STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON ALAN NIX Plaintiff, CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC., CHURCHILL PARK AT PARKWEST, INC., CHURCHILL PARK, CATHERINE BROWN, AND DAVID BROWN Defendants,	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT Case No.: 2018-CP-10-03315 **RULE 59 MOTION FOR ORDERS WITH CLERK OF COURT DATE STAMP OF 27 SEPTEMBER 2019**

PLEASE TAKE NOTICE, pursuant to Rule 59, SCRCP, Plaintiff Alan Nix hereby submits this motion for Reconsideration, and where requested, clarification, of the Court's Orders with a Clerk of Court date stamp of 27 September 2019.

This motion is based on the pleadings, the record and the applicable law and such other matters as may be presented to the Court before or at the time of a hearing in support of this motion.

I.

Background and Factual Summary

The fact of this situation are as simple as they are disturbing. The original defendants attorneys, Kevin Mims and Randall Stoney, represented three clients in the small claims case this appeal is based on. The three clients were "Churchill Park", the company, not the Subdivision, Churchill Park Homeowners Association, Inc. and Churchill Park at Parkwest, Inc. Randall Stoney explained in Judge Turners and Jospeh Kaiser's presence in April 2017 that one of his

apparent clients was "up in the Upstate somewhere", clearly indicating that apparently he didn't' even know where one of his clients was. After reviewing Todd Musheff's / McCabe Trotter's time charging in cases 2014-CP-10-05407 and 2017-CP-10-04031 in February 2018, it became apparent that Mr. Stoney's statement in April 2017 that one of his clients was " up in the Upstate somewhere" was a coordinated scheme with McCabe Trotter to attempt to leverage a mistake in the Articles of Incorporation for Churchill Park Homeowners Association, Inc, to attempt to get Southern Community Services, McCabe Trotter and their associates out of a malicious prosecution foreclosure case against Plaintiff and his family's home in the Churchill Park Subdivision of the Park West Development in Mount Pleasant, SC. The motion to restore this case, amend the original complaint was filed with the Charleston County Small claims court, based on a simple prima fascia case of fraud upon the court. The evidence submitted was overwhelming, to the point that even Judge Turner had to admit that Stoney, Mims and most likely Kaiser had been engaged in significant improper conduct. However, as is almost always the case in this state, when an attorney and/or wealthy and politically connect person gets caught up in this kind of conduct, a judge will abuse their authority, as well as taking all other action which is necessary, to kill the action. In this instant case, Judge Turner did exactly that, making the absolutely ludicrous case that I had not produced sufficient evidence to support that Stoney and Mims had committed fraud upon the court. But, in the process of doing this, Judge Turner committed fraud upon the court himself, because, no matter what Judge Turner wanted to do, even Judge Turner couldn't avoid two basic facts. One, of the three Churchill's Mims and Stoney stated they represented originally in the small claims case, they intentionally took no action to prevent it from being dissolve by the SC Secretary of State's office for not having a registered agent, which became a key portion of the scheme to defraud shortly thereafter. Two, when Judge Turner asked Stoney at the April 2018 hearing who he represented, he stated he represented Churchill Park at Parkwest, Inc., but not the other two Churchill's he and Mims stated they represented in writing with their initial answer in March 20017. Third, of the three possible Churchill's Stoney could choose from to state he represented when Judge Turner asked him in April 2018, he choose Churchill Park at Parkwest, Inc., an apparent company which has NEVER been registered with the SC Secretary of State. Consequently, due only to Judge Turner's intentional misconduct in willfully not properly carrying out his duties, this appeal was filed. The pattern of judicial misconduct that Judge Turner started in May 2018 has been

continued by Judge Young, and ultimately by Judge Murphy. A reasonable person, given the experience and observations of Plaintiff since March 2016, can only conclude, that the incidence of corrupt judicial actions in South Carolina is clearly the norm, not the exception.

II.

ARGUEMENT

The following issues or potential issues pertain to all orders with a Charleston County Clerk of Court date stamp of 27 Sept 2019.

