

THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough

Case No. 2007-CP-10-1444
Appellate Case No. 2019-0880

RECEIVED
JAN 29 2020
SC Court of Appeals

C. Holmes,

Appellant

v.

Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,
Manton Grier, and James Y. Becker,

Respondents.

**RESPONDENTS' MOTION TO DISMISS APPEAL
AND TO HOLD DEADLINES IN ABEYANCE**

Mary M. Caskey, SC Bar No. 76198
Mary Cothonneau Eldridge, SC Bar No. 102698
Clara Elizabeth Weston, SC Bar No. 103305
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, Suite 2200 (29201)
Post Office Box 11889 (29211)
Columbia, South Carolina
Attorneys for Respondents

Pursuant to Rule 240, SCACR, Respondents hereby move that this appeal be dismissed on the grounds that the underlying orders are not appealable and for most of the orders, untimely. Appellant Cynthia Holmes has filed a Notice of Appeal of two interlocutory orders from April and May 2019, and an appeal of six (6) interlocutory orders from 2017.¹ On their face, all of these orders are preliminary rulings where the trial court did not make any findings of fact or enter an order on the merits. Further, the Court of Appeals has already dismissed appeals of three of the orders; and three of the orders are untimely as they are over two years old.

BACKGROUND

The underlying action stems from litigation commenced by Holmes against East Cooper Community Hospital (“East Cooper”), during which she was represented by Haynsworth Sinkler Boyd, P.A., James Y. Becker, and Manton M. Grier (collectively, “Respondents”). The facts surrounding the East Cooper litigation are not in dispute, and the background is set forth in *Holmes v. Haynsworth Sinkler & Boyd, P.A.*, 408 S.C. 620, 760 S.E.2d 399 (2014). On April 6, 2007, Holmes brought a malpractice action against Respondents arising from litigation Holmes commenced against East Cooper following the hospital’s decision to revoke her medical staff privileges. On Holmes’ behalf, the Respondents unsuccessfully appealed for reinstatement of admitting privileges through East Cooper’s administrative process and, later, filed a lawsuit in federal court. The relationship between Holmes and the Respondents deteriorated, and Holmes subsequently filed the malpractice action. After protracted litigation over Respondents’ handling of her case against East Cooper, Holmes’ claims against the Respondents were dismissed, and the

¹ Copies of the orders referred to in the Amended Notice of Appeal filed on July 5, 2019, are attached as Exhibits 1-8.

trial court issued an order of sanctions against Holmes in the amount of \$200,000.00 (the “Judgment”). The Judgment was affirmed by this Court on June 4, 2014. *See Holmes v. Haynsworth Sinkler & Boyd, P.A.*, 408 S.C. 620, 760 S.E.2d 399 (2014).

During the pendency of the malpractice action, this Court issued an order directing Clerks of Court in South Carolina to refuse to accept further *pro se* filings from Holmes in actions related to the East Cooper Litigation. (*See Order*, entered in *Doe v. Duncan*, No. 2008-UP-596, (Dec. 2, 2009)) (the “*Doe Order*”). Holmes’ license was later suspended for a period of two years. *See In re Collie*, 410 S.C. 556, 569, 765 S.E.2d 835, 841 (2014). As of January 28, 2020, it appears Holmes has not been reinstated.

In November 2016, the Respondents commenced formal efforts to collect the Judgment. As part of these efforts, a Rule to Show Cause was entered by the Circuit Court on January 3, 2017. (*See Exh. 1.*) However, the January 3, 2017, Rule to Show Cause did not include the date of the hearing on the Rule to Show Cause, so a second Rule to Show Cause was entered by the Court on January 18, 2017. (*See Exh. 2.*)

While the Rule to Show Cause was pending, Holmes filed a two motions for sanctions, a Rule 59(e) motion, a Rule 60 motion, and a motion to dismiss, all of which attempt to set aside the Judgment, reopen the malpractice action, and claim that the Respondents have acted fraudulently in trying to collect the Judgment (collectively, the “Motions”). On February 9, 2017, the circuit court entered a judgment striking all motions filed by Holmes because she filed the motions *pro se*, in direct violation of the *Doe Order*. (*See Exh. 3.*) On February 13, 2017, Holmes appealed the February 9, 2017, order in appellate case no. 2017-000266. The appeal was unsuccessful, as was Holmes’ subsequent petition for writ of certiorari. Ultimately, this Court issued a remittitur in the appeal on November 28, 2017.

