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**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
THE HONORABLE L. CASEY MANNING
Circuit Court Judge
Fifth Judicial Circuit

CASE NO: 2018-CP-400-5641

RONALD I. PAUL.....Appellant,

V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; PAUL D. DE HOLCZER, individually and as a partner of the law Firm of Moses, Koon & Brackett, PC; MICHAEL H. QUINN, individually and as senior lawyer of Quinn Law Firm, LLC; J. CHARLES ORMOND, JR., individually and as a partner of the Law Firm of Holler, Dennis, Corbett, Ormond, Plant & Garner; OSCAR K. RUCKER, in his individual capacity as, Director Rights of Way South Carolina Department of Transportation; MACIE M. GRESHAM, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; NATALIE J. MOORE, in her individual capacity as assistant chief counsel South Carolina Department of Transportation..... Respondents.

**APPELLANT
MOTION TO HOLD APPEAL IN ABEYANCE**

The Appellant *Pro Se*, moves this Court for an Order holding the appeal in abeyance filed by Appellant on July 23, 2019. To prevent a piecemeal appeal that is contrary to established policies.

In the lower Court (Circuit Court), on August 9, 2019, Judge Newman

filed a Form 4 Order granting defendants Motions to Dismiss and Motion for Summary Judgment, that stated, "Formal Order to follow". (exhibit A)

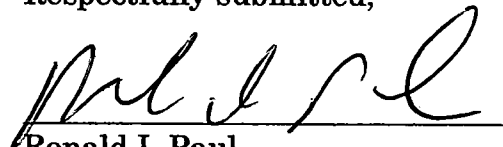
On August 19, 2019, after nine (9) days had passed, and appellant had not received the, "Formal Order". **Out of an abundance of caution**, on August 19, 2019, appellant filed a Motion to Reconsider the Form 4 order filed on August 9, 2019, out of an abundance of caution. (exhibit B)

In view of the above-mentioned, appellant request the Court hold this appeal in abeyance until the Circuit Court issue a final order on defendants Motions to dismiss and Motion for Summary Judgement, and that final order, if appealed, appellant request consolidation of the two appeals.

CONCLUSION

Appellant respectfully ask that the Court hold this appeal in abeyance until the Circuit Court's resolution/resolved and/ or issue a final order on defendants Motions to dismiss and Motion for Summary Judgement that's currently pending in Circuit Court, as of today's date, September 9, 2019.

Respectfully submitted,



Ronald I. Paul
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Columbia, S.C. 29240
(803) 414-2305
Appellant, *Pro Se* litigant

Other Counsel of Record:

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Attorney for Defendants South Carolina Department of Transportation,
Oscar K. Rucker, Macie M. Gresham, Natalie J. Moore and Paul D. de Holczer.

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ORMOND - DUNN
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B. MICHAEL BRACKETT
MOSES KOON & BRACKETT, PC
133 Brooksprings Rd.
Columbia, South Carolina 29223
Attorney for the law Firm of Moses, Koon & Brackett, P.C.

Exhibit

A

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Richland Common Pleas

Case Caption: Ronald I Paul vs SC Department Of Transportation , defendant, et al
Case Number: 2018CP4005641
Type: Order/Electronic Form 4

So Ordered

Jocelyn Newman

Electronically signed on 2019-08-08 14:40:21 page 3 of 3

Exhibit

B

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
RONALD I. PAUL)

Plaintiff,)

Vs.)

SOUTH CAROLINA DEPARTMENT OF)
TRANSPORTATIONS;)
PAUL D. DE HOLCZER, individually and)
as a partner of the law firm of Moses, Koon)
& Brackett, PC; MICHAEL H. QUINN,)
individually and as senior lawyer of Quinn)
Law Firm, LLC; J. CHARLES ORMOND,)
JR., individually and as partner of the Law)
Firm of Holler, Dennis, Corbett, Ormond,)
Plante & Garner; OSCAR K. RUCKER,)
in his individual capacity as Director,)
Rights of Way South Carolina Department)
of Transportation; MACIE M. GRESHAM,)
in her individual capacity as Eastern)
Region Right of Way Program Manager)
South Carolina Department of)
Transportation; NATALIE J. MOORE, in)
her individual capacity as Assistant Chief)
Counsel, South Carolina Department of)
Transportation.)

Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION FILE NO.
2018-CP-400-5641

NOTICE OF MOTION AND MOTION FOR
RECONSIDERATION PURSUANT TO
SCRPC 59 (e)

JEANETTE W. MORRIS
Clerk of Court
C.O.P. 5.S. & F.C.

2019 JUN 19 PM 2:33

RICHLAND COUNTY
FILED

TO: DEFENDANTS SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATIONS; PAUL D. DE HOLCZER; NATALIE J. MOORE; MICHAEL
H. QUINN; J. CHARLES ORMOND.

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, will move before
the Presiding Judge of this Honorable Court of Common Pleas for Richland County
at the Richland County Courthouse, Columbia, South Carolina, at such time and

place as directed by the Court, pursuant to Rules 59 (e) of the South Carolina Rules of Civil Procedure and the statutes and laws of the State of South Carolina and Federal laws , for a Motion to Reconsider Defendants South Carolina Department of Transportations; Paul D. De Holzer; Natalie J. Moore; Michael H. Quinn; and J. Charles Ormond Motions to Dismiss on the tenth (10th) day after service hereof or soon thereafter as a hearing can be scheduled or at such time and place as the Court may set. This motion is based upon the following grounds:

STATEMENT OF THE FACTS AND BACKGROUND

To prevent duplications
see Complaint filed October 26, 2019.

STANDARD OF REVIEW

The United States Supreme Court has stated, “A civil rights action under Section 1983 allows “a party who has been deprived of a federal right under the color of state law to seek relief.” *City of Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 707 (1999). The civil rights statute ‘is not itself a source of substantive rights,’ but merely provides ‘a method for vindicating federal rights elsewhere conferred.’ ” *Albright v. Oliver*, 510 U.S. 266, 271 (1994), quoting *Baker v. McCollan*, 443 U.S.137, 144, n. 3 (1979).

The court must accept the complaint's factual allegations as true and view all allegations in a light most favorable to the nonmoving party. *Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit*, 507 U.S. 163, 164, 113 S. Ct. 1160, 122 L. Ed. 2d 517 (1993); *GE Inv. Private Placement Partners II v. Parker*, 247 F.3d 543, 548 (4th Cir.2001).

THE STATUTE OF LIMITATIONS

First, all Defendants rely upon "the three-year limitation period" set out in ((S.C. Code section 15-3-530 (1) an action upon a contract, obligation, or liability, express or implied, excepting those provided for in Section 15-3-520)). However, the correct statute of limitations in the instant case is 20 years upon a sealed instrument (Paul Commercial Lease) S.C. Code section 15-3-520(b).

Second, in addition, State law does not apply to the time of accrual in federal causes of actions. See Gibson v. United States 781 F.2d 1334 (9th Cir. 1986) ... rejecting plaintiffs reliance on state law regarding the running of the statute of limitations in a civil conspiracy under 42 U.S.C. 1983. Stating..."while state law prescribes the statute of limitation applicable to section 1983 claims, federal law governs the time of accrual." Citing Venegas v. Wagner, 704 F.2d 1144, 1145 (9th Cir.1983); Gowin v. Altmiller, 663 F.2d 820, 822 (9th Cir.1981)")."Gibson v. United States 781 F.2d 1334 (9th Cir. 1986). ... Gibson further, declaring that in the 9th Cir. the accrual of civil conspiracies for statute of limitations purposes runs separately from each over act that is alleged to cause damage to the plaintiff. Gibson v. United States, 781 F.2d 1334 (9th Cir. 1986), citing Lawrence v. Acree 655 F.2d 1319, 1324 (D.C. Cir. 1981).