1. The hearing notice for the motions scheduled to be heard on 28 August 2019 specifically cited Judge Price as the judge scheduled to hear the motions. Plaintiff received no updated motion hearing notice prior to the date of the hearing reassigning the case to a judge other than Judge Price. Plaintiff also received no order from Judge Price nor the Chief Administrative Judge reassigning the motions to be heard by Judge Murphy. Consequently, without any further information, Judge Murphy's jurisdiction to hear the motions on 28 August 2019 is questionable.
2. Prior to entering these orders, Judge Murphy signed an order for case 2019-CP-10-00067 which granted Kevin Mims, a partner with Lurizaga Mims, his motion to quash a subpoena. The order purports that this motion was before Judge Murphy on 28 August 2019, when in fact, no motions for 2019-CP-10-00067 were scheduled to be heard by Judge Price on 28 August 2019. The circumstance of that order raises substantial concerns about Judge Murphy, both in the context of this matter, as well as more broadly. A request for Judge Murphy to explain her conduct in that order was filed on 7 October 2019. .
3. Judge Murphy did not hear arguments on the motion for Judge Young's recusal. The motion hearing was a bit chaotic, in retrospect, potentially intentionally so. Judge Murphy stated as she was trying to wrap up the session that she would review the record to determine what was or wasn't' still remaining open and had not been heard. At that moment, she appeared to be in a hurry to move on to the next case. However, once that concluded, Plaintiff learned that the motion to intervene in the case between the Town of Mt. Pleasant and Park West Development had been scheduled that day as well. Since Nix had not received a notice of the motion hearing for his motion to

intervene, there was a substantial delay in the hearing scheduled waiting to for the Clerk to determine if there was a record of the notice being mailed to Nix. Given Judge Murphy's ability to wait for that five plus minutes to determine if Nix had received the notice for the motion to intervene hearing, as well as relying on the Clerk to determine such information, one can only conclude that Judge Murphy did not, for currently unclear reasons, want to hear arguments on Judge Young's recusal.

4. Similarly, but opposite, Judge Murphy did hear arguments on Mr. Thames motion for sanctions against Plaintiff but Plaintiff doesn't not believe he has received a ruling on Thames motion. Judge Murphy gave Plaintiff the opportunity to respond to Thames accusations and arguments, in which Nix simply stated the first consideration as to whether Thames motion was valid was whether he was appropriately involved in the proceeding, which logically an, as the rules dictate, was and remains, very difficult to establish or justify.
5. There is no record that Judge Murphy entered an order related to Thames and Kaiser's motion to quash subpoena.
6. It does not appear an order was entered for Plainitff's motion to clarify the Judge Young's 17 Jan 2019 order.
7. When Plaintiff raised the issue of the language Charleston County Clerk of Court employee Caroline Leonard put in an email on 2 November 2018, based on her assertion that Judge Young had told her to communicate such to Plaintiff, Judge Murphy stated that everyone, including pro se parties had to abide by the rules. Plaintiff remains unaware of a rule that states "...any motion for reconsideration of his order Substituting Counsel signed on September 25, 2018 should have been submitted to the Court within 10 days of signing. Therefore, your request for him to set aside or clarify his ruling is moot because your motion was filed on November 2, 2018, outside the ten day period ". Plaintiff requests Judge Murphy to provide a specific reference to a rule that explicitly states the requirements as stated in that quote from Judge Young via Ms. Leonard.
8. It does not appear as if an order related to Ms. Leonard and Mr. Dawson's junior attorney motion to quash has been entered.

The following issues, or potential issues, pertain to the order / proposed order quashing the subpoenas of Judge Young and Ms. Luthringer.

1. Given there is no date on the order, the order is likely invalid.
2. Given the order specifies it was signed in Charleston, South Carolina, while available information suggests it was signed in St. George, South Carolina, it is likely invalid. The lack of a date and incorrect location information may constitute other issues.
3. In relation to the Attorney General's argument that the subpoenas were procedurally deficient because a copy was not sent to the Attorney General's office, Plaintiff acknowledges the issue, while also raising the fact that Judge Young, and apparently Ms. Luthringer, engaged the Attorney General's office related to the subpoenas and the Attorney General replied on their behalf.
4. As to the argument that the original 4 June 2019 date "has long passed", Plaintiff will point Mr. Wilson and the Court to their own citation of Rule 45, specifically that the court may modify the subpoena.
5. As to Mr. Wilson's argument that the order to substitute counsel is beyond the window to file a motion to reconsider, and therefore is considered final, this appears to be an obvious avoidance of the actual issue(s) raised, which are more properly oriented with Rule 60(b). For the proposed order to have been validly before Judge Young, or any other judge, for signature, originally, Mr. Thames should have signed the order himself, the order should have been filed with the Charleston County Clerk of Court, unless Judge Young, or more appropriately Judge McCoy, had requested the proposed order be developed and submitted, Mr. Thames and/or Mr. Kaiser, would have had to pay a $25 motion fee to the Charleston County Clerk of Court, Mr. Kaiser and/or Mr. Thames would have created and attached a motion cover sheets, and they would have had to have served the proposed order on Plaintiff at least 10 days prior to the order being properly signed. Clearly, Mr. Kaiser specifically, nor Mr. Thames, performed any of these required actions, of which, ostensibly any reasonable attorney would have performed, and any competent Judge would have realized were missing.
6. Mr. Wilson cites various legal citations related to judges and judge's staff, asserting various privileges related to the effective discharge of their duties. Plaintiff will point out that at the time Judge Young singed the order in question, the case was assigned

