

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

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S.C.C.A. Case No. 2013 - 000371

Case No. 2011-CP-10-2026

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Jerome Myers & Gloria Myers..... Appellants

v.

Shelly K. All Law Firm; Cezar E. McKnight; Ms. Willie O.W. McFadden-Myers;  
& Latonya Hobson ..... Respondents

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**FINAL REPLY BRIEF of APPELLANT**

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The Appellant's, Jerome Myers and Gloria Myers,

Jerome Myers

Gloria Myers

2321 Taylor St.  
North Charleston, SC 29406  
(843) 747-6741

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## APPELLANT- REPLY- STATEMENT OF THE CASE

The Appellant's, Jerome Myers and Gloria Myers, expanding upon their BRIEF and RECORD of APPEAL about the confusing and “Abuses of Process” caused in this matter since its inception.

It is further noted, that Respondent C.McKnight and his client-co-defendants did not file any BRIEF or raise a defense to the Appellants’ Appeals – Myers Family.

However, McKnight did use an Extra-judicial swipe at Probate Court by filing an Rule to Show Cause [still pending a transcript that the SC Court Administration refused to provide] even after the high Probate Court in Charleston County, Irv Condon himself, there ruled in favor of the Myers’ children and the United States Department of Veterans Affairs that their alleged ‘*incompetent father*’ had never been incompetent at all. Mrs. All’s FINAL BRIEF asks this Court to find otherwise. It, probate, was the result of C.McKnights forgery at a Power of Attorney used in Probate Court that created that/this fiasco. Mr. Henry Myers was returned to live with his children and to die in his own home with them at his side on May 5, 2013. McKnight is caught red-handed for these Abuses of Process against these Appellants and to all of South Carolina.

The Appellant’s tried feverishly to explain to the lower court judges, both Judge Jeffrey Young and after Judge Markley Dennis, twice, through their Motions - each and every one – a part of the undisputed RECORD.

The facts are that there was an original hearing before Judge Roger Young. There was a stipulation by the parties that dismissed the two Charleston City Police Officers. The order signed by Judge Young was proposed by Respondents Shelly K All and her law firm. The issue was raised before Judge McDonald at hearing April 24, 2-12. The transcripts speak best as Judge McDonald between ROA pages 129 to 139 especially at lines 1-5 --- she repeatedly crafted the **Law(s) of the Case** in more than one matter raised. That orders from Judge Roger Young must be heard before him and him alone. That would be where the attorney defendants created themselves an opportunity to “misrepresent the Stipulation’ above about the two Police Officers and to wrongfully include themselves as though their Motion to Dismiss had been granted by Judge Young – when it had not! This was another **Abuse of Process**.

When the clerk and the attorneys sought out furtherance to be heard before Judge Jeffery Young, the transcripts again speak for themselves. Respondent McKnight *withandfor* his client-respondents brought a motion to amend his Answer – that Judge McDonald had told him that he has waived due to the his first Answer. In fact, Judge McDonald told him so and in doing the barr was set that any assertion as to the three years statute of limitations was waived by his own deficiencies in his original Answer. This **tricked** the away any fairness that the *pro se* Appellants expected from the court processes. This covert series of actions sparked the errors in filings or the captions in the Amended Complaint due to the complex “*misrepresentations of justice*” by the both opposing counsels; C.McKnight and S.All. There is no reason All should not remain a defendant.

This Appeal should read the Judge McDonald transcript in its entirety and then the Appeal Court will see clearly there is a need to Grant the Appeal in favor of the Appellant’s if but only as only a New Trial which is necessary to “prevent the miscarriage of justice”.

*Garrison v. United States*, 62 F.2d 41, 42 (4th Cir. 1932). To emphasize, a new trial may be ordered if the trial court believes that the verdict "is contrary to the clear weight of the evidence," or that a new trial is "necessary to prevent a miscarriage of justice." *Garrison v. United States*, 62 F.2d 41, 42 (4th Cir. 1932).

The issues granted by Judge Jeffery Young furthered the conversions by the attorneys obtaining what the wanted – to Amend their Answer to include the defense that had been waived per the **Law of the Case**(2)... the trick was to obtain from Judge Jeffery Young that which Judge McDonald had ruled from the bench what only belonged to Judge Roger Young (who the Stipulation removed as defendants) and that the defendants had waived a tolling defense.