After Holmes failed to comply with prior Rules to Show Cause, on March 14, 2017, the circuit court entered a second supplemental proceedings order against Holmes, directing her to provide documents concerning her assets to HSB within thirty days of entry of the order. (See Exh. 4.) The circuit court entered another order compelling her to produce the documents on June 23, 2017. (See Exh. 5.) Instead of complying with the orders, Holmes filed another appeal, this time of the order dated June 23, 2017, in appellate case no. 2017-001717. This Court dismissed the appeal on June 27, 2018, and denied Holmes' petition for rehearing on October 16, 2018. Holmes filed a petition for writ of certiorari regarding this appeal on December 18, 2018, in appellate case no. 2018-001968. The court denied certiorari on April 22, 2019. Even though the court denied Holmes' petition for certiorari, thus effectively ending her appeal of the June 23, 2017 order, appellate case no. 2017-001717 is being held in abeyance pending the resolution of Holmes' Chapter 7 bankruptcy case, which she filed on March 22, 2019, and which is discussed in greater detail below.

Finally, due to the inadvertent inclusion of Becker and Grier in HSB's Verified Petition, HSB filed a motion to dismiss those two individuals as petitioners, as neither individual claimed any ownership rights or interests in the sanctions judgment. The circuit court entered an order granting the motion and dismissing Becker and Grier on September 29, 2017. (See Exh. 6.) Holmes appealed the order in appellate case no. 2017-002403. The court dismissed Holmes' appeal on March 29, 2018, and denied Holmes' petition for a rehearing on May 11, 2018.

On March 22, 2019, Holmes filed her Notice of Chapter 7 Bankruptcy Case in the Bankruptcy Court for the District of South Carolina. Accordingly, the circuit court entered an order striking the supplemental proceeding action on April 9, 2019, which Holmes promptly appealed in the instant appellate case. (See Exh. 7.) Holmes filed an amended notice of appeal

in this matter on July 5, 2019, appealing the circuit court's May 24, 2019 order, (*see* Exh. 8), which denied certain *pro se* papers Holmes filed in the circuit court case on April 29, 2019. In addition to these motions, Holmes' notice of appeal also seeks to appeal the circuit court orders discussed above—all of which were either filed in 2017, and many of which were previously appealed and dismissed by this Court.

ARGUMENT

I. Holmes' appeal of the circuit court orders in 2017 are untimely and frivolous.

The SCACR clearly establishes that “[a] notice of appeal shall be served on all respondents *within thirty (30) days* after receipt of the entry of the order or judgment.” SCACR 203(b)(1) (emphasis added). Holmes' filed this appeal over *two years* after the circuit court entered the January 3, 2017, January 18, 2017, February 9, 2017, March 14, 2017, June 23, 2017, and September 29, 2017 orders. There is simply no argument that her appeal is timely as to these orders, and they must be dismissed. Moreover, and discussed in HSB's Statement of the Case, Holmes has already appealed the circuit court's orders dated February 9, 2017, June 23, 2017, and September 29, 2017. This Court has dismissed the appeals and, in certain cases, denied Holmes' petitions for rehearing. Thus, Holmes appeal of the February 9, 2017, June 23, 2017, and September 29, 2017 orders are, in addition to being untimely, entirely frivolous and must be dismissed.

II. The April 9, 2019 and May 9, 2019 orders are interlocutory and unappealable.

“The right of appeal arises from and is controlled by statutory law.” *N.C. Fed. Sav. & Loan Ass'n v. Twin States Dev. Corp.*, 289 S.C. 480, 481, 347 S.E.2d 97, 97 (1986). Appealability is generally governed by S.C. Code Ann. § 14-3-330. This Court has appellate jurisdiction to consider a “final judgment,” an intermediate judgment “involving the merits,” or an order

“affecting a substantial right . . . when such order . . . (a) in effect determines the action and prevents a judgment from which an appeal might be taken . . . or (c) strikes out an answer or any part thereof or any pleading in an action.” S.C. Code Ann. § 14-3-330. Interlocutory orders are otherwise not immediately appealable. *See, e.g., Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 533 S.E.2d 331 (2000); *Senter v. Piggly Wiggly Carolina Co.*, 341 S.C. 74, 533 S.E.2d 575 (2000); *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000). None of these provisions is applicable here.

