

89073

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
FEB 19 2019
SC Court of Appeals

APPEAL FROM BEAUFORT AND FLORENCE COUNTY
Kenneth E. Fulp, Jr. Circuit Court Judge
Roger L Couch, Circuit Court Judge

Case Nos. 2016-ES-01-00302, 2016-CP-21-1435, 2015-ES-21-00778
Appellate Case No. 2017-002290

Deborah B. Harwell, Respondent/Appellant,

v.

Robert Bryan Harwell, individually and as the
Personal Representative of the Estate of
David W. Harwell; and the South Carolina
Department of Health and Environmental Control,
Division of Vital Records, Defendants,

Of whom Robert Bryan Harwell, individually
and as the Personal Representative of the
Estate of David W. Harwell is the Respondent/Appellant,

And the South Carolina Department of
Health and Environmental Control,
Division of Vital Records is the Respondent,

v.

Law Office of Deidre W. Edmonds, P.A.
And Deidre W. Edmonds, Individually,Appellants/Respondents.

**EMERGENCY MOTION FOR STAY UNTIL
COURT APPOINTS QUALIFIED COUNSEL**

The Pro Se Litigant (“Widow Harwell”) moves the court under Rule 240 to provide counsel to represent this lay, now impoverished, litigant. In order for Widow Harwell to have Due Process

and Representation in this matter; this honorable court needs to offset the influence of her step-son, Federal District Judge R. Bryan Harwell (“step-son”), who has directly through his counsels and indirectly through his position of potential negative influence on attorneys practicing in the state of South Carolina in litigation; has prevented Widow Harwell from obtaining qualified legal representation as documented below.

BACKGROUND

See Attached **Exhibit A**, which is a list of over 1,100 attorneys that were contacted and/or initially engaged to represent Widow Harwell in these matters. Widow Harwell spent and owes thousands of dollars in legal fees only to have these attorneys find reasons of conflicts not to take the case while keeping the retainers, some had executed engagement contracts and/or had verbally taken the case. Upon review, many said they found unnamed conflicts or were talked out of taking the case by Harwell’s counsel.

Step-son’s Council Kevin Barth, argued with Judge Fulp in Beaufort, not to let Widow Harwell have an attorney. Judge Fulp advised all parties on a joint conference call that it was being recorded and anyone could order a copy of the recording. Fulp issued a document saying that it had been recorded. See Attached **Exhibit B**.

Step-son’s attorney also contacted other counsel and persuaded them not represent Widow Harwell in a case brought by her step-son. Widow Harwell paid a \$250 consultation fee and a reliable Columbia, SC attorney agreed to represent her in the cases. After speaking with her step-son’s counsel, he decided he could not represent her because council advised him that he would not want do that because it was too contentious and would be too long. See Attached **Exhibit C**.

Unexpectedly, 48-hours before a lower court's case, Widow Harwell's attorney pulled out of her case with a contract in place and a \$5,000 retainer, with no explanation other than a text message saying a conflict had been found. **See Exhibit D.**

The "Step-Son" continued and still continues to pursue "Widow Harwell" in relentless actions of financial sanctions. The "step-son" drug court actions to Horry, Florence, Spartanburg, Beaufort, Marion and Charleston Counties, sometimes without notification to Widow Harwell. One Judge, formerly the Florence County Judge that Kevin Barth, esquire practiced before in Florence County, was chased all over the state. No testimony was allowed by that Judge. Even the most prestigious, faculty member of the USC Law School, traveled to Spartanburg to testify on his opinion that the wrong court had heard this case and he was disallowed to testify.

In a related action that denied Widow Harwell counsel, Widow Harwell hired former Horry County Probate Judge Deirdre Edmonds to get her name on her husband's death certificate, as required by SC Law. Her name was left off the Death Certificate as it was left out of the obituary. Her step-son sued Edmonds creating a conflict so she could not represent Widow Harwell. Direct testimony from Edmonds was also denied. All testimony was denied, even the testimony to clearly prove this case beyond a shadow of a doubt.

IMPACT

Widow Harwell, without representation and due to admitted errors by the Clerk of Court's office, has been unable to pursue or denied Due Process under the law in multiple areas in this case.

The following are three such examples, (1) Widow Harwell was unable to address the perceived inadequacies of documents left out of the Record on Appeal (i.e. her husband's will, the crust of

this case, that was included in lower court, until a Judge separated the two cases (2) Widow Harwell was unable to address resolving the issues in an amicable fashion with Mediation as stated in her step-son's filings, (3) Widow Harwell does not know how and is unable to prepare a final brief that the court is now requesting in this case as this complex legal matter that is far beyond her capabilities.