While the conspiracy exists, the statute of limitations does not commence to run until the "cessation of the wrongful acts committed in furtherance of the conspiracy. Conspiracy is a continuing offense. For statutes such as 18 U.S.C. § 371, which require an overt act in furtherance of the conspiracy, the statute of

limitations begins to run on the date of the last overt act. See Fiswick v. United States, 329 U.S. 211 (1946); United States v. Butler, 792 F.2d 1528 (11th Cir. 1986).

For conspiracy statutes which do not require proof of an overt act, such as RICO (18 U.S.C. § 1961) or 21 U.S.C. § 846, the government must allege and prove that the conspiracy continued into the limitations period. The crucial question in this regard is the scope of the conspiratorial agreement, and the conspiracy is deemed to continue until its purpose has been achieved or abandoned. See United States v. Northern Imp. Co., 814 F.2d 540 (8th Cir. 1987); United States v. Coia, 719 F.2d 1120 (11th Cir. 1983), *cert. denied*, 466 U.S. 973 (1984).

According to the four corners of the Complaint, on page 18 paragraph 80 the civil conspiracy continues to the day through cover-ups, defenses and tactics. Under federal law, the overt act is an independent act that comes after the agreement or conspiracy and is performed to affect the objective of the conspiracy. The overt act “within itself” is not a cause of action under 1983 conspiracy claim; its sole function is to demonstrate that the conspiracy is operative and or continuing. The Complaint in this case was filed on October 26, 2018, the last overt act before the Complaint was filed was on April 19, 2016,¹ therefore, according to the four corners of the

¹ Specific intent is when a person acts with knowledge of what he/she is doing and with the objective of completing some. Examples: Rental of a van, purchase of explosives, obtaining a map of downtown New York City and going back and forth to the World Trade Center, could each be considered overt acts as part of the terrorist bombing of that building. Alternative the U.S. Supreme Court has established a two-part test to determine whether a petitioner is entitled to equitable tolling of the statute of limitations. Generally, a litigant seeking equitable tolling of the statute of limitations bears the burden of establishing that: She/he has been pursuing his rights diligently; and some extraordinary circumstance stood in his way. [*Pace v. DiGuglielmo*, 544 U.S. 408, 418 (U.S. 2005)]. ((Extraordinary circumstance (see exhibit F page 4 lines 13-14, but not limited to , attached to Plaintiff’s Combined Memorandum in opposition to all Defendants’ Motions to Dismiss filed on February 11, 2019))

Complaint, on page 18 paragraph 79, the statute of limitations started to run / accrual on April 20, 2016.

RES JUDICATA, COLLATERAL ESTOPPELS, ISSUE PRECLUSION, CLAIM PRECLUSION AND LAW OF THE CASE

First in Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson County, the nature of the constitutional injury in a Just-Compensation-Clause case is twofold: the government must have: (1) taken private property, (2) without just compensation. *See id.* at 195 (recognizing that "a property owner has not suffered a violation of the Just Compensation Clause until the owner has unsuccessfully attempted to obtain just compensation . . ."). Williamson, therefore, requires a federal takings litigant first to litigate in state court. The Court in Williamson County "drew no distinction between physical and regulatory takings, and the rationale of that case, that a property owner has not suffered a violation of the Just Compensation Clause until the owner has unsuccessfully attempted to obtain just compensation through the procedures provided by the State.....demonstrates that any such distinction would be unjustified." Villager Pond, Inc. v. Town of Darien, 56 F.3d 375, 380 (2nd Cir. 1995), *cert denied*, 519 U.S. 808 (1996). *See also* McKenzie v. City of White Hall, 112 F.3d 313, 317 (8th Cir. 1997) (rejecting argument that Williamson County did not apply to physical takings); Belvedere Military Corp. v. County of Palm Beach, Florida, 845 F. Supp. 877 (S.D. Fla. 1994) (rationale of Williamson County equally applicable to physical takings). Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson County, 473 U.S. 172 (1985); *Also See* No. 14-439 Jack Kurtz, et al., Petitioners v.

Verizon New York, Inc., fka New York Telephone Company, et al petition for a writ of certiorari denied January 20, 2015, Supreme Court of the United States.

