

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Thomas E. Player, Jr., Special Referee
Case No. 2013-CP-43-153
Appellate Case No. 2018-001277

RECEIVED

OCT 15 2019

SC Court of Appeals

Donna Erickson

Respondent,

v.

Felicia Ruff

Appellant.

RESPONSE to RESPONDENT'S RENEWED MOTION TO DISMISS APPEAL AND
SANCTIONS

I, Felicia Ruff, Appellant, have received the Respondent's Renewed Motion to Dismiss Appeal and for Sanctions. I am at the mercy of the Courts to dismiss the requests and motions that have been set forth by the respondent, Donna Erickson, and her legal counsel, Joseph K. Coffey and Babcock L.L.P.

The grounds for this motion are as follows:

Litigation between both parties has been ongoing for quite some time, as noted on page one of the 'RENEWED' Motion to Dismiss Appeal. However, it has been ongoing for longer than alleged by

the respondent's legal counsel, Babcock L.L.P. The litigation between the respondent, Donna Erickson, and the Appellant, Felicia Ruff, has been ongoing since November 2011. This is when the Respondent and Appellant had their first hearing directly related to the exact matter at hand. The respondent, was informed by the presiding Justice, that "she", "could not just take back a house that is being paid for." The Respondent was instructed to know and understand that there is a difference between Rent and Mortgage and the two are handled differently in a Court of law. The respondent was ordered to know and understand that if "she" wanted 1455 Hidden Oaks Drive, "be prepared to pay equity!" These statements can be confirmed through the Magistrate Court Transcripts, Case No. 2013-CP-43-153. They have been included in my response for the dismissal of the Renewed Motion to Dismiss, for the purpose of actualizing, and humanizing error; and it is error, not a failure to comply, which is the basis of the Respondent's Request for Motion to Dismiss Appeal. Hence, this litigation has been ongoing, since 2011, NOT 2013.

In the Respondent's Renewed Motion to Dismiss Appeal, on page one, it is admitted that the "subsequent events" NOT covered in the original motion are contained on pages 3-6." Allow me to highlight, again, how accusations of subsequent events, in the alleged "Renewed" Motion to Dismiss, were conveniently omitted in what was supposedly the "original" Motion to Dismiss; which I, the Appellant, have never received. None the less, the Respondent, has only, in her legal counsel's admittance, reflected that of error, not a failure to comply.

The Respondent, and her legal counsel, Joseph K. Coffey/Babcock L.L.P., Reflect that of human error on page 6(six) of the Renewed Motion to Dismiss.

The requests made for sanctions and attorney's fees allegedly incurred in filing a June 12,2019 motion,

of \$550.00, and the request for sanctions and attorney's fees allegedly incurred in filing the Renewed Motion to Dismiss Appeal, of \$300.00 is an evident bullying tactic Babcock L.L.P. are using to extort funds. The drastic difference in the 'costs' for filing, make that evident. The dates of alleged filing are also questionable:

June 12, 2019 (\$550.00)

June 01, 2019 (\$850.00)

It is appalling to think that those we entrust to uphold the oath, sworn in as legal counsel, would be the very fiber of our country's destruction in the legal system. For the fact the Appeal was already in Motion in the Court of Appeals, there was no need for Donna Erickson, or legal counsel, Babcock L.L.P., to file for a Motion to Dismiss or a Renewed Motion to Dismiss. Patience in allowing the Court of Appeals to make a just decision is what is required. In God We Trust.

As, I, Felicia Ruff, Appellant, have made error in compiling and submitting court documents, To Error Is Human. With their own documents, Babcock L.L.P., I will forward my discrepancies to the Court of Appeals, with the respectful request that the Courts please disregard the Renewed Motion to Dismiss Appeal and Sanctions submitted by the Respondent. For, it was the Court of Appeals that applied bylaws, rules and procedures to my error. Every ERROR was allowed an allotted time for corrections to be made. For every time frame granted, the deadline was met. I have admitted several times, that I am not a lawyer and do not know the legal jargon. However, that makes me no less deserving to be heard, than the attorney's that have the knowledge, have the education, and speak the jargon. The Court of Appeals has graciously and lawfully, honored my efforts to seek their faces for justice in bringing my discrepancies before them. Contraire to the Respondent's false allegations (Babcock L.L.P.) I have sought out legal counsel.

