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THE STATE OF SOUTH CAROLINA

In The Court of Appeals  
[In The Supreme Court]

Case No. 2019-001428

APPEAL FROM EDGEFIELD COUNTY

Court of Common Pleas  
Alison Renee Lee, Chief Administrative Circuit Court Judge

Case No. 2016-CP-19-00141

Rufus Lyndell Griffin,

Appellant

v.

Thomas Mosley, Quinnie Mosley, Walter Mosley, Timothy Mosley,  
And Paquita Mosley, Individually and as Personal Representative  
Of the Estate of Ellec Mosley,

Respondents

APPELLANT'S MOTION TO VACATE AN ORDER

**RECEIVED**  
DEC 27 2019  
SC Court of Appeals

COMES NOW, Appellant Rufus Lyndell Griffin, (herein also as “Griffin” or “Appellant”) filing this Motion to Vacate an Order that was issued by the Court of Common Pleas Eleventh Judicial Circuit, Edgefield County, case number 2016-CP-19-00141 on July 9, 2019. This Motion to Vacate is properly before this Court pursuant to Rule 60 (b3) (b4), SCRPC and 28 USC App. Rule 60 (c)(1) and (d)(1), and under the authority given by the Constitution of the State of South Carolina (1895) § 3, 9 and 22.

Appellant received written notice of the entry of said Order on August 1, 2019 via U.S. Mail and timely filed a Notice of Appeal on August 26, 2019. Appellant requested and was granted an extension for filing his initial brief on November 26, 2019, which is due by January 2, 2020.

Since these actions, Appellant has been made aware, by the Court of Appeals and the Edgefield County Circuit Court, of discrepancies in the captioning of his case. After further review, Appellant has also uncovered a serious mishandling of his case and substantial errors in court procedure as well. These actions indicate an abuse of discretion by the lower court to such a degree that warrants the filing of this Motion.

Appellant moves this Court to vacate the standing lower court Order in lieu of burdening the Court and all involved in a cumbersome appeal, as the Order being appealed, in substance, is firstly technically flawed, and secondly irregular and inappropriate from its origin, and thereby should not persevere into appeal action.

The Order in question is not typical of most Orders which result from a final ruling at the conclusion of a case's merits before a jury (as requested by both Appellant and Defendant), but instead is an Order to dismiss the case pre-trial, on an argument of jurisdiction, which should have been barred per the premise of Res Judicata. The case, affected by the Order in question, has been active in the circuit court for the last (4) four years, yet has suddenly been dismissed on the grounds of improper jurisdiction of the circuit court. In addition to the case's obvious longevity within the jurisdiction of the circuit courts, it is further troubling that the argument of jurisdiction had already been ruled on by the circuit court twice prior in favor of Appellant; the precise reason the case had gained such longevity.

The decision of the lower court, has in finality, also dismissed Appellant's civil litigation against all parties on the singular motion of one, preventing Appellant from any appropriate venue to pursue restitution from all, thereby further infringing upon Appellant's Constitutional right to procedural due process.

Wherefore, Appellant presents in this Motion, in detail, the following concerns for review:

- I. THE COURT ABUSED ITS DISCRETION BY GRANTING A MOTION ON JURISDICTIONAL GROUNDS THAT HAD BEEN ARGUED PREVIOUSLY AND WHICH SHOULD HAVE BEEN BARRED BY RES JUDICATA

The Edgefield County Court of Common Pleas, in its Order granting Defendant's Motion to Dismiss, did so in contradiction of its own prior rulings.

The original case Complaint had been filed by Appellant in the Fifth Judicial Circuit in Richland County in December 2015. An Amended Complaint was subsequently filed in February 2016.

The Defendants filed their Responses and Motion to Change Venue, as well as Motions to Dismiss (also in 2016), citing jurisdiction of the Probate Court.

On May 17, 2016, the Richland County Circuit Court granted Defendant's Motion to Change Venue to Edgefield County Circuit Court. The Richland County Circuit Court, although allowing a change of venue from one circuit court to another, did not, however, concede jurisdiction to the probate court, and expressly noted that '*the ends of justice would be served by having Edgefield County jurors*', (see Exhibit A, pg. 2, line 11-12).

On November 7, 2016, the case came before the Edgefield County Circuit Court. Defendants once again presented Motions to Dismiss Griffin's Complaint on grounds of jurisdiction of the probate court. After oral arguments, the Circuit Court concluded that although Griffin did have a matter of paternity pending in the probate court against one of the Defendants, there were still assets, funds, and issues of fraud and conspiracy that were not matters of probate. In concurrence with the Richland County Circuit Court, the Edgefield County Circuit Court then ruled

to Deny the Defendants Motions to Dismiss. (see Exhibit B: transcript excerpt, pg. 30, lines 12-14)

On March 18, 2019, for a third time, Defendant brought the same argument of jurisdiction to the attention of the Circuit Court with a 'Motion to Dismiss'. The court referenced its receipt of this case from the Richland County circuit court due to a change of venue, (Exhibit N: pg. 5, lines 19-25 and pg. 6, lines 1-4) and was further informed that the Edgefield County circuit court had already rendered a decision on jurisdiction on November 7, 2016, and that Defendants had already approached the probate court on December 15, 2016 as well to gain its interest to no avail, as the probate court also declined jurisdiction of the civil case matters. (See Exhibit N: pg.8, lines 20-25 and pg. 9, lines 1-17 and pg. 10, lines 3-10.)

No rebuttal was offered during the hearing from Defendants on any of these points.

Then, on July 9, 2019, the Edgefield County Court of Common Pleas of the Eleventh Judicial Circuit ruled against Appellant, dismissing Appellant's Complaint against six named Respondents, using the Legal Standard that '*A Defendant may move for dismissal of an action pursuant to Rule 12(b)(8), SCRPC when another action is pending between the same parties for the same claim*' and cited authorities which noted '*that the claim must either be substantially or precisely the same as in the other action*'. (see Exhibit C: p 2, para 1)

However, the Probate Court case, which continued to be reason for ongoing persistence by Defendants in filing Motions to Dismiss, is referenced as '*another action pending between the same parties for the same claim*' but it is most unequivocally NOT the same. The probate case, (Case No. 2014-CP-1900324), began with a Petition for Formal Appointment by Appellant, Rufus L. Griffin, in the Edgefield County Probate Court on December 28, 2012, and ended with co-petitioner, Respondent Paquita Mosley, being granted status of sole Personal Representative of the Estate. The Probate Court decision was appealed in the Circuit Court in 2014 by Griffin, on the grounds that the appointment of Paquita Mosley was improper, citing that the Court had applied an improper standard of law regarding petitioner's paternity.

The Eleventh Judicial Circuit Court, under the Honorable R. Knox McMahon, ruled in favor of Appellant on November 12, 2015, reversing the 2014 probate court decision and remanding the case for application of the proper standard of law pertaining to Appellant's paternity. (see Exhibit D: pg.1, para.3.)

The recent July 9, 2019 ORDER to Dismiss Appellant's civil case on jurisdictional grounds, actually supports Appellant's assertion that the only matter before the probate court, per November 2015 Order of Judge McMahon, is 'paternity', not an ongoing litigation of estate assets: "*.....the Order of the Probate Court was reversed and remanded for further proceedings to determine paternity consistent with*

*statutory requirements of S.C. Code Ann. 62-2-109 (2)(ii).*' (see Exhibit C: 'Discussion', p.2, para.2). This acknowledgement clearly confirms the awareness of the Circuit Court that the referenced probate case is not *'another action pending between the same parties for the same claim'*.

MOREOVER, the Circuit Court, in its ORDER dated July 9, 2019, quoted: "*Plaintiff asserted during the hearing that this case is different from the underlying probate action in that it involves funds which are/were not probate assets. However, a review of the record in the case offers insufficient evidence to draw such a conclusion*". (see Exhibit C: 'Discussion', p. 2, para. 1).

Appellant contends that the contents of his Complaint support his claim that his Complaint is not awaiting action *'substantially or precisely the same as in the other action'* pending in the probate court. Appellant does not seek action of the Circuit Court to determine his paternity or to grant him Formal Appointment of an estate, which were the only actions before the Probate Court. According to Canon 3 (B)(7), *'a judge must not independently investigate facts in a case and must consider only the evidence presented'*. Although there is indeed sufficient evidence available to show that bank accounts had been held jointly by Appellant and his father prior to his death, and that those accounts had been accessed by others prior to his death, the Circuit Court at no time informed Appellant that the court intended to review documentary evidence pre-trial. Nor did the court inform Appellant that the substance of probate matters (evidence and issues from another court) were being

scrutinized to discern jurisdiction. Appellant believes it was unreasonable for the Court to place this burden of proof and condition after the fact, when Appellant has been under the logical assumption since 2015 that his case was already before the proper court.

It is, after all, the Complainant's right to have the entirety of his evidence scrutinized properly through trial by jury not only as requested, but also recommended by the first circuit court of Richland County in 2016, to only then determine the merits of his argument. As the matters of probate are clearly not the same as the enormity of issues that abound in the civil case, dismissal was not proper.

Appellant also questions the reasoning behind the circuit court's decision on jurisdiction, as the court, on March 18, 2019 stated orally "*It's been going on for almost five years, if not longer than that.... I will also need to look at and determine whether or not this Court has jurisdiction separate and apart from Probate Court. I'll be happy to do that.*" (see Exhibit N: pg. 18, lines 16-22). According to SC Code Ann § 62-1-302 (1) (*the circuit court also has jurisdiction to determine heirs and successors as necessary to resolve real estate matters... and other actions pending in the circuit court*). The circuit court offered no compelling reason, showing the direct correlation between the probate and circuit court issues, that would warrant it suddenly deferring jurisdiction to the lower probate court now. As the estate case in probate closed over five (5) years ago, Appellant's ability to file any motion for consideration has expired. The circuit court was aware of this constriction upon

Appellant when it asked Defendant's counsel about the statute of limitations in the March 18, 2019 hearing, (see Exhibit N: pg. 5, lines 13-16). The circuit court was also highly aware that it previously, in November 2015, ruled finitely on the probate case on appeal, and limited the scope of the remand to the litigation of paternity. Therefore, it is not feasible that Appellant can now return to the probate court on civil matters, nor can Appellant attach the civil complaints he has against (5) five other non-parties, (those who were not original petitioners nor part of the completed probate appeal).

The Circuit Court, specifically the same Edgefield County Circuit Court, after receiving the transferred civil case from Richland County, has for four (4) years, under its established jurisdiction, issued approximately eight (8) hearing notices, and has recognized and/or acted upon at least seven (7) different Motions, allowed approximately thirty (30) separate filings, and issued multiple Orders under the premise of that jurisdictional authority.

The constant repetitive argument of jurisdiction and the issuance of the July 9, 2019 Order granting dismissal on those grounds, against the court's prior two positions, sets a new precedence of '*third time's a charm*'. This Order to Dismiss a case, after years in the circuit court's jurisdiction, has given a confounding impression of our court system to the public that if one is persistent and just 'shops

around', one can rely on the odds of finding a court official in time, who was not present during the previous arguments, who will eventually rule in one's favor.

## II. THE ORDER ISSUED BY THE LOWER COURT CONSISTED OF MISTATEMENT OF FACT

The Circuit Court, in its ORDER dated July 9, 2019, relied on misstated material facts:

The Order first states: *'this case, like the underlying probate action, involves a dispute over assets originally in the possession of the Decedent that were distributed to Defendant and other parties following Decedent's death in December 2, 2012.'*

This statement was followed by a notation to 'see Complaint ¶¶ 24-25, 33-34'.

(see Exhibit C: 'Discussion' pg. 2, para. 3).

However, Appellant contends, and the Complaint clearly states throughout and most specifically within ¶¶20-39, that the financial transactions referenced by the Court actually occurred in a period commencing in August 2012 until the month of December 2012, (prior to the Decedent's death) and that these said funds were shared jointly by Decedent and Appellant. These were not funds or assets solely owned by Decedent until his death that were later *'distributed to Defendant and other parties following Decedent's Death in December 2, 2012'*, as misstated by the Court. (see Exhibit E: pg. 4-5) The funds in question were a jointly owned possession of Appellant since 2008 and were never a part of the Decedent's Estate,

which provides Appellant clear right to pursue legal action and recovery of these funds from other individuals through the civil court system.

Appellant asserts that an Order issued by a court based on a decision it arrived at through a misinterpretation of facts and a misstatement of facts altogether, does not adhere to the foundation of truth, and should not stand.

III. THE LOWER COURT MISHANDLED COURT RECORDS AND DID NOT ADHERE TO CIRCUIT COURT STANDARDS ACCORDING TO S.C. CODE ANN. § 14-5-10, 14-17-510, AND 14-17-570.

Pursuant to S.C. Code, Article 1 § 14-5-10, Circuit Courts are “*courts of record, and the books of record thereof shall, at all time, be subject to the inspection of any person interested therein.*” The Law further states in §14-17-570 that ‘*the clerk shall not in any case permit either the books or records to be removed from his office, though he shall at all times permit either party to a suit.... to inspect or copy... any papers pertaining thereto...*”

According to this long-standing rule, the state courts provide an assuredness that all records involved in a lawsuit would be kept in safety and available for inspection at any given time. Based on the courts own standard, it is not acceptable that documents provided to the court for such safe-keeping and availability of inspection should be allowed to go unaccounted for approximately (9) nine months.

The Defendant's Motion to Dismiss Appellant's Complaint was heard on March 18, 2019. Appellant presented his 'Plaintiff's Response to Defendant's Motion to Dismiss' brief on the date of the hearing. Appellant's 'Response' brief (see Exhibit M) was handed directly to the Edgefield County Clerk of Court, who then passed it to the judge, and a copy of this brief was also then provided to the Defendant's counsel. This 'Response' brief was referenced by both Appellant and the judge throughout the hearing. (see Exhibit N: pg. 17, lines 23-25)

Neither the judge nor the clerk of court properly registered or filed Appellant's 'Response' brief at time of their acceptance of it.

On March 31, 2019, Appellant notified the Honorable Judge Alison R. Lee (see Exhibit F: letter) directly, to inform the court that his Response brief had not been admitted to the case file. A copy of this letter was also provided to the Clerk of Court.

Neither judge nor Clerk responded.

When the July 9, 2019 Order to Dismiss was issued, which essentially marked the closure of Appellant's civil case, Appellant's Response brief still had not been entered into the case record, even though the Order itself had been clocked in.

In August 2019, after Appellant submitted his Notice of Appeal in the SC Court of Appeals and notified the lower court, this also did not prompt action to restore Appellant's document to its rightful place within the case file.

On December 3, 2019, Appellant physically appeared to the Edgefield County Clerk of Court's office to inspect the record and confirmed that not only was his brief not among all the others submissions within the SC Judicial website's electronic case record, but the document was also physically absent from the paper file and unavailable for proper inspection. Clerk of Court's staff appeared to have no knowledge of Appellant's document or its whereabouts, and instructed Appellant to email concern to the Deputy Clerk of Court so it could be forwarded to the judge. Appellant sent (2) two emails later that day, which resulted in the Clerk of Court's office informing Appellant that her Honor indeed had Appellant's 'Response to Motion' brief in her own possession. (see Exhibit G: pg. 1-3).

