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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

9<sup>th</sup> Judicial Circuit Court Judge

App. Case No. 2019-000880

**RECEIVED**  
APR 28 2020  
SC Court of Appeals

C. Holmes,

Appellant,

v.

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

Respondents.

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**Motion For Rule 240j, SCACR, *De Novo* Panel Appeal**

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Chalmers Johnson  
2965 Beach Dr. E  
Port Orchard, WA 98366  
425.999.0900  
Attorney for the Appellant

Appellant hereby submits Rule 240(j), SCACR, motion with abeyance request. Rule 240(j), SCACR, requires *de novo* panel appeal of an individual judge's dismissal. The March 20, 2020, Order dismissing this case contains errors of law and fact. It also appears to conflict with a prior Order in this case which found that the appeals of the 2017 Orders were timely filed. Pursuant to Rule 240(j), SCACR, as opposed to Rule 221, SCACR, dismissal of appeal by a single judge is subject to *de novo* panel appeal. Rule 240(c), SCACR, provides, "Each motion or petition shall include the following: (3) Where the Record on Appeal has not been filed, ... the parties shall file affidavits." As there was no record on appeal at the time of the Respondent's motion to dismiss, the lack of an affidavit to present a record means that respondent failed to comply with Rule 240(c)(3), SCACR and the motion to dismiss should not have been granted. As Appellant's brief was already filed, Appellant respectfully requests deferral of decision on the motion to dismiss until consideration of the Record on Appeal (ROA) and Final Briefs.

**I. The standard of review for Rule 240(j), SCACR, Panel Appeal is *de novo*.**

The March 20, 2020, order dismissing this appeal was issued by an individual judge. Pursuant to S.C. Code § 14-8-220, "An appeal shall be allowed from decision of any one judge to a panel of the Court." Under Rule 240(j), SCACR "Any review of an order issued by an individual judge or justice shall be by petition for rehearing." The previous Rule 224(j), SCACR, included the provision that, "Any party aggrieved by an order of an individual judge or justice may seek review of that order by the appellate court or a panel thereof." That provision was preserved (in 2007) but reworded then re-numbered Rule 240(j), SCACR, to provide that, "Any review of an order issued by an individual judge or justice shall be by petition for rehearing." The legislative intent and underlying statutory authority remain the same in S.C. Code § 14-8-220. In contrast to Rule 221, SCACR, petition for rehearing, the

SCACR, petition for rehearing, the legal standard of review for Rule 240(j), SCACR, appeal is *de novo*.

The Judge who signed the Order under review should not be part of the panel reviewing the matter. A judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." *Rule 3(E)(1), CJC, Rule 501, SCACR*. Disqualification is required if a reasonable factual basis exists for doubting the judge's impartiality. *Rice v. McKenzie*, 581 F.2d 1114, 1116 (4th Cir. 1978). In the *Rice* case, then Chief Judge Haynsworth further ruled that, "For many years a federal judge has been prohibited from sitting to hear or determine an appeal in a case or issue tried by him. 28 U.S.C.A. § 47. To say the least, it would be unbecoming for a judge to sit in a United States Court of Appeals to participate in the determination of the correctness, propriety and appropriateness of what he did in the trial of the case. After rendering decisions, some judges remain open minded, and some are unreluctant to confess previous error, but a reasonable person has a reasonable basis to question the impartiality of a judge who sits in a United States Court of Appeals to review his own decision as a trial judge." *Id.* at 1117. The inquiry is whether a reasonable person would have a reasonable basis for questioning the judge's impartiality, not whether the judge is in fact impartial. *Id.* at 1116. Granted, this is a Fourth Circuit case, but the principle from this oft-cited case is well stated, sound, and universally accepted as logical and fair. Appellant asserts that Rule 240(j), SCACR, requires *de novo* appeal of the March 20<sup>th</sup> Order of dismissal by a panel of judges, which does not include the individual judge who issued the order.

**II. The Court found that the appeals of the 2017 orders were not timely filed, which is counter to the finding of Judge Lockemy, in which he determined that the appeals of the same orders were timely.**

The record contains an Order from Judge Lockemy, issued in March to 2018 in response to a motion to dismiss by Respondents. Appellant had appealed the 2017 Orders at issue by delivering notices of appeal to the Respondents' attorney. The notice that she signed was then filed with the Court by an attorney who entered a notice of appearance concurrently. The Court found that the

service of the notice on the Respondent and then the filing of the notice by an attorney did not violate the Doe v. Duncan Order and that the appeal was timely filed. Please see Attached Exhibit A. Appellant would argue that this is the law of the case, and that the 2017 Orders were timely filed.

**III. The Respondent's motion was filed without supporting affidavit and should have been dismissed.**

When deciding a jurisdictional question based on facts, a reviewing court must review the entire record, find the jurisdictional facts, and decide the jurisdictional question in accord with the preponderance of evidence. *See, e.g., Canady v. Chas. Cty. Sch. Dist.*, 265 S.C. 21, 216 S.E.2d 755 (1975). Respondent has failed to comply with Rule 240(c)(3), SCACR by filing its motion without any supporting affidavits. The motion to dismiss should have been declined on that basis.

