

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

2019CV2110105972  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

SUMMONS

Ed 10  
Edward Spears  
503 W Roughfork St  
Florence, SC 29501-0000  
(843) 496-3711

PLAINTIFF(S)

Vs

Michael S Hopewell  
470 W. Evans St  
Florence, SC 29501

DEFENDANT(S)

RECEIVED

MAR 16 2020

SC Court of Appeals

TO THE DEFENDANT(S) NAMED ABOVE:

**YOU ARE SUMMONED** and required to answer the allegations of the attached complaint and present any appropriate counterclaims/crossclaims to the attached Complaint within THIRTY days from the first day after receipt of this summons. Your Answer must be received by the:

Florence Magistrate Court  
180 North Irby Street (M S C-W)  
Florence, SC 29501-3456  
Phone: (843) 665-0031  
Fax: (843) 661-7800

If you fail to answer within the prescribed time, a judgment by default may be rendered against you for the amount or other remedy requested in the attached complaint, plus interest and costs. **If you desire a jury trial, you must request one in writing at least five (5) working days prior to the date set for trial.** If no jury trial is timely requested, the matter will be heard and decided by the Judge.

Given under my hand:

  
JUDGE

**READ ATTACHED INSTRUCTIONS CAREFULLY**

August 28, 2019

PL

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Edward Spears  
503 W Roughfork St  
Florence, SC 29501-0000  
(843) 496-3711

Exb10

2019CV2110105972  
CIVIL CASE NUMBER  
IN THE MAGISTRATE'S COURT  
COMPLAINT

PLAINTIFF(S)

Vs

Michael S Hopewell  
470 W. Evans St  
Florence, SC 29501

DEFENDANT(S)

I, **Edward Spears**, the Plaintiff in this civil action do make the following claims:

1. I believe that the defendant(s),  
**Michael S Hopewell**

is/are a resident(s) of Florence County, and resides within the jurisdiction of the Florence Magistrate Court or this Complaint is properly filed in Florence County.

2. I make this complaint on the following:

**Plaintiff is filing for obstruction of justice.**

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$7,580.00 and/or relief as below requested:

**Plaintiff is requesting 7,500 plus \$80.00 in court fees.**  
including any costs resulting in this action.

**I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE STATED FACTS ARE TRUE EXCEPT THOSE BASED ON MY BEST INFORMATION THAT I BELIEVE TO BE TRUE.**

August 28, 2019

  
SIGNATURE OF PLAINTIFF/ATTORNEY

P 2

FILED

2019 CP 21 3021

Exh [initials]

2019 DEC 13 AM 10:22

EDR'S POULOS GYARA  
CCCP & CS  
FLORENCE COUNTY, SC

2019CU211010597  
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF Florence

Edward Spear  
PLAINTIFF(S)

VS.

Mike Hopewell  
DEFENDANT(S)

IN THE MAGISTRATE'S COURT

F I L E D  
NOV 13 2019

AFFIDAVIT FOR  
CHANGE OF VENUE

Edward Spear plaintiff/defendant (circle one), personally appearing before me, states that he believes that he is unable to have a fair trial before Florence Magistrate Judge [initials] for the following reasons:

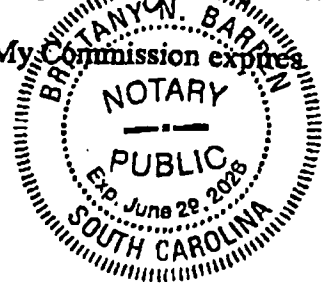
I had to file complaints on a number of Florence Magistrate Judges, Judge Becker, Judge Langley, Judge Rivers. Therefore these Judges may want to retaliate in some way.  
and, therefore, requests that a change of venue be granted.

Sworn to and Subscribed before me this 10th day of November, 2019.

