

Hawkins & Jedziniak, LLC

1225 South Church Street  
Greenville, South Carolina 29605  
Telephone: (864) 275-8142  
Facsimile: (864) 752-0911  
josh@hjllcsc.com  
helena@hjllcsc.com

RECEIVED  
MAR 09 2020  
SC Court of Appeals

March 6, 2020

Ms. Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: *David Rosen v. Josephine Middleton*  
Appellate Case No. 2019-002040

Dear Ms. Kitchings:

Please find enclosed for filing evidence related to this appeal. The respondent has filed a reply brief in support of its motion to dismiss the appeal<sup>1</sup>. The reply cites *Harkins v. Greenville Cty.*, 340 S.C. 606 (2002), which states "...the appellant...ha[s] the burden of presenting this Court with an adequate record." In an abundance of caution, the appellant submits the enclosed document and respectfully requests that the Appellate Court consider it as part of the record.

The document was filed by the respondent on October 31, 2019, as shown by the Circuit Court's stamp. The documents show that the respondent fired her attorney on March 12, 2018, more than eight months before the Circuit Court granted summary judgment in favor of the appellant and more than a year before the Circuit Court entered an award of damages.

The document filed by the respondent shows that she fired her attorney, and that her attorney did not abandon her. Since the Circuit Court reversed its judgment based on attorney abandonment, the appellant will be unfairly prejudiced and robbed of a substantial right to obtain relief with adherence to the Rules of Civil Procedure.

The document also shows that it serves judicial economy to deny the respondent's motion. Since the respondent fired her attorney well before a judgment was entered against her, attorney abandonment is was not grounds for relief from a judgment, even with under the governing

---

<sup>1</sup> The parties have consulted about the time for the filing of the respondent's initial brief. As counsel for the respondent rightly pointed out, pursuant to Rule 240(b), SCACR, the appeal is stayed pending the resolution of a motion to dismiss.

discretionary standard. Since this matter involves a clear error of law, it would be inefficient and uneconomical to litigate and try this matter on the merits.

Should the Court have any questions, please do not hesitate to contact our office.

Sincerely,



Joshua T. Hawkins  
**Attorney for Appellant David Rosen**

Enclosures

Copies:

**Attorneys for Respondent Josephine Middleton**

Devon Marc Pureifoy  
Kimberly Truluck Thomason  
3 Boyce Avenue  
Greenville, South Carolina 29601  
(864) 331-1751

**Lead Counsel for Respondent**

Howard W. Anderson III  
Law Office of Howard Anderson III, LLC  
P.O. Box 661  
Pendleton, SC 29670  
(864) 643-5790

South Carolina Office of Court Administration  
1220 Senate Street  
Columbia, South Carolina 29201-3739

9-16-19

CASE 2018-CP-23-00513  
Subpoena Duces Tecum

ELECTRONICALLY FILED - 2019 Oct 31 1:49 PM - GREENVILLE - COMMON PLEAS - CASE# 2018CP2300513  
19 SEP 13 4:10:05  
FILED - GREENVILLE, SC 29601-800

Motion  
Josephine Middleton - OBJECTION

I am objecting to the release of my financial information. I have never been served any papers, I was not informed in any manner that any action was being taken. Michael Gambrell was not my attorney, I have not spoken to Michael Gambrell since Dec 13<sup>th</sup> 2017, he came to court at Alex Pattera request. (Alex Pattera was my attorney at that time) I have emails to Michael Gambrell from March 12, 2018 telling him I did not want him to represent me since he never contacted me. I have had NO representation on the above claim, I would like to get legal advice and proper representation, so that I may properly respond to this claim.

Again I want to strongly reiterate I have had NO knowledge of any of these proceedings, I have not been notified at all.

407 Tanner Chase Way  
Greenville, SC 29607  
864-421-2307

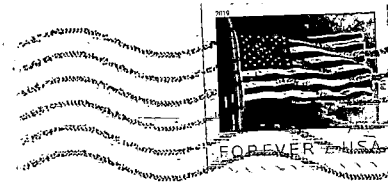
Josephine Middleton  
Josephine Middleton  
Josephmemiddle1@gmail.com

RECEIVED  
MAR 09 2020  
SC Court of Appeals

HAWKINS & JOHNSON, LLC  
1225 South Church Street  
Greenville, SC 29605

GREENVILLE SC 29605

06 MAR 2020 PM 41



Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RECEIVED  
MAR 09 2020  
SC Court of Appeals

29201-376999

