

11 May 2020

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

RECEIVED
MAY 13 2020
SC Court of Appeals

Jenny Abbott-Kitchings
Clerk of Court, SC Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: Appellate Case No. 2020-000676; Alan Nix vs Sloan Law Firm PA and William Sloan v Churchill Park, Churchill Park at Park West, Inc., Churchill Park Homeowners' Association, Inc., David Brown and Catherine Brown.

Ms. Abbott-Kitchings.

Please accept this letter as responsive to your letter dated 30 April 2020, received 4 May 2020, as it relates to the deficiency cited as it applies to the 6 February 2020 Order that, as you noted, did not accompany the notice of appeal.

As you are aware, that Order still does not show as available as being available to download from the Charleston County Clerk of Court's website as of today. I am still under the assumption that the Court desires a copy of the Order with a file stamp, which I still am not in receipt of.

As you are also aware, I have been desperately and seriously attempting to have this issue resolved by Ms. Armstrong and Charleston County since literally as soon as possible since shortly after receiving your notice on 4 May 2020.

I am extremely saddened to report that as of today, 11 May 2020, Charleston County and Ms. Armstrong continue to fail at solving this apparently very simple problem. I'm beginning to think, as I am sure you most likely also are, this failure is most likely much more intentional than a mere oversight.

I have included a copy of a letter I mailed on 15 February 2020 about this Order which may be helpful in understanding the situation a bit better. I didn't receive a response to this letter either.

Please have the Court direct Ms. Armstrong and Charleston County to correct this issue as soon as possible to prevent any additional and further misconduct and miscarriages of justice.

It is also worth noting that none of the four motions I mailed starting 24 December 2019 show in this case file and Judge Cole has failed to file orders responsive to three of those motions. Unfortunately, I'm pretty sure these apparent failures are also not mere oversights, but knowing and

willful misconduct, which can at this point, only be construed as a knowing and willful joining of a conspiracy which includes almost all parties this case touches, either directly or indirectly.

Best regards,



Alan Nix

cc.

Alan Wilson
Ryan Earhart
Ryan Gunther

Judge Cole
Josh Umbarger

Troy Thames
Kevin Mims

Joe Dawson
Julie Armstrong

15 February 2020

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

RECEIVED
MAY 13 2020
SC Court of Appeals

Joshua Umbarger
Earhart Overstreet
PO Box 22528
Charleston, SC 29413

Ryan Gunther
Earhart Overstreet
PO Box 22528
Charleston, SC 29413

RE: 2019-CP-10-01496, response to proposed order received 10 Feb 2020

Joshua and Ryan

As an initial response to your proposed order I received this past Monday, I will limit my questions / response to three of the more glaring / interesting issues.

1. You didn't define your "Underlying Case". Shouldn't you say somewhere in there something like case number 2014-CP-10-05407 (hereinafter referred to as the "Underlying Case")?
2. At the bottom of the first page and the top of the second page, you write "*A roster meeting was held on March 21, 2016, at which Attorney Sloan and counsel for the plaintiff in the Underlying Case agreed to strike the Underlying Case from the docket pursuant to Rule 40(j) of the South Carolina Rules of Civil Procedure. (Compl. 16-18).*" The complaint states in paragraphs 16 – 18.
 - i. 16. On the evening of 21 March 2016, Attorney Sloan emailed Nix advising Nix that the case will not go to trial in the next few weeks, that it will be placed on an inactive roster and that he would explain in more detail the next day
 - ii. 17. On 22 March 2016, Attorney Sloan did as he stated he would do the previous evening and replied in more detail. In this communication, Attorney Sloan explained that the case was placed on a Rule 40-j hold, which meant the case is being placed on an inactive roster. Attorney Sloan further explained that this would allow us to amend our answer and explore settlement possibilities. Then Attorney Sloan answered Nix's questions from the morning of 21 March 2016 to clarify that a foreclosure get heard before the Master, again clarified that with the case being put on hold we could amend our answer, that he (Attorney Sloan) and Ms Trotter had not had any discussions in a long time prior to a brief chat the previous day, and that Ms. Trotter had clarified for him that all communications had to go through him related to Churchill Park / HOA