First, the April 9, 2019, order did nothing more than provide for a stay of the supplemental proceedings pursuant to 11 U.S.C. § 362(a)(2). (*See* Exh. 7.) Second, the Court’s order entered on May 9, 2019, rejecting *pro se* filings from Holmes is simply an order enforcing the terms of the *Doe* order and does not have any bearing under Holmes’ defenses in the supplemental proceedings action. (*See* Exh. 8.) Neither of these orders made any determination of the merits or affect any right of Holmes in the underlying supplemental proceedings action, and neither of the orders is an intermediate or final judgment.²

CONCLUSION

For these reasons, this appeal should be dismissed. In addition, based on the foregoing, Respondent respectfully requests that this Court hold all deadlines, including the deadline for Respondents to file their responses to Appellant’s brief, in abeyance pending the resolution of the Motion to Dismiss.

² To the extent that the Court finds that an appeal of the orders entered on January 3, 2017, January 17, 2017, and March 14, 2017, is somehow timely, the Court should still dismiss an appeal of those orders because they are also interlocutory orders. On their face, they are not final decisions on the merits and enter no judgment against Holmes that would provide a sufficient basis for an appeal. All three orders are simply orders for Holmes to produce documents concerning her assets and appear to testify concerning the same. No order of attachment or other decision related to her assets has been entered.

Respectfully submitted,



Mary M. Caskey, SC Bar No. 76198
Mary Cothonneau Eldridge, SC Bar No. 102698
Clara Elizabeth Weston, SC Bar No. 103305
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Telephone: (803) 779-3080
Fax: (803) 765-1243

Attorneys for Respondents

January 29, 2020
Columbia, South Carolina

EXHIBIT 1

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01444

Plaintiff,

vs.

**RULE TO SHOW CAUSE
IN SUPPLEMENTARY PROCEEDINGS
AND ORDER OF REFERENCE**

Haynsworth Sinkler Boyd, P.A.,
successor to Sinkler & Boyd, P.A.,
Manton Greer and James Y. Becker,

Defendants.

FILED
2017 JAN -3 AM 9:13
JULIE A. ANASTASIO
CLERK OF COURT

Judgment having been rendered, an execution issued, and a *nulla bona* return made to said execution, the Defendants, Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Greer and James Y. Becker, having moved for an examination of Plaintiff, Cynthia Holmes, M.D., under oath in Supplementary Proceedings, pursuant to the provisions of South Carolina Code Ann. §15-39-310, *et. seq.*; It is therefore,

ORDERED that Plaintiff, Cynthia Holmes, M.D., DO APPEAR before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, South Carolina, 100 Broad Street, Courtroom 2-A, Charleston, South Carolina, on the _____ day of _____, 2017, at _____ o'clock in the ___ M to answer under oath concerning her assets, and TO SHOW CAUSE why her property should not be applied toward satisfaction of the Judgment set out in the Petition; and TO SHOW CAUSE why a Receiver of such property should not be appointed, pursuant to the provisions of South Carolina Code Ann. § 15-39-430.

IT IS FURTHER ORDERED that, pursuant to South Carolina Code Ann. §§ 14-11-90 and 15-30-390, this matter being referred to the Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County to entertain and rule upon all motions necessary to dispose of this matter, to include, but not be limited to, motions to appoint a receiver, motion to continue the matter, motions to sell all or certain property of judgment debtor in satisfaction of the Petitioner's debt,

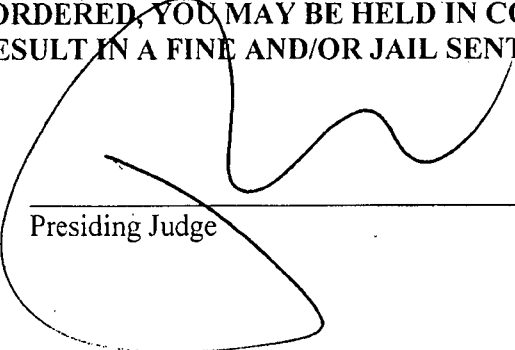
motions to dismiss, and having authority to enter a Final Order, with any appeal directly to the South Carolina Supreme Court.