Second, after pursuing his rights diligently in state court on April 17, 2012, Plaintiff Filed a civil rights lawsuit in the U.S. District Court of South Carolina (Columbia) against the same defendants, the civil rights lawsuit was dismissed without prejudice. (See exhibits A-E attached to Plaintiff's Combined Memorandum in opposition to all Defendants' Motions to Dismiss filed on February 11, 2019) Defendants file no appeal. Now, in this case Defendant Quinn attempt to rely upon the defenses of res judicata, collateral estoppels, issue preclusion, claim preclusion and law of the case, but only put forward the definition of these affirmative defenses.² Defendants de Holczer and Moore attempt to rely upon the defenses of res judicata and collateral estoppels³ and lastly Defendant Ormond res judicata only. Notwithstanding, that when the district Court issued its Order dismissing Plaintiff Complaint without prejudice, defendants failed to file an appeal. See Semtek Int'l Inc., 531 U.S. at 505 ("The primary meaning of 'dismissal without prejudice' . . . is

² The Fourth Circuit (including District of South Carolina) has held that the pleading requirements of *Twombly* and *Iqbal* do, indeed, apply to affirmative defenses. This view was perhaps best summed up by a district court in Maryland in a 2011 decision. In *Barry v. EMC Mortgage*, the court stated that *Twombly* and *Iqbal* "recognize the fairness and efficiency concerns highlighted by district courts that have subsequently applied those standards to affirmative defenses." The court also noted that, "[a]ll pleading requirements exist to ensure that the opposing party receives fair notice.

³ *In re Microsoft Corp. Antitrust Litig.*, 355 F.3d 322, 326 (4th Cir. 2004) ("To apply collateral estoppels or issue preclusion to an issue or fact, the proponent must demonstrate that (1) the issue or fact is identical to the one previously litigated; (2) the issue or fact was actually resolved in the prior proceeding; (3) the issue or fact was critical and necessary to the judgment in the prior proceeding; (4) the judgment in the prior proceeding is final and valid; and (5) the party to be foreclosed by the prior resolution of the issue or fact had a full and fair opportunity to litigate the issue or fact in the prior proceeding.").

In additional see *Wilkerson v. State of Georgia*, No. 14-13649 (11th Cir. July 16, 2015) Does not answer the question of whether his current complaint fails to state a claim.

dismissal without barring the plaintiff from returning later, to the same court, with the same underlying claim."); see also Lansdowne on the Potomac Homeowners Ass'n, slip op. at 9-14 (4th Cir. Apr. 5, 2013); A dismissal without prejudice for failure to state a claim is not an adjudication on the merits, Mann v. Haigh, 120 F.3d 34, 36 (4th Cir. 1997); Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 396 (1990), and "permits a plaintiff to refile the complaint as though it had never been filed," Mendez v. Elliot, 45 F.3d 75, 78 (4th Cir. 1995). Therefore, a dismissal without prejudice makes it unnecessary for the court in which the subsequent action is brought to determine whether that action is based on the same cause as the prior action.

When a case is dismissed but the plaintiff is allowed to bring a new lawsuit on the same claim it is dismissed without prejudice. It is a dismissal that does not bar the plaintiff from bringing a new lawsuit on the same claim. Dismissal without prejudice is based upon procedural errors.

Lastly, these affirmative defenses *res judicata*, collateral estoppels, issue preclusion, claim preclusion and law of the case are foreclosed by prior decisions of the District Court and, it's well-settled law, if the court specifies that a dismissal is without prejudice, there is no claim preclusion. "Dismissals without prejudice do not bar subsequent suits by *res judicata*." Choice Hotels Int'l, Inc. v. Goodwin & Boone, 11 F.3d 469, 473 (4th Cir. 1993).

THE COMPLAINT STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION OR CAUSES OF ACTION AGAINST DEFENDANT QUINN AND WAS A STATE ACTOR.