On December 16, 2019, Appellant's 'Response' brief was finally registered as received by the Edgefield County Clerk of Court's office, with an attached letter, dated December 4, 2019, from Judge Alison R. Lee. The letter acknowledged that Appellant had indeed given the judge his brief on March 18, 2019 and it had been in that judge's possession. (see Exhibit H)

The South Carolina Judicial Court Website now reflects that this document was made a part of the online case file on December 16, 2019 (See Exhibit J: printout)

It is notable and troubling that this particular court document had travelled to origins unbeknownst to Appellant in the (9) nine months that had elapsed since it was first provided to the Court's custody for 'safe-guarding' in March 2019. These

actions have caused undue obstacles to Appellant's due process and has hampered his appeal efforts. Surely the circuit court would be aware that Appellant is restricted from introducing documents into his appeal that had not been a part of the case. Had Appellant not physically appeared to inquire about this document, it is questionable when, or even if, the document would have been included in his case file, considering sufficient inquiry and more than ample opportunity to rectify the matter had been allowed in the months prior.

It is most disturbing that the very stance taken by the Court granting the Defendant's Motion to Dismiss, then walks hand-in-hand with the disappearance of the only document against the Motion, and that this very document is then withheld from the case record by the very official who chose to reach the defining decision, and still omitted from the record for more months post-decision, even after Appellant made the court aware of the omission in March 2019. The omission of Appellant's response from the case record gave a deceptive illusion that the Defendant's Motion was never contested. This situation clearly lends to a perception by Appellant of bias and suspicion of our court system. This highly irregular and neglectful management of one's case record by the court gives a poor reflection on the state's judiciary.

*SCRCP 501, Canon 3 (5): A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, .... and shall not permit staff, court officials and*

*others subject to the judge's direction and control to do so.... Commentary: A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute".* There is an unfortunate, but very real, perception of bias when Appellant's document was not held in equal status of care and respect as the Defendant's.

IV. THE CIRCUIT COURT FAILED TO SANCTION A PARTY FOR  
FILING A FRIVOLOUS MOTION PURSUANT TO SC CODE ANN.  
§15-36-10 (4)(a)(iii)(iv)(b)

The gravity of Appellant's concern is pointedly made when placed into full context. The Order, upon which this Motion to Vacate is filed, derives from the entire contents of Defendant's 'Motion to Dismiss'. Defendant's Motion was riddled with unsubstantiated and false accusations against Appellant, which were more specifically accusations of a criminal nature.

FURTHERMORE, the Defendant's Motion to Dismiss violated SC Supreme Court guidelines, pursuant to Rule 502 § 12 & 13, SCACR, as it pertains to grievances filed to the Commission on Judicial Conduct, whereas Defendant (Paquita Mosley's) counsel purposefully divulged confidential matters of the Commission, in what appears to have been done merely as a selfish means to bolster said Motion and enhance any accusations against Appellant.

The lower court's adoption of the substance of Defendant's Motion to Dismiss has errantly and simultaneously upheld the accusations of its content and aided in shining a spotlight on confidential Disciplinary matters that were not proper to be brought into the public forum of the circuit court.

Defendant, Paquita Mosley, through her counsel, on February 28, 2019, filed Motion to Dismiss and on March 7, 2019 an Amended Motion with the Circuit Court.

1) Defendant's Motions to Dismiss contain the following accusatory language specifically against Appellant:

*'... This would certainly allow Plaintiff (Griffin) to continue his course of harassment and place Defendant's attorney in professional harm and perhaps even personal harm,'* and went on to say, *"Since Plaintiff's goal is to harass Defendant and her legal counsel.... constitute a continued form of harassment."* (see Exhibit I: pg. 2, (#4) line 8).

*"...Plaintiff using this litigation to harass Defendant"* (see Exhibit I: pg. 3, (#11) line 3)

Defendant's counsel then asks the court to *"issue an order protecting Defendant and her legal counsel from all repercussions of Plaintiff's improper demands"* (see Exhibit I: pg. 3, (#12) line 5-6).

Defendant includes a 'Prayer' to define the level of harassment, asking the court to *"issue an order of protection for Defendant and her legal counsel such that they are protected financially, physically, and in all other manners from*

*Plaintiff's ongoing campaign of harassment*'. (see Exhibit I: pg. 4, PRAYER

(d).)

Appellant brought his concerns of this matter to the court during the March 18, 2019 hearing. (see Exhibit N: pg. 18, lines 1-15) There was no rebuttal.

By Defendant inferring that Appellant intends 'physical' or bodily harm, she has asserted a criminal charge against Griffin and erroneously implies that his actions have met standards warranting such an 'order of protection' from 'physical harm'.

According to SC Code Ann § 20-4-10 and 20-4-20: Orders of Protection are granted under the 'Domestic Abuse Act' and defined as: (a) "Abuse" means: (1) *physical harm, bodily injury, assault, or the threat of physical harm;*(2) *sexual criminal offenses, ... committed against a family or household.* As Appellant is not a member of either Defendant or Defendant's counsel household, a request of this nature was inappropriate outside of family or magistrate's court, as required for such matters.

By Defendant's terminology of '*Plaintiff's ongoing campaign of harassment*' and 'physical' harm, she accused Appellant of having violated SC Code Ann § 16-3-1700, a criminal offense. Yet, Defendant provided no details or proof of actions by Griffin to support such a serious claim, of which an offense of 'harassment', under this statute, constitutes a \$1000 fine with a possible combination of up to 3 years imprisonment.

2). Defendant's counsel has publicly disclosed privileged matters of the Commission on Judicial Conduct:

Defendant's Motion to Dismiss references '*grievances*' filed by Appellant against a judge in the probate court. (Exhibit I: pg. 3 (#10)). With this matter being discussed in open forum during the hearing on March 18, 2019, the subject of the grievance, a probate judge who is still an active official in the courts, was discussed publicly, due to Defendant's continual persistence to associate matters of the circuit court with probate.

Firstly, the matters of another court have no place in the circuit court arena, as they serve no part in the subject of 'jurisdiction', nor was a hearing on jurisdiction appropriate considering the civil case's history in the circuit court. Secondly, it is in violation of Rule 502, Rule 12 (a) SCACR for Defendant's counsel to disparage the reputation of a judge by divulging publicly that a grievance was ever filed against him. Thirdly, by further insinuation that somehow the actions by the Appellant '*forced the judge to recuse himself*', Defendant's counsel did so much as infer that the said official must have been found guilty by the Commission and forced to recuse, as a result of Appellant's grievance. Defendant at no time made any effort to correct the record by explaining that the same official actually informed of his decision to recuse in response to a demand that Defendant's counsel had introduced to him, nor did she inform the circuit court that said judge had in fact been exonerated by the Commission.

THEREFORE, Appellant strongly opposes Defendant's Motion and the granting of it by the circuit court, as there was no discernment made by the court in its July 9, 2019 Order that the court rebuked the accusations or claims of the Defendant against Appellant, nor was there any reprimand or sanctioning of opposing counsel for bringing confidential matters of the Commission on Judicial Conduct and Office of Disciplinary Counsel into the civil case. By the circuit court simply distancing itself from the claims by pretending it did not hear, it did not erase the damage caused to Appellant, nor remove the confidential disciplinary actions from the case record, leaving all claims now a matter of public record, as Defendant's Motion to Dismiss, containing these accusations, were immediately added to the official SC Judicial Website's court record.

For the record, Appellant is an individual, retired, with a law enforcement background, in South Carolina, of approximately (25) twenty-five years. Appellant has been legally slandered by Defendant's counsel in her Motion to Dismiss. Prior to the Motion to Dismiss, there had been no contact by Appellant with Defendant or Defendant's counsel outside of normal discovery-related written correspondence, and certainly nothing to warrant her claims of '*harassment*' and a need for physical '*protection*' which suddenly came (7) seven months after said correspondence. It was also not Appellant, but Defendant's counsel who opened the door for this subject matter in open court, of confidential grievance actions, as far back as July 2018 and again in her Motion to Dismiss in 2019; a matter that Appellant had

previously held in confidence so as not to weaponize it in any way to smear or defame opposing counsel's reputation before the circuit court or publicly.

Defendant's counsel had no good cause to utilize confidential Commission matters about herself or a judge, or to create criminal accusations against Appellant, other than to feign victimization and to invoke sympathy from the court.

ALSO, Appellant asks this Court to consider the Circuit Court's stance on the Defendant's Motion and its frivolity. It is logical to explore the following:

Defendant had asked the circuit court for an 'order of protection' from Appellant.

How then can the circuit court defend its action of NOT issuing such an order if the court actually believed the claims of the Defendant? Would not the court's failure to grant the "order of protection" have left the Defendant in the way of possible bodily harm, as suggested? And, if the court did not see fit to provide such an order of protection as requested, why? The court would clearly not leave someone in harm's way if protection was indeed needed, unless the court truly did not believe the claims. Therefore, if the court believed that the accusations were frivolous, then why did it fail to sanction and reprimand the counsel responsible for bringing such baseless and frivolous claims before the court, as was in its scope of duty to do?

According to SC Code Ann 16-9-10 A (1)(2), it is still '*unlawful for a person to willfully give false, misleading testimony, ... or .... Information on a document, record, report*'. According to Rule 8.4 (d)(e) SCRCP, it is '*professional misconduct for a lawyer to engage in conduct involving dishonesty, ... deceit or*

*misrepresentation.... Engage in conduct that is prejudicial to the administration of justice.”*

Pursuant to Canon 1(A) a ‘*Judge should participate in ...maintaining and enforcing high standards of conduct... so that the integrity and independence of the judiciary will be preserved.*’

The Order of July 9, 2019 also did not grant Defendant’s Motion to Dismiss ‘in part’, to provide clarity necessary to distinguish its position from those claims of opposing counsel. The failure of denouncement or rebuke by the court has given a public and legal perception of the Motion’s full validation.

The mishandling of Appellant’s ‘Response to Motion’ brief, and the court’s stance supporting Defendant’s Motion to Dismiss, has contributed to Appellant, who is currently pro se, being hampered in securing representation, as any potential counsel referring to the SC Judicial website, have for months been able to review the criminal accusations contained within the Defendant’s brief, seen no rebuttal brief, but only the Order upholding Defendant, shedding a negative light upon Appellant. This is stated due to Appellant being asked by potential counsels twice for explanation of the whereabouts of his ‘Response’ brief, prior to their declining representation.

Appellant, in addition, now suffers a diminished reputation and his liberty has been taken. Does the court’s failure to declare Defendant’s charges as frivolous leave Appellant open to future accusation and possible arrest, as opposing party has a

supported court Order in her favor apparently upholding her accusations? Hasn't Appellant's constitutional right to liberty been infringed upon as he must continually be mindful of crossing the same paths as the Defendant or her counsel, knowing that this Order might support Defendant or counsel in a presumption of reasonable fear (SC Code, Art. 6 § 16-11-440) should either choose to act out in any manner against Appellant. Just because the court did not choose to 'entertain' Defendant's claims, it did not bring closure to them.

Appellant believes that it is inexcusable for a court to ignore an attorney's conduct not in keeping with the standards of professional conduct, just because the offender is a fellow court official; expressly when this conduct also crosses boundaries to include confidential matters of a judge as fodder for supporting a Motion, and this conduct uses unfounded criminal accusations against a legal opponent without basis or cause.

V. THE LOWER COURT ISSUED AN ORDER WHICH WAS NOT LEGALLY IN HARMONY WITH THE CASE OF RECORD; NOT PROPERLY DEFINING THE RELATIONSHIP OF CASE PARTIES.

The lower court on July 9, 2019, issued its Order granting Defendant's Motion to Dismiss. This Order captioned and cited Respondents as:

“Thomas Mosley, Quinnie Mosley, Walter Mosley, Timothy Mosley, and Paquita Mosley, *Individually and as Personal Representative of the Estate of Ellec Mosley*”.

(see Exhibit C: cover page)

Appellant’s case, of which the July 9, 2019 Order is pertaining, (which originates from his initial Complaint filed originally in Richland County Court of Common Pleas in December 2015, and then Amended/re-filed on February 16, 2016, prior to the change of venue to Edgefield County), is correctly captioned and cites the Respondents in their rightful capacities as:

“Thomas Mosley, *Individual*;  
Paquita Mosley, *Individual*;  
Timothy Mosley, *Individual*;  
Quinnie Mosley, *Individual*;  
Walter Mosley, *Individual*;  
Betty Mosley, *Individual*;  
Paquita Mosley, *as Personal Representative  
of the Estate of Ellec Mosley.*”

(see Exhibit E (cover page), Exhibit A (cover page), and Exhibit K (SC Judicial website page).)

Appellant brings to the Court’s attention the following captioning discrepancies:

- 1) The caption of the lower court’s July 9, 2019 Order does not include all (6) six Respondents of the lower court case. Defendant, Betty Mosley, has been omitted and was not properly cited as a Respondent of the case, even though she has been a Respondent

since 2016 and has not, at any time prior to the July 2019 Order, been given relief by the court.

- 2) The caption of the July 9, 2019 Order improperly re-titled each Respondent. The lower court did not distinguish each Respondent individually and has presented all five defendants with a shared title of: '*Individually and as Personal Representatives of the Estate of Ellec Mosley*', which they are not.

Appellant was made aware of the lower court errors by receipt of a letter from the SC Court of Appeals, dated November 26, 2019, (see Exhibit L), which advised Appellant that the title of his Appeal and any future submissions to the Appellant Court should be changed to match the titling of the lower court Order. This, of course, would mean that Appellant should present his appellant brief and all future documents to the SC Court of Appeals with inaccurate information, that not only omits one defendant completely, but includes improper title of the others.

As mentioned previously in this Motion, there is but one Personal Representative of the probate estate case referenced previously, which is Defendant, Paquita Mosley. There is but one other party to that case, which is Appellant, Rufus Lyndell Griffin. It is not proper for the circuit court to list or title all other Defendants as 'Personal Representative' of a case of which none ever petitioned and were never parties. Appellant Griffin filed his Complaint within the circuit court, listing Defendant

Paquita Mosley not only individually, but as Personal Representative of the estate, as was her status prior to the 2015 Reverse/Remand. As it stands, The Supreme Court of South Carolina has appointed other judges and counties to litigate the lingering matter of paternity between Griffin and Paquita Mosley, which is the only issue still pending in the probate court. Therefore, it would appear highly improper at this time for the Circuit Court to now introduce and interject other parties into a case of which they have no history of participation, petition or involvement, and an action which would seem to cross jurisdictional boundaries of the Circuit Court.

If a member of the public were to review this Order and see that the caption of the Order has now been changed to reflect all members of the case as Personal Representative of an estate when it is clear they are not, one might perceive that this error was the court's way of adjoining Appellant's civil action with probate, as the Order surely bolsters reasoning for that position, and that the error was not a simple typographical mishap. This error in the captioning of the case, when viewed within the totality of all the procedural errors and misstatements of fact in this case, cannot, as it stands, avoid a perception of bias.

- VI. THE CIRCUIT COURT DISMISSED APPELLANT'S CASE ON A MOTION OF ONE RESPONDENT, REFERRING THE CASE TO A LOWER (PROBATE) COURT'S JURISDICTION, WHERE THE FIVE OTHER RESPONDENTS WERE NOT PARTIES, DENYING APPELLANT PROCEDURAL DUE PROCESS.

The decision by the Edgefield County Court of Common Pleas, in its July 9, 2019 Order granting dismissal of Appellant's case solely on Respondent Paquita Mosley's Motion to Dismiss, also, to the legal detriment of Appellant, consequently and finitely dismissed Appellant's entire case and complaint against actions of five (5) other Respondents: Thomas Mosley, Timothy Mosley, Walter Mosley, Quinnie Mosley and Betty Mosley.

As these other Respondents were not Parties to the referenced 2012 probate case, it is therefore not reasonable to assume that Appellant can freely pursue civil action against these outside parties in the Probate Court.