IT IS FURTHER ORDERED that this Rule to Show Cause may be served on the Defendant by means of a private process server.

YOU ARE FURTHER ORDERED TO BRING WITH YOU TO THE HEARING the following:

1. Bank statements for all bank accounts [checking, savings, financial accounts, certificates of deposit, etc...] of Plaintiff from 2014 to the present;
2. Financial Statements from 2014 to the present;
3. Copies of all pay stubs from 2014 to the present;
4. All stock certificates;
5. All licenses and franchise agreements;
6. All State and Federal Tax Returns from 2014 to the present;
7. All insurance policies [personal, automobile, real estate];
8. Records of any real estate owned, either in whole or in part by Plaintiff since 2012;
9. Records of automobiles, trucks, trailers, boats, ATV's, and other vehicles and accessories;
10. Any inventories of personal property now or formerly owned from 2014 to the present;
11. Records of all inventories of furniture, fixtures, and/or equipment owned in whole or in part;
12. Copies of any contracts entitling you to payment of money.

IF YOU FAIL TO APPEAR AS ORDERED, YOU MAY BE HELD IN CONTEMPT OF COURT WHICH COULD RESULT IN A FINE AND/OR JAIL SENTENCE.



Presiding Judge

Dated: 12/30/16
Charleston, South Carolina

EXHIBIT 2

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01444

Plaintiff,

vs.

Haynsworth Sinkler Boyd, P.A.,
successor to Sinkler & Boyd, P.A.,
Manton Greer and James Y. Becker,

Defendants.

**RULE TO SHOW CAUSE
IN SUPPLEMENTARY PROCEEDINGS
AND ORDER OF REFERENCE**

FILED
2017 JAN 18 PM 2:28
JULIE J. ARMSTRONG
CLERK OF COURT

Judgment having been rendered, an execution issued, and a *nulla bona* return made to said execution, the Defendants, Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Greer and James Y. Becker, having moved for an examination of Plaintiff, Cynthia Holmes, M.D., under oath in Supplementary Proceedings, pursuant to the provisions of South Carolina Code Ann. §15-39-310, *et. seq.*; It is therefore,

ORDERED that Plaintiff, Cynthia Holmes, M.D., DO APPEAR before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, South Carolina, 100 Broad Street, Courtroom 2-A, Charleston, South Carolina, on the 10th day of March, 2017, at 10:30 o'clock in the A M to answer under oath concerning her assets, and TO SHOW CAUSE why her property should not be applied toward satisfaction of the Judgment set out in the Petition; and TO SHOW CAUSE why a Receiver of such property should not be appointed, pursuant to the provisions of South Carolina Code Ann. § 15-39-430.

IT IS FURTHER ORDERED that, pursuant to South Carolina Code Ann. §§ 14-11-90 and 15-30-390, this matter being referred to the Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County to entertain and rule upon all motions necessary to dispose of this matter, to include, but not be limited to, motions to appoint a receiver, motion to continue the matter, motions to sell all or certain property of judgment debtor in satisfaction of the Petitioner's debt,

1 of 2
[Signature]


motions to dismiss, and having authority to enter a Final Order, with any appeal directly to the South Carolina Supreme Court.

IT IS FURTHER ORDERED that this Rule to Show Cause may be served on the Defendant by means of a private process server.

YOU ARE FURTHER ORDERED TO BRING WITH YOU TO THE HEARING the following:

1. Bank statements for all bank accounts [checking, savings, financial accounts, certificates of deposit, etc...] of Plaintiff from 2014 to the present;
2. Financial Statements from 2014 to the present;
3. Copies of all pay stubs from 2014 to the present;
4. All stock certificates;
5. All licenses and franchise agreements;
6. All State and Federal Tax Returns from 2014 to the present;
7. All insurance policies [personal, automobile, real estate];
8. Records of any real estate owned, either in whole or in part by Plaintiff since 2012;
9. Records of automobiles, trucks, trailers, boats, ATV's, and other vehicles and accessories;
10. Any inventories of personal property now or formerly owned from 2014 to the present;
11. Records of all inventories of furniture, fixtures, and/or equipment owned in whole or in part;
12. Copies of any contracts entitling you to payment of money.