Brittany N. Barron  
Magistrate of Notary Public for South Carolina

[Signature]  
PLAINTIFF/DEFENDANT(or his attorney)

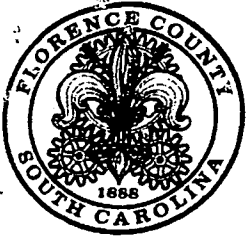
My Commission expires June 28, 2020



SCCA/714 (Amended 05/2008)

CERTIFIED: A TRUE COPY  
[Signature]  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

43



# Lake City Magistrate Court

*Dominic G. Owens, Judge*

345 South Ron McNair Boulevard  
P.O. Box 39  
Lake City, South Carolina 29560  
(843) 394-5461 Fax:(843) 394-3865



*EX 6 K [scribble]*

Edward Spears  
503 W Roughfork St.  
Florence, SC 29501

RE: Edward Spears vs Michael S Hopewell  
Case Number: 2019CV2110105972  
Date: November 21, 2019

Dear Mr. Spears:

Please be advised that the above referenced case has been transferred to Lake City Magistrate's Office as of today. Please direct any future filings associated with the case to the Lake City Magistrate Court.

If you have any questions, please feel free to call me at 843-394-5461.

Thanks,

*Whitney Jones*  
Civil Clerk

*P Y*  
*[scribble]*

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

Edward Spears  
503 W Roughfork St  
Florence, SC 29501-0000

EXB B

**MAGISTRATE SUMMONS**

Be advised that a Motion has been filed in the below listed case. Therefore, you are hereby summoned to be and appear personally in the

**Lake City Magistrate Court  
345 South Ron McNair Blvd  
P O Box 39  
Lake City, SC**

on **Monday, December 2, 2019** at **10:30 AM** to serve as a plaintiff/defendant/attorney/witness in a Motion Hearing in the case of:

Edward Spears

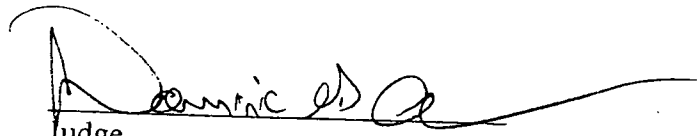
Vs Michael S Hopewell

PLAINTIFF(S)

DEFENDANT(S)

CIVIL CASE #: 2019CV2110105972.

HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.

  
Judge

Lake City Magistrate Court  
345 South Ron McNair Blvd  
P O Box 39  
Lake City, SC 29560-0039  
Phone: (843) 394-5461  
Fax: (843) 394-3865

November 21, 2019

ps  
D.A.

EXHIBIT I

2019 CP 21 3521

2019 CU 2110105972

CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF Florence

Edward Spears

PLAINTIFF

503 Roughfork St

STREET ADDRESS

Flo., S.C. 29501

CITY, STATE ZIP

843-496-3711

TELEPHONE

Mike Hopewell vs

DEFENDANT(S)

270 W. Evans St.

STREET ADDRESS

Flo., S.C.

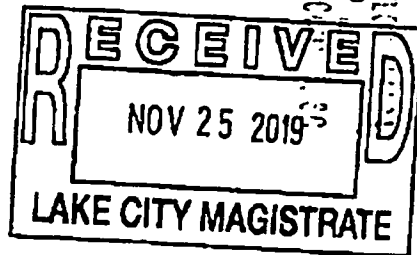
CITY, STATE ZIP

TELEPHONE

IN THE MAGISTRATE'S COURT

Mike Hopewell - Defendant  
Edward Spears - Plaintiff

COMPLAINT



DO NOT WRITE  
OR STAMP  
HERE

2019 DEC 13 AM 10:31

FILED

I, Edward Spears

the plaintiff in this civil action do make the following claims:

1. I believe the defendant, Mike Hopewell is a resident of Flo County, and resides at 270 W. Evans St. or works at 270 W. Evans St. which is within Judge Joe Becker's magisterial jurisdiction or this Complaint is properly filed in Florence County.

2. I make this complaint on the following:

On Aug 15 2016 Mike Hopewell deceived & defrauded me by bringing false documents in an attempt to bring an violation of U.S. Code 1505-1518

(Attached supplement if necessary.)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$7,500 and/or other relief as below requested:

Plus \$80.00 court cost

including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful, except those based on my information and belief.

