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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

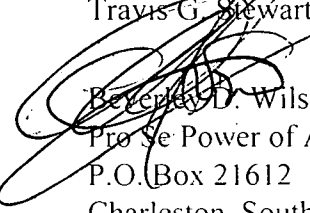
Appellate Case No. 2019-000422

)	MOTION AND MEMORANDUM
)	FOR LEAVE OF COURT TO AMEND
Aspyre Assembly Station, Respondent)	APRIL 12, 2019 NOTICE OF APPEAL'S
)	MEMORANDUM TO STAY
V.)	RESPONDENT'S WRIT OF
)	EJECTMENT, AND COMPEL RETURN
Travis Stewart, Appellant)	OF SCE&G UTILITIES, ADD
)	LITIGANTS TO COMPLAINT

Appellant Travis Stewart Motions the Court for Leave of Court to Amend the April 12, 2019 Notice of Appeal's Memorandum submitted April 12, 2019 due to extreme extenuating circumstances associated with repeated robberies of Appellant's home in Orangeburg, South Carolina resulting in \$150,000 to \$170,000 of items and difficulties securing proper investigation of and prevention of further thefts from same by the local police department. The repeated robberies worsened Appellant's PTSD and major depression resulting from the Assault and Battery Appellant suffered from Respondent 's Tiffany Maddox, assistant residential manager of Aspyre at Assembly Station, disrupted his academic studies at the University of South Carolina and prevented timely attention to an ability to adhere to the requests of the Court which were not known until April 11, 2019. Appellant begs the Court's forgiveness and permission to submit these documents to the Court.

Respectfully,


Travis G. Stewart, Appellant


Beverly D. Wilson, M.D.
Pro Se Power of Attorney for Appellant
P.O. Box 21612
Charleston, South Carolina 29413
Telephone: (803)724-7560

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Other Counsel of Record

Thomas I. Howard, Jr.
Brownlee Whitlow & Praet, PLLC

3255 Landmark Drive, Suite 301
North Charleston, South Carolina 29418
Attorney for Respondent
Telephone: (843)628-7120
Facsimile: (843)628-0847

SUBMITTED this 13th day of May 2019.

**NOTICE OF APPEAL FROM COURT OF COMMON PLEAS REGARDING A
FINAL ORDER AFFIRMING JUDGMENT ON APPEAL AND WRIT OF EJECTMENT
FROM MAGISTRATE'S COURT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appellate Case No. 2019-000422

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Walton J. McCleod, Circuit Court Judge

Appellate Case No. 2018-CP-40-04557

Caroline Streater, Magistrate Court Judge

Original Trial Case No. 2018CV4010800184

Aspyre Assembly Station, Respondent

V.

Travis Stewart, Appellant

AMENDED MEMORANDUM FOR NOTICE OF APPEAL

Travis Stewart appeals the Final Order of the Honorable Walton J. McCleod, Richland County Court of Common Pleas, issued February 15, 2019 Affirming Judgment on Appeal and the *Writ of Ejectment* issued by the Honorable Caroline Streater in Richland County

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Central Magistrate's Court August 21, 2018 in which Appellant was present. Appellant has received written notice of entry of Judge McCleod's Final Order Affirming Judgment on Appeal and the *Writ of Ejectment* and is timely filing this Notice of Appeal within the timeframe stipulated by South Carolina Appellate Court Rule 203.

Respondent executed the *Writ of Ejectment* August 24, 2018. The *Writ of Ejectment* was stayed during the pendency of that appeal. Appellant's rent was kept current during the pendency of the appeal and remains current. Respondent has committed actions consistent with disability discrimination against Appellant since February 2018, including assault and battery by Respondent's assistant manager Tiffany Maddox June 25, 2018 that precipitated an acute exacerbation of Appellant's spectral PTSD, which resulted in a prolonged course of hospitalization from June 25 to July 27, 2018, and prevented Appellant from attending summer school and receiving financial aid during summer 2018 at the University of South Carolina. These events have prevented Appellant from timely honoring his financial obligations to Respondent and have prolonged Appellant's tenure as a student at the University of South Carolina to complete his Master's of Science Degree in Biomedical Engineering.