**IV. Appellant raises an issue of subject matter jurisdiction as to the appointment of the referee.**

Issues relating to subject matter jurisdiction may be raised at any time, cannot be waived even by consent, and should be taken notice of by this court on our own motion. *Johnson v. State*, 319 S.C. 62, 64, 459 S.E.2d 840, 841 (1995). The circuit court's order of reference, certified true copy attached, provides that the matter is referred to the referee/master "pursuant to the South Carolina Code Ann. §§ 14-11-90 and 15-30-390." The South Carolina Judicial Department website shows S.C. Code § 14-11-90 was repealed by 1988 Act No. 678, Part V, well before this case, and S.C. Code § 15-30-390 is not found and does not exist. As such, there is no statutory authority for referral to the referee/master and no subject matter jurisdiction. "The master has no power or authority except that which is given to him by the order of reference. See Rule 53(c), SCRCR.... there has been no valid order entered in this case, and the appealed order is a nullity entered without power or authority. *Smith v. Ocean Lakes Family Campground*, 433 S.E.2d 909, 315 S.C. 379 (S.C. App. 1995). Without subject matter jurisdiction, the resulting orders are void. *Bunkum v. Manor Properties*, 321 S.C. 95, 99, 467 S.E.2d 758, 761 (Ct.App.1996). "Pursuant to Rule 53, SCRCR, a referee/master has no power or authority except that

which is given to him by the order of reference.” *Id.* The matter of whether the Master was properly appointed raises a subject matter jurisdiction issue.

**V. Appellant raises the threshold issue of standing.**

Appellant has raised a lack of standing. On February 24, 2017, the Court recognized that respondents who filed in the lower court never had in interest in the case and admit lack of standing. *Georgetown Cty. League of Women Voters v. Smith Land Co., Inc.*, 393 S.C. 350, 713 S.E.2d 287 (S.C. 2011). Appellant has asserted that Defendant-respondents Becker and Grier were the only parties to file in the lower court and Exhibit C, attached indicates that they were considered by the Court as the only respondents. There has been no order of substitution and no motion for substitution in the appellate court pursuant to Rule 265, SCACR. Accordingly, respondents have admitted lack of standing.

**VI. Appellant raises the fact that the record indicates that Respondents did not pay the required filing fees in asserting their claims as an assertion of a lack of jurisdiction.**

Defendants failed to pay the required fees in the lower court that other lawyers, other parties, and other members of the public would be required to pay. If a prerequisite for filing was not followed, then there is an argument that the lower court action was unauthorized and without jurisdiction as a result. The attached copy of the docket from the public index (Exhibit F) indicates inadequate fees. Without the requisite fees paid in full, the order of reference is invalid and there is no jurisdiction. By analogy, Rule 203(d)(3), SCACR, provides if the filing fee is not paid in full, the matter shall be dismissed and shall not be reinstated except by leave of the court upon good cause shown. Rule 203(d)(3), SCACR; *see Douglas v. State*, 332 S.C. 67, 504 S.E.2d 307 (1998); *Toal et al., Appellate Practice in South Carolina* (2d ed. 2002), p. 124. See, e.g., *Matter of De Maio*, 13 Misc.3d 190, 819 N.Y.S.2d 648, 2006 NY Slip Op 26256 (N.Y. Surr. Ct., 2006) (The filing fee is jurisdictional, so that the failure to pay the required fee renders the filing fatally defective. *Mandel v. Waltco Truck Equip. Co.*, 243 AD2d 542 (1997); *Matter of Vetrone*, 216 AD2d 839 (1995)). Compare *Merriam v.*

*Davidson*, 184 So.3d 411 (Ala. Civ. App., 2015): “The financial-history portion of the trial court's case-action-summary sheet reveals that the *respondents* failed to pay a filing fee.... Because the payment of a filing fee is jurisdictional and the *respondents* failed to pay a filing fee,... we conclude that the trial court lacked subject-matter jurisdiction to rule on the petition. *See Hicks v. Hicks*, 130 So.3d 184, 189 (Ala.Civ.App.2012). The evidence showing that the proper fees were not paid appears to raise an issue of subject matter jurisdiction.