Appellant has been left with no appropriate Court in which to litigate his claims against not only Defendant Paquita Mosley, but the other non-parties of the probate case. Appellant's case in the circuit court was deemed appropriate before the court in 2015 and was on track for jury trial, per the order of Richland County. The circuit court, in dismissing Appellant's civil lawsuit against the several defendants of the case, has infringed upon his right of trial by jury pursuant to Declaration of Rights, Art.1 § 14, as he is not able to secure trial by jury through a probate court. According to the Constitution of South Carolina § 11, the 'Circuit Court shall be a general trial court with original jurisdiction in civil and criminal cases.'

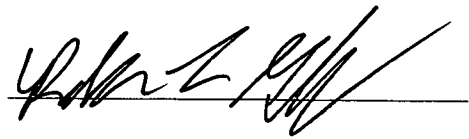
WHEREFORE, Due to numerous, serious, aforementioned concerns contained within this Motion to Vacate Order, Appellant Rufus Lyndell Griffin seeks the following RELIEF:

- 1) Approval of Appellant's Motion to Vacate the Order of the lower court (dated July 9, 2019), which improperly dismissed his Complaint and entire case, as jurisdiction is and was proper in the Circuit Court.
- 2) Issuance of a Declaratory Judgement on the matter of controversy deriving from the Defendant's Motion to Dismiss, which had requested an 'order of protection' on the grounds of harassment, as Appellant requires a definitive position by the court to protect his own constitutional right of liberty and due process.
- 3) Appellant further requests and PRAYS that the Court take into consideration the serious issues that have transpired within the handling of his civil case, and the certain perception of bias that can't be erased, and asks that the Court not only vacate the July 9, 2019 Order of the lower court, but disqualify the same official, who issued the Order, from further involvement in Appellant's civil case.
- 4) Appellant also seeks and requests, pursuant to Rule 222, SCACR, reasonable reimbursement of expenses incurred with this Motion to Vacate and fees associated with the filing and preparation of his Notice of Appeal, all in response to the Order of July 2019. Appellant plans to offer his affidavit in support of fees incurred at the conclusion of the appeal matter.

Respectfully,

December 23, 2019

Date

A handwritten signature in black ink, appearing to read 'Rufus Lyndell Griffin', written over a horizontal line.

Rufus Lyndell Griffin, pro se

313 Fifth Avenue

McCormick, SC 29835

(864) 852-2163

## Legal Statutes

**Rule 60 (b)(3)(4) SCRPC: RELIEF FROM JUDGMENT OR ORDER:** (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. *On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:* (3) *fraud, misrepresentation, or other misconduct of an adverse party;*(4) *the judgment is void;*

**28 USC Appendix § 60 (c) TIMING AND EFFECT OF MOTION:** (1) *Timing. A motion under Rule 60(b) must be made within a reasonable time...no more than a year after the entry of the judgment or order or the date of the proceeding.* (d) **OTHER POWERS TO GRANT RELIEF.** *This rule does not limit a courts power to:* (1) *entertain an independent action to relieve a party from a judgment, order, or proceeding;*

**State of SC Constitution (1895) § 3: PRIVILEGES AND IMMUNITIES;** *due process; equal protection of laws: nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.* (1970 (56) 2684; 1971 (57) 315.); **§ 9: COURTS; SPEEDY REMEDY:** *All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.* (1970 (56) 2684; 1971 (57) 315.); and **§22: PROCEDURE BEFORE ADMINISTRATIVE AGENCIES:** *No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property ...* (1970 (56) 2684; 1971 (57) 315.)

**SC Code Ann § 62-1-302 (1)** *... the circuit court also has jurisdiction to determine heirs and successors as necessary to resolve real estate matters... and other actions pending in the circuit court*

**SC Code, Article 1 § 14-5-10,** *Circuit Courts are “courts of record, and the books of record thereof shall, at all time, be subject to the inspection of any person interested therein.*

**SC Code, Article 1 §14-17-570,** *... ‘the clerk shall not in any case permit either the books or records to be removed from his office, though he shall at all times permit either party to a suit..... to inspect or copy... any papers pertaining thereto...*

SCRCP 501, Canon 3 (5): *A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, ..... and shall not permit staff, court officials and others subject to the judge's direction and control to do so....* Commentary: *A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute”*

SC Code Ann. §15-36-10: SOUTH CAROLINA CIVIL PROCEEDINGS

SANCTIONS ACT: Frivolous lawsuits; signing pleadings; imposition of sanctions; notice and opportunity to respond; reporting violations. (4) *An attorney... participating in a civil... action or defense may be sanctioned for: (a) filing a frivolous pleading, motion, or document if: (iii) a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party; or (iv) a reasonable attorney presented with the same circumstances would believe the pleading, motion, or document is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based; (b) making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts*

SC Code Ann § 20-4-10 and 20-4-20: ORDERS OF PROTECTION: Orders of Protection are granted under the 'Domestic Abuse Act' and defined as: (a) "Abuse" means: (1) physical harm, bodily injury, assault, or the threat of physical harm; (2) sexual criminal offenses, as otherwise defined by statute, committed against a family or household

SC Code Ann § 16-3-1700 (A): CRIMES AND OFFENSES; OFFENSES AGAINST THE PERSON: "Harassment in the first degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose..... Harassment in the first degree may include, but is not limited to: (1) following the targeted person as he moves from location to location; (2) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency; (3) surveillance of or the maintenance of a presence near the targeted person's: (a) residence; (b) place of work; (c) school; or (d) another place regularly occupied or visited by the targeted person; and (4) vandalism and property damage.

SC Code Ann 16-9-10 A(1)(2):...*'unlawful for a person to willfully give false, misleading testimony, ... or .... Information on a document, record, report'*.

Rule 8.4 (d)(e) SCRPC: ... it is *'professional misconduct for a lawyer to engage in conduct involving dishonesty, .. deceit or misrepresentation.... Engage in conduct that is prejudicial to the administration of justice.*

SCRPC 501 Canon 1(A) a *'Judge should participate in ...maintaining and enforcing high standards of conduct... so that the integrity and independence of the judiciary will be preserved*

SC Declaration of Rights, Art.1 § 14: TRIAL BY JURY, WITNESSES AND DEFENSE; The right of trial by jury shall be preserved inviolate

Constitution of South Carolina, Art.5 § 11: JURISDICTION OF THE CIRCUIT COURT; The Circuit Court shall be a general trial court with original jurisdiction in civil and criminal cases..... (1972 (57) 3176; 1973 (58) 161; 1985 Act No. 9.)

Rule 502 (12 & 13) SCACR: ACCESS TO DISCIPLINARY INFORMATION:  
In summary, these rules explain in depth that all matters before the Commission are confidential and are not to be disclosed except for good cause to be determined only by the Commission under the direction and jurisdiction of the SC Supreme Court.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals  
[In The Supreme Court]

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Case No. 2019-001428

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APPEAL FROM EDGEFIELD COUNTY

Court of Common Pleas  
Alison Renee Lee, Chief Administrative Circuit Court Judge

Case No. 2016-CP-19-00141

---

Rufus Lyndell Griffin,

Appellant

v.

Thomas Mosley, Quinnie Mosley, Walter Mosley, Timothy Mosley,  
And Paquita Mosley, Individually and as Personal Representative  
Of the Estate of Ellec Mosley,

Respondents

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**EXHIBITS**

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Rufus Lyndell Griffin , )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 Thomas Mosely, Individual; Paquita )  
 Mosely, Individual; Timothy Mosley, )  
 Individual; Quinnie Mosley, Individual; )  
 Betty Mosely, Individual; Paquita Mosely )  
 as Personal Representative of the Estate of )  
 Ellec Mosley, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 IN THE FIFTH JUDICIAL CIRCUIT  
 Case No.: 2015-CP-40-07354

**ORDER GRANTING DEFENDANT'S  
 MOTION TO CHANGE VENUE**

RICHLAND COUNTY  
 FILED  
 2016 MAY 17 PM 2:45  
 JENNIFER H. HARRIS  
 CLERK OF COURT

This matter came before the Court on April 6, 2016 on motion of Defendant Thomas Mosely's Motion to Change Venue. Specifically, Defendant Mosely moved pursuant to South Carolina Code § 15-7-10(1) and Rule 12(b)(3) of the South Carolina Rules of Civil Procedure to transfer venue of this action to the Court of Common Pleas for the Eleventh Judicial Circuit, Edgefield County, South Carolina.

Plaintiff filed the instant action in Richland County, South Carolina, seeking recovery of both real property and personal property located in Edgefield County, South Carolina. Under S.C. Code § 15-7-10(1), an action for the recovery of real property or of an estate or interest in real property must be tried in the County in which the property is situation. Here, all property is located in Edgefield County. Therefore, Plaintiff's action must be transferred to Edgefield County as a matter of law.

Additionally, South Carolina law provides that law suits brought against a fiduciary may be brought where such administration has been granted. S.C. Code § 15-7-40. Plaintiff is



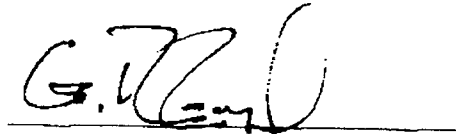
-A-

currently involved in litigation in the Probate Court of Edgefield County, South Carolina, which concerns the real property and personal property of the Estate of Ellec Mosley.

Finally, judicial economy and judicial convenience support the transferring this action to Edgefield County, South Carolina. The court may exercise its discretion in granting a Motion to Change Venue based upon the convenience of witnesses and the ends of justice. *Whaley v. CSX Transport, Inc.*, 362 S.C. 456, 609 S.E.2d 286 (2005). One important factor in determining whether the ends of justice are promoted is the ability to have local jurors. *McKissick v. J.F. Cleckley & Co.*, 325 S.C. 327, 479 S.E.2d 67 (1996). Here, six of the parties are residents of Edgefield County, South Carolina, and the majority of the witnesses reside in Edgefield County, South Carolina. Therefore, the Court takes judicial notice that because the majority of the parties and witnesses reside in Edgefield County, South Carolina, the ends of justice would be served by having Edgefield County jurors.

**IT IS THEREFORE ORDERED** that venue in the instant matter is proper in Edgefield County, South Carolina, and Defendant Thomas Mosely's Motion to Change Venue from Richland County, South Carolina to Edgefield County, South Carolina is hereby **GRANTED**.

**IT IS SO ORDERED.**



G. Thomas Cooper, Jr., Judge  
Fifth Judicial Circuit

Columbia, South Carolina

May 17, 2016

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015CP4007354

Rufus Lyndell Griffin

Thomas Mosley

PLAINTIFF(S)

Paquita Mosley

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for:  Plaintiff  Defendant or  Self-Represented Litigant

**DISPOSITION TYPE (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 41(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 \_\_\_\_\_

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:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

2016 MAY 17 PM 2:54  
 RICHLAND COUNTY  
 CLERK OF COURT

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_ Judge Code 2126 Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 18 day of May, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Katherine Noel Willett

David Eugene Massey  
 Rachael Ashley Dain

Randall DeWitt Williams  
 Eydie J. Tillman

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette Williams

1 State of South Carolina )  
 2 County of Edgefield )  
 3 Rufus Lyndell Griffin, )  
 4 Plaintiff, )  
 5 vs. )  
 6 Thomas Mosley, et al., )  
 7 Defendants. )  
 8 \_\_\_\_\_ )

In the Court  
 Of Common Pleas  
 Case No.: 2016-CP-19-00141

Transcript of Record

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November 7, 2016  
 Edgefield, South Carolina

BEFORE:

The Honorable Jocelyn Newman, Judge

APPEARANCES:

Katherine Noel Willett, Esquire  
 Attorney for the Plaintiff

Randall DeWitt Williams, Esquire  
 David Eugene Massey, Esquire  
 Rachael Ashley Dain, Esquire  
 Attorneys for the Defendants

ALSO PRESENT:

Rufus Lyndell Griffin

-B-

1 unreasonable. When a person dies, usually you're  
2 grieving their death. Now, within a reasonable time  
3 after that you may begin to try to determine what assets  
4 were made and things like that, but if, in fact, they had  
5 gone on December 2nd on the date of death trying to  
6 determine assets, you would be standing here calling them  
7 insensitive quite frankly for, you know, won't even let  
8 his body cool and you're already trying to figure out  
9 what you can get. I don't think that's unreasonable. It  
10 was eight days.

11 MR. WILLIAMS: Your Honor, I've been practicing law  
12 for nearly 20 years and I will assure you that I've  
13 learned that people make haste when it comes time to --

14 THE COURT: Absolutely. They certainly can. Some  
15 people do, but I'm not gonna find that eight days is  
16 unreasonable.

17 MR. WILLIAMS: Yes, ma'am.

18 THE COURT: Yes, ma'am. Ms. Dain.

19 MS. DAIN: Judge, I have a spine disability that  
20 makes it very painful for me to constantly look down at  
21 my notes. May I please sit while I address the Court?

22 THE COURT: Absolutely.

23 MS. DAIN: Thank you so much. Judge, I am joining  
24 in on Mr. Williams' motion to dismiss and I just like to  
25 clarify a few things listening to what was being

1 I just wanted to point out that I have a text message  
2 here that Paquita Mosley submitted in discovery that it  
3 doesn't look good for Thomas or Paquita, but I just  
4 wanted to bring that to light that only one text message  
5 was provided. That gives me pause in that why was there  
6 only one provided? Was there only one exchange? And  
7 based on the length of this one I would just ask that --  
8 Thomas Mosley was the one who purportedly sent this and  
9 then stated in his discovery responses that I just  
10 reviewed real quickly that he has no information and as  
11 you know even if he doesn't have it in his possession, if  
12 he's able to get that information, that's his duty to do  
13 so under South Carolina civil procedure. So I just  
14 wanted to point that out and let the Court know that we  
15 have that on our radar and that we would be looking for  
16 those text messages that could prove our case.

17 MR. MASSEY: For the record, Your Honor, I have no  
18 idea what they're speaking of. None of this was ever  
19 provided to me. I'm gonna ask that Rachael gives to me  
20 whatever she's referring to. In the old days we used to  
21 give each other notice and I would greatly appreciate  
22 that. Thank you.

23 THE COURT: All right. Folks, what I understand  
24 this case to be about is some CD's and deeds on property  
25 or monies that were held by the decedent and Mr. Griffin

1 at some point and then later on Mr. Griffin, et cetera.  
2 Mr. Griffin also alleges that he was the son of Ellec,  
3 but I don't see that being tied to his claim of fraud or  
4 misrepresentation or civil conspiracy as to these CD's  
5 and deeds. As I mentioned earlier and asked about it, it  
6 appears to me to be incidental to that.

7 Now, it may become a relevant factor if it is  
8 determined, I don't know, that somehow everything was  
9 fraudulent and the proceeds from the CD's are part of the  
10 estate. I don't know. That may come later, but I think  
11 the fraud and misrepresentation, civil conspiracy as to  
12 these specific things are separate from the probate  
13 action and separate from the claim of paternity. Saying  
14 all that I am going to deny the motion to dismiss. As to  
15 the motion to compel I'm not going to award attorney's  
16 fees, I'll tell you that at the outset. I rarely do  
17 that.

18 MS. WILLETT: I had to ask.

19 THE COURT: I know you had to ask. Everyone has to  
20 ask, but it has to be some egregious, just something -  
21 that's the whole process --

22 MS. WILLETT: I can come back.

23 THE COURT: Absolutely. Come back and make another  
24 request if something else happens in the future. I am  
25 going to order that --

1 objections before I can even decide whether I need to  
2 file a motion to compel. I just haven't gotten anything.