Dated: Nov. 21-19

[Signature]  
Signature of Plaintiff (or his attorney)

SCCA/701 (Amended 05/08)

CERTIFIED: A TRUE COPY

[Signature]  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

P6

[Signature]

EXB E1

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE )

IN THE MAGISTRATE'S COURT  
TWELFTH JUDICIAL CIRCUIT  
CIVIL CASE #2019CV2110105972

Edward Spears )  
503 W. Roughfork Street )  
Florence, SC 29501-0000 )  
(843) 496-3711 )

Plaintiff, )

vs. )

Michael S. Hopewell )  
470 W. Evans Street )  
Florence, SC 29501 )

Defendant. )

ANSWER OF DEFENDANT

SEPT 27

The Defendant, answering the Plaintiff's Complaint, would allege and show unto the Court as follows:

**FOR A FIRST DEFENSE**

1. The allegations contained within paragraph 1 are admitted.
2. The allegations contained within paragraph 2 are denied.
3. The allegations contained within paragraph 3 are denied.

**FOR A SECOND DEFENSE**

4. Each and every allegation contained within the Complaint not hereinabove admitted, qualified or explained is denied and strict proof is demanded thereof.

**FOR A THIRD DEFENSE**

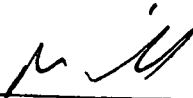
(Motion to Dismiss)

5. The allegations of the Complaint fail to state facts sufficient to constitute a cause of action, therefore, the Defendant prays that the Complaint be dismissed pursuant to Rule 12(b)(6), SCRPC.

P 9/27

Respectfully submitted,

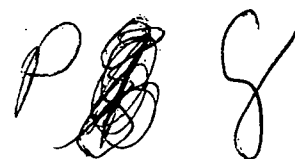
Florence, SC  
September 27, 2019



---

Michael S. Hopewell (S.C. Bar #65335)  
Attorney for Defendant

ABBOTT, MCKISSICK & HOPEWELL, LLC  
470 W. Evans Street  
Post Office Box 148  
Florence, SC 29503  
(843) 669-0089  
(843) 669-0085 fax  
*mhopewell@amhattorneys.com*



*150-78-90 21-78-53*

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Edward Spears  
503 W. Roughfork Street  
Florence, SC 29501

Plaintiff,

vs.

Michael S. Hopewell  
470 W. Evans Street  
Florence, SC 29501

Defendant.

IN THE MAGISTRATE'S COURT  
CIVIL CASE #2019CV2110105972

*EX 1 E2*

*Memo filed in*  
MEMORANDUM IN SUPPORT  
OF DEFENDANT'S  
MOTION TO DISMISS

*NOV 19*

A Motion to Dismiss was included within the Answer of Defendant that was filed on September 27, 2017. This Memorandum is in support of that Motion to Dismiss which is scheduled to be heard on November 25, 2019.

Rule 5(a) of the Magistrate's Court rules provides that:

"A suit is commenced by filing with the Magistrate's Court a short and plain written statement of the facts showing what the Plaintiff claims and why the claim is made."

The Complaint in the present action states only that "Plaintiff is filing for obstruction of justice." The Complaint goes on to state that the Plaintiff believes he is entitled to and does request a judgment for \$7,580.00. No factual basis or recitation of events is listed as the basis for this allegation. No date, occurrence, or even timeframe is listed to substantiate the allegations of the Complaint.

In addition to the fact that Plaintiff did not follow Rule 5(a) by providing a written statement of the facts leading to his allegation, obstruction of justice is not a tort in South Carolina, therefore, a civil cause of action for obstruction of justice does not exist in South Carolina.

*NOV 19 10 30 AM*  
*09*

Further, obstruction of justice is a crime rather than a civil cause of action. In South Carolina, it is codified in Section 16-9-340. A copy of South Carolina Code Section 16-9-340 is enclosed. It is contained in Title 16 of the South Carolina Code which is titled "Crimes and Offenses".

For the reasons stated herein and in Defendant's Answer, the Defendant respectfully requests that the Plaintiff's Complaint be dismissed, with prejudice.

Respectfully submitted,



---

Michael S. Hopewell  
Defendant

Florence, SC  
November 19, 2019

ABBOTT, MCKISSICK & HOPEWELL, LLC  
470 W. Evans Street  
Post Office Box 148  
Florence, SC 29503  
(843) 669-0089  
(843) 669-0085 fax  
*mhopewell@amhattorneys.com*

PA 10

EXB F

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

STATE OF SOUTH CAROLINA )

COUNTY OF \_\_\_\_\_ )

PLAINTIFF )

STREET ADDRESS )

CITY, STATE ZIP )

TELEPHONE )

VS. )

DEFENDANT(S) )

STREET ADDRESS )

CITY, STATE ZIP )

TELEPHONE )

COUNTERCLAIM

The defendant states he has a claim against the plaintiff in the amount of \$\_\_\_\_\_. The counterclaim arose out of the same transaction or occurrence as the plaintiff's claim as a result of the following events:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The defendant states that the information contained in the counterclaim is true and correct to the best of his knowledge. Defendant understands that should he be successful in this action and obtain judgment, and if plaintiff does not appeal within thirty days, this judgment becomes final. The defendant cannot commence another action involving the same parties and issues.