I am asking the Court of Appeals, to dismiss the Respondent's Renewed Motion to Dismiss. True

justice can only be served if this case is remanded back to the lower courts and finally resolved.

A handwritten signature in black ink, appearing to read 'Felicia Ruff', with a long horizontal flourish extending to the left.

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield, South Carolina 29168
(803) 468-5364
Appellant

10/12/19

has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” (emphasis added). In addition, Rule 269, SCACR, states:

Where an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay, or *is not in compliance with these Rules*, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys *or parties* such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

Id. (emphasis added). This Court has noted that:

[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.

Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992).²

From the initiation of this appeal, Appellant has failed to comply with the rules. The notice of Appeal, filed July 9, 2018, was deficient in that, as the Court noted in its first deficiency letter, Appellant failed to submit the \$100.00 filing fee, failed to include a proof of service, and failed to include proof that the notice had been filed with the lower court (Exhibit 1). On July 20, 2018, this Court sent a second deficiency notice to Appellant regarding her continued failure to pay the filing fee (Exhibit 2). Appellant also failed to notify the Court within the required ten days whether she had ordered the transcript or submit a certification that no transcript was needed, and only provided such letter after the Court issued a deficiency letter (Exhibit 3).

² While the Appellant here is appearing *pro se*, unlike the party in the Henning case, she has been afforded multiple opportunities to comply with the rules and has failed to do so. Also, it has been more than one year since Appellant filed the Notice of Appeal and she has had ample opportunity to secure counsel but has opted not to do so.

On July 30, 2018, Appellant filed a purported motion for extension of time in which to file her brief. However, again, the motion had multiple deficiencies, including failure to include proof of service, failure to provide grounds for the motion, and failure to sign the motion (Exhibit 4).

On September 19, 2018 – more than two months after the filing of the notice of appeal – Appellant had still not paid the filing fee, which had been requested by the Clerk’s office on at least three occasions (Exhibit 5). At one point, the appeal was dismissed and Appellant sought to reinstate her appeal, but failed to submit the required filing fee for the motion (Exhibit 6). On December 12, 2018 – five months after the purported appeal was filed – this Court issued an order reinstating the appeal and ordered Appellant to submit her brief and designations, in compliance with the South Carolina Appellate Court Rules, within thirty days (Exhibit 7).

Since that time, Appellant has attempted four different times to submit an initial brief and designation of record. None of the briefs submitted by Appellant have met the requirements of Rule 208, SCACR, and after the first three purported filings, the Court has issued deficiency letters (collectively, Exhibit 8). The Court last sent a deficiency letter (dated May 22, 2019) stating that the Appellant’s Initial Brief had not been signed and that if the deficiency was not been cured within ten days, the appeal would be dismissed. As of the date of Respondent’s initial Motion to Dismiss (June 12, 2019), Respondent had not received a corrected brief. However, it appears that on May 31, 2019, Appellant filed a signed Initial Brief (Exhibit 9). This Initial Brief still fails to meet the requirements of Rule 208, SCACR. In addition, Appellant did not serve the brief on Respondent and failed to include a certificate of service showing service (or attempted service) on Respondent.³ Thus, this appeal should be dismissed, with prejudice and without right to seek

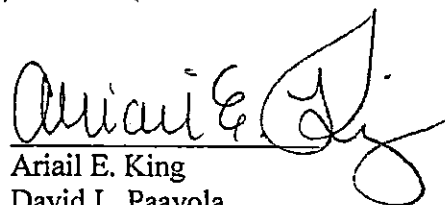
³ Of course, service and proof thereof are required by Rule 208(a)(1), SCACR.

to Respondent's original Motion to Dismiss Appeal and for Sanctions filed on June 12, 2019. Rule 240(e), SCACR states that "[a]ny party opposing a motion or petition shall have ten days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return....**Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.**" (emphasis added)

Respondent submits that these actions support sanctions of dismissal with prejudice and without leave for reinstatement. In addition, Respondent requests that Appellant be sanctioned \$550.00, to be paid to Respondent as reimbursement for the attorneys' fees and costs incurred in filing the June 12, 2019 motion and \$300.00 incurred in filing this renewed motion to dismiss.