3 THE COURT: Right. And that's where I was going. I  
4 hate to sort of kick the can down the road, but as to  
5 Quiny and Betty I'm gonna order that those two parties,  
6 or Mr. Eleazer Carter on their behalf provide responses  
7 to discovery request within 20 days. The same as to  
8 Walter and Timothy, Mr. Williams, 20 days, and to the  
9 extent that, and this is where I talk about kicking the  
10 can down the road, to the extent that, Ms. Willett,  
11 deeming those responses to be insufficient, there may be  
12 another motion to compel, but until they do or don't  
13 respond or raise whatever objections they have I'm not  
14 gonna make any determination about the request as they  
15 are.

16 Now, as to Thomas Mosley's responses, let me quickly  
17 go through them. I don't know. Ms. Willett, do you  
18 object to all of them?

19 MS. WILLETT: No. I haven't even had a chance to  
20 really review those yet so if and when, I don't think  
21 it's right for me to make that right now.

22 MR. MASSEY: Your Honor, our normal practice is once  
23 we get it, we send a letter to opposing counsel stating  
24 what we think they could have done better or what they  
25 could have produced. If they do not get us something in

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CERTIFICATE OF REPORTER

(STATE OF SOUTH CAROLINA)

(COUNTY OF LEXINGTON )

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R., and Official Circuit Court Reporter for the Eleventh Judicial Circuit in and for the State of South Carolina, do hereby certify that I reported the proceedings in the before captioned case in the Court of Common Pleas in and for the State of South Carolina on the 7th day of November, 2016.

I FURTHER CERTIFY that the forgoing 34 pages constitute a true and accurate record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at Lexington County, this 2nd day of November, 2019.

By:s/Steven E. LeBlanc

\_\_\_\_\_  
Steven E. LeBlanc, Sr., R.P.R.  
Eleventh Circuit Court Reporter  
State of South Carolina.

STATE OF SOUTH CAROLINA  
COUNTY OF EDGEFIELD

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

Rufus Lyndell Griffin,  
Plaintiff,

C/A NO: 2016-CP-19-00141

vs.

**ORDER**

Thomas Mosley, Quinnie Mosley, Walter  
Mosley, Timothy Mosley, and Paquita  
Mosley, Individually and as Personal  
Representative for the Estate of Ellec Mosley,  
Defendants.

This matter is before this Court on a Motion to Dismiss filed on February 18, 2019 by Defendant Paquita Mosley ("Defendant"). Rufus Griffin ("Plaintiff"), Pro Se and Palmer Freeman, Jr., Esq., counsel for Defendant, were present for the hearing conducted at the Edgefield County Courthouse on March 18, 2019.

**BACKGROUND**

At the hearing, Defendant sought dismissal of the complaint on two grounds:

First, Defendant averred dismissal is a proper remedy for Plaintiff's lack of compliance with Defendant's discovery requests under Rule 37(b)(2)(C), SCRPC. Defendant stated that Plaintiff had not answered the interrogatories that were sent following the previous hearing in July 2018. Plaintiff asserted that he never received any interrogatories. Following the hearing in March, this Court ordered Defendant to provide Plaintiff with an additional copy of the interrogatories. Plaintiff was ordered to respond to those interrogatories within fifteen days of receiving them. Plaintiff was also ordered to produce any documents responsive to Defendant's request for production within sixty days of the hearing. Defendant's motion for dismissal on the basis of noncompliance with discovery is now moot. *See* Order dated March 20, 2019.

Defendant also sought dismissal of Plaintiff's complaint on the basis that another action between the parties is pending in probate court. See Rule 12 (b)(8), SCRPC. Plaintiff stipulated there was a pending probate action, but he contends that the instant action involves a dispute over non-probate assets that is properly before this Court. At the hearing this motion was taken under advisement.

-C-

### LEGAL STANDARD

A defendant may move for dismissal of an action pursuant to Rule 12(b)(8), SCRPC when another action is pending between the same parties for the same claim. *Cricket Cove Ventures, LLC v. Gilland*, 390 S.C. 312, 322, 701 S.E.2d 39, 44 (Ct. App. 2010); *Capital City Ins. Co v. BP Staff, Inc.*, 382 S.C. 92, 105-106, 674 S.E.2d 524, 531-532 (Ct. App. 2009)(noting that the claim must either be substantially or precisely the same as in the other action).

### DISCUSSION

Plaintiff asserted during the hearing that this case is different from the underlying probate action in that it involves funds which are/were not probate assets. However, a review of the record in this case offers insufficient evidence to draw such a conclusion. The complaint seeks damages for estate assets wrongfully converted by Defendant as well as claims for assets which were purportedly jointly owned by Plaintiff and Ellec Mosley (“the Decedent”).

The underlying probate case was appealed to the circuit court following a determination that Plaintiff had failed to prove paternity beyond a reasonable doubt.<sup>1</sup> The circuit court found error in this decision, noting that Plaintiff’s burden of proof under the statute was “clear and convincing” evidence. Order of J. McMahon dated Nov. 12, 2015, Docket No. 2014CP1900324. The Order of the Probate Court was reversed and remanded for further proceedings to determine paternity consistent with the statutory requirements of S.C. Code Ann. § 62-2-109(2)(ii).

This case, like the underlying probate action, involves a dispute over assets originally in the possession of the Decedent that were distributed to Defendant and other parties following Decedent’s death in December 2, 2012. *See* Complaint ¶¶ 24-25, 33-34. Defendant is also the named defendant in the underlying probate action. The complaint asserts, in part, that Plaintiff is a lawful heir to the Decedent’s estate and is therefore entitled to a share of the assets. Whether Plaintiff actually is an heir or entitled to those assets is a question that falls within the exclusive jurisdiction of the probate court. S.C. Code Ann. § 62-1-302 (2019). Section 62-1-302 provides in part that the probate court has exclusive original jurisdiction over paternity matters. S.C. Code Ann. § 62-1-302(c) (2019). The probate court may, in its discretion, remove certain matters to

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<sup>1</sup> Originally filed in Edgefield County as Probate Case No. 2013-ES-19-0001, the case was subsequently transferred to Lexington County. The Lexington County Probate Court assigned case number 2016-ES-32-262 to the file and Judge Eckstrom was appointed special probate judge by order of the Supreme Court on January 27, 2016. Judge Eckstrom later recused himself and Judge Travis Moore of Greenwood County was appointed special probate judge on February 15, 2018. The Greenwood County Probate Court received the file in March 2018 and it retains the original Edgefield case number.

circuit court including, inter alia, issues triable before a jury and involving amounts in controversy of five thousand dollars or more. S.C. Code Ann. § 62-1-302(d)(5) (2019). An interested party may accomplish the same by filing a motion. *Id.* However, that is not the procedural posture of this case. Plaintiff initiated this action through the filing of a summons and complaint in circuit court rather than a motion for removal of the probate action to circuit court.<sup>2</sup> Accordingly, the issues raised in Plaintiff's complaint are proper for the probate court to consider as a matter of first impression.

**ORDER**

Therefore, based upon the foregoing, **IT IS ORDERED**, Defendant's Motion to Dismiss is **GRANTED**.

**AND IT IS SO ORDERED.**

---

<sup>2</sup> Plaintiff initially filed this action in Richland County on December 10, 2015 (Docket No. 2015CP4007354) after the probate matter was filed in Edgefield in 2013. Venue was transferred to Edgefield County by Order dated May 3, 2016.



Edgefield Common Pleas

**Case Caption:** Rufus Lyndell Griffin VS Thomas Et Al Mosley , defendant, et al  
**Case Number:** 2016CP1900141  
**Type:** Order/Dismissal

IT IS SO ORDERED!

s/ Alison Renee Lee, Chief Administrative Judge

Electronically signed on 2019-07-09 13:11:18 page 4 of 4

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF EDGEFIELD )  
 )  
RUFUS L. GRIFFIN )  
 )  
vs. )  
 )  
PAQUITA MOSELY )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

~~ORDER~~

2014-CP-19-0324

2015 NOV 12 PM 1:14  
CLERK OF COURT  
CHARLES COUNTY

This matter is before the Court pursuant to an appeal filed by Rufus Griffin alleging the Probate Judge erred in applying the requisite evidentiary standard used to prove paternity. Specifically, Judge Peeler required Griffin to prove his kinship to the decedent, Ellec Mosely, beyond a reasonable doubt rather than by clear and convincing evidence. This appeal was heard on October 6<sup>th</sup>, 2015. Appellant Griffin and Respondent Paquita Mosely appeared *pro se*.

This Court has jurisdiction to hear this appeal pursuant to S.C. Code Ann § 62-1-308 (Supp. 2014). In reviewing a case on appeal from a Probate Court, the circuit court may not disturb the probate court's findings of fact unless a review of the record discloses there is no evidence to support them; however, questions of law may be decided with no particular deference to the lower court. *Neely v. Thomasson*, 365 S.C. 345, 349-50, 618 S.E.2d 884, 886 (2005) (citing *Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 327, 534 S.E.2d 672, 675 (2000); *Matter of Howard*, 315 S.C. 356, 361, 434 S.E.2d 254, 257 (1993)).

This Court finds, and the record supports such a finding, that Appellant Rufus Griffin need only prove his kinship to the decedent by clear and convincing proof pursuant to S.C. Code Ann. § 62-2-109(2)(ii) (Supp. 2014) (providing that "paternity is established . . . by clear and convincing proof") *Id.* After reviewing all applicable transcripts, the Notice of Appeal, the Return, and all documents submitted with the Clerk's file, this Court reverses the decision of the

-D-

Probate Judge. Specifically, the Probate Court's Order of Formal Testacy found that Rufus Griffin "failed to provide the court with evidence beyond a reasonable doubt that Ellec Mosley was his biological father." *See Memorandum of Formal Hearing, In the Matter of Ellec Mosley* 2013-ES-19-00001 (2013).

**THEREFORE IT IS ORDERED** that this case is hereby REVERSED and REMANDED.

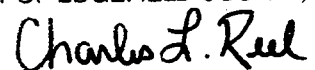
**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
R. Knox McMahon, Presiding Judge  
Eleventh Judicial Circuit

November 12<sup>th</sup>, 2015

Lexington, South Carolina

THE ABOVE IS A TRUE COPY OF THE ORIGINAL WHICH IS ON FILE IN THE OFFICE OF THE CLERK OF COURT OF EDGEFIELD COUNTY, SC



CHARLES L. REEL, CLERK OF COURT  
OF GENERAL SESSIONS AND  
COMMON PLEAS, E.C.S.C.

11-12-15  
DATED

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 )  
 RUFUS LYNDELL GRIFFIN, )  
 )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 THOMAS MOSLEY, Individual; )  
 PAQUITA MOSLEY, Individual; )  
 TIMOTHY MOSLEY, Individual; )  
 QUINNIE MOSLEY, Individual; )  
 WALTER MOSLEY, Individual; )  
 BETTY MOSLEY, Individual; )  
 Paquita Mosley, as Personal Representative of )  
 The ESTATE OF ELLEC MOSLEY; )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 FOR THE FIFTH  
 JUDICIAL CIRCUIT 2015-1354  
 (CM)

AMENDED COMPLAINT

2016 FEB 16 AM 11:34  
 RICHLAND COUNTY  
 JEROME H. ...

Plaintiff, by and through undersigned counsel, submits this complaint against the Defendants:

1. Rufus Lyndell Griffin ("Mr. Griffin") is a South Carolina citizen and subjects himself to the jurisdiction of this Court.
2. Thomas Mosley is an individual who is subject to the jurisdiction of this Court and may be served with process at 1018 Price Ave Columbia, South Carolina 29201 located in Richland County.
3. Paquita Mosley an individual who is subject to the jurisdiction of this Court and may be served with process at 235 Carroll Street Edgefield, South Carolina 29824.
4. Timothy Mosley an individual who is subject to the jurisdiction of this Court and may be served with process at 730 Youngblood Road Edgefield, South Carolina 29824.

5. Quinnie Mosley an individual who is subject to the jurisdiction of this Court and may be served with process at 704 Youngblood Road Edgefield, South Carolina 29824.
6. Walter Mosley an individual who is subject to the jurisdiction of this Court and may be served with process at 730 Youngblood Road Edgefield, South Carolina 29824.
7. Betty Mosley, is an individual who is subject to the jurisdiction of this Court and may be served with process at 1018 Price Ave Columbia, South Carolina 29201 located in Richland County.
8. Paquita Mosley, as representative of the Estate of Ellec Mosley an individual who is subject to the jurisdiction of this Court and may be served with process at 235 Carroll Street Edgefield, South Carolina 29824.

#### FACTUAL ALLEGATIONS

All prior allegations of the complaint are realleged and incorporated herein by reference.

9. Mr. Griffin is the natural born son of Ellec Mosley (hereinafter "the Decedent").
10. In late 2011, the Decedent, Ellec Mosley, was diagnosed with terminal cancer.
11. Upon information and belief, Paquita, Thomas Mosley ("Thomas"), Timothy Mosley (Timothy"), Quinnie Mosley ("Quinnie"), Walter Mosley ("Walter"), and Betty Mosley ("Betty") entered into a civil conspiracy to take all of Decedent's property before and after his death in an attempt to ensure that Plaintiff did not receive his proper share.
12. To this end, Thomas Mosley, a licensed attorney in South Carolina, drafted a deed from the Decedent to Paquita Mosley for sixteen (16) acres of Property located in Edgefield County.
13. On July 17, 2012, Thomas Mosley and Paquita Mosley met with the Decedent, wherein Paquita Mosley signed as a witness as did Betty Mosley. A true and accurate copy of the deed is attached hereto and made a part hereof as Exhibit "1."

14. Upon information and belief, Betty Mosley was not present and Thomas Mosley forged Ms. Mosley's signature on the deed as a witness.
15. Paquita Mosley informed the Decedent that she had found a life-saving treatment for him in Charleston, South Carolina.
16. However, this turned out to be a trick to get Decedent to go to the emergency room and then entering a nursing home, as Paquita informed Decedent that the Charleston, SC facility would not take him otherwise.
17. Believing Paquita Mosley, the Decedent was admitted to the emergency room on July 20, 2012.
18. All admission documents were signed by Timothy Mosley, including the Decedent's Do Not Resuscitate Forms. A true and accurate copy of the deed is attached hereto and made a part hereof as Exhibit "2."
19. At no time did Timothy Mosley have a Healthcare Power of Attorney for the Decedent.
20. On August 3, 2012, Paquita Mosley traveled from Washington D.C. and checks the Decedent out of his nursing home at 10:50pm, requiring the Decedent to cancel his cardiologist appointment that day.
21. Because the Decedent was in substantial pain from his illness, Paquita was given 4mg of Dilaudid, a powerful narcotic, to give the Decedent.
22. Paquita then administered the Dilaudid to the Decedent.
23. While Paquita had the Decedent, Paquita drove him to the Edgefield County Branch of Wells Fargo where three of five of Decedent's Certificates of Deposit ("CDs") were cashed in and then endorsed to Paquita Mosley, in a total amount of \$32,339.00.

24. The three CDs Paquita cashed and endorsed to herself were jointly held by the Decedent and Plaintiff.
25. There were two remaining CDs held by Decedent and Plaintiff, and others naming Decedent and Paquita jointly.
26. The events described in paragraphs 22 and 23 above were accomplished by Paquita directing the Decedent to sign his name, without entering the bank, then Paquita added an endorsement to herself on the back of the checks without Decedent's knowledge.
27. As part of the conspiracy, Thomas Mosley prepared a Power of Attorney in which Decedent "granted" Paquita Mosley and Timothy Mosley the position as Decedent's Attorney-in-Fact. A true and accurate copy of the deed is attached hereto and made a part hereof as Exhibit "3."
28. During Paquita and Decedent's August 3, 2012 outing from the nursing home, Paquita purportedly had Decedent sign said Power of Attorney, while Decedent was under the influence of the Diuladid and upon belief, Paquita's undue influence.
29. Paquita then took Decedent back to the nursing home and drove to Columbia, South Carolina where Thomas Mosley and Betty Mosley signed the Power of Attorney as "witnesses" of the Decedent's signature.
30. The nursing home records indicate that Decedent was only checked out from the nursing home for approximately one and a half hours and the nursing home is located in Edgefield, South Carolina on August 3, 2012.
31. The unlawful Power of Attorney did not grant Paquita Mosley or Timothy Mosley the power to make gifts.

