

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
DEADRA L. JEFFERSON, Circuit Court Judge

Case No. 2015-CP-10-5000
Appellate Case No. 2019-000640

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SC Court of Appeals

Jim Washington,.....Appellant,
v.
Trident Medical Center, LLC.....Respondent.

**PETITIONER REPLY TO RESPONDENT'S OPPOSITION TO REQUEST TO REHEAR/CLARIFY ORDER
DENYING SUPERSEDEAS/STAY**

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Appellant, Pro Se

Despite this Court's clear misapprehended,, overlooked and failure to consider the corrects dates and numbers of post-remittitur motions that are challenged by Petitioner Respondent's attorneys in their Response in Opposition to Request to Rehear/Clarify Order denying Supersedeas/Stay has again deliberately set in motion another scheme in an attempt to improperly corrupt the judicial process itself to improperly influence this Court's decision so that the judicial machinery cannot perform in the usual manner its impartial task to correct its own errors which it overlooked, misapprehended and failed to consider which has adopted and denied Supersedeas/Stay based on Respondent's attorneys deliberate misrepresentation to this Court in their November 7, 2019 Response in Opposition to Supersedeas/Stay which simultaneously relies on their initial brief and the initial brief of Appellant now pending on appeal that are crucial to the merit of the issues on appeal and has the effect of dismissal of the appeal by finally incorrectly decided that the appeal lack merit and untimely to receive relief because the **two 2016 motions that are challenged rather than correctly deciding that there is only one January 27, 2016 motion combined with a June 22, 2018 post-remittitur not pre-remittitur decision of Judge Dennis being challenged and also a February 4, 2019 post-remittitur motion that is being challenged all of which combined to show jurisdiction of the circuit court after remittitur and to show the 2/5/16 judgment was procured by invalid consent agreement rising to the level of extrinsic fraud upon the court by Respondent's attorneys which were timely raised but still not ruled on by the circuit court.** {Court of Appeals , order dated 12/9/19; Respondent's Response in Opposition to Supersedeas/Stay, filed on 11/7/19 and 12/27/19; Petitioner requestto Rehear/Clarify order denying Supersedeas/Stay, filed on 12/19/19, p. 2, line 1-p. 11 conclusion}. See Kennedy v. The South Carolina Retirement System, 349 S.C. 531, 532-535, 564 S.E.2d 322(2001){In order to prevail on a petition for rehearing, appellants must demonstrate the Court overlooked or misapprehended their arguments. Rule 221(a) SCACR for argument not consider which is supported by the evidence in the Record on Appeal}(citations omitted); See also Contis v. Contis , 422 S.C. 74, 76-78, 810 S.E.2d 253(2017){Reversing

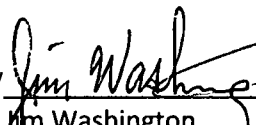
and Remanding the Court of Appeals decision which misapprehended argument concerning the size and value of the farm to rule on the merits of the issue and to consider any other issues that arise as a result of its ruling)(citations omitted); See Wehle v. South Carolina Retirement System, 363 S.C. 394, 403-405, 611 S.E.2d 240(2005)(Attack prior precedent arguing independent action to set aside judgment for fraud on the court)(citations omitted); See also Morrow v. Fundamental Long-Term Care, 412 S.C. 534, 536-540, 773 S.E.2d 144(2015)(Same)(citations omitted)(quotations omitted); See also Tillman v. Tillman, 420 S.C. 246, 248-251, 801 S.E.2d 757(Ct. App. 2017)(Same)(citations omitted)(quotations omitted); See Thornton v. South Carolina Elec. & Gas Corp., 391 S.C. 297, 301-307, 705 S.E.2d 475(Ct. App. 2011)(Same)(citations omitted)(quotations omitted); See also Ex Parte Carter, 422 S.C. 623, 625-632, 813 S.E.2d 686(2018)(Same)(citations omitted)(quotations omitted); See Browning v. Navarro, 826 F.2d 335, 337-346(5th Cir. 1987)(Same)(citations omitted)(quotations omitted); See also Ashley II of Charleston LLC. V. PCS Nitrogen Inc., 409 S.C. 487, 488-493, 763 S.E.2d 19(2014)(Applying the clear and unequivocal standard but deciding it is applicable to bar indemnification of one own negligence and would be against public policy in South Carolina)(citations omitted); See Concord and Cumberland Horizontal Property Regime v. Concord & Cumberland, LLC., 424 S.C. 639, 645-658, 819 S.E.2d 166(Ct. App. 2018)(Same)(citations omitted); See also Hazel v. Blitz U.S.A., Inc., 425 S.C. 361, 366-373, 822 S.E.2d 338(Ct. App. 2018)(Same)(citations omitted).

Moreover, Respondent's attorneys has overlooked that the **Record on Appeal** has been served on them and the Court of Appeals in accordance to **Appellant's Designation of Matter to be included in the Record on Appeal**, filed on July 29, 2019 in the Court of Appeals with are the same Records used in the Petition for Supersedeas/Stay, filed on October 28, 2019, pp. 19-224. All additional matters beginning with Petition for Supersedeas/Stay filed on October 28, 2019 up until the Petition to Rehear/Clarify order denying Petition for Supersedeas/Stay, filed on December 19, 2019 are subsequent development of Record on Appeal requesting this Court to **supplement/substitute** the Record on

Appeal for a full develop record for this Court to make a decision based on the merits by consolidating the appeal and the petition for supersedeas/stay as the issues are related because Respondent's attorneys has now incorporated Appellant's and Respondent's initial brief into issues raised In the Petition for Supersedeas/Stay and cannot now argue for misconduct they themselves induced. See Staubes v. City of Folly Beach, 339 S.C. 406, 409-414, 529 S.E.2d 543(2000)(Same)(citation omitted)(quotations omitted); See also Mr. T. v. Ms. T., 378 S.C. 127, 134-139, 662 S.E.2d 413(Ct. App. 2008)(Determination cannot be made without a well develop record); See Robinson v. Estate of Harris, 391 S.C. 114, 129-132, 705 S.E.2d 41(2011)(Justice Beatty, dissenting)(Same)(citations omitted)(quotations omitted). Thus, this Court should correct its own errors and grant Appellant's request to Rehear/Clarify order denying Supersedeas/Stay.

CONCLUSION

This Court should vacate its prior orders denying Supersedeas/Stay of the appeal and Remand to circuit court for a hearing on the merits.

S/ 
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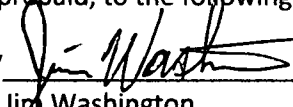
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PROOF OF SERVICE

I, the undersigned, do hereby certify that I have service all counsel in this action with a copy of this request to Reply to Respondent's Response in Opposition to Request to Rehear/Clarify order denying Supersedeas/Stay and filing of the Record of Appeal out of time herein below specified by mailing a copy of the same by UNITED STATES MAIL, postage prepaid, to the following addresses:

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January 2, 2019