**VII. The contempt order from June 21, 2017 is a final order that is appealable.**

The contempt order (June 21, 2017) is a final order that is appealable. Interlocutory discovery orders may be reviewed where they contain appealable issues. *Ferguson v. Charleston Lincoln/Mercury Inc.*, 344 S.C. 502, 544 S.E.2d 285 (Ct. App. 2001). On appeal from the contempt order, the contemnor may argue that the contempt finding must be reversed because the underlying discovery order was itself improper where the efficacy and propriety of the order of reference is challenged. *Grosshuesch v. Cramer*, 377 S.C. 12, 659 S.E.2d 112 (2008). Appellant challenges the propriety of the order in this case. The attached copy of the June 21, 2017, order is a contempt order for \$2500.00 which appellant paid into the lower court pending appeal. (See attached affidavit from Appellant) As a final order, the contempt order is appealable. *Tucker v. Honda of S.C. Mfg., Inc.*, 354 S.C. 574, 577, 582 S.E.2d 405, 406 (2003); *Hooper v. Rockwell*, 334 S.C. 281, 513 S.E.2d 358 (1999). When an order is appealable in part such as the contempt order herein, the entire order is considered on appeal. *McCall v. Batson*, 285 S.C. 243, 329 S.E.2d 741 (1985). An order not immediately appealable will nonetheless be considered if there is an appealable issue, and a ruling on appeal will avoid unnecessary litigation. *Pruitt v. Bowers*, 330 S.C. 483, 499 S.E.2d 250 (Ct. App. 1998). The contempt order should be considered appealable.

**VIII. The Appellate Court may review the intermediate February 9, 2017, order because it necessarily affects the order on appeal by denying Appellant's right to defend, the right to present evidence and call witnesses, and the right to substantial constitutional protections.**

The appellate court may review any intermediate order necessarily affecting the order on appeal including, but not limited to, the February 9, 2017, order, copy attached. It asserts that there was a hearing, which is not correct, and results in confiscation of appellant's filing fees without due process (a constitutional violation). It also effectively denies the appellant fundamental rights by the State and federal constitutions and statutes, such as the right to self-representation. *SCDOT v. Faulkenberry*, 337 S.C. 140, 522 S.E.2d 822 (Ct. App. 1999). The case of *Metts v. Mims*, 384 S.C. 491, 682 S.E.2d 813 (2009), supports appeal of the contempt order because the appeal herein is based on denial of State and federal constitutional rights, including but not limited to, the right to self-representation. See *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017). Case law in *Brooks, supra*, is controlling and confirms State and federal constitutional and statutory rights to represent oneself. The February 9, 2017, order denying Appellant's right to self-representation necessarily affects all subsequent orders including the attached June 21, 2017, order and the June 23, 2017, order. "The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), or denial of fundamental procedural fairness, see, e.g., *Fuentes v. Shevin*, 407 U.S. 67, 82 (1972) (the procedural due process guarantee protects against "arbitrary takings"). *County of Sacramento v. Lewis*, 523 U.S. 833, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). See *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses). See S.C. Const. art. I, sec. 2, 3, 4, 10, and 14; S.C. Const. art. V, sec. 4; S.C. Const. art. V, sec. 5; U.S. Const., Article I, sec. 9 and 10; U.S. Const. amend. I, IV, V, VII, and XIV. An order that effectively forecloses a party from contesting the case on the merits affects a substantial right under section 14-3-330(2) and is immediately appealable. *McLaughlin v. Strickland*, 279 S.C. 513, 309 S.E.2d 787 (Ct. App. 1983).

The February 9<sup>th</sup> Order also strikes Appellant's pending Rule 60, motion. Jurisdiction for hearing the Rule 60 motion is vested in the trial judge, not the referee/master. A post-trial motion filed under Rules 50, 52, 59 or 60, SCRPC, is to be delivered to the trial judge, who is then to dispose of it promptly. *WACHOVIA BANK OF SOUTH CAROLINA v. Player*, 341 S.C. 424, 535 S.E.2d 128, fn.2. (S.C. 2000) (emphasis supplied). Wrongful denial of the Rule 60, SCRPC, motion is appealable. *Winesett v. Winesett*, 287 S.C. 332, 338 S.E.2d 340 (1985); *see also Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP*, 375 S.C. 423, 653 S.E.2d 274 (2007); *Toal et al., Appellate Practice in South Carolina* (3d ed. 2016), p 164.

**IX. Appellant has argued that the Order upon which the Respondents sought to collect in the action below was not a “money judgment” within the contemplation of S.C. Code Section 18-9-130 and should have been stayed during appeal, raising a subject matter jurisdiction question.**

Appellant has raised the argument that the money judgment exception to automatic stay on appeal does not apply because the Order on which Respondents were collecting does not constitute a “money judgment” in the underlying claim within the contemplation of S.C. Code Section 18-9-130. As the Order granting the Respondents an award was a sanctions order, Appellant argues that the “decision of whether to award sanctions is a collateral issue and does not constitute a ruling upon the merits of the case. ...*See Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 394, 396, 110 S.Ct. 2447, 110 L.Ed.2d 359 (1990).” *Pee Dee Health Care, P.A., v. Estate of Thompson*, 418 S.C. 557, 795 S.E.2d 40 (S.C.App. 2016). Accordingly, there is an argument that the matter below involved collection on an amount that was not a traditional money judgment and, therefore, was subject to automatic stay under Rule 241(a), SCACR, pending appeal. The lower court proceeding should have been stayed pending exclusive appellate jurisdiction, giving rise to a question of subject matter jurisdiction.