REMEDY

Widow Harwell humbly request the Court to appoint pro bono counsel to assist her in these matters, including but not limited to the three listed above. Widow Harwell seeks a Stay until such pro bono qualified counsel is obtained by the court and gotten up to speed so this court does not preclude a fair hearing of these matters necessitated by the actions or inactions of her step-son and/or are his proxies. Widow Harwell does not see that this request is outside of the filing deadlines set by Rule 211 of the South Carolina Appellate Court Rules; but if the Court sees it in that light; Widow Harwell requests permission to serve and file this Motion outside any applicable deadlines.

Thank you very much for your consideration.



Deborah B. Harwell, *Pro Se*
1459 River Highway
Mooresville, NC 28117

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served the counsel of record with a copy of the Emergency Motion For Stay Until Court Appoints Qualified Counsel by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Kevin Barth, Esquire
BARTH BALLENGER
PO Box 107
Florence, South Carolina 29503

Gena Phillips Ervin, Esquire
ORR, ELMORE & ERVIN, LLC
PO Box 2527
Florence, SC 29503-2527

Blake A. Hewitt
BLUESTEIN THOMPSON SULLIVAN, LLC
Post office Box 7965
Columbia, South Carolina 29202

Barber J. Wagner
M. Dawes Cooke, Jr.
BARNWELL, WHALEY, PATTERSON & HELMS, LLC
P.O. Drawer H
Charleston, SC 29402-0197

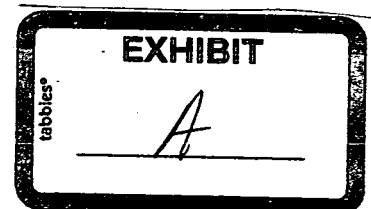
John Harleston
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29202

February 16, 2019

RECEIVED
FEB 19 2019
SC Court of Appeals

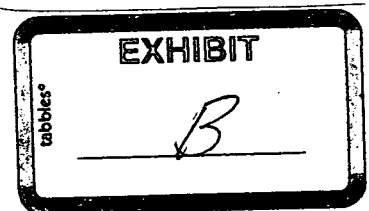
Deborah Harwell
Deborah Harwell, Pro Se
1459 River Highway
Mooresville, NC 28117

	A	B	C
1	Allen, Karl, Senator	Greenville, SC	
2	Andrews, Mark	Charleston, SC	
3	Aycock, Sam	Morganton, NC	
4	Ballard, Desa	Columbia, SC	
5	Black, Charles	Columbia, SC	
6	Black, Charles	Rock Hill, SC	
7	Bland, Eric	Columbia, SC	
8	Boyd, Reece	Surfside, SC	
9	Brittain, Tommy	Myrtle Beach, SC	
10	Brown, Andrew	Myrtle Beach, SC	
11	Brown, Melissa	Charleston, SC	
12	Collins Law Firm (2)	Monroe, NC	
13	Cox, George	Myrtle Beach, SC	
14	Derrick, Julaan	Conway, SC	
15	Diehl, Bill	Charlotte, NC	
16	Edmonds, Deirdre	Surfside, SC	
17	Fairey, Catherine	Greenville, SC	
18	Farrell, Forrest	Hickory, NC	
19	Fata, Nate	Surfside, SC	
20	Feldman, Stuart	Charleston, SC	
21	Foreman, Gregory	Charleston, SC	
22	Frazier, Melissa	Little River, SC	
23	Gilreath, Jim	Greenville, SC	
24	Gordon, Paul	Denver, CO	
25	Hamel, Martha	Pawleys, SC	
26	Harpoolian, Dick	Columbia, SC	
27	Hearne, George	Conway, SC	
28	Hedgepath, Lenette	Conway, SC	
29	Hodge, Charles	Spartanburg, SC	
30	Hodge, Maggie	Spartanburg, SC	
31	Howell, Gedney M. III	Charleston, SC	
32	Hutto, Scott	Georgetown, SC	
33	Jim Irvin	Myrtle Beach, SC	
34	Johnson, Pope	Columbia, SC	
35	Kennedy, Cathy	Columbia, SC	
36	Kirby, Angela	Columbia, SC	
37	Madden, Tim	Greenville, SC	
38	McElroy, James	Charlotte, NC	
39	McLaren, Jim	Columbia, SC	
40	Moore, V. Lee	Myrtle Beach, SC	
41	Mosteller, J.D.	Aiken, SC	
42	Payne, Connie	Rock Hill, SC	
43	Payne, Mitchell	Rock Hill, SC	
44	Pickelsimer, Max	Columbia, SC	