CONCLUSION

Respondent Donna Erickson respectfully renews her request for dismissal of the appeal of Appellant Felicia Ruff, with prejudice and without leave to petition for reinstatement. Respondent further requests that this Court assess sanctions against Appellant in the amount of \$850.00 for attorneys' fees and costs incurred in filing the June 1, 2019 motion to dismiss and the instant motion, to be paid to Respondent through her counsel.



Ariail E. King
David L. Paavola
LEWIS BABCOCK L.L.P.
P.O. Box 11208
Columbia, South Carolina 29211
(803)771-8000

Attorneys for Respondent Donna Erickson

October 1, 2019



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 11, 2018

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$100.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- You must provide proof that you have filed the notice of appeal with the lower court clerk of court, as required by Rule 203, SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph King Coffey, Esquire





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11829
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 20, 2018

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

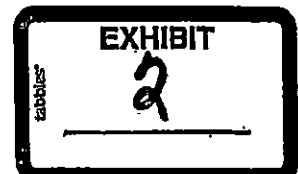
The Court is in receipt of your materials, filed July 18, 2018, which we construe as your attempt to correct the notice of appeal deficiencies outlined in the Court's letter of July 11, 2018. Please be advised that the deficiencies must be corrected in their entirety before this appeal can proceed. Within ten (10) days of the date of this letter, you must provide the \$100.00 notice of appeal filing fee, or your appeal will be dismissed.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

cc: Joseph King Coffey, Esquire





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 26, 2018

Felicia Ruff
1455 Hidden Oaks Drive
Wedgfield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ruff:

Our records reflect that the time for ordering the transcript has expired. Within ten (10) days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten (10) days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph King Coffey, Esquire





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11829
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 31, 2018

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

Upon reviewing your motion for an extension, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The document has not been signed as required by Rule 267(b), SCACR.
- Your motion does not comply with Rule 240(c), SCACR. Specifically, you have not stated the grounds for the motion. You must file an amended motion that specifically states what you are seeking an extension of time for, within ten days.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Joseph King Coffey, Esquire





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2018

Felicia Ruff
1455 Hidden Oaks Drive
Wedgfield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

The Court is in receipt of your correspondence filed September 17, 2018, which we construe as your response to the Court's order dated August 13, 2018. Please be advise that you must submit the notice of appeal filing fee of \$100.00 and serve and file your appellant's initial brief and designation of matter that comply with Rule 208 and 209, SCACR, for content, and Rule 267, SCACR, for form of papers, within ten (10) days or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph King Coffey, Esquire





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 30, 2018

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

Upon reviewing your correspondence received October 26, 2018, which the Court construes as a motion to reinstate the appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected in their entirety within ten (10) days of the date of this letter or the remittitur will be sent:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. The proof of service you have provided states that you have served the "notice of appeal". You must provide proof of service for the motion you are filing.
- The required filing fee has not been submitted. The correct filing fee for a motion is \$50.00.



The South Carolina Court of Appeals

Donna Erickson, Respondent,

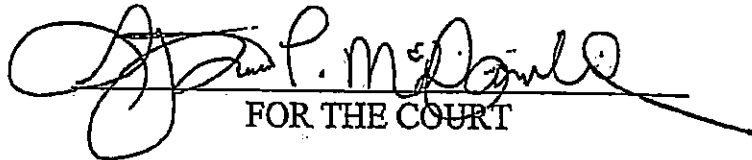
v.