**X. New case law, which was issued days after the February 9<sup>th</sup> Order presents a novel question of law which should be reviewed by the Court.**

When a case contains a novel question of law, the appellate court is free to decide the question

with no particular deference to the lower court. *Osprey Inc., v. Cabana Limited Partnership*, 340 S.C. 367, 532 S.E.2d 269 (2000). It is respectfully submitted that novel issues regarding case law in *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477, applied to the Court's decision to implement an Order to deprive Appellant of the right to represent herself or file motions documents in her defense presents an important and novel issue. Specifically, the constitutionality of an order banning a citizen from access to the Court or to the right to defend herself in Court should be reviewed. The South Carolina Constitution guarantees every person the right of access to the courts. S.C. Const. art. I, § 9 provides, "All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained." A litigant has a statutory right to self-representation in South Carolina. S.C. Code Ann. § 40-5-80 (2011) ("[The chapter regulating the practice of law] may not be construed so as to prevent a citizen from prosecuting or defending his own cause, if he so desires."); *Washington v. Washington*, 308 S.C. 549, 550, 419 S.E.2d 779, 780 (1992). The statutory right of self-representation is also provided to litigants under federal law. 28 U.S.C. § 1654 (2016). *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477. Respondents motion to dismiss should be denied. In the alternative, appellant respectfully requests deferral of decision on the motion to dismiss until consideration of the Record on Appeal (ROA) and Final Briefs.

### **CONCLUSION**

Appellant respectfully submits Motion for Rule 240(j), SCACR, *De Novo* Panel Appeal and the attached Affidavit and exhibits, with a request for abeyance and respectfully requests the March 20, 2020, Order of a single judge dismissing this appeal be reversed. Appellant filed her brief well before the motion was filed and respectfully requests that the Appellate review panel reverse the dismissal Order in this case and direct the Respondent to file its brief in response to the Appellant's Initial Brief. In the alternative, appellant requests deferral of decision on respondent's motion to dismiss for

## INDEX OF EXHIBITS

For record RE: Motion For Rule 240j, SCACR, *De Novo* Panel Appeal

- A Order of 3-29-18
- B Appellant's affidavit
- C Correspondence from the Court dated February 24, 2017
- D Website showing Mr. Becker as a party
- E Defendant's motion to dismiss certain parties
- F Copy of the docket sheet from the public index re: fees
- G June 21, 2017, Order
- H February 9, 2017 Order
- I Rule to Show Cause 3, 2017
- J Order for supplemental proceeding March, 14, 2017
- K Order 12-16-2009
- L Demand letter pre-supplemental proceedings

EXHIBITS A-L

EXHIBIT A

# The South Carolina Court of Appeals

Cynthia Holmes, M.D., Appellant,

v.

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

Appellate Case No. 2017-001717

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## ORDER

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On February 26, 2018, this court requested memoranda from the parties addressing whether the notice of appeal was timely served and filed in compliance with our supreme court's December 2, 2009 order in *Doe v. Duncan*. After consideration of the parties' memoranda, we find that this appeal was filed in compliance with *Doe v. Duncan*. Here, Appellant served a pro se notice of appeal on Respondents within thirty days of receipt of written notice of entry of the underlying order. Within ten days of service, Appellant's counsel made a notice of appearance and filed the notice of appeal with this court as required by Rule 203(d)(1)(B) of the South Carolina Appellate Court Rules and *Doe v. Duncan*. Accordingly, this appeal shall proceed.



FOR THE COURT

Columbia, South Carolina

cc:  
Chalmers Carey Johnson, Esquire  
Mary M Caskey, Esquire

**FILED**

March 29, 2018

EXHIBIT B



6. Further, pursuant to S.C. Code § 14-3-330(1), upon final judgment, the appellate court may review any intermediate order. *See Link v. School District of Pickens County*, 302 S.C. 1, 393 S. E.2d 176 (1990) (a party need not challenge the final judgment itself in order to contest an intermediate order or decree).

7. The April 9, 2019, order on its face contains the ruling that it ends the case, it is a final order, and, therefore, it is not interlocutory. As such, the order entered March 20, 2020, is reversible based on inadvertent misstatement of material fact. Pursuant to S.C. Code § 14-3-330, the April 9, 2019, order is final with appealable intermediate orders. Respondent's motion to dismiss should be held in abeyance pending the Record on Appeal and Final Briefs.

8. In addition, to the extent the April 9, 2019, order is considered interlocutory, which is denied, it is appealable pursuant to S.C. Code § 14-3-330(3) which provides appellate review of intermediate orders affecting a substantial right "made in any special proceeding or upon a summary application in any action after judgment." The ex parte February 9, 2019, order herein is an order affecting a substantial right including, but not limited to, denial of the right to file in perpetuity.

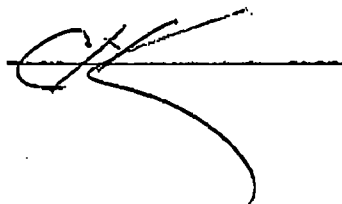
9. Moreover, to the extent the May 9, 2019, order is considered interlocutory, which is denied, it is appealable pursuant to S.C. Code § 14-3-330(1) which statutorily authorizes review of any intermediate order or decree "involving the merits" and/or "necessarily affecting the judgment." *Link v. School District of Pickens County*, 302 S.C. 1, 393 S. E.2d 176 (1990). The May 9, 2019, order involves the merits, including but not limited to, because it is based on untrustworthy hearsay and because it denies the right of access to the courts as well as the Federal and State constitutional and statutory right to self-representation. *See Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477. *See Toal et al., Appellate Practice in South Carolina* (Third Ed., 2016), p. 143, 144-145.