to Judge McCoy, not Judge Young, hence, there is a significant question about whether Judge Young was performing any actual official duties at the time he signed the order, which once again was not properly before him or any other judge to be signed due to the previously cited deficiencies. Second, privilege does not automatically attach to actions that represent misconduct / potential misconduct. To cite just one possible aspect of the misconduct, by signing an order of which no motion fee had been paid, Judge Young, whether wittingly or unwittingly, was denying required funds from being collected by Charleston County, which Charleston County was required to remit a portion of to the State of South Carolina.

7. In terms of Mr. Wilson's arguments that the Plaintiff's subpoenas sought to "probe(ing) the inner workings of Judge Young's chambers", Judge Young waived this right / defense when he explained the process on the record on the morning of 7 December 2018. Secondly, there was no such valid inner workings involved in this matter such as case discovery, etc. The issue raised by Plaintiff, and which is a valid issue to be investigated by any and all entities involved in ensuring a properly operating judicial system, is how did a highly questionably worded order, signed by only one attorney, of which the very order suggested his clients didn't trust him to represent them any longer, get on Judge Young's desk without a motion fee being paid, without a certificate of service being attached, and without a cover sheet being attached. Consequently, Plaintiff would argue that the two most important questions are 1) why would a judge sign such an order which was so clearly deficient, and 2) why would a judge, given these facts, sign this order vice reporting the matter for further investigation, optimistically by a party or parties actually committed to correcting such issues in such a manner which guarantees such issues are not repeated in the future.

The following issues, or potential issues, pertain to the order entitled ORDER ENJOINNG THE PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONSUPON THE PLAINTIFF

1. Please amend the order to include the other parties present at the 28 Aug 2019 hearing, specifically Mr. Wilson's junior attorney, Mr. Kevin Mims, who previously represented Churchill Park at Parkwest, Inc., Churhcill Park Homeowners

Association, Inc. and "Churchill Park", the company not the Subdivision, in the underlying case, and Mr. Ferrara of the Charleston County Attorney's office.

2. The first paragraph make it seem as if this motion was submitted by Mr. Thames, not Attorney General Wilson. Please reword so as not to misrepresent the facts.
3. The sentence that states "The underlying judgement order regarded a contested foreclosure action against Plaintiff". The apparent statement of fact is false.
4. Please provide a detailed listing of the numerous complaints I filed with the city (specify the city name), the county (specify the county name) and state offices (specify the state offices). Also please clarify how these numerous complaints relate to the need for this order.
5. Given there is / was no real verifiable information about "Churchill Park"'s business practices, please clarify why this situation is apparently bad and how this related to the intent of your order. Also, please clarify why you didn't raise the same issue about the other two Churchills, eg. Churchill Park at Parkwest, Inc. and Churchill Park Homeowners' Association, Inc.
6. Similar to number five, please list all of the numerous requests of the state agencies (list them as well) and why this was bad. Also answer the same for the other two Churchills, eg. Churchill Park at Parkwest, Inc. and Churchill Park Homeowners' Association, Inc
7. Can you explain how you know that on 19 Sept 2018 Judge Young executed the order of substitution of counsel? Related to the same sentence, can you explain why it was required that Judge Young, acting as the Chief Administrative Judge, executed the substitution of counsel? Have you spoken with Judge McCoy to determine why she couldn't / wouldn't execute the order of substitution of counsel? If so, what was her explanation?
8. Actually, to be accurate, I filed the Motion to Set Aside, or in the Alternative, Amend on 2 Nov 2018, it was dated 1 Nov 2018.
9. Here is an important one, there is a foot note number 1 on the bottom of page 2 which apparently relates to the sentence that begins on the bottom of page one and ends on the top of page 2, which reads "Further, Plaintiff sent numerous requests to state agencies for the registration and financial information of Defendant Churchill Park".