- iii. 18. On 23 March 2016, Judge Scarborough filed an order dated 21 March 2016 with the Charleston County Clerk of Court's office. The order had the 40j check box checked and the ends case check box checked. No other explanation was provided for Judge Scarborough's dismissal of case 2014-CP-10-05407
- b. In terms of your statement of apparent fact that "*Attorney Sloan and counsel for the plaintiff in the Underlying Case agreed to strike the Underlying Case from the docket, pursuant to Rule 40(j)*", can you please:
 - i. Specify, with particularity, where in paragraphs 16-18 you found the evidence that you apparently relied upon to state as fact that "*Attorney Sloan and counsel for the plaintiff in the Underlying Case agreed to strike the Underlying Cases from the docket pursuant to Rule 40(j)*"?
 - ii. In the, I'm sure highly unlikely event that you can't find the evidence to support your apparent statement of fact in paragraphs 16-18, perhaps you can find evidence in the Public Record to support your apparent statement of fact that "*Attorney Sloan and counsel for the Plaintiff in the Underlying Case agreed to strike the Underlying Case from the docket pursuant to Rule 40(j)*".
 1. I would point to you filings in the "Underlying Case", eg. case number 2014-CP-10-05407, in early August 2017. 7 August and 8 August 2017 in particular.
 2. I would also point you to filings in appellate cases 2018-000056 and 2018-000174 from the last two weeks. (Pay special attention to the exhibit that contains McCabe Trotter's time sheet for this case and apparently 2017-CP-10-04031).
3. Explain how you determined that an order of this type / substance is what Judge Cole was requesting from you with his Form 4 order dated 5 February 2020.

Once you get back with me on these three areas of your proposed order, I will determine if raising the other less serious issues are necessary or not.

Best regards,



Alan Nix

cc.

John Nichols
Office of Disciplinary Counsel
1220 Senate St.
Columbia, SC 29201

David Overstreet
Earhart Overstreet
PO Box 22528
Charleston, SC 29413

Ryan Earhart
Earhart Overstreet
PO Box 22528
Charleston, SC 29413

Judge Cole
180 Magnolia St.
Spartanburg, SC 29306

Alan Nix

From: Alan Nix <agnix1@hotmail.com>
Sent: Monday, May 11, 2020 1:44 PM
To: 'Julie Armstrong'; 'Robert Duncan'
Cc: 'Ryan Earhart'; 'Ryan Gunther'; 'Josh Umbarger'; 'Cole, J. Derham Law Clerk (David Barfield)'; 'Cole, J. Derham' <jkitchings@sccourts.org>; 'Kevin Mims'; tthames@wjlaw.net; awilson@scag.gov; 'Joe Dawson'; 'David Overstreet'
Subject: RE: IMPORTANT: 6 February 2020 Earhart Overstreet Order still NOT AVAILABLE

Just in case there was a possibility that Charleston County was potentially confused if I stated Friday or Monday or 8th or 11th, I just checked y'all's handy dandy Court Plus again.. and believe it or not.... Neither the 6 Feb Overhart Order nor the 21 January filing shows as available for download.

Please put an explanation in the mail to Ms. Abbott-Kitchings today to explain if this is related to da Corona Virus or maybe likely something else.

I'm betting Overhart has a stamped copy they got back from Ms. Armstrong sometime between 6 Feb and 11 Feb? Maybe they could send you their stamped copy Ms. Abbott-Kitchings since Ms. Armstrong and her employees and employer apparently can't successfully perform this part of their responsibilities.

Best regards,
Alan Nix

From: Alan Nix [mailto:agnix1@hotmail.com]
Sent: Friday, May 8, 2020 2:14 PM
To: 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; 'Robert Duncan' <RDuncan@charlestoncounty.org>
Cc: 'Ryan Earhart' <ryan.earhart@earhartoverstreet.com>; 'Ryan Gunther' <ryan.gunther@earhartoverstreet.com>; 'Josh Umbarger' <josh.umbarger@earhartoverstreet.com>; 'Cole, J. Derham Law Clerk (David Barfield)' <JColeLC@sccourts.org>; 'Cole, J. Derham' <JColeJ@sccourts.org>; jkitchings@sccourts.org; 'Kevin Mims' <kmims@lmlawllp.com>; tthames@wjlaw.net; awilson@scag.gov; 'Joe Dawson' <JDawson@charlestoncounty.org>; 'David Overstreet' <david.overstreet@earhartoverstreet.com>
Subject: RE: IMPORTANT: 6 February 2020 Earhart Overstreet Order still NOT AVAILABLE
Importance: High

Ms Armstrong / Mr. Duncan / Judge Cole.....

I just checked the handy dandy Charleston County CourtPlus website...and to my apparent astonishment.... I still do not find:

1. A downloadable copy of the coversheet and the Overhart Order from 6 Feb 2020.
2. A downloadable copy of the filing on 21 Jan 2020
3. A responsive filed order to my motion for clarification to the 12 March Order.
4. A responsive filed Order to any of my other 2 motions
5. Filed copies of my four motions between Christmas 2019 and the end of March.

Now, I must tell you, that since I didn't specify EST vs. DST vs Central Time, etc., I waited until after 1400 local time just to make sure there wasn't any chance for apparent confusion... and still no joy....

Please ensure you get a copy of the 6 Feb 2020 coversheet and Overhart Order in the mail to Ms. Abbott-Kitchings no later than close of business, Monday, 11 May 2020, with at least a copy to me and the other parties associated with the appeal.