The Appellants are repeating herein that there is an **Equitable Tolling** as that which was brandished to the Myers’ by Judge M. Dennis as to what, when and how; the Appellant’s thought was a forgery by Respondent C.McKnight on the Henry Myers Power of Attorney documents differs greatly from what they have any concrete expert evidence that satisfied SC Code 15-36-100(B).<sup>1</sup> For clarity, the Appellants restate again that the rules in SC Code required

<sup>1</sup> SC Code 15-36-100(B) Except as provided in Section 15-79-125, in an action for damages alleging professional negligence against a professional licensed by or registered with the State of South Carolina and listed in subsection (G) or against any licensed health care facility alleged to be liable based upon the action or inaction of a health care

an Experts Affidavit within 10 days of the filing of the Summons and Complaint, if not so provide with the Rule 3 and 4 services upon these defendants. The Appellants argued correctly before Judge Dennis that the time is when they had the retired FBI handwriting expert's proofs in hand. The Appellants have shown that this **strict-proof** was obtained by hiring the Oberman & Oberman Law Firm.

The Appellants ask the Appeal Panel to read their Exhibits for Judge McDonald dated April 24, 2012 at ROA pages 129 – 139 [to lines 1-5]; and

The Appellants ask the Appeal Panel to read their Exhibits for Judge Jeffery Young dated July 23, 2012 at ROA pages 108 [to lines 15 about "defendants"; and

The Appellants ask this Appeal Panel to read for themselves their Exhibits for Judge M. Dennis October 22, 2012 to see how J.Dennis completely ruled differently against the **Law of the Case** as determined by Judge Stephanie McDonald. AND again J.Dennis would not reconsider these matters about **Equitable Tolling** and the Law(s) of the Case where the Respondent All and her law firm pulled a fast one and added themselves into a dismissal ORDER from Judge Roger Young – without these Appellants' having had the opportunity to raise the "trickery" before Roger Young's Court – as was directed clearly by Judge Stephanie McDonald's Court. Again Judge Dennis breached the **Law of the Case at his Motion to Reconsider hearing** filed by the Appellants dated February 1, 2013 ROA page 26 [at line 13].

### CONCLUSION

The Appellant's seek the Appeal Court to find that the Respondents' Abused the Processes (4 times at least) by seeking out other Judges after Judge Stephanie McDonald who admonished them both in the Court.

There is one place in the Judge Jeffery Young hearing transcript where Respondent C.McKnight representing himself *pro se* and his two probate court co-defendants as their attorney asked to approach the bench – Judge Jeffery Young allowed – yet the Appellants who are *pro se* did not have privity to this exchange at the bar.

To find that there are several instances of the Law(s) of the Case set by both Judge Roger Young and Judge Stephanie McDonald were violated unjustly and created a basic unfairness or bias discretion against these Appellants.

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professional licensed by the State of South Carolina and listed in subsection (G), the plaintiff must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit.

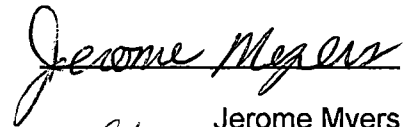
To find that C.McKnight has created a Rule to Show Cause (RSC) at Probate Judge Waldo Manning via Extra-judicial Behavior send the Appellants a message via their first RSC Attorney Anderson, that he, McKnight will drop the RSC if the Appellants drop this very appeal.

To find that Shelly K. All and her law firm **was not dismissed** as she cheated the Judge Roger Young Court by wrongfully adding her and her law firms names to the **Partial Stipulation of Dismissal with prejudice as to Defendants DaQuigan and Spencer ONLY. on docket files dated September 1, 2011.** This matter raise at each and every of the 4 hearing dates: (1) McDonald April 24, 2012; and (2) Judge Jeffery Young, July 23, 2012; and (3) Judge Dennis, October 22, 2012; and again (4) Judge M. Dennis, February 1, 2013.