10. Pursuant to S.C. Code § 14-3-330(2), the orders herein are appealable, including but not limited to, because they affect a "substantial right made in an action when such order... (c) strikes out an answer or any part thereof or any pleading in any action." In this case, the attached February 9, 2017, order is appealable because it strikes appellant's response and pleadings and confiscates appellant's filing fees. Appellant is prejudiced thereby.

11. This appeal includes, but is not limited to, appeal of the June 21, 2017, Contempt Order, copy attached, as well as appeal of other intermediate orders. Pursuant to the SCACR, Respondent's motion to dismiss should be held in abeyance pending Final Briefs and the Record on Appeal (ROA).

12. The referee/master wrongfully issued the ex parte February 9, 2017, order which denied appellant's Rule 60(b), SCRCF, motion then pending before the trial judge. Only the trial judge had jurisdiction to decide that motion. The appellant is prejudiced thereby. The referee/master's wrongful disposition of Rule 60(b), SCRCF, motion is an appealable intermediate order on appeal herein.

FURTHER THE AFFIANT SAITH NOT.



Subscribed and sworn to before me,  
Notary Public, this 17 day  
of April, 2020.



NOTARY PUBLIC  
My commission expires 8-11-26



# The South Carolina Court of Appeals

Cynthia Holmes, M.D., Appellant,

v.

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

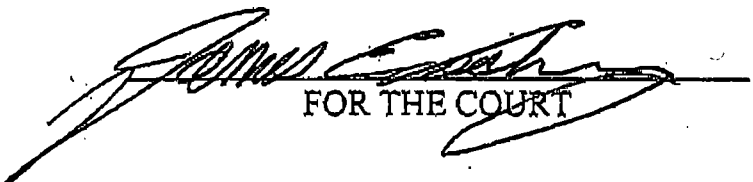
Appellate Case No. 2017-001717

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## ORDER

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FOR THE COURT

Columbia, South Carolina

cc:  
Chalmers Carey Johnson, Esquire  
Mary M Caskey, Esquire

**FILED**

March 29, 2018

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-10-144

C Holmes

Haynesworth Sinkler Boyd PA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Master in Equity

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), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRCP;  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

FILED  
2020 APR -9 PM 1:03  
JULIE J. ARISTON  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

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

*C Holmes*

*2007-CP-10-1444*

-v-

SUPPLEMENTAL PROCEEDING ORDER

*Haynsworth, Siskela,  
Boyd*

A Hearing was held in the above captioned case on 6/16/17

2017 JUN 21 AM 9:35  
JULIE J. ARMSTRONG  
CLERK OF COURT

FILED

- 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.

*X e. Δ is required to provide documents to Π counsel.  
\$2500 Contempt Sanction is issued. An Order to Bank of  
America to comply w/ subpoena issued for information is entered. Amel  
OTF.*

- 4. The supplemental proceedings is held open until \_\_\_\_\_
- 5. The supplemental proceedings is dismissed and canceled without prejudice. All  
Restraining Orders and Injunctions are hereby lifted, canceled, voided and dismissed.

*[Signature]*  
Mikell R. Scarborough  
Master in Equity for Charleston County

Charleston, SC  
Date: 6/16/17

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

FORM 4

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

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

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	SNA
		\$
		\$
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 C



## 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) 734-1880  
FAX (803) 734-1838  
[www.sccourts.org](http://www.sccourts.org)

February 24, 2017

Cynthia Holmes  
PO Box 187  
Sullivan's Island SC 29482

Re: Cynthia Holmes v. Haynsworth (3)  
Appellate Case No. 2017-000266

Dear Dr. Holmes:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

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

Cynthia Holmes, Appellant,

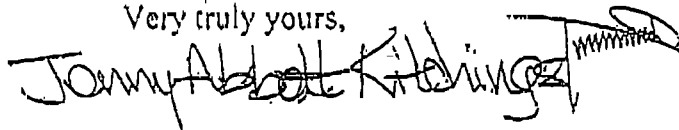
v.

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

*A* Of whom Manton Grier and James Y. Becker are 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.

Very truly yours,



CLERK

cc: James Y. Becker, Esquire  
Manton M. Grier, Esquire

EXHIBIT D

## South Carolina Appellate Case Management System

CLERK'S OFFICE  
SUPREME COURT  
COURT OF APPEALS

C-Track, the browser based CMS for Appellate Courts

Appellate Case No. ...