Please explain how this sentence relates to footnote 1 which reads " Additionally, Plaintiff filed a police report against Defendant Churchill Park's counsel, Stephanie Trotter, accusing Ms. Trotter of misdemeanor notary fraud" Once you have explained how that sentence relates to that footnote, and how either of these apparently important facts relate to the intent of this order, please review the notarization dates, witness signatures and the date Larry Ridlehoover signed the document which is the subject of Mt. Pleasant Police Report number 2017-03844, which can be found in the Charleston County ROD records at Book 0326, Page 993, and provide your analysis as a judge if a notarization date of 24 April 2013 for an apparent acknowledgement of a signature on 16 April 2013 constitutes notarization fraud, conspiracy to notarization fraud, etc. Once you have done that, please provide your judgement if a police officer / police department which doesn't investigate a really simple crime for at least 21 months probably constitutes crimes such as obstruction of justice, conspiracy, misconduct in office, etc. And once you provided your initial judgement on that situation, provide your judgement on if the same thing applies to the highest level police organization related to the State of South Carolina. (Yes, including that footnote literally opened up the proverbial can of worms. Please accept my deepest appreciation)

10. At the top of page 3, you state that "On December 7, 2018, Judge Young filed an order denying Plaintiff's motion to reconsider/clarify", but don't mention that there was apparently a hearing that morning. Please include the fact that it was based on a hearing, which I had to pay another $25 motion fee for, (remember, my motion of 2 Nov 2018 got closed based on Ms. Leonard's email) and that for some reason Charleston County Clerk of Court's office didn't want to officially schedule that hearing. Eg. You won't find a hearing scheduled for 7 Dec 2018 in the Charleston County Clerk of Court's records. BUT, somehow, the Charleston County Attorneys knew about it and was able to confirm that for me on the afternoon of 6 Dec 2018 that yes, indeed, just because it wasn't actually scheduled, it was apparently scheduled. (The intent of the subpoena for Ms. Gardner... specifically, how exactly did she know there was a motion hearing for this case scheduled for 7 Dec 2018, when it wasn't actually scheduled. BTW, just in case you don't know, Judge Young used to

be a Charleston County employee back in the day. Actually, the Charleston County Master in Equity….

11. Related to the sentence in the second paragraph on page 3 which reads "On December 31, 2018, Defendant David Brown and Catherine Brown file this Motion for Sanctions against Plaintiff" Please confirm this is a true statement Judge Murphy. I'm pretty sure this isn't very accurate. I think Troy Thames filed that motion on 31 Dec 2018, not David and Catherine Brown. I see how you can kind of say that, but that isn't really accurate.
12. It might be worth kinda noting somehow that all of the subpoenas I paid for to have served was strictly to ensure that no public corruption was going on in this case, like all of the other related cases, which, as I was at the time I paid to have the subpoenas served, and I'm even more sure as of today, there is definitely a significant amount of public corruption involved in all of those afore mentioned "city, county, and state offices"
13. So, it appears most of your and Mr. Wilson's finding of my apparently frivolous conduct is related to filing three motions regarding the September 19, 2018 Order of Substitution which allowed Defendants Brown to substitute counsel. To that end, please note:
    a. When you state that "After the first two motions had been denied by the court, any reasonable plaintiff in these circumstances would understand that the under the fact his claim was clearly not warranted under existing SC code 15-36-10…
        i. The first motion was denied by email, from an employee of the Charleston County Clerk of Court, based on what she asserted was a direct quote from Judge Young, who stated a rule clearly inaccurately.
        ii. The second denial was after I had to pay another $25 to submit another motion asking for the same thing I asked for in the original motion, which once again, was closed based on an email form a Clerk of Court employee, which incorrectly stated a rule, and the incorrect rule.
        iii. And the form 4 denying the second motion was written by Judge Young after I had spent over an hour writing my first proposed order

for a judge to sign, using Judge Young's exact language, to, ironically, have him deny my second motion again.

iv. And when you state that any reasonable plaintiff, would that more appropriately be any reasonable attorney?

v. Is it possible that a more accurate explanation for this Plaintiff's apparently frivolous conduct wasn't that he was being frivolous, but that he had learned about judicial corruption and the various forms of judicial corruption and that he was just simply filing additional motions making Judge Young, in this current instance, engage in more and more judicial corruption in an attempt to cover up his previous judicial corruption?

vi. And, if you believe there is at least a basic preponderance of the evidence that the scenario laid out in v. above is likely, then would you also conclude that the Plaintiff's apparent frivolous behavior was actually in the Public Interest, and even more importantly, performing the role that all of the rest of the members of the BAR and Judiciary are supposed to be performing to properly self regulate yourselves / the legal industry?