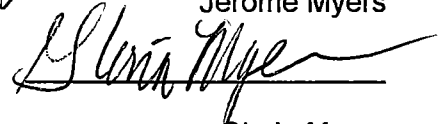
At no time were the Appellants called back before Judge Roger Young as Judge McDonald had mandated from her rulings in the transcript. At no time did the 'predecessor judges' comply with the Law(s) of this Case and created Abuses of Process.

October 22, 2015

BY:



Jerome Myers



Gloria Myers

2321 Taylor St.

North Charleston, SC 29406

(843) 747-6741

**APPEALANT REPLY – ARGUMENT REFERENCE DOC's**

Copy of case docket October 22<sup>nd</sup> 2015. – only two (2) Partial Dismissed parties are marked (inactive).. Shelly All and her firm are not marked (inactive) entered by the Clerk:

<b>Jerome Myers , plaintiff, et al VS Cezar E McKnight , defendant, et al</b>					
Case Number:	2011CP1002026	Court Agency:	Common Pleas	Filed Date:	03/17/2011
Case Type:	Common Pleas	Case Sub Type:	Conversion 310	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	10/24/2012	Disposition Judge:	Dennis, R. Markley Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> All, Shelly					Defendant		09/26/2011
<input checked="" type="checkbox"/> All, Shelly K	260 W Coleman Blvd Suite D Mount Pleasant SC 29464				Defendant Pro Se		05/05/2011
<input checked="" type="checkbox"/> Christensen, Dennis J	260 W Coleman Blvd Suite D Mount Pleasant SC 29464				Defendant Pro Se		05/05/2011
<input checked="" type="checkbox"/> Christensen, Dennis					Defendant		09/26/2011
<input checked="" type="checkbox"/> Daquigan, Donald (Inactive)					Defendant		09/06/2011
<input checked="" type="checkbox"/> Dorsel, Christopher Thomas	3 Wesley Drive Charleston SC 29407				Defendant Attorney		01/14/2013
<input checked="" type="checkbox"/> Hobson, Latonya					Defendant		09/26/2011
<input checked="" type="checkbox"/> McKnight, Cezar Edward	PO-Box 688 Lake City SC 29560				Defendant Attorney		07/02/2012
<input checked="" type="checkbox"/> McKnight, Cezar E					Defendant		08/13/2012
<input checked="" type="checkbox"/> Myers, Gloria					Plaintiff		03/21/2011
<input checked="" type="checkbox"/> Myers, Gloria	2321 Taylor St Charleston SC 29406				Plaintiff Pro Se		03/21/2011
Myers, Henry					Plaintiff		09/26/2011
<input checked="" type="checkbox"/> Myers, Jerome	2321 Taylor Street Charleston SC 29406				Plaintiff Pro Se		05/09/2011
<input checked="" type="checkbox"/> Myers, Jerome					Plaintiff		12/11/2012
<input checked="" type="checkbox"/> Myers, Willie O W Mcfadden					Defendant		03/21/2011
<input checked="" type="checkbox"/> Spencer, Elizabeth(Inactive)					Defendant		09/06/2011

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-10-2026

Jerome Myers et al

v

Cezar E. McKnight et al

PLAINTIFF(S)

DEFENDANT(S)

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 11(a), SCRPC (Vol. Nonsuit)  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

FILED  
2011 SEP 12 AM 9:15  
JULIE J. HASTRONG  
CLERK  
COURT

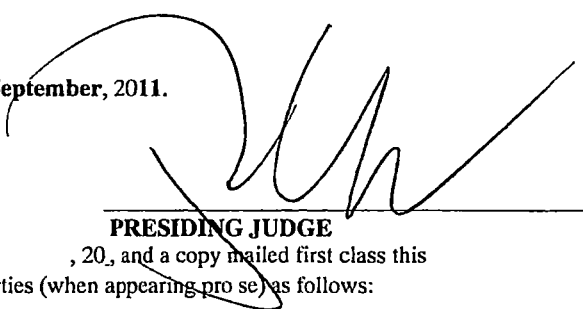
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

- See attached order. (Formal order to follow)
- Statement of Judgment by the Court:

Defendants' Motion to Dismiss was Taken Under Advisement.

Dated at Charleston, South Carolina, this 9th day of September, 2011.



PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and a copy mailed first class this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
JEROME MYERS and GLORIA MYERS,

Plaintiff,

v.

DENNIS J. CHRISTENSEN, SHELLY K.  
ALL, CEZAR E. McKNIGHT, WILLIE O. W.  
McFADDEN Myers, LATONYA HOBSON,  
DONALD DAQUIGAN, and ELIZABETH  
SPENCER,

Defendants.

IN THE COURT OF COMMON PLEAS

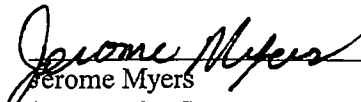
CIVIL ACTION NO.: ~~2010~~-CP-10-2026

2011

**PARTIAL STIPULATION OF  
DISMISSAL WITH PREJUDICE AS TO  
DEFENDANTS DAQUIGAN AND  
SPENCER ONLY**

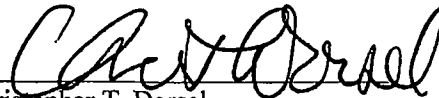
FILED  
2011 SEP - 1 PM 3:41  
JULIE J. ARISTARONG  
CLERK OF COURT

Upon the stipulation of the Plaintiffs, pro se, and the attorneys for Defendants Daquigan and Spencer, plaintiffs hereby dismiss all causes of action against Defendants Donald Daquigan and Elizabeth Spencer in the above captioned case with prejudice and stipulate that plaintiffs are forever barred from instituting or maintaining any further action against said defendants in regard to the matters set forth in the Complaint herein.



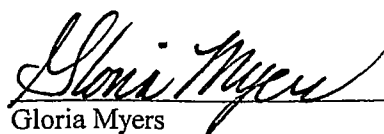
Jerome Myers  
2321 Taylor Street  
Charleston, SC 29406

Plaintiff, *pro se*



Christopher T. Dorsel  
Senn, McDonald & Leinbach, LLC  
P.O. Box 12279  
Charleston, SC 29422

Attorney for Defendants Donald Daquigan  
and Elizabeth Spencer

  
\_\_\_\_\_

Gloria Myers  
2321 Taylor Street  
Charleston, SC 29406

Plaintiff, *pro se*

# *Senn, McDonald & Leinbach, LLC.*

## *Attorneys at Law*

3 Wesley Drive  
Post Office Box 12279  
Charleston, South Carolina 29422-2279  
Telephone: (843) 556-4045  
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*Sandra J. Senn*  
*Robin L. Jackson*  
*(Licensed in SC & OH)*  
*Christophèr T. Dorsel*

*Of Counsel*  
*Hon. Jenny A. Horne*  
*(House District 94)*  
*(Licensed in SC & NC)*

August 31, 2011

The Honorable Julie J. Armstrong  
Clerk of Court, Charleston County  
100 Broad Street, Suite 106  
Charleston, SC 29401

RE: *Myers and Myers v. Daquigan, Spencer, et. al.*  
Case No: ~~10~~-CP-10-2026

*JDH*

Dear Ms. Armstrong:

Enclosed please find an original and two (2) copies of our Stipulation of Dismissal in the above referenced case. Please file the original and return the file-stamped copy to my office in the self-addressed stamped envelope. Should you have any questions, please do not hesitate to contact my office.

With kind regards, I am,

Sincerely,



Christopher T. Dorsel, Esquire

CTD/lem  
Enclosure

cc: Jerome and Gloria Myers, *pro se*  
Shelly K. All, Esquire  
Dennis J. Christensen, Esquire  
Cezar E. McKnight, Esquire

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

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R. Markley Dennis, Circuit Court Judge

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& Latonya Hobson ..... Respondents



**FINAL REPLY BRIEF of APPELLANT**

**CERTIFICATE OF COUNSEL**

The Appellant's, Jerome Myers and Gloria Myers, hereby certify that the FINAL REPLY BRIEF OF THE APPEALANT complies with the R. 211(b). SCACR.

October 22, 2015

BY:

  
\_\_\_\_\_  
Jerome Myers  
  
\_\_\_\_\_  
Gloria Myers  
2321 Taylor St.  
North Charleston, SC 29406  
(843) 747-6741