I state under penalty of perjury that the above is correct and truthful.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant (or his attorney)

**KEEP A COPY OF THIS COUNTERCLAIM AND BRING IT TO COURT**

PA

10/14/11

PA

EX 6 G

STATE OF SOUTH CAROLINA )

COUNTY OF FLORENCE )

2016CV2110103875  
CIVIL CASE NUMBER  
IN THE MAGISTRATE'S COURT  
COMPLAINT

Edward Spears  
503 Roughfork Street  
Florence, SC 29501  
(843) 496-3711

PLAINTIFF(S)

Vs

R & R CLEANING SERVICE  
2215 W Palmetto Street  
Florence, SC 29501

Natalie Harris  
2227 Mckeen Lane  
Effingham, SC 29541

DEFENDANT(S)

I, Edward Spears, the Plaintiff in this civil action do make the following claims:

1. I believe that the defendant(s),

**R & R CLEANING SERVICE**  
Natalie Harris

is/are a resident(s) of Florence County, and resides within the jurisdiction of the Florence Magistrate Court or this Complaint is properly filed in Florence County.

2. I make this complaint on the following: **Plaintiff is file for harassment. Favoritism, supervisor negligence, retaliation, wrongful Termination.**

3. I believe, because of the above information, that I am entitled to and do request a judgment for **\$ 7500.00** and/or relief as below requested:  
**Plus \$80.00 Court Cost.**

including any costs resulting in this action.

**I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE STATED FACTS ARE TRUE EXCEPT THOSE BASED ON MY BEST INFORMATION THAT I BELIEVE TO BE TRUE.**

JUNE 22, 2016

  
SIGNATURE OF PLAINTIFF/ATTORNEY

*note filed*

*PLB*

*Page 5*

*Second Lawsuit*

EXB. J

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

2015CV2110108515  
CIVIL CASE NUMBER

**ORDER OF FINAL  
DISPOSITION**

Edward Spears  
503 W. Roughfork St.  
Florence, SC 29501  
(843) 496-3711

**PLAINTIFF(S)**

Vs

R & R Cleaning Service 2215 West Palmetto St. Florence, SC 29501	Natalie Harris 2215 West Palmetto St. Florence, SC 29501	Matt Rogers 2215 West Palmetto St. Florence, SC 29501
--	---	--

**DEFENDANT(S)**

**IT IS ORDERED** that the above referenced civil case 2015CV2110108515 shall reflect a final disposition of:

Dismissed with Prejudice on April 7, 2016.

**IT SO ORDERED**

JUDGE

  
ROGER NERON LANGLEY

Florence County  
Florence Magistrate Court  
180 North Irby Street (M S C-W)  
Florence, SC 295013456  
Phone: (843) 665-0031 Fax: (843) 661-7800

June 8, 2016

*Handwritten initials/signature*



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

Exhibit F

To: Edward R. Spears  
503 Roughfork Street  
Florence, SC 29501

From: Greenville Local Office  
301 North Main St  
Suite 1402  
Greenville, SC 29601

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
14C-2016-00399	Andrew C. Davis Jr. Investigator	(864) 241-4427

NOTICE TO THE PERSON AGGRIEVED:

(See also the additional information enclosed with this form.)

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
Patricia B. Fuller,  
Local Office Director

MAY 06 2016

(Date Mailed)

Enclosures(s)

cc: Jamison Hickman  
Owner  
R & R CLEANING  
2215 W. Palmetto Street  
Florence, SC 29501

P 14

Exhibit

# South Carolina Code 15-3-350. Action founded on title or for rents or services

Current as of: 2019 | [Check for updates](#) | [Other versions](#)

## Terms Used In South Carolina Code 15-3-350

- **Grantor:** The person who establishes a trust and places property into it.
- **Real property:** Land, and all immovable fixtures, erected on, growing on, or affixed to the land.