IF YOU FAIL TO APPEAR AS ORDERED, YOU MAY BE HELD IN CONTEMPT OF COURT WHICH COULD RESULT IN A FINE AND/OR JAIL SENTENCE.



Presiding Judge

Dated: Jan 13, 2017
Charleston, South Carolina

DM: 4785898 v.1




Date 12/21/16 PAID
Amount \$25.00
MIKELL R. SCARBOROUGH
MASTER IN EQUITY
By: 

EXHIBIT 3
FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-10-1444

Holmes

Haynesworth Sinkler Boyd, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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 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

2017 FEB -9 AM 9:39
 JULIE J. ARNSTRONG
 CLERK OF COURT
 FILED

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: A supplemental proceedings hearing is scheduled to take place in this matter on March 10, 2017. The court is advised by the Clerk of Court's office that Cynthia Holmes, M.D., has filed several motions in this matter in violation of the Supreme Court's order filed December 3, 2009 directing the "Clerks of Court in this state to refuse to accept further filings from petitioner in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than petitioner, licensed to practice of law in this state." Given the broad language of this directive and the fact that the motions have been filed by Dr. Holmes, pro se, the court orders the Clerk of Court's office to strike all motions filed by Dr. Holmes in this matter as well as all future motions, if any.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC 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 (List amount(s) below)
NA	NA	\$NA
		\$
		\$
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

[Handwritten signature]

3062

Judge Code

Date

2/8/17

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 _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

EXHIBIT 4

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

C Holmes)

-v-)

Haynesworth, Sinkler,)

Boyd)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NUMBER:

2007-CP-10-1444

SUPPLEMENTAL PROCEEDING ORDER

2017 MAR 14 AM 8:30
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

A Hearing was held in the above captioned case on 3/10/17

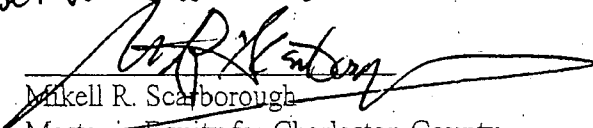
- 1. No assets were discovered.
- 2. The Defendant agreed to pay _____
- 3. The hearing was not held because : _____
 - a. the Defendant was not served and the hearing has been rescheduled for _____
 - b. the Defendant did not appear and a RTSC has been scheduled for _____
 - c. the parties requested the hearing be rescheduled for _____
 - d. the Plaintiff elected not to proceed.

e. Holmes has 30 days to provide all documentation on assets to Haynesworth,
thereafter a receiver will be appointed to review the assets
available to satisfy the judgment & to recommend to court on how to proceed.

- 4. The supplemental proceedings is held open until _____ to include sale of her home.
- 5. The supplemental proceedings is dismissed and canceled without prejudice. All

Restraining Orders and Injunctions are hereby lifted, canceled, voided and dismissed.

* No funds shall be transferred / asset values diminished.


Mikell R. Scarborough
Master in Equity for Charleston County

Charleston, SC

Dated: 3/10/17

EXHIBIT 5

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01444

Plaintiff,

vs.

Haynsworth Sinkler Boyd, P.A.,
successor to Sinkler & Boyd, P.A.,
Manton Greer and James Y. Becker,

Defendants.