	A	B	C
45	Porterfield, Ashlin	Columbia, SC	
46	Provence, Tiffany	Summerville, SC	
47	Rosen, Robert	Charleston, SC	
48	Seagars, Charlie Andrews	Charleston, SC	
49	Silvernail, Adam	Columbia, SC	
50	Slotchiver, Dan	Charleston, SC	
51	Spitz, Jonathan	Columbia, SC	
52	Stokes, Debra	Charleston, SC	
53	Sgtrickland, Vance	Columbia, SC	
54	Swerling, Jack	Columbia, SC	
55	Varner, Alexadra	Charleston, SC	
56	Tall, Cliff	Myrtle Beach, SC	
57	Warner, Carrie	Columbia, SC	
58	Welsh, Cliff	Myrtle Beach, SC	
59	Whiting, Richard	Columbia, SC	
60	Wilson, Ralph	Conway, SC	
61	Wingate, Ken	Columbia, SC	
62	Wingate, Ken	Columbia, SC	
63	Wulfhorst, Tdd	Denver, NC	
64	Bland, Dave	Monroe, NC	
65	Mangum, Lisanne	Monroe, NC	
66	Forgot Name	Georgia Firm	
67	Forgot Name	Conway, SC	
68	Hearne, George	Conway, SC	
69	CONFLICTS		
70	550 Attorneys with		
71	Nelson-Mullins		
72	5 Attorneys with		
73	Ed Bell Law		
74	11 Attorneys with		
75	Harrison White PC		
76	150 Attorneys with		
77	McNair Law Firm		
78	190 Attorneys with		
79	Nexen Pruet		
80	115 Attorneys with		
81	Haynsworth Sinkler Boyd		
82	*All Law Clerks that		
83	became attorneys		
84			
85	1,079 attorneys		

A recording of the telephone
status conference of
May 27, 2016,
Case No. 2016ES0700302,
Estate of David W. Harwell,
is stored electronically.
Copies of the recording
are available, at cost,
upon proper request.



From: Deirdre Edmonds <dedmonds@dedmondslaw.com>
To: adobepalm <adobepalm@aol.com>
Subject: FW: Deborah B. Harwell 2016-DR-26-691
Date: Thu, May 12, 2016 4:08 pm

Debbie, please see the email below from Pope Johnson. I am so sorry to hear this and know you will be, too. Call me if you want to discuss the matter.

Deirdre W. Edmonds
Law Office of Deirdre W. Edmonds, PA
1500 Highway 17 N, The Courtyard Suite 213
P.O. Box 16064
Surfside Beach, SC 29587
O: 843-232-0654
M: 843-421-0408
Email: dedmonds@dedmondslaw.com
Website: <http://www.dedmondslaw.com/>

CONFIDENTIALITY NOTICE: The information in this electronic transmission contains, or may contain, information that is privileged or confidential, or otherwise legally exempt from disclosure. THIS ELECTRONIC TRANSMISSION IS INTENDED SOLELY FOR VIEWING BY THE RECIPIENT(S) NAMED ABOVE. If you receive this transmission but you are not a named recipient, or are not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this e-mail message in error, please notify us immediately by telephone or email transmission and delete this message from your computer files and destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law. If you are unsure whether you are an intended recipient, please contact the sender immediately contact the Law Office of Deirdre W. Edmonds, PA at (843) 232-0654.



From: Pope Johnson [mailto:pope@popejohnsonlaw.com]
Sent: Thursday, May 12, 2016 3:46 PM
To: dedmonds@dedmondslaw.com
Subject: FW: Deborah B. Harwell 2016-DR-26-691

Pope D. Johnson, III

Attorney at Law

1230 Richland Street

Columbia, SC 29201

803-799-9791

803-376-8965 (direct)

803-730-1078 (cell)

803-253-6084 (fax)

From: Pope Johnson
Sent: Thursday, May 12, 2016 3:45 PM
To: Adam Silvernail (asilvernail@mkb-law.com); 'dedmond@dedmondslaw.com'
Subject: Deborah B. Harwell 2016-DR-26-691

Adam and Deirdre, would you please forward this email to Deborah B. Harwell. I am not able to represent her in the above-referenced matter. The above-referenced matter is one of a number of actions pending. I understand that these matters are contentious. My schedule would not permit me to represent her in the

action.

Pope D. Johnson, III

Attorney at Law

1230 Richland Street

Columbia, SC 29201

803-799-9791

803-376-8965 (direct)

803-730-1078 (cell)

803-253-6084 (fax)

From: Adam T. Silvernail <asilvernail@mkb-law.com>
To: Deborah Harwell <adobepalm@aol.com>
Subject: Re: Harwell Estate
Date: Thu, May 12, 2016 5:39 pm

Mrs. Harwell:

I just left you a voicemail, but know that not everyone checks messages from strange numbers. Please call me on my cell at 803-528-6361 when you get a chance. I am in Charleston and heading to a dinner in a bit, but will call you back this even if I miss you.

