. Therefore your action is returned as a dismissal.

Be it so ordered.

  
Melvin W. Maurer  
Magistrate

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SC Court of Appeals

June 4, 2018

STRITZINGER v SOUTH CAROLINA ET ALL      IN THE COURT OF APPEALS  
COLUMBIA, SOUTH CAROLINA

**EXHIBIT F**  
**MOTION TO PROCEED WITHOUT FEES**

Movant has been found insolvent in a similar case originating in the State of Florida, and requests this court waive fees for this proceeding with the Florida Circuit Judgement attached. The Florida 5<sup>th</sup> Court of Appeals, and the Florida Supreme Court have also entered identical orders which are not included.

John S. Stritzinger /S

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SC Court of Appeals

RECEIVED, 10/17/2018 9:00 A.M., Joanne P. Simmons, Fifth District Court of Appeal

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR SUMTER COUNTY, FLORIDA

JOHN S. STRITZINGER  
PLAINTIFF  
VS  
VERIZON ET AL  
DEFENDANT

CASE NO. 2018 CA 000031

BY \_\_\_\_\_  
CLERK OF CIRCUIT COURT  
D.C.  
2018 OCT 15 AM 11:36  
OFFICE OF CLERK OF CIRCUIT COURT  
SUMTER COUNTY FLORIDA

**ORDER OF INDIGENCY FOR PURPOSE OF APPEAL**

THIS COURT having reviewed and considered the Plaintiff's Application for Determination of Civil Indigent Status for the purpose of Appeal and it appearing there from that this Plaintiff is an indigent person, it is therefore, Upon consideration thereof,

**ORDERED AND ADJUDGED**, by the Courts as follows:

The Plaintiff be, and he is hereby declared to be indigent with the meaning of Florida Rules of Civil Procedure.

DONE AND ORDERED this 12<sup>th</sup> day of October, 2018, in Bushnell, Sumter County, Florida.

Michelle T. Morley  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS MAILED TO THE PLAINTIFF & DEFENDANT, THIS 17 DAY OF October, 2018.



GLORIA R. HAYWARD  
CLERK OF CIRCUIT COURT  
BY: Mona Hatchee  
DEPUTY CLERK

STRITZINGER v SOUTH CAROLINA ET ALL

IN THE COURT OF APPEALS  
COLUMBIA, SOUTH CAROLINA

**EXHIBIT G**  
**DESIGNATION OF THE RECORD ON APPEAL**

Appellant designates the record on appeal as follows:

- 1) Docket Entry #1 – Petition for Writ of Certorari filed in the District Court
- 2) Filing in the Circuit Court as Attached as Exhibit F.2 explaining the cross-claims which could not be tried in the Probate Court.
- 3) Order by SC Magistrate - Judge Maurer – Dutch Fork Magistrate stating the Cross-Claims with Verizon could not be tried in a County Court of law including the attached Petition.

John S. Stritzinger  
2156 Cresthill Rd  
Columbia, SC 29223

John S. Stritzinger /s

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211  
RE: John S. Stritzinger(Appellant) v State of South Carolina

**RECEIVED**  
DEC 07 2018  
SC Court of Appeals

Trial Court Case No. 2018-CP4002738

December 7<sup>th</sup>, 2018

Dear Ms. Kitchings:

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

- (1) Exhibit A –Proof of service of the notice of appeal on the respondent[s].
- (2) Exhibit B – Docketing Statement
- (3) Exhibits C, D & E - A copy of the order[s] which is to be challenged on appeal.
- (4) Exhibit F - A Motion to Waive Fees Based on a recent order of Insolvency from the State of Florida as Attached.
- (5) Exhibit G – Designation of the Record on Appeal
- (6) Exhibit H – Notice of Appeal – Certified by the Circuit Court Clerk of Richland County

Sincerely,  
s/John S. Stritzinger  
John S. Stritzinger  
2156 Cresthill Rd  
Columbia, SC 29223  
(843)352-3459  
jstritzinger33@gmail.com  
Pro-Se & Appellant

cc: Gregory Parker – State of South Carolina  
1722 Main St. Suite 302 Columbia, SC 29201  
(803) 602-5242