Defendant Quinn argued the complaint “fails to state facts sufficient to constitute a cause of action or causes of action against defendant Quinn.”⁴

According to the four corners of the Complaint, on pages 25,26 paragraphs 108-110, the Defendants have conspired to deprive Paul of his Fifth Amendment and Fourteenth Amendment rights of the United States Constitution;⁵

(a) in that the Defendants acted jointly in concert in February 2004, March 2004, September 7, 2004, October 14, 2004, October 20, 2004 and January 8, 2008, to deprive Paul of payment for his property taken in October 2002, pursuant to the South Carolina Eminent Domain Procedures Act, Section 28-2-10, *et seq.*, in that all defendants, including Ormond took a position claiming and declaring case 4800 had settled for just compensation. This was an intentionally false statement, because all defendants knew without Paul’s consent or approval, as a matter of law, defendants could not settle the case for just compensation,

(b)in furtherance of the conspiracy the defendant Paul D. de Holczer stated that Paul have no right to have a jury trial which resulted in deprivation of a constitutional right, his rights to have a trial by jury and,

(c)in furtherance of the conspiracy the defendant Michael H. Quinn threaten Paul’s expert witnesses with criminal prosecution and threaten to have his expert witnesses arrested, if they testified. (additional evidence see exhibit F attached to Plaintiff’s Combined Memorandum in opposition to all Defendants’ Motions to Dismiss filed on February 11, 2019)

⁴ Under state law: This is a 42 USC 1983 case filed in state court, at this time or point federal law applies.

⁵ Alternatively, a claim of civil conspiracy may be established if plaintiff “can show some ‘peculiar power of coercion’ possessed by the conspirators by virtue of their combination, which an individual acting alone does not possess.” Walters, 931 So. 2d at 140 (civil conspiracy was actionable against neighbors who posted “for sale” signs before their units making it appear that five units were for sale in the same condominium and driving down the value of plaintiffs’ unit).

109. Because of the foregoing Paul has suffered a denial of its Constitutional rights, the inability to set forth all his evidences, before a jury, as otherwise allowed in accordance with the State and Federal Constitutionally established and protected safeguards designed to prevent just such occurrences and, the resultant financial damages approximating \$310,000.00.

110. Further, because of the foregoing actions the Defendants have deprived Paul of its property without just compensation and Paul has suffered a denial of its Constitutional rights, the right to payment for taking of his property as otherwise allowed in accordance with the Takings Clause of the Fifth Amendment, *in other words to be clearly, zero \$0.00. dollars and cents*, and the resultant financial damages approximating \$310,000.00.

In addition, see the District Judge Order in Paul III 3:13-cv-01852-CMC (ECF 43 p. 11) *“..that some statements may have been made in the proceedings that mischaracterized or misrepresented Plaintiff’s actions or positions..”*; Also see the district judge Order in Paul III 3:13-cv-01852-CMC (ECF 43 p. 12) *“They also suggest that Landlord and the SCDOT acted cooperatively in opposing Plaintiff’s claims, consistent with their settlement agreement...”*.⁶

⁶ The agreement to reach a predetermined outcome to enter the settlement as just compensation, with the goal of ruin Paul’s cause of action, under The Takings Clause, against SCDOT based on the Highest and Best Use of his property as “Commercial Retail Property” appraised between 310,000.00 - 400,000.00 itself violated Paul’s constitutional rights, independently of the subsequent state court decisions. See *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980) (“The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases.”); *Great W. Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d at 159, 166 (3d Cir. 2010).

THE DEFENDANTS DE HOLCZER AND MOORE ARE NOT ENTITLED TO ANY KIND OF IMMUNE WHATSOEVER.

Defendants De Holczer and Moore argued they are entitled to dismissal because an attorney is immune from liability to third persons arising from the performance of his or her professional activities as an attorney on behalf of and with the knowledge.⁷

According to the four corners of the Complaint, on page 3 paragraph 6 this action is brought pursuant to 42 U.S.C. Sections 1983 for the defendants Natalie J. Moore and Paul D. de Holczer violating Plaintiff's rights while acting under color of state law. On page 4 paragraph 13 defendant Moore is named in her individual capacity and on page 4 paragraph 15 defendant de Holczer is sued as a State Actor and individually.