FILED
2017 JUN 23 PM 3:09
JULIE J. ARMSTRONG
CLERK OF COURT

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL & FOR SANCTIONS

This matter comes before the Court on the motion of Defendants Haynsworth Sinkler Boyd, P.A., Manton Greer and James Y. Becker ("Defendants") to compel Plaintiff Cynthia Holmes, M.D.'s ("Holmes") to produce documents previously ordered by the Court in its Rule to Show Cause Order, filed on March 9, 2017, and to compel Bank of America to respond to a subpoena issued by Defendants. A hearing was held before me on June 16, 2017. Holmes appeared *pro se*, and Defendants appeared through their attorney, Mary M. Caskey. Holmes admitted that she has only produced tax returns for 2014 and 2015, and has failed to produce any other documents required. She also objected, without legitimate reason, to a validly issued subpoena.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUGED, AND DECREED AS FOLLOWS:

1. Holmes shall produce to Defendants the following documents no later than ten (10) days after entry of this Order:



- a. Bank statements for all bank accounts [checking, savings, financial accounts, certificates of deposit, etc....] of Plaintiff from 2014 to the present;
- b. State and Federal tax returns for 2016, or proof of a request for an extension to file the same; and
- c. Copies of any contracts entitling her to payment of money.

2. Bank of America is ordered to comply with the subpoena issued by the Defendants dated April 3, 2017, to produce copies of payment history, including payoff amount, in connection with the mortgage given to NationsBanc Mortgage Corporation by James Kevin Holmes and Spouse, Cynthia Elaine Holmes, in the amount of \$227,250.00 dated February 11, 1994 and recorded in the Office of the Charleston County Register of Deeds in Book F239, Page 604. Bank of America shall comply with the subpoena within fourteen (14) days of service of this Order on Bank of America.

3. Holmes shall pay sanctions in the amount of two thousand five hundred dollars (\$2,500), payable to "Haynsworth Sinkler Boyd, P.A.," which shall be postmarked to Haynsworth Sinkler Boyd, P.A., Attn: Mary Caskey, P.O. Box 11889, Columbia, SC 29211-1889, no later than ten (10) days after entry of this order.

4. In the event that Holmes fails to comply with this Order, she shall be in contempt of court, and Defendants may be entitled to sanctions, to include an award of attorneys' fees and expenses, and the Court may order such other and further relief as may be just and proper.

AND IT IS SO ORDERED.

6/20/17
Charleston, South Carolina


The Honorable Mikell R. Scarborough

EXHIBIT 6

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01444

Plaintiff,

vs.

Haynsworth Sinkler Boyd, P.A., successor
to Sinkler & Boyd, P.A., Manton Grier and
James Y. Becker

Defendants.

FILED
2017 SEP 29 PM 2:20
JULIE M. WILSON
CLERK OF COURT

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS CERTAIN PARTIES

This matter is before me on the motion of Defendants Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Grier and James Y. Becker (collectively, the "Defendants") to dismiss Manton Grier and James Y. Becker as petitioners under the Verified Petition filed on January 3, 2017. As set forth in the motion, Messrs. Becker and Grier are employees of Haynsworth Sinkler Boyd, P.A. and do not claim any ownership rights or interests in the sanctions judgment that is the subject of the Verified Petition. As a result, they are dismissed as petitioners, and Haynsworth Sinkler Boyd, P.A. is the sole remaining petitioner in this action.

AND IT IS SO ORDERED.

9/26, 2017
Charleston, South Carolina

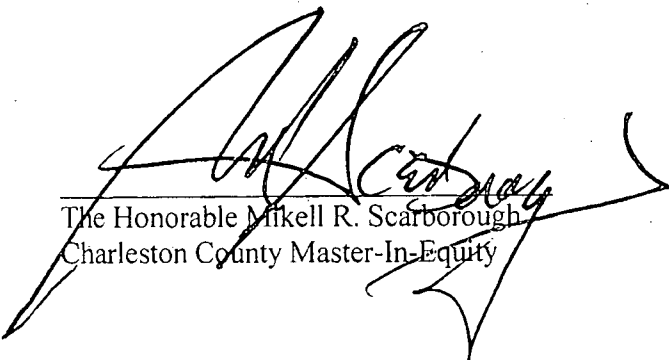

The Honorable Mikell R. Scarborough
Charleston County Master-In-Equity

EXHIBIT 7

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-10-1444

C Holmes

Haynesworth Sinkler Boyd PA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Master in Equity	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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:

C.Holmes has filed Chapter 7 Bankruptcy.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC 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 (List amount(s) below)
N/A		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order: N/A		

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

3062

Judge Code

4/2/19

Date

2019 APR -9 PM 1:03
 CLERK OF COURT
 JULIE J. ARMSTRONG

EXHIBIT 8

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

J. Doe (CHolmes),

Plaintiff,

vs.