Amanda Bidinger, now former assistant manager for the University of South Carolina's Office of Student Conduct, made false material statements to Appellant and Appellant's mother and engaged in obstructive actions while enforcing the University of South Carolina's re-enrollment policies which were/are in violation of the *American Disabilities Act Amended Act* and Section 504 of the *Rehabilitation Act* from January to April 2018. Ms. Bidinger's actions prevented Appellant's re-enrollment at the University of South Carolina for the Spring 2018 semester and Appellant's receipt of financial aid for the Spring 2018 semester which was

absolutely essential for Appellant to timely tender rent to Respondent for Aspyre Apartment 3106 and manage Appellant's other room and board expenses.

Additionally, Appellant lacked transportation to meaningfully pursue and engage in employment opportunities after recovery status post his hospitalizations in August to September 2017 and September to October 2017 because Respondent had Appellant's car towed from Aspyre's Garage during Appellant's September to October 2017 hospitalization despite the then manager Taylor (? Last name)'s assurance to Appellant's mother he would safeguard Appellant's interests that related to Aspyre during Appellant's hospitalization.

The Honorable Judge Harold Cuff, Olympia Magistrate Court, Denied Respondent's request to Execute the Writ of Ejectment and Granted Appellant's Petition for a Jury Trial in this matter April 16, 2018 subsequent to Appellant's payment of the requisite bond. Judge Cuff did not memorialize his April 16, 2018 Order Granting Appellant's Petition for Jury Trial to writing. The April 16, 2018 hearing was not recorded. Judge Streater asserted she telephoned the Clerk of Olympia Magistrate Court from her judge's chamber during court August 21, 2018 and "asked [that] clerk to recall to the best of her knowledge what Judge Cuff ordered/stated." Judge Streater subsequently returned to Court and asserted Judge Cuff did not Grant Appellant a Jury Trial and that the Clerk improperly transferred the Venue of the trial from Olympia Court to the Richland County Central Magistrate's Court without authorization by Judge Cuff. Judge Streater then forthrightly concluded Court August 21, 2018, Denied Appellant's Petition for a Jury Trial, and Denied Appellant's Petition for Leave of Court for Excusable Neglect due to technical difficulties resulting in 1 day of tardiness on 4 separate occasions, two of which were at the Olympia Court's directive, one was due to Appellant's engine failure and inability to get to

Court, and the fourth due to multiple motor vehicle accidents en route to Court Friday, August 3, 2019 resulting in Appellant failure to make his rental payment to the Court due to arrival a few minutes after 5:00 p.m. August 3, 2018. No extension was granted by Court to Appellant to tender his rental payment on the following Monday, when the 5th fell on a weekend.

Respondent's assistant managers Andy Walter and Tiffany Maddox have violated the *American Disabilities Act Amended Act* and *Fair Housing Act* and discriminated against Appellant due to his mental health disabilities and have openly admitted to Appellant's mother and Power of Attorney that Aspyre's refusal to renew Travis' lease was initially, according to Respondents' Maddox' and Walter's own words, "mainly for [Appellant's] failure to pay rent timely," "but, now, it's not about the money, we just don't want him here." Neither assistant residential manager of Aspyre retracted their statement when Appellant's mother informed each, individually, Appellant suffered from mental illness, was recovering, and was in outpatient therapy for his mental illness - even though Appellant's mother informed both their statements and actions were disability discrimination against Appellant due to his mental illness and were illegal.

Additionally, Respondent's attorney, Thomas I. Howard, Jr., materially falsely informed SCE&G that Appellant had been ejected from his Aspyre Apartment 3106 after being served the Notice of Appeal August 27, 2018. SCE&G subsequently assigned Appellant's utilities to a third party, South Carolina Student Rental Housing Authority October 19, 2018. Appellant is unable to tender his rent to SCE&G, is unable to and does not desire to engage in transactions for utility payments with Respondent Aspyre given Respondent Aspyre's history of discriminatory behavior, acts, and statements toward Appellant.