Section 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

⁷ Under state law: This is a 42 USC 1983 case filed in state court, at this time or point federal law applies.

DEFENDANT ORMOND AND QUINN WAS A STATE ACTOR.

Defendants Ormond and Quinn argued that they were not state actors. According to the four corners of the Complaint, on page 3 paragraph 6 this action is brought pursuant to 42 U.S.C. Sections 1983 for the defendants Ormond and Quinn violating Plaintiff's rights while acting under color of state law and on page 5 paragraph 19 defendant Ormond is sued as a State Actor / individually and on page 5 paragraph 17 defendant Quinn is sued as a State Actor / individually.

In additional, According to the four corners of the Complaint, on pages 25,26 in paragraphs 108-110 Defendants have conspired to deprive Paul of his Fifth Amendment and Fourteenth Amendment rights of the United States Constitution; defendants Ormond and Quinn jointly participates in constitutional wrongdoing with state official in "state action" which meets the requirement of § 1983, See Tower v. Glover, 467 U.S. 914, 104 S.Ct. 2820, 81 L.Ed.2d 758 (1984); Dennis v. Sparks, 449 U.S. 24, 27-28, 101 S.Ct. 183, 186-187, 66 L.Ed.2d 185 (1980).

Section 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

1983 includes private individuals, the term "person" in § 1983 includes private individuals and corporations acting under color of law, Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982), and local governmental entities and natural persons

such as state, county, and municipal officials, *Monell v. New York City Dep't of Social Servs.*, 436 U.S. 658 (1978).

THE DEFENDANT SCDOT IS A "PERSON" AMENABLE TO SUIT UNDER 42 U.S.C. § 1983 COUNT ONE DECLARATORY JUDGMENT: (SEE EXHIBITS G, H, K AND I page 9 exhibits attached to Plaintiff's Combined Memorandum and Amended Memorandum in opposition to all Defendants' Motions to Dismiss filed on February 11 and April 5, 2019)

Defendant SCDOT claimed that SCDOT is not a "person" amenable to suit under 42 U.S.C. § 1983.

Plaintiff concedes that SCDOT is not a "person" amenable to suit under 42 U.S.C. § 1983 for monetary damages - are unavailable against SCDOT. Plaintiff argues, however, that for purposes of declaratory relief, SCDOT is a "person" under § 1983. In other words, state officials are "persons" for purposes of § 1983 if the relief sought is declaratory relief. *Will v. Michigan Dept. of State Police*, 491 U.S. at 71 n.10. Declaratory relief is the only remedy Plaintiff have against SCDOT. Plaintiff have standing to pursue declaratory relief against SCDOT. (See exhibits G, H, K and I page 9 attached to Plaintiff's Combined Memorandum and Amended Memorandum in opposition to all Defendants' Motions to Dismiss filed on February 11 and April 5, 2019)

The Supreme Court has stated that "the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." *Warth v. Seldin*, 422 U.S. 490, 498 (1975). The standing "inquiry involves both constitutional limitations on federal-court jurisdiction and prudential limitations on its exercise." *Id.* The constitutional aspects of standing "import[] justiciability: whether the plaintiff has made out a 'case or controversy' between

himself and the defendant within the meaning of Art. III.” *Id.* (citations omitted). Consequently, “at an irreducible minimum, Art. III requires the party who invokes the court’s authority to ‘show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant,’ and that the injury ‘fairly can be traced to the challenged action’ and ‘is likely to be redressed by a favorable decision.’” *Valley Forge Christian Coll. v. Am.’s United for Separation of Church and State, Inc.*, 454 U.S. 464, 472 (1982) (citations omitted). Plaintiff lacks standing because she cannot meet the final element of the standing inquiry: redressability.