Manton Grier, James Y. Becker, &
Haynsworth Sinkler Boyd, P.A., as successor
to Sinkler & Boyd, P.A. ,

Defendants.

IN THE COURT OF COMMON PLEAS

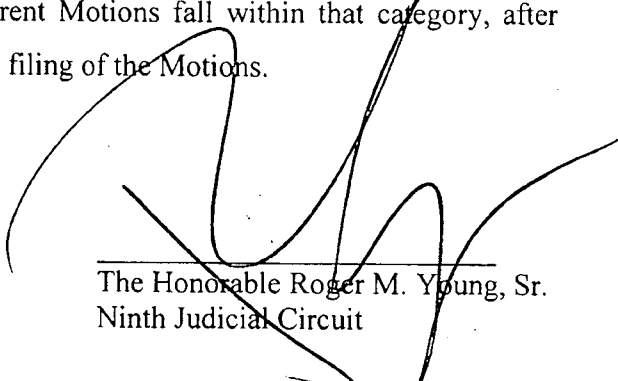
CASE NO.: 2007-CP-10-1444

ORDER DENYING FILING

FILED
2019 MAY 24 PM 1:01
JULIE J. ARMSTRONG
CLERK OF COURT
BY

On April 29, 2019, Plaintiff Cynthia Holmes submitted a Motion for Recusal, Motion to Disqualify, and Motion for Sanctions. However, in December 2009 The Supreme Court of South Carolina issued an Order directing the “Clerks of Court in this state to refuse to accept further filings from Petitioner in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than Petitioner, licensed to practice law in this state.” Plaintiff further attempted to file Motions in this case in 2017. The Court cited the Supreme Court’s Order, and noted that “given the broad language of this directive and the fact that the motions have been filed by Dr. Holmes, pro se, the Court orders the Clerk of Court’s office to strike all motions filed by Dr. Holmes in this matter as well as any future motions, if any.” Given that Plaintiff’s current Motions fall within that category, after reviewing the Motions, this Court hereby denies the filing of the Motions.

And it is SO ORDERED.



The Honorable Roger M. Young, Sr.
Ninth Judicial Circuit

May 22, 2019
Charleston, South Carolina

THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough

Case No. 2007-CP-10-1444
Appellate Case No. 2019-0880

RECEIVED

JAN 29 2020

SC Court of Appeals

C. Holmes,

Appellant

v.

Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,
Manton Grier, and James Y. Becker,

Respondents.

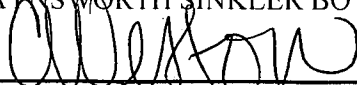
CERTIFICATE OF SERVICE

I certify that **Respondents' Motion to Dismiss Appeal and to Hold Deadlines in Abeyance** was served upon the Appellant by placing a copy of the same on the 29th day of January, 2020, in the United States Mail, postage prepaid, addressed as follows:

Chalmers C. Johnson, Esquire
2695 Beach Drive, East
Port Orchard, WA 98366

Cynthia Holmes, M.D.
Post Office Box 187
Sullivans Island, SC 29482

HAYNSWORTH SINKLER BOYD, P.A.


C. Elizabeth Weston, SC Bar No: 103305
Post Office Box 11889
Columbia, SC 29211
Telephone: (803) 779-3080

**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
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MARY M. CASKEY
DIRECT 803.540.7870
mccaskey@hsblawfirm.com

January 29, 2020

VIA HAND DELIVERY

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *Cynthia Holmes v. Haynsworth, et al.*
Case No. 2019-0880

RECEIVED
JAN 29 2020
SC Court of Appeals

Dear Sir/Madam:

Enclosed in connection with the referenced matter is an original and (6) copies of Respondents' Motion to Dismiss, along with a Certificate of Service verifying service on Appellant and our firm's check for \$25.00. We would appreciate your returning a clocked-in copies to us via our office courier.

Please let me know if you have any questions regarding the enclosures

Thank you for your assistance in this matter.

Sincerely yours,



Mary M. Caskey

MMC/hh
Enclosures
cc(w/encl.): Chalmers C. Johnson, Esquire
Cynthia Holmes