32. The unlawful Power of Attorney, created by Thomas Mosley and illegally witnessed by Betty Mosley, named Paquita Mosley and Timothy Mosley (the decedent's nephew) as the Decedent's Attorney-in-Fact.
33. On August 21, 2012 Timothy Mosley used the unlawful Power of Attorney ("POA") to cash out the two remaining CDs jointly held in the Decedent's name and Plaintiff's name, each valued at over \$10,800.00.
34. Timothy Mosley then used the unlawful POA to withdraw \$8,787.82 from a checking account solely named to Decedent with a Payable On Death named to Plaintiff.
35. Timothy Mosley and Paquita Mosley also forged the Decedent's signature on multiple financial documents to move assets out of the Decedents name as part of the conspiracy.
36. Around this time, Plaintiff spoke to Thomas Mosley who admitted that he had not seen the Decedent since July 17, 2012, thus admitting that he did not, in fact, actually witness the Decedent "signing" the POA.
37. On September 7, 2012, as Decedent's health continued to decline, Timothy Mosley then withdrew another \$13,000 from an account solely held by Decedent.
38. Timothy then placed that money in an account he had created with the POA and listed himself as the POA.
39. The \$13,000.00 was then transferred to an account naming both Paquita and Timothy as the POAs.
40. On December 2, 2012, Decedent died intestate.
41. Decedent's funeral took place on December 8, 2012 where an obituary and Paquita Mosley prepared the obituary naming Plaintiff as Decedent's son.

42. On December 11, 2012, Plaintiff went to Wells Fargo and first learned that the CDs held by himself and the Decedent had been recently cashed out.
43. Further, Plaintiff learned that Decedent's bank account listing Plaintiff as POD had been drained, leaving a balance of \$125.00.
44. Plaintiff also learned that Paquita claimed to have paid the funeral expenses personally and received reimbursement in the amount of \$8,211.55.
45. On December 12, 2012, Paquita gave Plaintiff a form to sign for Plaintiff to relinquish all of his rights to his father's estate.
46. Subsequently, Plaintiff learned that Quinnie Mosley received one of Decedent's vehicle, a 1984 Mercedes, from Timothy Mosley using the unlawful POA.
47. Plaintiff also learned that Paquita converted a 1994 Dodge Magnum from the Decedent, a vehicle which Paquita is now driving in Washington D.C.
48. Timothy took a 1994 Lexus from the Decedent's estate which is, as of the date of this filing, located at Timothy's residence.<sup>1</sup>
49. Upon information and belief, Walter Mosley has possession of this 1994 Lexus.

**FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS  
(CIVIL CONSPIRACY)**

All prior allegations of the complaint are realleged and incorporated herein by reference.

50. In late 2011, after learning of Decedent's terminal prognosis, Thomas Mosley, Betty Mosley, Paquita Mosley, Timothy Mosley, and Quinnie Mosley entered into a civil conspiracy to drain all of Decedent's assets for their own benefit to keep Plaintiff from receiving half of Decedent's substantial estate.

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<sup>1</sup> Plaintiff shall refer to all three vehicles listed in Numbers 50-52 as "the Vehicles."

51. The purpose of the conspiracy was to cause pecuniary harm to Plaintiff and divest him of the inheritance for which Plaintiff was entitled.
52. The special damages sustained by Plaintiff are pecuniary in nature and amount to the determined at trial.
53. Further, Plaintiff sustained loss of sixteen acres of real property in Edgefield County, Tax Map# 157-00-00-020 ("the Edgefield Property") and a vehicle ("Vehicle").
54. The conspirators had a joint assent of their minds to prosecute this unlawful enterprise, using forged documents, drugs, and lies to defraud Plaintiff.
55. As a direct and proximate result of the CDs and bank accounts being unlawfully drained, Plaintiff suffered a direct pecuniary loss.
56. As a direct and proximate result of the Edgefield Property being unlawfully deeded, and the Vehicles being unlawfully transferred from Decedent, those items would have been included as part of Decedent's Estate and split equally between Decedent's two heirs, Plaintiff and Paquita.
57. As a result of the civil conspiracy, each conspirator is jointly and severally liable to Plaintiff for a total amount to be determined at trial.
58. Further, this Court should claw the Edgefield Property and the vehicle or their reasonable fair market value back into the Estate of Ellec Mosley.

**FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS  
(CONVERSION OF ASSETS)**

All prior allegations of the complaint are realleged and incorporated herein by reference.

59. Plaintiff is the legal owner of certain funds unlawfully taken by Defendants, the Vehicles, and the Edgefield Property.

60. Defendants have wrongfully asserted dominion and control over Plaintiff's property which is inconsistent with Plaintiff's legal right to it.
61. Defendants refused Plaintiff's demand to return Plaintiff's property to him.
62. By virtue of the Defendants' acts, Plaintiff has been damaged in an amount to be proven at trial, including punitive damages, costs, and expenses of litigation.
63. Further, this Court should claw the Edgefield Property and the vehicle or their reasonable fair market value back into the Estate of Ellec Mosley.

**FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS  
(CONSTRUCTIVE TRUST)**

All prior allegations of the complaint are realleged and incorporated herein by reference.

64. Defendants, through their malfeasance, have obtained Plaintiff's property which does not rightfully belong to them.
65. Defendants, are not, in equity and good conscience, entitled to hold and enjoy the beneficial interest from Plaintiff's Property, or the funds derived or to be derived from any ownership or sale of Property, in light of their wrongful action.
66. This Court should find that Defendants hold Plaintiff's Property or any funds derived from Plaintiff's Property for the benefit of Plaintiff during the pendency of this litigation and that Plaintiff is entitled to an order establishing a constructive trust and an entry of judgment (a) requiring Defendants to return Plaintiff's Property to Plaintiff; and (b) requiring Defendants to return any funds derived from the ownership or sale of Plaintiff's Property.

**FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS  
(PUNITIVE DAMAGES)**

All prior allegations of the complaint are realleged and incorporated herein by reference.

67. As a direct result of Defendants wilful, wanton, and reckless conduct, Plaintiff has suffered significant damages.

**FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANTS  
(INVALID EXECUTION OF A POWER OF ATTORNEY)**

All prior allegations of the complaint are realleged and incorporated herein by reference.

68. As alleged above, Paquita checked Decedent out of his nursing home, used 4mg of Dialuded, and secured the signature of Decedent on August 3, 2012.

69. Decedent's state of mind in question as to whether he was mentally capable of signing the Power of Attorney and understanding its contents.

70. After securing Decedents' signature on the POA by unlawful means, Paquita drove to Columbia, South Carolina, where Thomas and Betty Mosley "witnessed" the POA without actually witnessed physically, Decedent sign the POA.

71. As a result, the POA should be nullified and any and all property transferred by its use should be awarded to Plaintiff or clawed back to the Estate of Ellec Mosley.

**FOR A SIXTH CAUSE OF ACTION AGAINST DEFENDANTS  
(PRELIMINARY INJUNCTION/REQUEST STAY OF PROBATE ACTION)**

All prior allegations of the complaint are realleged and incorporated herein by reference.

72. Plaintiff has alleged above that Defendants entered into a conspiracy to commit multiple intentional torts, and even criminal activity, in an effort to drain Decedent's holdings before his death and after his death.

73. Defendants are continuing to drain Decedent's estate.

74. This Court has jurisdiction.

75. This motion seeks to enjoin Defendants from continuing to drain or transfer the assets unlawfully obtained from Decedent and Decedent's estate, that are Plaintiff's Property.

76. Plaintiff will suffer irreparable harm if Defendants are permitted to continue to drain Decedent's estate and transfer assets Defendants obtained unlawfully from Decedent.

77. There is no adequate remedy at law, as money and property is continuing to be taken by Defendants.

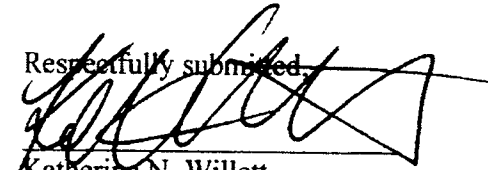
78. There is no harm to Defendants' interests if this motion for preliminary injunction is granted.

WHEREFORE, Plaintiff respectfully requests this Court:

- 1) That he have a trial by jury as to each and every appropriate issue;
- 2) A judgment against Defendants in an amount to be determined at trial;
- 3) An Order that the Vehicle and the Edgefield Property be clawed back to the Estate of Ellec Mosley, so that Plaintiff may receive his one-half share;
- 4) Prejudgment interest;
- 5) Court costs;
- 6) Attorney's fees;
- 7) Any and all other relief the Court deems just and proper.

This 12<sup>th</sup> day of February.

Respectfully submitted,

  
Katherine N. Willett  
SC Bar No. 100324  
Daniel Burroughs  
SC Bar No. 100346

**Burroughs Elijah, LLC**  
1200 Woodruff Road  
A-3  
Greenville, SC 29607

Rufus L. Griffin, Plaintiff pro se  
313 Fifth Avenue  
McCormick, SC 29835

March 31, 2019

Attn: The Honorable Alison Lee  
S.C. Circuit Court  
P.O. Box 192  
1701 Main St., Rm #324  
Columbia, SC 29202-0192  
aleej@sccourts.org

RE: Case No: 2016CP1900141 (Griffin v Mosley, et al)  
**A Matter of Grave Concern**

Dear Judge Lee,

In reference to the last hearing held on March 18, 2019, I would like to bring to your attention the following concerns:

At the time of the hearing noted above, I presented my rebuttal to Defendant's counsel's Motions before the court in the form of a 'Plaintiff's Response'. I handed this document to Mr. Charles Reel (clerk of court), in open court, who in turn provided it immediately to you, your Honor. It clearly outlined not only responses to Defendant's reasoning for case dismissal and jurisdictional change, but also addressed the misleading statements Defendant's counsel presented to the court defaming Plaintiff's character; in essence accusing Plaintiff of 'ongoing onslaughts of harassment' and her needing an 'order to protect' herself and Defendant from 'physical harm'.

I am most troubled that the Court not only distanced itself from the claims made by Defendant's counsel, as there was no evidence presented to support such outrageous claims, but also that other inaccuracies stated by Ms. Dain, an officer of the court, would be left as acceptable before the court without reprimand; as if the damage to Plaintiff was not incurred if the court simply does not mention it. Even though no attention was given the claims, the Motion containing those allegations and implications are now a matter of public record. It is further troubling that the court's lack of attention gives the perception that attorneys are shielded in a manner a pro se litigant would not be.

-F.-

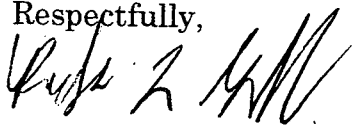
To add to the concern and issue I have at this point is that the same document, 'Plaintiff's Response', although presented in open court and read from during Plaintiff's rebuttal argument, was never scanned in and duly entered into the court record online equally as were Defendant's Motions. (Please see attached screen shot of the court's webpage, which shows all other documents received prior and since the March 18<sup>th</sup> hearing, with the exception of Plaintiff's Response). This situation would further show that although Defendant's claims in her Motions may have been false, they stand available on the internet as a matter of public record, and any response submitted by Defendant to refute those claims and clear his character have been omitted. It is as though I never made an appearance before the court.

In addition, I have not yet received a copy of the signed Order, which provides me with your Honor's signature that would begin the count of the (15) fifteen-days your Honor instructed Plaintiff to answer Defendant's interrogatories. Because Plaintiff is a pro se litigant, and not privileged as attorneys to receive service electronically, those documents must be sent to me via US Mail. In the past, the Clerk of Court has issued these types of documents via 'certified mail, with return receipt'. (copies of examples have been attached). If one has been mailed to me, surely the Clerk of Court should have record of that mailing via 'return receipt' or tracking.

Also, Plaintiff questions why he is being given 15 days to respond to Defendant's interrogatories, when Plaintiff was openly served, by Attorney Palmer Freeman, in court on March 18, 2019, and pursuant to SCRCPC 33(a), a party should be given 30 days to respond: (*"The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories."*)

Plaintiff thanks the Court in advance for its attention to these stated matters.

Respectfully,



Rufus L. Griffin, pro se

c/c Rachael Dain, Esq.

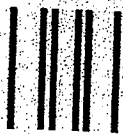
Palmer Freeman, Esq.

Honorable Charles Reel (Edgefield County Clerk of Court)

USPS TRACKING#



9590 9402 4900 9032 1859 42

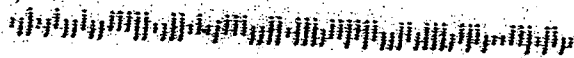


First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Rufus L. Griffin  
313 Fifth Avenue  
McCormick, SC 29835



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Hon. Alison Lee  
SC Circuit Court  
P.O. Box 192  
1701 Main St. Rm. #324



9590 9402 4900 9032 1859 42  
Columbia, SC 29201-0192  
2. Article Number (Transfer from service label)

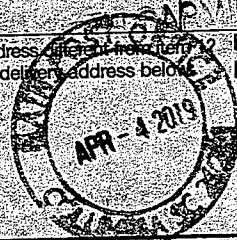
7018 2290 0000 6813 9530

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  Addressee  
X *[Signature]*

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below  No



3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

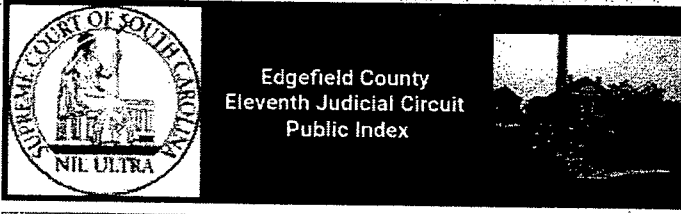
Switch View					
Partis Lyndell Griffin VS Thomas Et Al Mosley dejdant, et al					
Case Number	2016CP1900141	Court Agency	Common Pleas	Filed Date	05/09/2016
Case Type	Common Pleas	Case Sub Type	Person Inj/Other 399	File Type	Jury
Status	Pending	Assigned Judge	Clerk Of Court C P, G S, And Family Court		
Disposition		Disposition Date		Disposition Judge	
Original Source Doc		Original Case #			
Judgment Number		Court Roster	Jury Roster March 18, 2019		