No cause of action or defense to an action founded upon a title to **real property** or to rents or services out of the same shall be effectual unless it appear that the person prosecuting the action or making the defense or under whose title the action is prosecuted or the defense is made, or the ancestor, predecessor or **grantor** of such person, was seized or possessed of the premises in question within ten years before the committing of the act in respect to which such action is prosecuted or defense made.

P15

[\(https://lp.findlaw.com/\)](https://lp.findlaw.com/)[Cases & Codes \(https://caselaw.findlaw.com/\)](https://caselaw.findlaw.com/) [Practice Management \(https://practice.findlaw.com/\)](https://practice.findlaw.com/) [Legal Technology \(https://](https://legaltechnology.findlaw.com/)[FINDLAW \(HTTPS://LP.FINDLAW.COM/\)](https://lp.findlaw.com/) / [CODES \(HTTPS://CODES.FINDLAW.COM/\)](https://codes.findlaw.com/) / [U.S. \(HTTPS://CODES.FINDLAW.COM/US/\)](https://codes.findlaw.com/us/) / [TITLE 18. CRIMES AND CRIMINAL PROCEDURE \(HTTPS://CODES.FINDLAW.COM/US/TITLE-18-CRIMES-AND-CRIMINAL-PROCEDURE/\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/) / § 3282

## 18 U.S.C. § 3282 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 3282. Offenses not capital

### Search U.S. Code

#### Search by Keyword or Citation

 Enter Keyword or Citation

SEARCH

[◀ Prev \(https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-3281.html\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-3281.html)[Next ▶ \(https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-3283.html\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-3283.html)

**(a) In general.** –Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

**(b) DNA profile indictment.** –

**(1) In general.** –In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

**(2) Exception.** –Any indictment described under paragraph (1), which is found not later than 5 years after the offense under chapter 109A is committed, shall not be subject to–

**(A)** the limitations period described under subsection (a); and

**(B)** the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

**(3) Defined term.** –For purposes of this subsection, the term “DNA profile” means a set of DNA identification characteristics.

P/6

[\(https://lp.findlaw.com/\)](https://lp.findlaw.com/)[Cases & Codes \(https://caselaw.findlaw.com/\)](https://caselaw.findlaw.com/) [Practice Management \(https://practice.findlaw.com/\)](https://practice.findlaw.com/) [Legal Technology \(https://](https://legaltechnology.findlaw.com/)[FINDLAW \(HTTPS://LP.FINDLAW.COM/\)](https://lp.findlaw.com/) / [CODES \(HTTPS://CODES.FINDLAW.COM/\)](https://codes.findlaw.com/) / [U.S. \(HTTPS://CODES.FINDLAW.COM/US/\)](https://codes.findlaw.com/us/) / [TITLE 18. CRIMES AND CRIMINAL PROCEDURE \(HTTPS://CODES.FINDLAW.COM/US/TITLE-18-CRIMES-AND-CRIMINAL-PROCEDURE/\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/) / § 1509

## 18 U.S.C. § 1509 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1509. Obstruction of court orders

### Search U.S. Code

#### Search by Keyword or Citation

 Enter Keyword or Citation**SEARCH**[◀ Prev \(https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1508.html\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1508.html)[Next ▶ \(https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1510.html\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1510.html)

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined under this title or imprisoned not more than one year, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

[◀ Prev \(https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1508.html\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1508.html)[Next ▶ \(https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1510.html\)](https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1510.html)

[Read this complete 18 U.S.C. § 1509 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1509. Obstruction of court orders on Westlaw \(https://1.next.westlaw.com/Document/I2384F69002C811E6AEE7E76FEE31CDCC/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)\)](https://1.next.westlaw.com/Document/I2384F69002C811E6AEE7E76FEE31CDCC/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))

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FindLaw Codes may not reflect the most recent version of the law in your jurisdiction. Please verify the status of the code you are researching with the state legislature or via Westlaw before relying on it for your legal needs.