14. To respond briefly to the "reasonable attorney" concept that you so heavily rely on to justify your apparent conclusions that I'm a highly frivolous litigant,

a. Would a "reasonable attorney" pay the required $25 motion fee to file a proposed order?

b. Would a "reasonable attorney" complete and file a motion cover sheet for a proposed order?

c. Would a "reasonable attorney" file a certification of service for a proposed order?

d. Would a "reasonable attorney" actually serve the proposed order on an apparently frivolous Plaintiff?

e. Would a "reasonable attorney" who is also a Chief Administrative Judge sing a proposed order that didn't have a certificate of service or motion cover sheet attached?

f. Would a "reasonable attorney" who is also a Chief Administrative Judge sign a proposed order that clearly uses language that indicates it is not proper?

g. Would a "reasonable attorney" who is also a Chief Administrative Judge, who is apparently extremely overworked, just set aside his clearly deficient order and make the apparently "reasonable attorney" =s who somehow got one by him or otherwise induced him to sign the questionable order originally, once someone properly alerts him to the issue

h. OR, would an apparently "reasonable attorney, who is also a Chief Administrative Judge, send an employee of the Clerk of Court's office to communicate an inaccurate reason / excuse to the party that filed the motion in good faith, with an apparent intent to avoid ruling on the issue?

i. If we had an abundance of highly ethical, highly competent judges and attorneys in the State of South Carolina, who were largely immune from intimidation, coercion and inducement, do you think I would have had to have been so apparently frivolous?

j. I will stop there for now, because it clearly just gets more difficult to explain and embarrassing from there on out.

15. Related to your statement that "Judge Young has not heard any of the merits of this case", I will remind you that he ruled on a motion to reconsider his order of 7 December 2018, more than a month after a motion for his recusal was filed, and a significant amount of the motion was related to Judge Young's conduct.

16. Related to your statement that "Charleston County Judicial staff has relayed all pertinent information to Plaintiff requests prior to the issue of these subpoenas", that is a bit of a misrepresentation. For instance, if Ms. Leonard had explained why she / the Charleston County Clerk of Court's office didn't / wouldn't officially schedule the 7 December 2018 hearing, a subpoena would not have been required to compel her to explain that situation on the record.

17. On page five, under discussion and analysis, please specifically define who the Defendants are / were and their or their attorneys specific involvement in this order.

18. On page five, where you state "attempt to harass and injure other parties and this Court", please clarify exactly who the other parties are / were, and if my apparent

attempts to harass and injure them were somewhat successful, mostly successful, ,totally successfully, or a miserable failure.

19. On page 5, where you state "The Court acknowledges that Plaintiff is Pro Se, lack of familiarity with legal proceedings in not an acceptable excuse and the court will hold a layman to the same standard as an attorney" Can you please clarify if the court feels the same about the inverse situation? For example, if the poor pro se layman knows he has to file a proposed order, complete and submit a motion cover sheet, and pay $25 to file the proposed order, why wouldn't the court or Court hold the esteemed attorney(s) to the same standard?
20. As to the majority of page six, the Plaintiff did nothing at all "intended merely to harass or injure the other party". Quite the opposite, the ongoing corrupt actions by the court, most likely the court's accessories, and Mr. Kaiser and Mr. Thames, are totally responsible for this situation. If Judge Young has been wise enough to take the hint and just set aside the original order substituting counsel and made Thames and Kaiser file it properly, this situation would have been over right then. Clearly, the underlying issues made that impossible, raising the clear probability of much deeper and greater issues.
21. On page seven, at the your conclusion that "This Court finds that there are no facts or issue in this matter to support a subpoena to former and current counsel associated with this action". Perhaps you should consider, already considered, the fact that the only person that can be factually associated with this proposed order before 25 September 2018 is Joseph Kaiser. Since it appears it was extremely urgent for Mr. Kaiser to get this proposed order signed, so much so that he had to sign for Mr. Thames, and apparently couldn't get his apparent clients David and Catherine Brown to sign the order, and didn't have time to pay the $25 motion fee, complete a motion cover sheet, send a copy to the Plaintiff, or file a certificate of service, the Plaintiff would suggest that there are a LOT of apparent facts and issues in this matter to get Mr. Kaiser to explain under oath. For a judge to say differently given these facts, obviously calls into question the judges judgement as well.
22. On page seven, your apparent conclusion that states "It is important to note, the September 19, 2018 order is a minor interlocutory matter, which has no overall effect