Case Parties	Judgments	Tax Map Information
Associated Cases	Actions	Financials

Name	Description	Type	Monitors	Begin Date	Completion Date	Document
Griffin, Rufus Lyndell	Letter/Letter from the Supreme Court	Filing		03/29/2019-11:19		
Mosley, Paquita et al	NEF(03-21-2019 12:34:17 PM) Notice/Notice of Appearance	Filing		03/21/2019-12:34		
Mosley, Paquita et al	Notice/Notice of Appearance	Filing		03/21/2019-12:34		
Griffin, Rufus Lyndell	NEF(03-20-2019 02:00:34 PM) Order/Electronic Form 4	Filing		03/20/2019-14:00		
Griffin, Rufus Lyndell	Order/Electronic Form 4	Order		03/20/2019-14:00		
Griffin, Rufus Lyndell	Letter/Letter/Atty Rachel Damm	Filing		03/18/2019-16:19		
Griffin, Rufus Lyndell	NEF(03-14-2019 11:59:16 AM) Consent/Consent	Filing		03/14/2019-11:59		
Griffin, Rufus Lyndell	Consent/Consent Order Granting Atty Mosley Leave to Withdraw	Filing		03/14/2019-11:59		
Mosley, Paquita et al	NEF(03-08-2019 10:29:21 AM) Service/Certificate Of Servi...	Filing		03/08/2019-11:01		
Mosley, Paquita et al	Service/Certificate Of Service	Filing		03/08/2019-10:29		
Mosley, Paquita et al	NEF(03-07-2019 07:24:20 AM) Service/Certificate Of Servi...	Filing		03/07/2019-13:50		
Mosley, Paquita et al	NEF(03-07-2019 07:19:36 AM) Service/Certificate Of Servi...	Filing		03/07/2019-13:50		



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**Switch View**

**Rufus Lyndell Griffin VS Thomas Et Al Mosley defendant, et al**

Case Number	2016CP1900141	Court Agency	Common Pleas	Filed Date	05/09/2016
Case Type	Common Pleas	Case Sub Type	Person Inj/Other 399	Fic Type	Jury
Status	Pending	Assigned Judge	Clerk Of Court C P, G S, And Family Court		
Disposition		Disposition Date		Disposition Judge	
Original Source Doc		Original Case			
Judgment Number		Court Roster	Jury Roster March 18, 2019		

Case Parties		Judgments		Tax Map Information			
Associated Cases		Actions		Financials			
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents	
Mosley, Paquita et al	NEF(03-21-2019 12:34:17 PM) Notice/Notice of Appearance	Filing		03/21/2019-12:34			
Mosley, Paquita et al	Notice/Notice of Appearance	Filing		03/21/2019-12:34			
Griffin, Rufus Lyndell	NEF(03-20-2019 02:00:34 PM) Order/Electronic Form 4	Filing		03/20/2019-14:00			
Griffin, Rufus Lyndell	Order/Electronic Form 4	Order		03/20/2019-14:00			
Griffin, Rufus Lyndell	Letter/Letter/Atty Rachel Dain	Filing		03/18/2019-16:19			
Griffin, Rufus Lyndell	NEF(03-14-2019 11:59:16 AM) Consent/Consent	Filing		03/14/2019-11:59			

From: Modena Stevens MStevens@edgefieldcounty.sc.gov  
Subject: 2016CP1900141  
Date: Dec 4, 2019 at 12:40:24 PM  
To: writeme44@yahoo.com

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Good afternoon Mr. Griffin;

I just spoke with Judge Lee and she still has your document. She is sending the original back to us along with a note. Once we receive it I will file it and send you a copy. Sorry for any inconvenience that this may have caused.

**Modena A Stevens**  
**Deputy Clerk of Court**  
**PO Box 34**  
**Edgefield, SC 29824**  
**Phone (803) 637-4082**  
**Fax (803) 637-4117**  
**Email: mstevens@edgefieldcounty.sc.gov**

G

1

From: Modena Stevens MStevens@edgefieldcounty.sc.gov  
Subject: Missing Brief From March 18, 2019 Hearing  
Date: Dec 4, 2019 at 9:16:41 AM  
To: writeme44@yahoo.com

---

Good Morning Mr. Griffin;

I have forwarded both emails to judge Lee and once I get a response I will get back with you.

**Modena A Stevens**  
**Deputy Clerk of Court**  
**PO Box 34**  
**Edgefield, SC 29824**  
**Phone (803) 637-4082**  
**Fax (803) 637-4117**  
**Email: [mstevens@edgefieldcounty.sc.gov](mailto:mstevens@edgefieldcounty.sc.gov)**

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**From:** [writeme44@yahoo.com](mailto:writeme44@yahoo.com) [mailto:[writeme44@yahoo.com](mailto:writeme44@yahoo.com)]  
**Sent:** Wednesday, December 04, 2019 8:16 AM  
**To:** Modena Stevens <[MStevens@edgefieldcounty.sc.gov](mailto:MStevens@edgefieldcounty.sc.gov)>  
**Subject:** Re: Missing Brief From March 18, 2019 Hearing

Dear Modena,

These are the Transcript pages from the March 18 hearing. Please see pages 7 and 8 starting on line 23. Page 16 starting at line 16.

Thank you,

Rufus Griffin

G 2

From: Writeme44@yahoo.com  
Subject: Re: Missing Brief From March 18, 2019 Hearing  
Date: Dec 4, 2019 at 8:16:26 AM  
To: Modena Stevens MStevens@edgefieldcounty.sc.gov

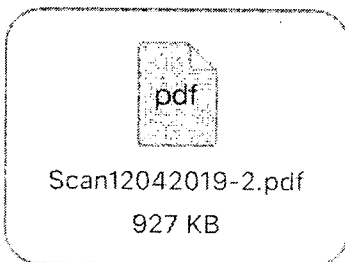
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Dear Modena,

These are the Transcript pages from the March 18 hearing. Please see pages 7 and 8 starting on line 23. Page 16 starting at line 16.

Thank you,

Rufus Griffin



G 3



EDGEFIELD COUNTY  
CLERK OF COURT  
CHARLES L. REEL

2019 DEC 16 AM 8:39

State of South Carolina  
The Circuit Court of the Fifth Judicial Circuit

ALISON RENEE LEE  
JUDGE

1701 MAIN ST., ROOM 324  
POST OFFICE BOX 162  
COLUMBIA, SOUTH CAROLINA 29202-0162  
TELEPHONE: (803) 576-1765  
FAX: (803) 578-1768

December 4, 2019

Modena Stevens  
129 Courthouse Square  
PO Box 34  
Edgefield, SC 29824

Re: Rufus L. Griffin v. Thomas Mosley, et. al. 2016-CP-19-00141

Dear Ms. Stevens:

Enclosed please find Plaintiff's Response to Defendant's Motion to Dismiss. This document was given to me during the March 18, 2019 hearing and was not filed. It was in my possession and considered in conjunction with all other filed materials related to the Motion to Dismiss. Please file this letter and the enclosed document.

Sincerely,

A handwritten signature in cursive script that reads "Alison Renee Lee".

Alison Renee Lee

Enclosures

-H-

STATE OF SOUTH CAROLINA  
EDGEFIELD COUNTY

COMMON PLEAS  
11TH JUDICIAL CIRCUIT

Docket No.: 2016-CP-19-141

Rufus Lyndell Griffin

Plaintiff,

v.

Defendants.

Thomas Mosley, et al.

**AMENDED MOTION TO DISMISS  
MOTION TO DECLARE CASE COMPLEX AND ASSIGN A SPECIAL JUDGE,  
MOTION TO AMEND PLEADINGS, AND  
MOTION TO COMPEL DISCOVERY AND REQUEST FOR PROTECTION**

TO: PLAINTIFFS, CO-DEFENDANTS, AND THEIR COUNSEL:

YOU WILL PLEASE TAKE NOTICE that after service of this Motion and as soon thereafter as counsel may be heard, the undersigned attorney will move as follows before the Presiding Judge of the Eleventh Judicial Circuit, Common Pleas, pursuant to Rule 37, SCRCP, and request Plaintiff be compelled to comply with discovery and that sanctions be levied against Plaintiff, specifically for reimbursement for attorney's fees and court costs, for willful failure to comply with discovery pursuant to this Court's rules.

This Motion shall be supported by the Court Rules, the properly served discovery requests, and subsequent correspondence (attached) requesting compliance.

**MOTION TO DISMISS**

1. On or about December 7, 2017, Plaintiff was served with discovery requests.
2. On February 13, 2018, Defendant filed a motion seeking to compel Plaintiff to comply with discovery.
3. On July 31, 2018, Defendant's motion was heard and the Court announced its decision at that time but then filed an order compelling discovery on or about September 28, 2019 (**see attached Exhibit A**).
4. On August 16, 2018, Plaintiff filed a letter with this Court in lieu of providing discovery responses as ordered (**see attached Exhibit B**). Since that time,

**I**

Plaintiff has not complied with discovery responses. Moreover, Plaintiff's failure to comply with discovery has deprived Defendant of the opportunity to properly investigate the allegations against Defendant and the ability to properly prepare a defense for trial.

5. Given the record reflects that Plaintiff has intentionally used this litigation to as a means to delay and harass both Defendant Paquita Mosley and her legal counsel including, but not limited to, making false allegations against Defendant's counsel. Moreover, Plaintiff has made false allegations against Defendant's legal counsel arising from alleged transactions that never took place and which allegations were designed such that they cannot be verified or disproved.

6. In response to this Court's ruling July 31, 2018 ruling, Plaintiff has advised Defendant's legal counsel may only obtain all discovery responses by physically coming to Plaintiff's home and retrieving the responses. This allows Plaintiff to continue his non-compliance and course of conduct by using the Rules in a way not anticipated by the Court such that Defendant is entitled to an appropriate legal remedy which would protect Defendant and her counsel from ongoing harassment, potential personal harm, and financial expenses intended only to run up the cost of Defendant's litigation.

7. Plaintiff's non-compliance throughout this case has prevented Defendant from having the ability to discover Plaintiff's theory of the case, to Plaintiff's claims and or formulate a defense to Plaintiff's allegations. Therefore, Defendant asks that Plaintiff's case be dismissed as a sanction for repeated and intentional non-compliance with discovery.

#### **IN THE ALTERNATIVE**

#### **MOTION TO DECLARE CASE COMPLEX AND ASSIGN A SPECIAL JUDGE**

8. This case arises out of and is a companion case to a pending case in Edgefield County Probate Court, namely The Estate of Ellec Mosley, 2016-ES-32-262, in which Plaintiff alleges to be the biological child of Decedent Ellec Mosley.

9. The Probate Court has exclusive jurisdiction over several issues presented in this case. For example, Plaintiff seeks damages in this case which can only legally be awarded to Plaintiff if he first establishes himself to be the legal heir of Ellec Mosley who died intestate, and upon a determination that the property is part of

the Estate of Ellec Mosley. This Court is without subject matter jurisdiction to make either determination.

10. In the probate case, Plaintiff is proceeding pro se after his previous two lawyers sought to be relieved as counsel. Plaintiff has not advanced the probate case and has intentionally and successfully prevented that case from moving forward by filing grievances against the judge who issued a ruling against Plaintiff and forcing the judge to recuse himself before the order was signed.

11. This case cannot properly move forward without a determination in the probate case. Moreover, the issues in both cases are entangled such that judicial economy requires one judge to preside over both cases to prevent both the courts and litigants from wasting valuable resources. Furthermore, Defendant should be protected from the need to litigate these matters separately and in such a manner that there can be no other course but to file an appeal.

12. Therefore, Plaintiff requests this Court declare this case as complex and assign a special judge to hear both this case and the probate case and resolve issues of subject matter jurisdiction and judicial economy.

#### **MOTION TO AMEND THE PLEADINGS**

13. Defendant seeks to amend the pleadings, specifically to properly add the Law Firm of Thomas Mosley as a defendant, and to include counterclaims against Plaintiff for using this litigation to harass Defendant and to seek sanctions pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act.

#### **MOTION TO COMPEL DISCOVERY, REQUEST FOR PROTECTION, SANCTIONS AND SCHEDULING ORDER**

14. As noted in the previous motion herein, Defendant previously filed a motion to compel Plaintiff to comply with discovery which is **attached as Exhibit C** and repeated herein verbatim, Plaintiff is intentionally failing to comply with discovery such that the only remedy which serves justice would be to dismiss Plaintiff's case.

15. Alternatively, Defendant seeks an order from this Court:

- a. Compelling Defendant to properly produce discovery responses as he previously indicated to this Court;

- b. Protecting Defendant and her legal counsel from all potential repercussions of Plaintiff's improper demands including any costs normally unnecessary in these proceedings to be paid by Plaintiff;
- c. Requiring Plaintiff to pay Defendant's reasonable attorney fees related to this motion; and
- d. Setting forth a reasonable time period for Defendants to engage in the normal course of discovery needed for Defendants to fairly investigate and formulate a defense to Plaintiff's allegations.

**RULE 11 AFFIRMATION**

16. Defense Counsel asserts that communication with Plaintiff on these matters would serve no useful purpose.

**PRAYER**

WHEREFORE, Defendant asks this Court to:

- a. Dismiss Plaintiff's Complaint as a proper sanction for Plaintiff's repeated failure to comply with discovery; or, in the alternative, to
- b. Declare this litigation as complex and appoint a special judge to hear this matter as well as the pending companion probate case;
- c. Grant Defendant leave to amend her pleadings as requested herein; and
- d. Compel Plaintiff again to comply with discovery and issue an order of protection for Defendant and her legal counsel such that they are protected financially, physically, and in all other manners from Plaintiff's ongoing campaign of harassment.

/s Rachael A. Dain, J.D.

---

Rachael A. Dain, J.D. Bar#: 12768  
ATTORNEY DAIN, LLC  
810 Dutch Square Blvd, Suite 215  
Columbia, SC 29210-7318  
Voice: 803.256.6661  
[Rachael@AttorneyDain.com](mailto:Rachael@AttorneyDain.com)  
ATTORNEY FOR DEFENDANT PAQUITA MOSLEY



# Edgefield County Eleventh Judicial Circuit Public Index



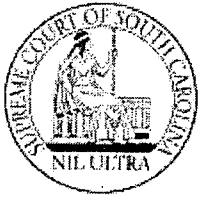
[Edgefield County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

<b>Rufus Lyndell Griffin VS Thomas Et Al Mosley , defendant, et al</b>					
Case Number:	2016CP1900141	Court Agency:	Common Pleas	Filed Date:	05/09/2016
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	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:	07/09/2019	Disposition Judge:	Lee, Alison Renee
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties    Judgments    Tax Map Information    Associated Cases    Actions    Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Griffin, Rufus Lyndell	Response/Plaintiff's Response to Def Motion to Dismiss	Filing		12/16/2019-13:07		
Griffin, Rufus Lyndell	Appeal/Notice of Appeal	Filing		08/27/2019-11:04		
Mosley, Paquita et al	NEF(07-09-2019 02:02:12 PM) Order/Dismissal	Filing		07/09/2019-14:02	07/09/2019-14:02	
Mosley, Paquita et al	Order/Dismissal	Order		07/09/2019-14:02	07/09/2019-14:02	
Dain, Rachael Ashley	5/6/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		04/10/2019-16:32	07/09/2019-16:32	
Williams, Randall DeWitt	5/6/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		04/10/2019-16:32	07/09/2019-16:32	
Tillman, Eydie J.	5/6/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		04/10/2019-16:32	07/09/2019-16:32	
Carter, Eleazer R.	5/6/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		04/10/2019-16:32	07/09/2019-16:32	
Freeman, Palmer Jr.	5/6/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		04/10/2019-16:32	07/09/2019-16:32	
Griffin, Rufus Lyndell	Certificate/Certificate of Service	Filing		04/08/2019-09:36	07/09/2019-09:36	
Griffin, Rufus Lyndell	Letter/Letter Addressed to Judge Lee	Filing		04/04/2019-10:58	07/09/2019-10:58	
	Letter/Letter from the Supreme Court	Filing		03/29/2019-11:19	07/09/2019-11:19	

J.