**Abbott, McKissick & Hopewell, LLC**  
Attorneys at Law

Michael C. Abbott  
Robert D. McKissick  
Michael S. Hopewell

P.O. Box 148  
470 W. Evans St.  
Florence, SC 29503  
(843) 669-0089  
(843) 669-0085 Fax  
www.amhattorneys.com  
mabbott@amhattorneys.com

December 5, 2019

Honorable Dominic G. Owens  
Lake City Magistrate Court  
Post Office Box 39  
Lake City, SC 29560

Re: Edward Spears  
vs. Michael S. Hopewell  
Civil Case #2019CV2110105972  
Our File #2016008

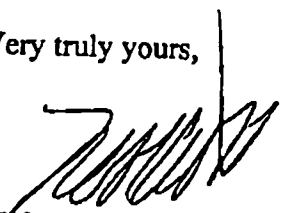
Dear Judge Owens:

Enclosed please find the original and one copy of the Defendant's Answer and Counterclaim to Plaintiff's Amended Complaint in the above matter, along with the Certificate of Service. Please note that the Counterclaim contains a request for damages in excess of the jurisdictional limit of the Magistrate's Court; therefore, the case must be transferred to circuit court.

Please file the original and return the clocked copy in the stamped, self-addressed envelope that is enclosed.

Thanking you and with kind regards, we are

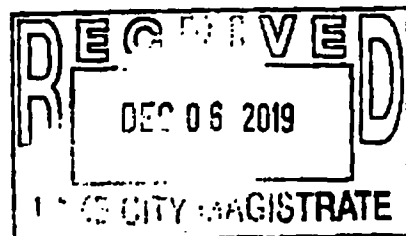
Very truly yours,

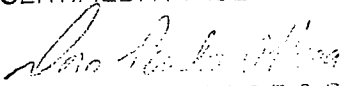
  
MICHAEL C. ABBOTT


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2019 DEC 13 AM 10:36  
DOMINIC G. OWENS  
CLERK OF COURT  
FLORENCE COUNTY, SC

MCA/kch  
Enclosures

cc: Michael S. Hopewell, Esq.  
Mr. Edward Spears



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FLORENCE COUNTY, S.C.

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## The Supremacy Clause and the Doctrine of Preemption

*Created by FindLaw's team (<https://www.findlaw.com/company/company-history/findlaw-com-about-us.html>) of legal writers and editors.*

*What happens when state law conflicts with federal law? The answer relies on the doctrine known as federal preemption.*

The [Supremacy Clause \(https://dictionary.findlaw.com/definition/supremacy-clause.html\)](https://dictionary.findlaw.com/definition/supremacy-clause.html) is a clause within [Article VI \(https://caselaw.lp.findlaw.com/data/constitution/article06/\)](https://caselaw.lp.findlaw.com/data/constitution/article06/) of the U.S. Constitution which dictates that federal law is the "supreme law of the land." This means that judges in every state must follow the Constitution, laws, and treaties of the federal government in matters which are directly or indirectly within the government's control. Under the doctrine of [preemption \(https://dictionary.findlaw.com/definition/preemption.html\)](https://dictionary.findlaw.com/definition/preemption.html), which is based on the Supremacy Clause, federal law preempts state law, even when the laws conflict. Thus, a federal court may require a state to stop certain behavior it believes interferes with, or is in conflict with, federal law.

But in the absence of federal law, or when a state law would provide more protections for consumers, employees, and other residents than what is available under existing federal law, state law holds. For instance, federal anti-discrimination law does not include LGBTQ individuals (<https://civilrights.findlaw.com/discrimination/gay-and-lesbian-rights-sexual-orientation-discrimination.html>) as a protected class. Therefore, an openly gay employee in Kansas can be lawfully

P19

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE )

IN THE MAGISTRATE'S COURT  
CIVIL CASE #2019-CV-21-10105972

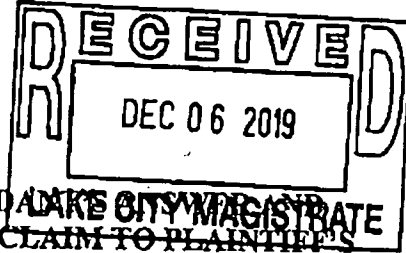
Edward Spears  
503 Roughfork Street  
Florence, SC 29501, )

Plaintiff, )

vs. )

Michael S. Hopewell  
470 W. Evans Street  
Florence, SC 29503, )

Defendant. )



DEFENDANT'S COUNTERCLAIM TO PLAINTIFF'S  
AMENDED COMPLAINT



MAR 16 2020

SC Court of Appeals

The Defendant, answering the Plaintiff's Amended Complaint dated November 21, 2019,  
and counterclaiming thereto, would allege and show unto the Court as follows:

FOR A FIRST DEFENSE

1. The allegations contained within Paragraph 1 are admitted.
2. The allegations contained within Paragraph 2 are denied.
3. The allegations contained within Paragraph 3 are denied.