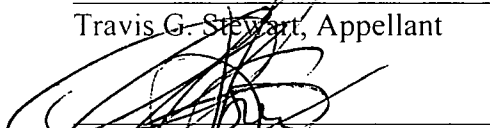
Appellant is in his final year of study as a graduate student and candidate for the Master of Science Degree in the Biomedical Engineering Department at the University of South Carolina. Appellant is in his eighth year of tenancy at Aspyre at Assembly Station and desires to remain at Aspyre to pursue doctoral studies at the University of South Carolina. The Court's allowance of Respondent's Execution of the *Writ of Ejectment* would foreclose Appellant's ability to receive the benefits of a successful appeal of this case and cause irreparable harm to Appellant's ability to complete his final year of his graduate studies and pursue further studies at the University of South Carolina.

Therefore, Appellant Motions and fervently Prays to the Court for a Stay of Respondent's Execution of the *Writ of Ejectment* during the pendency of these appeal proceedings, an immediate Order Compelling Respondent to allow Appellant to continue tenancy and to facilitate transfer of Appellant's SCE&G utilities account for Aspyre Apartment 3106 back to SCE&G for reassignment to Appellant, and to Sanction opposing Counsel Thomas I. Howard, Jr. for Lack of Candor to the Court and dishonest behavior and acts that fall beneath acceptable standards of behavior expected for a practicing South Carolina attorney.

Respectfully,



Travis G. Stewart, Appellant



Beverley D. Wilson, M.D.,
Pro Se Power of Attorney for Appellant
P.O. Box 21612
Charleston, South Carolina 29413
Telephone: (803)724-7560

Signed this 13th day of May 2019.

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Other Counsel of Record

Thomas I. Howard, Jr.
Brownlee Whitlow & Praet, PLLC
3255 Landmark Drive, Suite 301
North Charleston, South Carolina 29418
Attorney for Respondent
Telephone: (843)628-7120
Facsimile: (843)628-0847

THE STATE OF SOUTH CAROLINA
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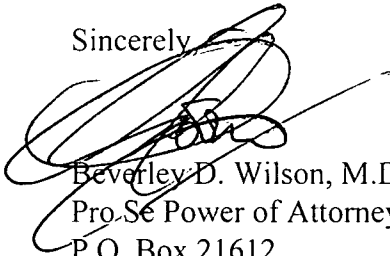
Travis Stewart, Appellant

PROOF OF SERVICE

I respectfully submitted the **Motion and Memorandum for Leave of Court for Motion to Amend the Memorandum for the April 12, 2019 Notice of Appeal to Stay Execution of Respondent's *Writ of Ejectment*, to Compel Respondent to Facilitate Return of SCE&G Utilities for Apartment 3106 to Appellant, and to Add Amanda Bidinger, Alisa Liggett, and the University of South Carolina's Office of Student Conduct as Co-Plaintiffs and Beverley D. Wilson as Co-Defendant to Complaint** and a copy of the April 22, 2019 email verifying the \$215 money order mailed via certified mail to Ms. Maryann Nevers April 22, 2019 for email delivery to me of an electronic version of the transcript for the December 14, 2018 hearing in this matter which was simultaneously copied to opposing counsel Mr. Thomas I. Howard, Jr. and the supervisor for the transcription department at the Richland County Court of Common Pleas by depositing same in the United States Postal Service with sufficient postage for First Class mail to

opposing counsel, Mr. Thomas I. Howard, Jr. at the address listed below and the Clerk of Court for the Richland County Court of Common Pleas.

Sincerely,



Beverley D. Wilson, M.D.
Pro Se Power of Attorney for Appellant
P.O. Box 21612
Charleston, South Carolina 29413
Telephone: (803)724-7560

Other Counsel of Record

Thomas I. Howard, Jr.
Brownlee Whitlow & Praet, PLLC
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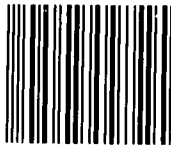
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