Griffin, Rufus Lyndell						
Mosley, Paquita et al	NEF(03-21-2019 12:34:17 PM) Notice/Notice of Appearance	Filing		03/21/2019-12:34	07/09/2019-12:34	
Mosley, Paquita et al	Notice/Notice of Appearance	Filing		03/21/2019-12:34	07/09/2019-12:34	
Griffin, Rufus Lyndell	NEF(03-20-2019 02:00:34 PM) Order/Electronic Form 4	Filing		03/20/2019-14:00	07/09/2019-14:00	
Griffin, Rufus Lyndell	Order/Electronic Form 4	Order		03/20/2019-14:00	07/09/2019-14:00	
Griffin, Rufus Lyndell	Letter/Letter/Atty Rachel Dain	Filing		03/18/2019-16:19	07/09/2019-16:19	
Griffin, Rufus Lyndell	NEF(03-14-2019 11:59:16 AM) Consent/Consent	Filing		03/14/2019-11:59	07/09/2019-11:59	
Griffin, Rufus Lyndell	Consent/Consent Order Granting Atty Massey Leave to Withdraw	Filing		03/14/2019-11:59	07/09/2019-11:59	
Mosley, Paquita et al	NEF(03-08-2019 10:29:21 AM) Service/Certificate Of Servi...	Filing		03/08/2019-11:01	07/09/2019-11:01	
Mosley, Paquita et al	Service/Certificate Of Service	Filing		03/08/2019-10:29	07/09/2019-10:29	
Mosley, Paquita et al	NEF(03-07-2019 07:24:20 AM) Service/Certificate Of Servi...	Filing		03/07/2019-13:50	07/09/2019-13:50	
Mosley, Paquita et al	NEF(03-07-2019 07:19:36 AM) Motion/Compel	Filing		03/07/2019-13:50	07/09/2019-13:50	
Mosley, Paquita et al	Service/Certificate Of Service	Filing		03/07/2019-07:24	07/09/2019-07:24	
Mosley, Paquita as PR est of Ellec Mosley	Motion/Compel	Motion		03/07/2019-07:19	04/11/2019-07:19	
Griffin, Rufus Lyndell	CP Roster Notification Sent to Parties	Filing		02/25/2019-00:00	07/09/2019-00:00	
Mosley, Paquita et al	NEF(02-20-2019 01:11:01 PM) Service/Certificate Of Servi...	Filing		02/20/2019-13:44	07/09/2019-13:44	
Mosley, Paquita et al	Service/Certificate Of Service	Filing		02/20/2019-13:11	07/09/2019-13:11	
Massey, David Eugene	3/18/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		02/20/2019-11:55	07/09/2019-11:55	
Massey, David Eugene	3/18/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		02/20/2019-11:55	07/09/2019-11:55	
Carter, Eleazer R.	3/18/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		02/20/2019-11:55	07/09/2019-11:55	
Carter, Eleazer R.	3/18/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		02/20/2019-11:55	07/09/2019-11:55	
		Action				



# Edgefield County Eleventh Judicial Circuit Public Index



Edgefield County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

<b>Rufus Lyndell Griffin VS Thomas Et Al Mosley , defendant, et al</b>					
Case Number:	2016CP1900141	Court Agency:	Common Pleas	Filed Date:	05/09/2016
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	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:	07/09/2019	Disposition Judge:	Lee, Alison Renee
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials		
Click the <input checked="" type="checkbox"/> icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Carter, Eleazer R.	105 South Brooks Street PO Box 187 Manning SC 29102				Other Attorney		04/16/2018
<input checked="" type="checkbox"/> Dain, Rachael Ashley	ATTORNEY DAIN, LLC 810 Dutch Square Blvd, Suite 215 Columbia SC 29210				Defendant Attorney		03/26/2018
<input checked="" type="checkbox"/> Freeman, Palmer Jr.	Palmer Freeman Law Firm PO Box 8024 Columbia SC 29202				Defendant Attorney		03/21/2019
<input checked="" type="checkbox"/> Griffin, Rufus Lyndell	313 Fifth Avenue McCormick SC 29835				Plaintiff		08/27/2019
Livoti, Anthony W.	PO Box 6648 Columbia SC 29260				Mediator		10/12/2017
<input checked="" type="checkbox"/> Massey, David Eugene(Inactive)	PO Box 7014 Columbia SC 29202				Defendant Attorney		03/14/2019
Mosley, Betty					Defendant		12/02/2019
<input checked="" type="checkbox"/> Mosley, Paquita et al					Defendant		05/09/2016
<input checked="" type="checkbox"/> Mosley, Paquita as PR est of Ellec Mosley					Defendant		03/07/2019
<input checked="" type="checkbox"/> Mosley, Quinnie et al					Defendant		05/09/2016
<input checked="" type="checkbox"/> Mosley, Thomas Et Al					Defendant		11/29/2018
<input checked="" type="checkbox"/> Mosley, Timothy et al					Defendant		05/09/2016
<input checked="" type="checkbox"/> Mosley, Walter et al					Defendant		05/09/2016
Smith, Thomas Bailey	4 Carriage Lane Ste. 403 Charleston SC 29407				Alternate Mediator		03/23/2018
<input checked="" type="checkbox"/> Tillman, Eydie J.	PO Box 71 Edgefield SC 29824				Defendant Attorney		10/19/2016
<input checked="" type="checkbox"/> Willett, Katherine Noel(Inactive)	411 Louise Ave China Grove NC 28023				Plaintiff Attorney		02/13/2019
<input checked="" type="checkbox"/> Williams, Randall DeWitt					Defendant Attorney		02/14/2017

-K-



## 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](http://www.sccourts.org)

November 26, 2019

Rufus L. Griffin  
313 Fifth Avenue  
McCormick SC 29835

Re: Rufus Griffin v. Mosley  
Appellate Case No. 2019-001428

Dear Counsel:

This is to advise that the title in the above matter has been changed to read as follows:

Rufus Lyndell Griffin, Appellant,

v.

Thomas Mosley, Quinnie Mosley, Walter Mosley, Timothy Mosley, and Paquita Mosley, Individually and as Personal Representative of the Estate of Ellec Mosley, Respondents.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

-L-

Very truly yours,

*V. Claino Allen, Deputy*  
CLERK

cc: Rachael Ashley Dain, Esquire  
Eleazer R. Carter, Esquire  
Eydie J. Tillman, Esquire  
Randall DeWitt Williams, Esquire  
Palmer Freeman, Jr., Esquire  
Thomas Mosley

STATE OF SOUTH CAROLINA  
EDGEFIELD COUNTY

EDGEFIELD COUNTY  
CLERK OF COURT  
CHARLES L. REEL

2019 DEC 16 AM 8:39 11<sup>TH</sup> JUDICIAL CIRCUIT

COMMON PLEAS

Rufus L. Griffin

Plaintiff

Docket No: 2016-CP-19-141

v

Thomas Mosley, et al

Defendants

---

**Plaintiff's Response  
to  
Defendant's  
Motion to Dismiss,  
Motion to Declare Case Complex and Assign a Special Judge,  
Motion to Amend Pleadings, and  
Motion to Compel Discovery and Request for Protection**

Plaintiff, Rufus L. Griffin, issues the following responses to Defendant's Amended Motions (cited above) which were submitted to the Court, accompanied by a Certificate of Service originally dated February 20, 2019, then corrected to reflect March 7, 2019 and postmarked to Plaintiff (via US Mail) also on March 7, 2019, and not received by Plaintiff until Saturday, March 9, 2019, less than 10 days prior to the scheduled hearing date of March 18, 2019. Given the deliberately compressed timeframe provided by the Defendant for Plaintiff to respond to the numerous accusations and misrepresentations, Plaintiff strives to respond as follows:

-M-

## **Response to 'Motion to Dismiss'**

1. Regarding Defendant's "Motion to Dismiss" on the grounds that "*Plaintiff has not complied with discovery responses*" (noted in #4 of the Motion), Plaintiff responds as follows: Plaintiff promptly acted in writing on August 14, 2018, within 14 days of the court's last decision of July 31, 2018, and even prior to the official order compelling discovery dated September 29, 2019. Plaintiff cordially explained to Defendant's counsel, Rachael R. Dain, that he is representing himself, pro se, and does not have the luxury of an office setting. Pursuant to SCRCP Rule 34(1), it was Plaintiff's understanding that the Plaintiff is instructed only to '*produce and permit the requesting party or its representative to inspect, copy, test, or sample items in the responding party's possession, custody or control*'. Defendant's counsel was thereby invited and extended the hospitality to review the files at the place where the files are housed and to copy the documents at her leisure. Ms. Dain was also asked to respond in writing to coordinate production of that discovery. Ms. Dain, to the contrary, made no effort to respond at that time, nor in the 7 months since Plaintiff extended the offer, to either schedule a meeting to retrieve the documents she sought, or to offer any alternative method, or explain to Plaintiff, a pro se litigant, why his interpretation of Rule 34 is not valid or applicable. As Defendant's counsel chose on her own accord, and not in the interest of her own client or the expedition of the case, to simply not respond at all and to allow half a year to pass, just to have reason to file a motion to

dismiss Plaintiff's case, and did to barely 10 days prior to the scheduled March 18, 2019 hearing, it can therefore only reasonably be argued whether Defendant's lack of progress in the case should be attributed to Plaintiff's non-compliance, or more appropriately to Defendant's own inaction by failing to respond to Plaintiff's offer and her own refusal to properly communicate.

2. Plaintiff responds to Defendant's counsel's allegation of harassment (stated in #5 of her Motion), claiming that Plaintiff has '*made false allegations against Defendant's legal counsel arising from alleged transactions that never took place and which allegations were designed such that they cannot be verified or disproved.*' Plaintiff reminds Defendant that according to the Rules governing and reporting attorney conduct, Plaintiff acknowledges having filed a complaint before the South Carolina Commission on Lawyer Conduct after repeatedly asking counsel to cease from attempts to telephone him or speak with him outside of court, and to limit all communications to written form, as all previous conversations appeared to Plaintiff to have been an attempt by counsel to confound or entrap him, given Plaintiff's limited legal expertise in comparison with counsel.

Plaintiff further objects to Defendant and her counsel's terminology of 'harassment' and her stated need for 'protection' from Plaintiff as it relates to 'physical' harm, as these references are implicating Plaintiff as having engaged in criminal acts pursuant to SC Code of Laws, Art.17 § 16-3-1700. 'Harassment' is not a term which should be flagrantly thrown about loosely in

characterizing Plaintiff's legal recourse, when to do so implies to the court and the public that Plaintiff's legal recourse is somehow a crime. Action taken by Plaintiff has been and is in no way 'harassment' and to falsely infer it as such is a fabrication by counsel and solely meant to mislead the court. Plaintiff, if anything, perceived a breach of Defendant's counsel's professional conduct and properly reported the action to the Commission governing such conduct, and did so privately, without in anyway introducing the action before the court or to the public, and was within his legal right to take such action. It was instead opposing counsel who chose to twice introduce this action publicly and then feign victimization.

Defendant should also not manipulate the very outcome of her receipt of discovery by refusing to respond to Plaintiff's offer in any way, waiting 7 months for the next hearing, then suddenly using her own delay as reason to then blame Plaintiff for her failure to obtain that discovery, and utilizing that as grounds for a dismissal of Plaintiff's complaint.

**Response to 'Motion to Declare Case Complex and Assign a Special Judge'**

3. Plaintiff acknowledges Defendant's reference (in statement #8) to a probate case (2016-ES-32-262) in which Plaintiff alleges to be the biological child of Ellec Mosley.

4. Plaintiff objects to Defendant's assertion (in statement #9) that states that 'This Court is without subject matter jurisdiction'. Plaintiff does agree that in matters of paternity and heir rights, the Probate Court has express and sole jurisdiction. However, the matter of paternity and heir rights, as they pertain to Plaintiff, are indeed already in the appropriate jurisdiction of the Probate Court, being managed by the South Carolina Supreme Court after the disqualification and/or recusal of several judges. However, the matters before the Circuit Court, are issues of conspiracy, possible criminal activity and misappropriation of funds owned legally by Plaintiff, held jointly with the decedent of the probate case, which are not and never were probate assets. Plaintiff further reminds Defendant and this court, that this same Circuit Court, on November 7, 2016, under the Honorable Judge Jocelyn Newman, previously and thoroughly heard Defendant's arguments regarding subject matter jurisdiction as it pertains to the probate case, probate/non-probate assets, and issues behind the filing of the civil complaint, and the court ruled that Plaintiff's complaint had been filed appropriately in the proper (Circuit) Court. Therefore, for Defendant to argue this point at this time is merely to mislead the court and to mock the past 2 years of this Court's engagement on the matter and to reintroduce the same argument in hopes that the Court might have forgotten its stance.
5. Defendant (in statement #10) falsely states Plaintiff is proceeding pro se because *'his two lawyers sought to be relieved as counsel'* and uses this point

to further her assertion that it is Plaintiff's intention to delay his own case. Although Plaintiff has every right to proceed in self representation, it should be clarified that Plaintiff's first counsel had been his attorney for over a year before seeking withdrawal. This withdrawal was eventually granted by the court at the timeline supported by the court, not at the control of Plaintiff. While Plaintiff awaited action by the circuit court, the probate court did grant counsel's relief. Plaintiff then sought and hired new representation specifically to act on matters of the probate case, but that counsel overstepped his boundaries through involvement in the civil case prematurely, prior to the circuit court's action to relieve Plaintiff's other counsel of record, and without Plaintiff's consent, and subsequently was reasonably asked to withdraw from representation altogether.

Furthermore, Defendant continues to falsely assert (in statement #10) and purposefully mislead the court by stating that Plaintiff is instrumental in: *'not advancing the probate case, and by intentionally and successfully preventing the case from moving forward by filing grievances against the judge who issued a ruling against Plaintiff and forcing the judge to recuse himself before the order was signed.'*

Plaintiff contends that it was not a grievance filed by him that caused the recusal of the probate court judge, but rather, it was opposing counsel, Rachael Dain's own persistence to have that judge amend an order which he had apparently never issued that caused his sudden recusal. (Exhibit A).

Therefore, it was Ms. Dain's own actions that was the proverbial 'straw that broke the camel's back', leading to the most recent probate judge's recusal.

#### **Response to 'Motion to Amend the Pleadings'**

6. Defendant notes (in statement #13) that she is seeking to include *'counterclaims against Plaintiff for using this litigation to harass Defendant and to seek sanctions pursuant to the SC Frivolous Civil Proceedings Sanctions Act'*.

Plaintiff contends that filing a civil suit against an individual in which Plaintiff has sustained monetary and emotional injury, and has a good faith basis for recovering damages, and makes such a claim or argument the same as any reasonable attorney would believe warranted under the existing law, clearly separates Plaintiff's actions from the claim of Defendant, who regards the litigation as 'harassment', and does not substantiate Defendant's claim that Plaintiff's lawsuit is a 'frivolous' action pursuant to the SC Frivolous Civil Proceedings Sanctions Act.

#### **Response to Defendant's Prayer**

7. Plaintiff firmly contends that Defendant wrongly requests (in statement #16d) that the court should *'issue an order of protection against Plaintiff from financial, physical, and all other manners from Plaintiff's ongoing campaign of harassment'*. Plaintiff wholeheartedly believes that Defendant's counsel, in

her accusation before the court that Plaintiff is 'harassing' the Defendant specifically in a 'physical' manner, is a gross mischaracterization of Plaintiff and has been wielded by Defendant's counsel in an irresponsible and improper way, insinuating that Plaintiff has in some way engaged in violation of SC Code of Laws, Art.17 § 16-3-1700, and by implicating Plaintiff in this negative light is in essence a form of intimidation to slander Plaintiff's reputation, when there is no basis or justification for such a claim, simply to stymy Plaintiff's legal actions and to sway the court.