FOR A SECOND DEFENSE

4. Each and every allegation contained within the Complaint not hereinabove admitted, qualified or explained is denied and strict proof is demanded thereof.

FOR A THIRD DEFENSE

5. The allegations of the Complaint fail to state facts sufficient to constitute causes of action, therefore, the Complaint should be dismissed pursuant to Rule 5(a) of the *South Carolina Rules of Magistrate's Court* and Rule 12(b)(6) of the *South Carolina Rules of Civil Procedure*.

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BRIS POLICE CLERK  
C.C.P. & C.S.  
FLORENCE COUNTY, SC

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showed no physical  
evidence of filing counterclaim  
2020

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*[Signature]*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

P1

**FOR A FOURTH DEFENSE**

6. The allegations contained within Paragraph 2 specifically allege a cause of action based upon alleged actions by the Defendant which occurred on August 15, 2016. The alleged date is outside of the time period allowed by the applicable statute of limitations. Therefore, the Defendant pleads the statute of limitations as a complete bar.

**FOR A FIFTH DEFENSE**

7. The Defendant pleads the affirmative defense of laches as a complete and total bar to the allegations of the Complaint.

**FOR A SIXTH DEFENSE**  
**(And by Way of Counterclaim)**  
**(Abuse of Process)**

8. The Plaintiff has filed this cause of action, which he claims is for "obstruction of justice," which is not a civil cause of action in South Carolina, in an attempt to use the judicial process for the ulterior purpose of harassing the Defendant and extorting a settlement from the Defendant to avoid having to deal with this frivolous matter. By filing this frivolous case, after the expiration of the statute of limitations, the Plaintiff has committed a willful act not proper in the use of the process as it is intended.

9. The Defendant has been damaged by the Plaintiff's wrongful acts in that he has been forced to defend a frivolous cause of action and undergo harassment and attempted extortion of a settlement by the Plaintiff.

10. The Defendant is informed and believes that he is entitled to recover actual and punitive damages in an amount in excess of Seven Thousand Five Hundred (\$7,500.00) Dollars.

**FOR A SEVENTH DEFENSE**  
**(And by Way of Counterclaim)**  
**(Defamation)**

11. Over the course of the last three years, the Plaintiff has repeatedly defamed the Defendant by alleging that the Defendant lied and cheated him while defending a Magistrate's Court case originally filed in December of 2015. The Plaintiff has repeatedly stated that the Defendant is dishonest in his actions as an attorney, has misled or lied to the court, fabricated documents, and other defamatory statements. The Plaintiff has published these statements with actual malice, both in writing and orally.

12. The statements of the Plaintiff are false. The defamatory statements concern the Defendant.

13. The Defendant is informed and believes that he is entitled to damages for embarrassment, humiliation and mental suffering as a result of injury to reputation and is further informed and believes that he is entitled to recover punitive damages, all in an amount in excess of Seven Thousand Five Hundred (\$7,500.00) Dollars.

**FOR AN EIGHTH DEFENSE**  
**(And by Way of Counterclaim)**  
**(S.C. Code §15-36-10, et. seq.)**

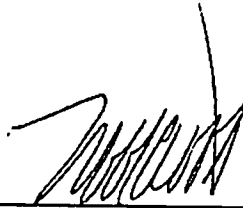
14. The Plaintiff's actions, as outlined above, are violative of S.C. Code Ann. §15-36-10, et seq., also known as the South Carolina Frivolous Proceedings Sanctions Act.

15. The Defendant is informed and believes that the court should examine the evidence before it and sanction the Plaintiff in an appropriate amount.