on Plaintiff" clearly, and almost certainly intentionally, overlooks the obvious issues with this situation, as has been cited specifically numerous time throughout this response.

23. On page seven, I will give you partial credit for your apparent conclusion that the "Plaintiff's continued motions and filings have demonstrated a pattern which shows clear disdain for the judicial process..." It is true the my experience with the SC Judicial System has created a true disdain for the SC Judicial System, but not a proper, ethical, balanced, independent judicial system.
24. With regards to your statement on page seven about wasting the Court's resources, and frivolously subject Defendants to costs and fees to defend the repetitive litigation, with all due respect, this is statement is a ten on a scale of ten on the hypocrisy scale. The courts unwillingness to fix its own improper order, created and improperly submitted by two attorneys, almost certainly for an improper purpose, is the cause, and the only cause, for the Court wasting their own resources, and the Defendants, whoever they really are, expending additional costs and fees
25. Lastly, Plaintiff will unequivocally state that what the Court should have easily found this scenario a prime example of is judicial and attorney corruption. There is literally no other possible explanation for this level of immaturity and illogic. Likewise, the Courts apparent conclusion that plaintiff's recalcitrant efforts to continue to litigate motions that have been repeatedly denied, is actually nothing more than the courts abuse of power to protect itself and the legal industry from having to reveal its own misconduct.
26. HENCE, Judge Murphy, by getting induced or intimidated into signing this absolutely ludicrous order, you have just joined the very large public corruption and fraud conspiracy that actually underlies all of these actions. And, that conspiracy in composed of more than several Federal felonies. Mr. Wilson and his office, to name just one State of South Carolina organization, has already engaged in conduct that constitutes, at a minimum, obstruction of justice. Consequently, just my pro se, definitely not offering legal advice, advice, is to find yourself a really good criminal lawyer, who doesn't already have their own conflict of interest in these matters, which, is likely much more difficult than you may imagine.

27. And, this order is likely going to be Exhibit 1 in the public corruption case. I'm confident you didn't want to become famous like this, but that seems to ultimately be the net result of the Tomlin influence in this State, once someone who isn't compromised starts doing the job of SLED, the Attorney General's office, the Office of Disciplinary Counsel, etc.

The following issues, or potential issues, pertain to the Form 4 Order denying the Motion to Set Aside and Clarify Order dated November 1, 2018.

1. Judge Murphy cites lack of compliance with SCRCP 52 as her rationale for denying the motion. While Plaintiff acknowledges the possibility of not completely interpreting all the possible applications of SCRCP Rule 52, given there was no trial involved, Plaintiff assumes Judge Murphy is relying on the portion of Rule 52 which states "in granting or refusing interlocutory injunctions, the court shall similarly set forth the finding of fact and conclusions of law which constitute the grounds of its action" Given the nature and actual language of the substitution of counsel order, even a layman's suspicions should be aroused by the opening couple of words of "It appearing" Clearly, most parties, when paying for legal counsel and relying on legal counsel to represent them in a matter, either knows they want a certain lawyer or law firm to represent them or knows they do not want them to represent them. It is highly unlikely many parties would characterize their desire for an attorney to represent them as "it appears I would like Mr. Troy Thames to represent me since it appears I do not want Mr Joseph Kaiser to represent me" The more likely explanation is that there was / is a contractual issue with the legal representation that would have made it difficult, or potentially worse, for David and/or Catherine Brown to sign the substitution of counsel proposed order. There is no indication that Judge Young performed any type of due diligence related to language and signatures that should have raised his attention sufficiently to perform at least minimal due diligence to ensure the proposed order, ultimately his order, was not meant for an improper purpose.
2. The correct rule which Judge Murphy should have applied is SCRCP 60, due to the numerous and obvious deficiencies with the order, which have already been cited previously in this motion.