I have some ideas.

Adam

Sent from my iPhone

On May 12, 2016, at 4:14 PM, Deborah Harwell <adobepalm@aol.com> wrote:

Contiguous would be the key word. He got that from Kevin. Guess he doesn't want to make Brian mad. I wish I could regain the time. He promised me. I am disappointed.

Deborah B. Harwell

On May 12, 2016, at 4:09 PM, Deborah Harwell <adobepalm@aol.com> wrote:

Well, after Pope said he would, he called Kevin and just called me to say he doesn't have time to handle it.

Deborah B. Harwell

On May 2, 2016, at 11:42 AM, Deirdre Edmonds <dedmonds@dedmondslaw.com> wrote:

Debbie's here now. She plans on driving to Columbia tomorrow morning early rather than today; to complete some tasks here. Is this ok?

Deirdre W. Edmonds

From: Deirdre Edmonds <dedmonds@dedmondslaw.com>
To: adobepalm <adobepalm@aol.com>
Subject: RE: Fwd: URGENT
Date: Tue, May 17, 2016 12:28 pm

I spoke to Adam. We will talk late this afternoon around 5 or so. He will call us.

Sent via the Samsung Galaxy S® 6, an AT&T 4G LTE smartphone

----- Original message -----

From: adobepalm@aol.com
Date: 5/17/2016 11:18 AM (GMT-05:00)
To: dedmonds@dedmondslaw.com
Subject: Fwd: URGENT

Unbelievable. I do not have my cell phone. I am at 843-796-1555

-----Original Message-----

From: Carrie Warner <carrie@carriewarner.com>
To: adobepalm <adobepalm@aol.com>
Sent: Tue, May 17, 2016 10:49 am
Subject: URGENT

Ms. Harwell,

After meeting with you yesterday and reviewing your file this morning, I came across a conflict that leaves me unable to represent you, unfortunately.

I realize this leaves you in a predicament given your hearing scheduled for Thursday.

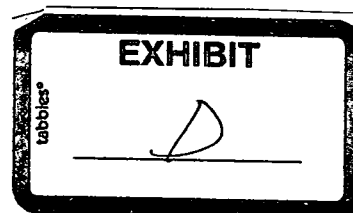
I would suggest you contact Jean Derrick in Lexington as a potential lawyer to handle your case seeing as though you will more than likely have multiple conflicts in your area.

I do not intend to cash your check and will hold it, together with your file, at my office for your retrieval at earliest convenience.

I will also attempt to phone you in an effort to get in touch with you

My apologies on this predicament.

Carrie



CARRIE WARNER
ATTORNEY AT LAW
803-470-6516

Carrie Warner, Attorney at Law
1101 B Street
Columbia, SC 29201
carriewarner.com

Eileen Spigner, Paralegal
Direct Line: (803) 799-3074
eileen@mclarenandlee.com

CONFIDENTIALITY NOTICE

This message (and any associated files) is intended only for the use of the individual or entity to which it is addressed and may contain information that is confidential, attorney-client and work product, subject to copyright or constitutes a trade secret. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this message, or files associated with this message, is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer. Messages sent to and from us may be monitored.

Enclosures

- (1) One Original Copy of Letters/Order
- (2) Six Copies of Letters/Order
- (3) One Copy of Letters/Orders to be Stamped and Returned to Pro Se Litigant
- (4) One Stamped Enveloped with Return Address to Pro Se Litigant
- (5) \$50 Money Order for SC Court of Appeals
- (6) Affidavit of Mailings

TO REUSE: Cover or mark through any sensitive information.

ORIGIN ID:SRWA (843) 458-3300
DEBORAH HARWELL
QUEENS LANDING
1459 RIVER HWY

SHIP DATE: 18FEB19
ACTWGT: 2.20 LB
CAD: 6998111/SSF01922

Part # 198297 435 HHSB2 Exp 12/18

MOORESVILLE, NC 28117
UNITED STATES US

BILL CREDIT CARD

TO HON DEP CLERK V CLAIRE ALLEN
SC COURT OF APPEALS
1220 SENATE ST

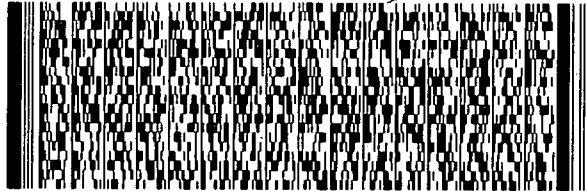
COLUMBIA SC 29201

(803) 734-1880

REF:

INV:

DEPT:



FedEx
Express



1610201061001617

TRK# 7855 5490 6987
0201

TUE - 19 FEB 10:30A
PRIORITY OVERNIGHT

XH USCA

29201
SC-US CAE