**WHEREFORE**, having fully answered the Plaintiff's Complaint and counterclaimed thereto, the Defendant prays for the following:

- a. That the Complaint of the Plaintiff be dismissed, with prejudice and with costs; and
- b. That the Defendant be awarded actual and punitive damages in an amount deemed just and proper by the court and in excess of Seven Thousand Five Hundred (\$7,500.00) Dollars;
- c. That this case be transferred to the Florence County Court of Common Pleas pursuant to Rule 9(b), *South Carolina Rules of Magistrate's Court*;
- d. For the costs of this action; and.
- e. For such other and further relief as the court deems just and proper.

Respectfully submitted,



---

MICHAEL C. ABBOTT  
Attorney for Defendant

Florence, SC  
December 5, 2019

ABBOTT, MCKISSICK & HOPEWELL, LLC  
470 W. Evans Street  
Post Office Box 148  
Florence, SC 29503  
(843) 669-0089  
(843) 669-0085 fax  
[mabbott@amhattorneys.com](mailto:mabbott@amhattorneys.com)



STATE OF SOUTH CAROLINA )

COUNTY OF FLORENCE )

Edward Spears )  
503 W. Roughfork Street )  
Florence, SC 29501-0000 )  
(843) 496-3711 )

Plaintiff, )

vs. )

Michael S. Hopewell )  
470 W. Evans Street )  
Florence, SC 29501 )

Defendant. )

IN THE MAGISTRATE'S COURT  
CIVIL CASE #2019CV2110105972

FILED  
DEC 13 AM 10:36  
CLERK OF COURT  
FLORENCE COUNTY, SC

FILED

CERTIFICATE OF SERVICE

The undersigned, a Legal Assistant for Abbott, McKissick & Hopewell, LLC, does hereby certify that she deposited in the United States Mail the Defendant's Answer and Counterclaim to Plaintiff's Amended Complaint dated December 5, 2019, the same being addressed to those persons whose names and addresses appear below, this being done on December 5, 2019, and that sufficient postage was affixed thereto:

Mr. Edward Spears  
503 Roughfork Street  
Florence, SC 29501

Karen C. Howard  
KAREN C. HOWARD  
Legal Assistant to Michael C. Abbott

CERTIFIED: A TRUE COPY  
[Signature]  
CLERK OF COURT C.R. & G.S.  
FLORENCE COUNTY, S.C.

PS

**Abbott, McKissick & Hopewell, LLC**  
Attorneys at Law

Michael C. Abbott  
Robert D. McKissick  
Michael S. Hopewell

P.O. Box 148  
470 W. Evans St.  
Florence, SC 29503  
(843) 669-0089  
(843) 669-0085 Fax  
www.amhattorneys.com  
mabbott@amhattorneys.com

December 5, 2019

Honorable Dominic G. Owens  
Lake City Magistrate Court  
Post Office Box 39  
Lake City, SC 29560

Re: Edward Spears  
vs. Michael S. Hopewell  
Civil Case #2019CV2110105972  
Our File #2016008

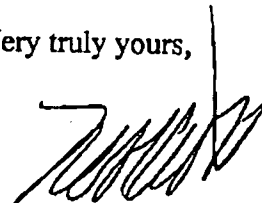
Dear Judge Owens:

Enclosed please find the original and one copy of the Defendant's Answer and Counterclaim to Plaintiff's Amended Complaint in the above matter, along with the Certificate of Service. Please note that the Counterclaim contains a request for damages in excess of the jurisdictional limit of the Magistrate's Court; therefore, the case must be transferred to circuit court.

Please file the original and return the clocked copy in the stamped, self-addressed envelope that is enclosed.

Thanking you and with kind regards, we are

Very truly yours,

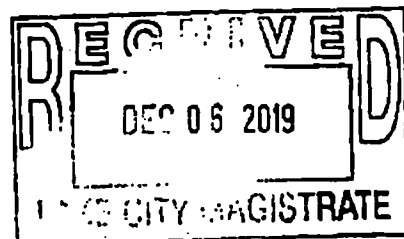


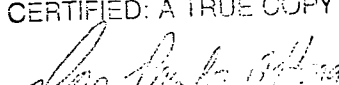
MICHAEL C. ABBOTT

MCA/kch  
Enclosures

cc: Michael S. Hopewell, Esq.  
Mr. Edward Spears

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2019 DEC 13 AM 10:36  
DORIS FOLLOWS CUMMA  
OCCP & CS  
FLORENCE COUNTY SC



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FLORENCE COUNTY, S.C.

P 6 /