Felicia Ruff, Appellant:

Appellate Case No. 2018-001277

ORDER

Appellant's petition to reinstate is granted. Within thirty days of the date of this order, Appellant shall serve and file an initial brief and designation of matter that comply with Rule 208 and Rule 209 of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:
Felicia Ruff
Joseph King Coffey, Esquire

FILED

December 13, 2018





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 28, 2019

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

Upon reviewing your appellant's initial brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The caption must be identical to the caption given below:

Donna Erickson, Respondent,

v.

Felicia Ruff, Appellant.

- The reference to Rule 267 at the bottom of the title page should not be part of the title page.
- Our records indicate that the judge for the order being challenged on appeal is Thomas E. Player Jr., not George E. Brown.



STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Thomas E. Player, Jr., Special Referee
Case No. 2013-CP-43-153
Appellate Case No. 2018-001277

Donna Erickson,

Respondent,

v.

Felicia Ruff,

Appellant.

RESPONDENT'S RENEWED MOTION TO DISMISS APPEAL AND FOR
SANCTIONS

Respondent Donna Erickson respectfully renews her motion for an Order dismissing the appeal of Appellant Felicia Ruff, with prejudice, pursuant to Rule 260(a), SCACR. In addition, Respondent requests that sanctions be assessed against Appellant pursuant to Rule 269, SCACR. The grounds for this motion are set forth herein.¹

The litigation between the parties has been ongoing since 2013. This purported appeal was filed over one year ago, and Appellant has repeatedly failed to comply with the Rules of Appellate Practice. Rule 260(a), SCACR provides that “[w]henver it appears that an appellant or petitioner

¹ ~~The subsequent events not covered in the original motion are contained on pages 3-6,~~
infra.

**PROOF OF SERVICE OF A NOTICE OF RESPONSE TO RENEWED
MOTION TO DISMISS APPEAL AND FOR SANCTIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Thomas E. Player, Jr. Special Referee
Case No. 2013-CP-43-153
Appellate Case No.2018-001277

RECEIVED

OCT 15 2019

SC Court of Appeals

Donna Erickson

Respondent,

v.

Felicia Ruff

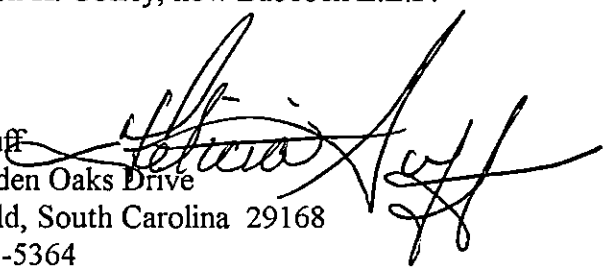
Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Response to the Renewed Motion to Dismiss on Donna Erickson, by depositing a copy of it in the United States Mail, postage prepaid, on October 11, 2019, addressed to her attorney of record, previously Joseph K. Coffey, now Babcock L.L.P. Post Office Box 11208, Columbia, South Carolina 29211.

October 11, 2019

Felicia Ruff
1455 Hidden Oaks Drive
Wedgfield, South Carolina 29168
(803) 468-5364
Appellant



FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

September 16, 2000

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 15 2019
SC Court of Appeals

RE: Donna Erickson, Respondent, v. Felicia Ruff, Appellant, Case No. 2018-001277

Dear Ms. Kitchings

Enclosed please find

- (1) Proof of service of the notice of response to Renewed Motion to Dismiss and Sanctions on the respondent[s].
- (2) A Response[s] to the Renewed Motion to Dismiss and Sanctions [judgment] which is [are] to be challenged on appeal.

Sincerely,

Felicia Ruff

1455 Hidden Oaks Drive

Wedgefield, South Carolina 29168

(803) 468-5364

Appellant

cc: Babcock L.L.P.
Post Office Box 11208
Columbia, South Carolina 29211
Attorney for Respondent

[Handwritten Signature]
10/12/19

Felicia D. Ruff
1165 Hidden Oaks Dr
Dodgefield, SC 29168



RECEIVED
OCT 15 2019
SC Court of Appeals

Jenny Abbott Kitchings
Post Office Box 11629
Columbia, SC 29211