The Supreme Court has stated that “the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues.” *Warth v. Seldin*, 422 U.S. 490, 498 (1975). The standing “inquiry involves both constitutional limitations on federal-court jurisdiction and prudential limitations on its exercise.” *Id.* The constitutional aspects of standing “import[] justiciability: whether the plaintiff has made out a ‘case or controversy’ between himself and the defendant within the meaning of Art. III.” *Id.* (citations omitted). Consequently, “at an irreducible minimum, Art. III requires the party who invokes the court’s authority to ‘show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant,’ and that the injury ‘fairly can be traced to the challenged action’ and ‘is likely to be redressed by a favorable decision.’” *Valley Forge Christian Coll. v. Am.’s United for Separation of Church and State, Inc.*, 454 U.S. 464, 472 (1982) (citations omitted).

SUMMARY JUDGEMENT

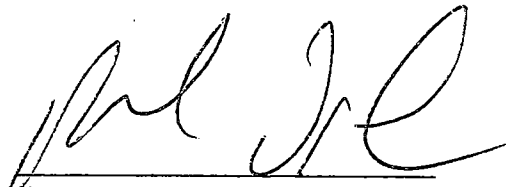
This motion was raised by Plaintiff and Defendants SCDOT, De Holzer and Moore at the hearing and it appeared the Court had denied the motion and therefore, said defendants had abandoned the Motion for Summary Judgement. Therefore, Plaintiff did not argue his defenses or present his evidences against Summary Judgement.

CONCLUSION

Plaintiff disagree and object to Defendant Quinn "Statement of the Facts; Defendants Ormond, SCDOT, De holczer and Moore "backgrounds" that are misleading.

For the aforementioned reasons, the Form 4 order filed on August 9, 2019 granting defendants Motions to Dismiss should be vacated/reversed and an order enter denying defendants Motions to Dismiss.

Respectfully submitted,



Ronald I. Paul
Post Office Box 4353
Columbia, South Carolina 29240
Plaintiff, *Pro se* (803) 414-2305

Columbia, South Carolina
August 19, 2019

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
THE HONORABLE L. CASEY MANNING
Circuit Court Judge
Fifth Judicial Circuit**

RECEIVED
SEP 09 2019
SC Court of Appeals

CASE NO: 2018-CP-400-5641

RONALD I. PAUL.....Appellant,

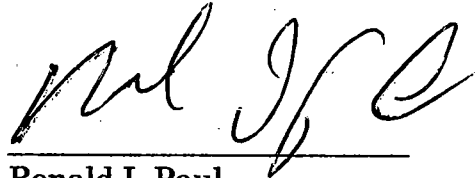
V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; PAUL D. DE HOLCZER, individually and as a partner of the law Firm of Moses, Koon & Brackett, PC; MICHAEL H. QUINN, individually and as senior lawyer of Quinn Law Firm, LLC; J. CHARLES ORMOND, JR., individually and as a partner of the Law Firm of Holler, Dennis, Corbett, Ormond, Plant & Garner; OSCAR K. RUCKER, in his individual capacity as, Director Rights of Way South Carolina Department of Transportation; MACIE M. GRESHAM, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; NATALIE J. MOORE, in her individual capacity as assistant chief counsel South Carolina Department of Transportation..... Respondents.

PROOF OF SERVICE

I, Ronald I. Paul hereby certify that I have served the Appellant Motion to Hold Appeal in Abeyance on all Respondents South Carolina Department of Transportation; Paul D. de Holczer individually, and as a partner of the law Firm of Moses, Koon & Brackett, P.C; Michael H. Quinn, individually and as senior lawyer of Quinn Law Firm, LLC; J. Charles Ormond, Jr., individually and as a partner of the Law Firm of Holler, Dennis,

Corbett, Ormond, Plant & Garner; Oscar K. Rucker, in his individual capacity as, Director Rights of Way South Carolina Department of Transportation; Macie M. Gresham, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; Natalie J. Moore, in her individual capacity as assistant chief counsel South Carolina Department of Transportation by depositing a copy of it in the United State Mail, postage prepaid, on this date, September 9, 2019, addressed to the attorney of record or *Pro Se* Litigants and others as listed below.



Ronald I. Paul
Post Office Box 4353
Columbia, South Carolina 29240
(803) 414-2305
Appellant, *Pro Se* Litigant

RESPONDENTS COUNSEL OF RECORD

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