Best regards,
Alan Nix

From: Alan Nix [mailto:agnix1@hotmail.com]

Sent: Wednesday, May 6, 2020 7:45 PM

To: 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; 'Robert Duncan' <RDuncan@charlestoncounty.org>

Cc: 'Ryan Earhart' <ryan.earhart@earhartoverstreet.com>; 'Ryan Gunther' <ryan.gunther@earhartoverstreet.com>;

'Josh Umbarger' <josh.umbarger@earhartoverstreet.com>; 'Cole, J. Derham Law Clerk (David Barfield)'

<JColeLC@sccourts.org>; 'Cole, J. Derham' <JColeJ@sccourts.org>; jkitchings@sccourts.org; 'Kevin Mims'

<kmims@lmlawllp.com>; tthames@wjlw.net; awilson@scag.gov; 'Joe Dawson' <JDawson@charlestoncounty.org>;

'David Overstreet' <david.overstreet@earhartoverstreet.com>

Subject: RE: IMPORTANT: 6 February 2020 Earhart Overstreet Order still NOT AVAILABLE

Importance: High

Ms. Armstrong / Mr. Duncan / Charleston County.

Since I didn't hear back related to the below AND the 6 Feb 2020 Earhart Overstreet Order still doesn't show, I put the attached in the mail to you.

Notice the 1300 Friday cutoff when the duty becomes yours to satisfy Ms. Abbott-Kitchings vice me AND the also missing 21 Jan 2020 filing.

Of course all of those other motions from me (4) from Dec – March are still missing too. Please ensure they all are posted as well, assuming they aren't in that USPS machine where mail isn't supposed to be or somewhere else where they aren't supposed to be.

And Judge Cole's missing orders to my missing motions: At least 2 or 3 of those.

Please help get all of this straightened out ASAP. (and no Mr. Duncan, this isn't even scratching the surface of my apparent "harassing" of judges like you so apparently elegantly attempted to explain on 21 Oct 2019....)

Best regards,
Alan Nix

From: Alan Nix [mailto:agnix1@hotmail.com]

Sent: Wednesday, May 6, 2020 9:23 AM

To: 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; 'Robert Duncan' <RDuncan@charlestoncounty.org>

Cc: 'Ryan Earhart' <ryan.earhart@earhartoverstreet.com>; 'Ryan Gunther' <ryan.gunther@earhartoverstreet.com>;

'Josh Umbarger' <josh.umbarger@earhartoverstreet.com>; 'Cole, J. Derham Law Clerk (David Barfield)'

<JColeLC@sccourts.org>; 'Cole, J. Derham' <JColeJ@sccourts.org>; jkitchings@sccourts.org; 'Kevin Mims'

<kmims@lmlawllp.com>; tthames@wjlw.net; awilson@scag.gov; 'Joe Dawson' <JDawson@charlestoncounty.org>;

'David Overstreet' <david.overstreet@earhartoverstreet.com>

Subject: IMPORTANT: 6 February 2020 Earhart Overstreet Order still NOT AVAILABLE

Importance: High

Ms. Armstrong.

As you can see below, Earhart Overstreet's Order of 6 February 2020 is not available on your website. I noted this issue in the appeal which you should have received a copy of.. (Remember, the one I had to send new copies back to you and

Mr. Dawson both because y'all's copies mysteriously got opened, the contents lost and then wound up in some apparent USPS container not used for mail?)

Well, Earhart Overstreet's Order still doesn't show as available to download on your website as of now either.

Ms. Abbott-Kitchings needs a copy and I assume it should be a copy with one of your file stamps on it.

Please correct this issue today so I can comply with Ms. Abbott-Kitchings requirements.

Judge Cole,

I don't see a response to my motion to clarify your 12 March 2020 Order either. Please handle that expeditiously also.

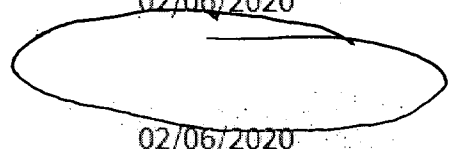
Best regards,
Alan Nix

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Case # **Plaintiff** **Defendant**

2019CP1001496 ALAN G NIX vs SL

	Date
Parties	
Filings	03/16/2020
Events	03/16/2020
Associated Cases	03/12/2020
Add Case	03/12/2020
	02/14/2020
	02/14/2020
	02/06/2020
	02/06/2020
	02/05/2020

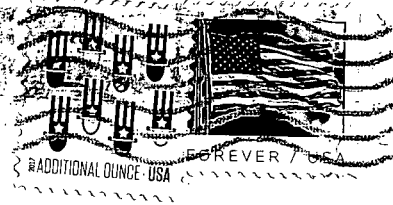




Nix
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Mount Pleasant, SC 29466

CHARLESTON SC 294

11 MAY 2020 PM 5 1



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MAY 13 2020

SC Court of Appeals

JENNY ABBOTT - KITCHINGS
CLERK OF COURT, SC COURT OF APPEALS
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29201-376999