WHEREFORE, Plaintiff asks this Court to:

- A) Deny Defendant's request for dismissal of Plaintiff's Complaint, as Defendant has not shown sufficient or lawful cause for said dismissal.
- B) Deny Defendant's request for a special judge in her effort to merge Plaintiff's probate case and civil case actions, as this request would be in direct conflict with the November 7, 2016's ruling of subject matter jurisdiction; overturning the circuit court's prior decision, which is not lawful and has no sufficient grounds of support.
- C) Deny Defendant's request for sanctions against Plaintiff pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act, as Defendant has not provided adequate reasons to suggest that Plaintiff's properly filed Complaint is without basis or sufficient cause.

D) Dismiss Defendant's request for discovery compliance and all sanctions requested against Plaintiff, as Defendant has clearly riddled her Motions before the court with inaccuracies and accusations meant solely to mislead the court and to slander Plaintiff, and has violated SC Rule 407 (Code of Professional Conduct), Rule 3.3 (Candor Toward the Tribunal)

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact.....

Plaintiff has clearly shown throughout his Response that Defendant has continuously and knowingly presented statements that were not factual, in a disturbing and desperate effort to promote her cause and to sway the court's favor. These acts further violate SC Code 16-17-10 which define: A person who shall:

(2) Willfully bring, prosecute or maintain an action, at law or in equity, in any court having jurisdiction within this State and.. (b) thereby seeks to defraud or mislead the court.

E). Deny Defendant's request for this court to 'issue an order of protection for Defendant and her legal counsel such that they are protected financially, physically, and in all other manners from Plaintiff's ongoing campaign of harassment', as Defendant has at no time proven harassment even exists or that she or her client have sustained anything more than legal actions that are ordinary and lawful within the state. For Defendant to imply that

'financial' protection is needed, is in direct conflict with the premise of Plaintiff's civil complaint, in which he is seeking restitution from financial harms sustained at the hands of the Defendants. Furthermore, for Defendant to imply that she has suffered 'harassment', and that 'physical' protection is needed, strongly suggests that she is seeking to charge Plaintiff with criminal violations of SC Code of Law 16-3-1700 which clearly defines 'harassment' as:

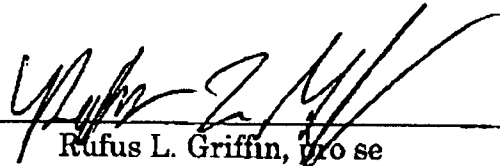
(A) "Harassment in the first degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person...(which includes specifically) 1) following the targeted person as he moves from location to location, 2) visual or physical contact that is initiated, .... repeated... 3)Surveillance of .. the targeted person, etc.

(B) "Harassment in the second degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress.

Defendant's promotion of her claim against Plaintiff of 'harassment' further violates SC Code 16-7-150: Slander and libel: "Any person who shall with malicious intent originate, utter, circulate or publish any false

statement or matter concerning another the effect of which shall tend to injure such person in his character or reputation...”

It is by these grounds and laws of the state that Plaintiff prays that the Court will Deny and Dismiss all Motions currently submitted and sought by Defendant, and will sanction Defendant's counsel for violation of SC Rule 407, 3.3 (a) (1) and other violations of which this court deems appropriate.



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1 State of South Carolina )  
 2 County of Edgefield )  
 3 Rufus Lyndell Griffin, )  
 4 Plaintiff, )  
 5 vs. )  
 6 Thomas Mosley, et al., )  
 7 Defendants. )  
 8 \_\_\_\_\_ )

In the Court  
 Of Common Pleas  
 Case No.: 2016-CP-19-00141

Transcript of Record

9  
 10 March 18, 2019

11 Edgefield, South Carolina

12 BEFORE:

13 The Honorable Allison Rene Lee, Judge  
 14

15 APPEARANCES:

16 Rufus Lyndell Griffin, Pro se  
 17 Plaintiff  
 18

19 Palmer Freeman, Esquire  
 20 Attorney for the Defendants

21 ALSO PRESENT:

22 Rachael Ashley Dain, Esquire  
 23  
 24  
 25

Steven E. LeBlanc, R.P.R., Circuit Court Reporter  
 P.O. Box 184, Lexington, South Carolina 29071

-N-

1 Travis Moore, Judge of Probate from Greenwood County.

2 THE COURT: That was done in 2018; is that correct?

3 MR. GRIFFIN: That is correct, ma'am. February  
4 15th, 2018.

5 THE COURT: Yes, sir.

6 MR. FREEMAN: We're just saying that this case  
7 should be dismissed because paternity has to be  
8 determined first especially since the first ruling was  
9 against paternity even though the remand changed that, of  
10 course. So we don't think this case should go forward.  
11 It should be dismissed for lack of jurisdiction under  
12 Rule 12(b)(1).

13 THE COURT: Dismissed or stayed?

14 MR. FREEMAN: Dismissed.

15 THE COURT: And does that not implicate the statute  
16 of limitations issues?

17 MR. FREEMAN: It may. I don't know. But the long  
18 delays involved in this case are not of our making.

19 THE COURT: And basically I would agree that if the  
20 issue that was pending before the Probate Court has not  
21 been resolved, that that would be the first place to go.  
22 I am concerned about just outright dismissing the case  
23 based upon some other issues that may arise. The  
24 difference is this case was originally filed in Richland  
25 County and then venue was transferred to Edgefield County

1 so it's been around for a long time and it was originally  
2 filed in 2015 in Richland County so it's been pending for  
3 a while. I'm sure some of the reason that it has been  
4 pending is because of probate matters as well. Any other  
5 basis that you wish to address on the motion to dismiss?

6 MR. FREEMAN: Well, the other basis, of course, is  
7 failure to comply with discovery request. We think it  
8 ought to be dismissed for that as well. We sent  
9 interrogatories two years ago. Several sets of  
10 interrogatories have been sent and never responded to.

11 THE COURT: The last thing that I read indicated  
12 that there was some issue about being able to receive the  
13 documents. As I understood it they were willing to be  
14 produced, but they were produced at Mr. Griffin's house  
15 and you were told to bring a copying machine.

16 MR. FREEMAN: Without the answers to the  
17 interrogatories we don't know what documents to look for.  
18 We don't know who the witnesses are. We don't know  
19 anything so it's kind of like a needle in a haystack just  
20 to say you can come to my house and look at all the  
21 documents.

22 THE COURT: I understand but still the  
23 interrogatories --

24 MR. FREEMAN: Have never been answered.

25 MR. GRIFFIN: Your Honor, may I say something?

1 much time as you would think necessary to look it over so  
2 that you can apprise yourself and be aware of what's in  
3 it and that way you can fully make a decision.

4 THE COURT: I'll be happy to do that, but if you  
5 have any arguments that you want to make at this  
6 particular time, you need to go ahead and make those.

7 MR. GRIFFIN: Certainly I do. Well, first of all,  
8 the plaintiff objects to defendant's assertion to  
9 statement nine that states that this Court is without  
10 subject matter jurisdiction. Plaintiff does agree -- And  
11 that's on page 5 if you want to read along with me.  
12 Plaintiff does agree that in matters of paternity and  
13 heir rights the Probate Court has expressed and sole  
14 jurisdiction.

15 However, in matters of paternity and heir rights as  
16 they pertain to plaintiff are indeed already in the  
17 appropriate jurisdiction of the Probate Court being  
18 managed by the South Carolina Supreme Court after  
19 disqualification and/or recusal of several judges.

20 However, the matters before the Circuit Court are  
21 issues of conspiracy, possible criminal activity and  
22 misappropriation of funds owned legally by plaintiff held  
23 jointly with the decedent in a probate case which are not  
24 and never were probate aspects. The plaintiff further  
25 reminds defendants and this Court that the same Circuit

1 Court on November the 7th, 2016 under Honorable Judge  
2 Jocelyn Newman previously has thoroughly heard  
3 defendants' arguments regarding subject matter  
4 jurisdiction which pertains to the probate case, non  
5 probate assets, an issues behind the filing of the civil  
6 complaint, and the Court ruled that plaintiff's complaint  
7 had been properly appropriated in the proper Circuit  
8 Court, therefore, for the defendant to argue this point  
9 at this time is merely to mislead this Court and to mock  
10 the last two years of the Court's engagement on the  
11 matter and reintroduce the same arguments in hope that  
12 the Court may have to cap the case.

13 Also, on December the 15th, 2016 which was a month  
14 later they argued the same argument basically to the  
15 Probate Court, that the Probate Court should take  
16 jurisdiction and pull it out of the Circuit Court over to  
17 the Probate Court. They didn't prevail.

18 THE COURT: I'm sorry. Was that Probate Court in  
19 Edgefield County or was that in Richland County?

20 MR. GRIFFIN: It was in actually Lexington County at  
21 that time. The case has been ordered out of the County  
22 of Edgefield and that's why other counties have to take  
23 it. It's only to be returned back to Edgefield County  
24 after it's been decided.

25 THE COURT: And has any matter been scheduled before

1 the Probate Court in Greenwood County?

2 MR. GRIFFIN: No. At this time no.

3 THE COURT: Has anyone contacted the probate judge  
4 in order to get it scheduled?

5 MR. GRIFFIN: I'm not aware of that, ma'am. But  
6 they argued the same argument a month later to the  
7 Probate Court seeking for them to take jurisdiction of  
8 the civil case matters. Probate Judge Eckstrom, he  
9 reviewed it because these matters have already been ruled  
10 upon that they were in the proper jurisdiction here.

11 THE COURT: Yes, sir. As it relates to discovery.

12 MR. GRIFFIN: Well, okay, response to motion.  
13 Regarding defendants' motion to dismiss on the ground  
14 that plaintiff has not complied with discovery responses  
15 noted in number 4 of the motion, plaintiff responds as  
16 follows: Plaintiff promptly acted in writing on August  
17 the 14th, 2018 within 14 days of the Court's last  
18 decision of July the 31st, 2018 and even prior to the  
19 official order compelling discovery dated September the  
20 29th, 2018.

21 Plaintiff accordingly explained to defendants'  
22 counsel Rachael R. Dain that he is representing himself  
23 pro-se, does not have the luxury of an office setting.  
24 Pursuant to SCRCF Rule 34.1 it was plaintiff's  
25 understanding that the plaintiff was instructed only to

1           MR. GRIFFIN: Well, Your Honor, I don't see how the  
2 grievance that was filed against Ms. Dain in any way  
3 hampered her ability because in July when that grievance  
4 had been filed, that grievance was filed back in March of  
5 two thousand and - probably February of 2018 so that  
6 grievance was already - and it has been decided and, you  
7 know --

8           THE COURT: I think under the circumstances it would  
9 be - she'll have to make that decision based upon  
10 whatever the Office of Disciplinary Counsel chooses to  
11 do, but I will not force her to continue to have contact  
12 with you under the circumstances.

13           MR. GRIFFIN: The Office of Disciplinary Counsel had  
14 already rendered their decision prior to this hearing in  
15 July of 2018 and they found her, you know, not guilty of  
16 any charges. So she was representing herself in July  
17 30th, 2018, her case had already been decided and she had  
18 already received correspondence with that.

19           THE COURT: And I understand your point. At this  
20 particular point what I'm gonna do is I'll take it under  
21 advisement the motion -- Well, I'm sorry. Unless there's  
22 something else, I'll hear from Mr. Freeman further.

23           MR. GRIFFIN: Well, there is a great deal more that  
24 I wish to make known to the Court of.

25           THE COURT: It's all in your brief, is it not?

1 MR. GRIFFIN: It is, but personally they are  
2 accusing me of criminal activity. Actually terroristic  
3 activity. She's talking about an ongoing campaign of  
4 harassment that I have against her or her client. I have  
5 made no contact, other than this letter in September, I  
6 mean in August 2018, I have made no further contact with  
7 her in any way whatsoever. I asked her to contact me in  
8 this letter to effect how we were going to proceed as far  
9 as getting her what she wanted. So I'm open. But to  
10 accuse me, these are criminal activities and in 2019 when  
11 you have people accused of terrorist activities, it means  
12 something. It means death. And she's asking this Court  
13 for protection as though I'm a common criminal.

14 THE COURT: I'm not entertaining any of those  
15 accusations or requests or anything along those lines.  
16 All I'm concerned with is being able to move this case  
17 forward. It's been going on now for almost five years,  
18 if not longer than that and I think in some ways the  
19 Probate Court needs to make a decision. I will also need  
20 to look at and determine whether or not this Court has  
21 jurisdiction separate and apart from Probate Court. I'll  
22 be happy to do that. As far as the discovery material is  
23 concerned, there needs to be an exchange of that  
24 information. If you claim that you don't have any copies  
25 of that request, I'm gonna ask Mr. Freeman to send

## 1 CERTIFICATE OF REPORTER

2 (STATE OF SOUTH CAROLINA)

3 (COUNTY OF LEXINGTON )

4  
5 I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,  
6 and Official Circuit Court Reporter for the Eleventh Judicial  
7 Circuit in and for the State of South Carolina, do hereby  
8 certify that I reported the proceedings in the before  
9 captioned case in the Court of Common Pleas in and for the  
10 State of South Carolina on the 18th day of March, 2019.

11 I FURTHER CERTIFY that the forgoing 25 pages  
12 constitute a true and accurate record of said proceedings.

13 I FURTHER CERTIFY that I am neither related, counsel  
14 to, nor of interest to any party hereto.

15 IN WITNESS WHEREOF, I have hereunto set my hand at  
16 Lexington County, this 2nd day of November, 2019.

17  
18  
19 By:s/Steven E. LeBlanc

20 Steven E. LeBlanc, Sr., R.P.R.  
21 Eleventh Circuit Court Reporter  
22 State of South Carolina.  
23  
24  
25

Steven E. LeBlanc, R.P.R., Circuit Court Reporter  
P.O. Box 184, Lexington, South Carolina 29071

THE STATE OF SOUTH CAROLINA

In The Court of Appeals  
[In The Supreme Court]

Case No. 2019-001428

**RECEIVED**  
DEC 27 2019  
SC Court of Appeals

APPEAL FROM EDGEFIELD COUNTY

Court of Common Pleas

Alison Renee Lee, Chief Administrative Circuit Court Judge

Case No. 2016-CP-19-00141

Rufus Lyndell Griffin,

Appellant

v.

Thomas Mosley, Quinnie Mosley, Walter Mosley,  
Timothy Mosley, and Paquita Mosley, Individually and as  
Personal Representative of the Estate of Ellec Mosley,

Respondents

**PROOF OF SERVICE**

This is to certify that I, Rufus Lyndell Griffin, have served a copy of Appellant's 'Motion to Vacate Order' and 'Motion for Extension' and 'Exhibits' on all named Respondents via First Class US Mail, on December 27, 2019. Parties were served, via each Respondent's attorney of record, or individually if no attorney of record, as follows:

Paquita Mosley- (Rachael A. Dain, 810 Dutch Square Blvd., Ste 215, Columbia, SC 29210 & Palmer Freeman, Jr., PO Box 8086, Columbia, SC 20202

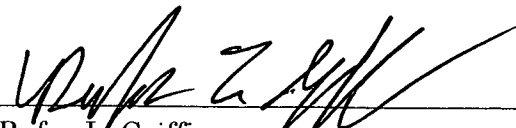
Thomas Mosley- (1018 Price Ave., Columbia, SC 20201/no counsel of record),

Timothy Mosley, Walter Mosley-(Randall D. Williams, PO Box 70, Edgefield, SC 29824)

Quinnie Mosley- (Eydie J. Tillman, P.O. Box 71, Edgefield, SC 29824)

Betty Mosley- (Eleazer Carter, P.O. Box 187, Manning, SC 29192)

December 27, 2019  
(date)

  
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