**Cases**

**Case Search**

**Participant Search**

**Disclaimer:** The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

**Case Information: 2017-000266**

<b>Court:</b>	Court of Appeals	<b>Classification:</b>	Appeal - Common Pleas - Other
<b>Short Title:</b>	Cynthia Holmes v. Haynsworth (3)	<b>Case Status:</b>	Remittitur
	<a href="#">View Full Title</a>		
<b>Consolidated:</b>			
<b>Filed Date:</b>	02/13/2017	<b>Oral Argument Date:</b>	
<b>Disposition Date:</b>	04/07/2017	<b>Disposition Type:</b>	Order
<b>Remittitur Date:</b>	11/28/2017		
<b>Lower Court or Tribunal:</b>	Charleston (2007CP1001444)		

**- Party Information**

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Cynthia Holmes	N	Chalmers Carey Johnson
Respondent	James Y. Becker	N	Mary M Caskey
Respondent	Manton M. Grier	N	Mary M Caskey

EXHIBIT E

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Cynthia Hulmes, M.D.,

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

Plaintiff.

vs.

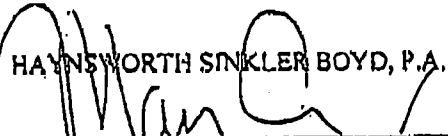
Haynsworth Sinkler Boyd, P.A., successor  
to Sinkler & Boyd, P.A., Manton Grier and  
James Y. Becker

Defendants.

FILED  
2017 SEP 29 PM 2:20  
CLERK OF COURT

**DEFENDANTS' MOTION TO DISMISS CERTAIN PARTIES**

Defendants Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Grier and James Y. Becker (collectively, the "Defendants") hereby move this Court to dismiss Manton Grier and James Y. Becker as petitioners under the Verified Petition filed on January 3, 2017. Messrs. Becker and Grier are employees of Haynsworth Sinkler Boyd, P.A. and do not have any ownership rights or interests in the sanctions judgment that is the subject of the Verified Petition. As a result, they request that they be dismissed as Petitioners, and that Haynsworth Sinkler Boyd, P.A. be the sole remaining petitioner in this action. There are no pending claims asserted by Plaintiff against Defendants in this matter. A proposed order is attached.

HAYNSWORTH SINKLER BOYD, P.A.  


Mary M. Caskey, SC Bar No: 76198  
Post Office Box 11889  
Columbia, South Carolina 29211  
Telephone: (803) 779-3080  
Facsimile No: (803) 765-1243  
ATTORNEYS FOR DEFENDANTS

September 22, 2017

EXHIBIT F

Haynesworth Sinkler & Boyd P A As Successor Etc	Order/Order Filing Fee	Filing		09/29/2017-14:23	
	Order/granting defnts' motion to dismiss certain parties	Order		09/29/2017-12:48	☐
	Defnts' Motion to Dismiss Certain Parties	Filing		09/29/2017-12:48	☐
	Order/fr Crt of Appeals-Appeal is dismissed	Order		09/29/2017-14:22	☐
Holmes, C	Notice of Appealling Order entered 6/23/17, proof/srv	Filing		08/14/2017-13:13	☐
	Miscellaneous Documents (2)	Filing		07/13/2017-09:35	☐
Holmes, C	Notice of Appealling Order entered 6/21/17	Filing		07/05/2017-08:59	☐
	Service/Certificate Of Service	Filing		06/28/2017-09:55	☐
	Master's Order-granting defnts' mot to compel & for Sanction	Order		06/23/2017-14:37	☐
	Master's Supplemental Proceeding Order	Order		06/21/2017-15:04	☐
	2nd Amended Notice of Hearing & crt/srv	Filing		06/08/2017-11:19	☐
Haynesworth Sinkler & Boyd P A As Successor Etc	Motion/Motion Filing Fee	Filing		06/05/2017-12:18	
Caskey, Mary M	Motion F/Contempt & Sanctions & crt/srv	Motion		06/03/2017-09:08	☐
	Amended Notice of Hearing & crt/srv	Filing		05/06/2017-09:30	☐
Holmes, C	Amended Notice of Appeal on Order 2/9/17 & 3/14/17	Filing		04/25/2017-11:26	☐
Holmes, C	Amended Notice of Appeal on order 2/9/17 & 3/14/17	Filing		04/13/2017-08:56	☐
	Master's Order-motions to Quash are both granted	Order		03/14/2017-15:37	☐
	Master's Supplemental Proceeding Order	Order		03/14/2017-15:35	☐
	Service/Affidavit Of Service	Filing		03/09/2017-12:05	☐