3. Additionally, Plaintiff will note that it is possible Judge Young may have bene able to utilize SCRPC 60(a) to correct the issue once it was raised to his attention. Given the number of and questionable methods Judge Young took in relationship to the order of 25 Sept 2018 once the issues were raised by motion, obviously his explanation of 7 December 2018 could be perceived to be less than candid. Clearly his order dated 7 December 2018 is less than candid and can only be construed to intend to conceal the issues related to the order.
4. Lastly, this motion was closed on or about 2 November 2018, apparently based on Judge Young telling Ms. Leonard, to tell me, via email, that "...Judge Young advised that I tell you that any motion for reconsideration of his order Substituting Counsel signed on September 25, 2018 should have been submitted to the Court within 10 days of signing. Therefore, your request for him to set aside or clarify his ruling is moot because your motion was filed on November 2, 2018, outside the ten day period." Plaintiff cannot find a rule that states this apparent set of requirements that Judge Young had Ms. Leonard, communicated to me via email, and then apparently utilized the email as an order to justify this motion. As a reminder, given I had not received a copy of the proposed order from Mr. Kaiser previously, and had numerous other legal issues going on at the same time, I was not closely monitoring mailings from the Charleston County Clerk of Court for orders related to this case, since, once again, I wasn't aware a motion / propose order was even pending.

The following issues, or potential issues, pertain to the Form 4 Order denying the Motion to for Judge Young's Recusal filed 4 December 2018.

1. Judge Murphy did not allow this motion to be heard / argued on 28 August 2019.
2. Contrary to Judge Murphy's assertion about allowing David and Catherine Brown to substitute their counsel, the order in question includes no definitive information that David and Catherine Brown personally chose to end their legal relationship with Joseph Kaiser and retain Troy Thames. The only signature on the order is Mr. Kaiser's, and given he had apparently not done anything in the previous month related to this case since he entered his notice of appearance, it is hard for a reasonable person to conceive of what he had done so terribly wrong during that period that warranted his termination by the Browns'. The more likely explanation

is that after my family's home was not sold at the Charleston County Master In Equity's sale on 4 September 2018, and Mr. Kaiser was on notice that he was implicated in a conspiracy related to his co-counsel's assertion that one of his clients in the underlying case was "in the Upstate somewhere", Mr. Kaiser pursued this proposed order for the purpose of removing himself from a situation which constituted continuing in the conspiracy. Hence, without a substantially better explanation than is contained in the order substituting counsel, compounded by the numerous issues surrounding how it got on Judge Young's desk for signature, it could be construed that Judge Young, as well as whoever else may have been involved in the proposed order getting from Kaiser's control to Judge Young's control, may also have exposed themselves to similar involvement in the underlying conspiracy.

3. Related to Judge Murphy's apparent finding about impartiality reasonably being questioned, Judge Young ruled on a motion on 17 January 2019 which was submitted by Plaintiff on 28 December 2018, over three weeks after the motion for judicial recusal was filed and served. The motion filed on 28 December 2018 was substantially related to Judge Young's conduct in this matter between 25 September 2018 and 7 December 2018. It was improper for Judge Young to rule on that motion prior to the motion for judicial recusal being heard and ruled on. In Plaintiff's opinion, the very definition of a situation where a judge's impartiality could reasonably be questioned.

The following issues, or potential issues, pertain to the Form 4 Order denying the Appeal.

1. For all of the above cited reasons, Judge Murphy should have recused herself from the case before entering this order ending the appeal.

WHEREFORE, Plaintiff, respectfully requests the Court to:

1. Set aside all orders entered by Judge Murphy in this case.
2. Set aside all order entered by Judge Young in this case.
3. Judge Murphy voluntarily enter an order recusing herself, or, in the alternative, schedule a hearing for her recusal.
4. Restore this case to a status of pending.

5. Refer all potentially criminal acts involved in these cases to the appropriate, un-conflicted authorities.
6. Refer all ethical infractions to an authority capable of properly hearing and sanctioning the parties. (HINT: this likely isn't an organization of lawyers or in the state of South Carolina)
7. Convene a panel of ethical, non attorneys, to reform the South Carolina Judicial System.
8. Pass a state law that no more than 15% of South Carolina Judges and/or employees of the State of South Carolina, and/or its political subdivisions, can be graduates of the University of South Carolina Law School at any point in time.
9. Any and all other and further relief as the Court deems just, prudent, and proper.

October 17, 2019

Respectfully submitted,

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