	Defnts Memo In Opposition to Motion to Quash Discovery, srv	Filing		03/06/2017-16:38	☐
	Amended Notice of Hearing & crt/srv	Filing		02/27/2017-15:19	☐
Haynesworth Sinkler & Boyd P A As Successor Etc	Motion/Motion Filing Fee	Filing		02/17/2017-15:16	
Caskey, Mary M	2nd Motion/Quash Plntff's Subpoenas & Cert/Serv	Motion		02/17/2017-13:47	☐
	Notice/Notice of Hearing & crt/srv	Filing		02/17/2017-10:12	☐
Haynesworth Sinkler & Boyd P A As Successor Etc	Motion/Motion Filing Fee	Filing		02/13/2017-12:52	
Caskey, Mary M	Motion/Quash Subpoena F/Deposition of Victoria Blackiston	Motion		02/13/2017-09:08	☐
	Order vacating order of reference filed 1/3/2017	Order		02/10/2017-08:47	☐
	Order-striking all motions filed by Dr. Holmes as well as	Order		02/09/2017-09:16	☐
Holmes, C	Motion/Motion Filing Fee	Filing		02/01/2017-15:56	
Holmes, C	Motion/Alter or Amend Order by plaintiff, crt/srv	Motion		02/01/2017-09:23	02/09/2017-09:23 ☐
Holmes, C	Motion/Motion Filing Fee	Filing		01/26/2017-14:08	
Holmes, C	Motion/For Sanctions by plaintiff, crt/srv	Motion		01/26/2017-09:31	02/09/2017-09:31 ☐
Holmes, C	Motion/Alter or Amend Order by plaintiff, crt/srv	Motion		01/25/2017-14:06	02/09/2017-14:06 ☐
Holmes, C	Motion/Motion Filing Fee	Filing		01/25/2017-11:22	
	Service/Certificate Of Service (2)	Filing		01/23/2017-15:43	☐
	Order rule to show cause in supp proceeding/order to refer	Order		01/18/2017-09:25	☐
Holmes, C	Motion/For Sanctions by plaintiff, crt/srv	Motion		01/12/2017-13:56	01/18/2017-13:56 ☐
Holmes, C	Motion/Motion Filing Fee	Filing		01/12/2017-13:12	01/18/2017-13:12
	Notice/Notice of Hearing & crt/srv	Filing		01/12/2017-08:47	☐
	Certificate Of Service	Filing		01/03/2017-08:57	☐
Holmes, C	Petition for supplemental proceedings	Filing		01/03/2017-08:55	☐
	Order rule to show cause in supp proceedings/refer to MIE	Order		01/03/2017-08:53	☐
Holmes, C	Motion/Motion Filing Fee	Filing		12/30/2016-11:55	01/03/2016-11:55
Holmes, C	Motion/Dismiss by plaintiff, crt/srv	Motion		12/30/2016-09:18	01/03/2016-09:15 ☐

EXHIBIT G

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
*C Holmes* )  
 )  
 -v- )  
*Haynsworth, Sinkler,* )  
*Boyd* )

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

*2007-CP-10-1444*

SUPPLEMENTAL PROCEEDING ORDER

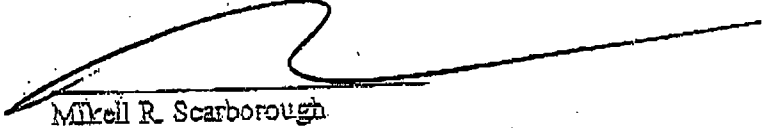
A Hearing was held in the above captioned case on *6/16/17*

- 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.

FILED  
 2017 JUN 21 AM 9:35  
 JULIE J. ARMS TROTT  
 CLERK OF COURT

*X e. Δ is required to provide documents to TT counsel.*  
*\$2500 Contempt Sanction is issued. An Order to Bank of America to comply w/ subpoena issued for information is entered.* *Amel*  
*OTF.*

- 4. The supplemental proceedings is held open until
- 5. The supplemental proceedings is dismissed and canceled without prejudice. All Restraining Orders and Injunctions are hereby lifted, canceled, voided and dismissed.

  
 Mikell R. Scarborough  
 Master in Equity for Charleston County

Charleston, SC  
 Dated: *6/16/17*

EXHIBIT   H

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

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

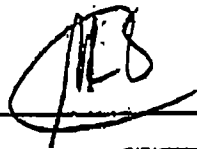
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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 for 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:		

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 I

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01449

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 -3 AM 9:15  
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 \_\_\_\_\_ 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,

ATTEST A TRUE COPY  
JULIE J. ARMSTRONG (SEAL)  
CLERK OF COURT, GS, LLC  
By: \_\_\_\_\_  
DEPUTY CLERK

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

ATTEST: A TRUE COPY  
 JULIE J. ARMSTRONG (SEAL)  
 CLERK, C.P., S.S. & F.C.  
 By \_\_\_\_\_  
 DEPUTY CLERK

EXHIBIT J

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

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

C Holmes

2007-CP-10-1444

-v-

SUPPLEMENTAL PROCEEDING ORDER

Haynesworth, Smkler,  
Boyd

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 K

# The South Carolina Court of Appeals

Cynthia Holmes, M.D.,

Appellant,

v.

Haynsworth, Sinkler & Boyd, P.A.,

successor to Sinkler & Boyd, P.A.,

Manton Grier, and James Y. Becker.

Respondents.

The Honorable Thomas L. Hughston, Jr.

Charleston County

Trial Court Case No. 2007-CP-10-01444

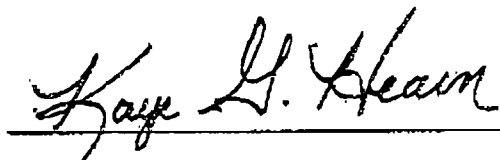
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## ORDER.

---

Appellant filed a notice of appeal from the order of the trial court sanctioning Appellant in the amount of \$200,000. Appellant filed a petition for supersedeas. Pursuant to the supreme court's December 2, 2009 order in Doe v. Duncan, we cannot accept Appellant's petition. See Doe v. Duncan. ("Because we find petitioner has engaged, and continues to engage in, vexatious litigation related to [the revocation of her medical staff privileges at East Cooper Community Hospital] we hereby direct the Clerks of Court in this state to refuse accept further filings from petitioner . . . unless they are filed by an attorney, other than petitioner, licensed to practice law in this state."). Accordingly, Appellant's petition for supersedeas will not be accepted.

AND IT IS SO ORDERED.

  
\_\_\_\_\_

Columbia, South Carolina

Dec 16 2009

cc: Cynthia Collie, Esquire  
John Wilkerson, III, Esquire  
Richard S. Dukes, Jr.

EXHIBIT L

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1201 MAIN STREET, 22<sup>ND</sup> FLOOR (29201-3228)  
POST OFFICE BOX 11889 (29211-1889)  
COLUMBIA, SOUTH CAROLINA  
TELEPHONE 803.778.3080  
FACSIMILE 803.785.1243  
WEBSITE [www.hsblawfirm.com](http://www.hsblawfirm.com)

MARY M. CASKEY  
DIRECT DIAL NUMBER 803.540.7870  
EMAIL: [mcaskey@hsblawfirm.com](mailto:mcaskey@hsblawfirm.com)

November 1, 2016

Cynthia Holmes  
Post Office Box 187  
Sullivans Island, SC 29482

Re: Payment Demand for Judgment in favor of Haynsworth Sinkler Boyd, P.A., filed on November 18,  
2009 in Charleston County, South Carolina  
HSB File No. 04625.1439

Dear Ms. Holmes:

We are writing you to collect on the judgment entered in favor of our firm, Haynsworth Sinkler Boyd, P.A., on November 18, 2009, in the Court of Common Pleas, Charleston County, South Carolina.

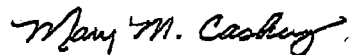
The amount due on the judgment is \$200,000.00, plus interest from the date of entry of the judgment calculated at the interest rate as set forth in the subject loan documents that gave rise to the judgment. The total amount due is \$301,304.11 as of November 1, 2016, and we demand immediate payment of the total amount due.

Payment should be made to Haynsworth Sinkler Boyd, P.A., and delivered to this firm at Post Office Box 11889, Columbia, South Carolina, 29211, or at 1201 Main Street, Suite 2200, Columbia, South Carolina, 29201.

Please respond to this letter within ten (10) days. If you fail to respond, legal action may be taken against you to collect the judgment. Such action could include seizure and judicial sale of your property to satisfy the judgment.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Mary M. Caskey  
[mcaskey@hsblawfirm.com](mailto:mcaskey@hsblawfirm.com)  
Telephone: (803) 540-7870

MMC/hh

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

9<sup>th</sup> Judicial Circuit Court Judge

App. Case No. 2017-01717

C. Holmes,

Appellant,

v.

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

respondents.

PROOF OF SERVICE  
for  
**Appellant's Motion For Rule 240j, SCACR, De Novo Panel Appeal**

I certify that I have served a copy of the foregoing on the respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to Mary Caskey, 1201 Main St. #2200, Columbia, SC 29201, on this date.

Dated April 24, 2020



Chalmers Johnson  
2965 Beach Dr. E  
Port Orchard, WA 98366  
425.999.0900  
Attorney for the Appellant

**RECEIVED**  
APR 28 2020  
SC Court of Appeals

Chalmers Carey Johnson  
2965 Beach Drive, East  
Port Orchard, WA 98366  
(425) 999-0900  
[Chalmersjohnson@gmail.com](mailto:Chalmersjohnson@gmail.com)

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

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**SC Court of Appeals**

Fax: 803.734.1839 (Total 49 pages)

Re: COA Case #: 2019-000880

Dear Ms. Kitchings:

Enclosed for filing please find the proof of service and the timely fax transmission sheet for the attached Rule 240(j), SCACR, motion for a *de novo* Panel Appeal as well as abeyance request in the above case. Also, enclosed please find the filing fee of \$50.00. Would you please contact me if there is anything further that you need from me in order to file the attached?

Sincerely,

  
Chalmers C. Johnson

Cc:  
Mary M. Caskey  
1201 Main St. #2200  
Columbia, SC 29201

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\*\*\* FAX TX REPORT \*\*\*  
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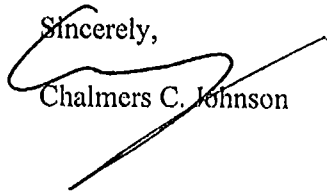
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Sincerely,



Chalmers C. Johnson

Cc:  
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 1201 Main St. #2200  
 Columbia, SC 29201

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