

92756

**BRIEF OF APPELLANT  
MOTION FOR STAY**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL BRIEF FROM Craig Molloy and Island Group, Inc.,  
d/b/a Carolina Cleaning

Beaufort County Court of Common Pleas

Honorable Marvin H. Dukes III, Master in Equity

---

Lower Court Case No. 2016-CP-07-01825

---

Appellate Case No. 2018-002170

---

**RECEIVED**  
MAY 27 2020  
SC Court of Appeals

Steven Craig Molloy and Island Group, Inc.  
d/b/a Carolina Cleaning

Plaintiff

Of which Steven Craig Molloy is the

Appellant

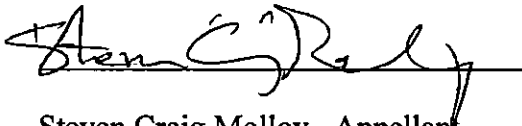
v.

Beaufort County Government,  
Gary Kubic, Individually, and Beaufort County Administrator;  
Josh Gruber, Individually and Former Beaufort County In-House Attorney;  
Bryan Hill, Individually and Former Beaufort County Deputy Administrator;  
Shannon Loper, Individually and Employee of Beaufort County Parks and  
Leisure;  
Stu Rodman, Finance Chair of Beaufort County Council;  
Dave Thomas, Procurement Director, Beaufort County, South Carolina  
Beaufort County Disabilities and Special Needs;  
Beaufort County DSN Board

Respondents,

---

May 25, 2020



Steven Craig Molloy, Appellant  
43 Big Woods Dr. Hilton Head SC 29926  
P: 843-368-73000 E: [scmolloy@gmail.com](mailto:scmolloy@gmail.com)

Other Counsel of Record:  
John Fletcher, Dawes Cooke  
Barnwell Whaley Attorneys  
Po Box H Charleston, SC 29402  
Beaufort County Attorney office  
PO Box 1128 Beaufort SC 29901

## INTRODUCTION

Craig Molloy, "Appellant" including Island Group Inc. dba Carolina Cleaning and its shareholders herein, moves this Honorable Court, for a Motion for a stay in this matter to file this 60 ( b ) Motion for Fraud upon the Court.

According to the rules of civil procedure 60(b); Mistakes; Inadvertence; Excusable Neglect allows for filing a 60 (b) Motion, such as this and based on; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud, misrepresentation, or other misconduct of an adverse party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.

This motion is made within the reasonable and allowed time (one year) after the new information was discovered. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a

judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. During the pendency of an appeal, leave to make the motion must be obtained from the appellate court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

This Motion is filed within one year of the new discovered information [June 10 and 17 th 2019] public statements to Council in public meetings where Respondents “accompanied by Counsel” gave reports conflicting their own sworn statements and arguments to the Lower Court.

*[Robinson v. Estate of Harris - Supreme Court of South Carolina. August 16, 2010 388 S.C. 630 (Relief from judgment is granted for extrinsic fraud on the theory that by reason of the fraud preventing a party from fully exhibiting and trying his case, there never has been a real contest before the court of the subject matter of the action)].*

Based upon the fraud perpetrated on the court by the Respondents “Defendants”, the court granted Summary Judgment, thinking that BC DSN was just another arm of the County and therefore never saw the need to compel the other side to answer interrogatories or attend Depositions. The Lower Court, believing that BC DSN was just another county department did not fully consider all the issues or think that there were any disputed facts.

If one understands that BC DSN must be an independent vendor/agency ( and

cannot be one with a Government entity) and understands the facts about the Respondents bid-rigging, collusion etc.

This case looks a lot different. It appears from the lower court order the Court believed that BC DSN was a department of the County. Therefore, Lower Court Judge just found all of Appellant (Plaintiff) arguments baseless. And that bids were not necessary and that the County could choose to do the cleaning in-house at any time. That is not at all true, and it cannot be true in order for BC DSN to receive the federal funding, which it did.

This is why the June 10 and 17 th, 2019 Council meetings where County Procurement Director, Dave Thomas (Respondent) and County Attorney, Tom Keaveny stated that and described BC DSN as an ( is a ) “independent vendor/agency” which is so important and material to this matter.

All the facts are different according to the Respondents “Defendants” statements in June 10 and 17 th. 2019 Vs. their pleadings and arguments.

From the start of the lawsuit, the Respondents, and their Counsel maintained ( in error, and went all-in) to claim that BC DSN was a department of Beaufort County. Because of that position, Respondents refused to answer Interrogatories and/or show up for scheduled depositions.

BC DSN cannot be “a part of” or “a department of Beaufort County” and

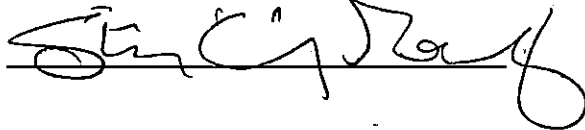
“receive” the or “take control of” the funding or the DSN Board,  
which Beaufort County, in fact did.

Further, clearly, the Lower Court believed the Respondents “ Defendants”  
(an error) and therefore thought that compelling any discovery was  
unnecessary and ended this case before it ever could start.

### CONCLUSION

This is a fraud upon the court, and Appellant requests this Honorable Court  
stay this matter under rule 60(b).

Respectfully submitted, May 25, 2020.

A handwritten signature in black ink, appearing to read "Craig Molloy", written over a horizontal line.

Craig Molloy - Pro Se  
43 Big Woods Dr.  
Hilton Head SC 29926  
scmolloy@gmail.com 843-368-7300

## AUTHORITIES

- I. [Robinson v. Estate of Harris - Supreme Court of South Carolina. August 16, 2010, 388 S.C. 630 (Relief from judgment is granted for extrinsic fraud on the theory that by reason of the fraud preventing a party from fully exhibiting and trying his case, there never has been a real contest before the court of the subject matter of the action)].
  
- II. [Chewning v. Ford Motor Co. Eyeglasses – Supreme Court of South Carolina. April 14, 2003, 354 S.C. 725, 79 S.E.2d 605.]

**FORM 7  
PROOF OF SERVICE  
MOTION TO STAY FOR FILE OF 60 (b)**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

---

APPEAL FROM BEAUFORT COUNTY  
Judge Marvin Dukes – Master In Equity

---

Lower Court Case No. 2016-CP070182

---

Appeal Case No. 2018-002170

---

**RECEIVED**  
MAY 27 2020  
SC Court of Appeals

Steven Craig Molloy and Island Group, Inc.  
d/b/a Carolina Cleaning

Plaintiffs

Of which Steven Craig Molloy is the

Appellant

V.

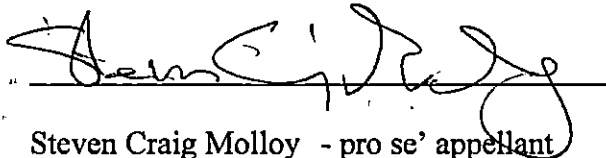
Beaufort County Government,  
Gary Kubic, Individually, and as Beaufort County Administrator;  
Josh Gruber, Individually and as former Beaufort County In-House Attorney;  
Bryan Hill, Individually and as former Beaufort County Deputy Administrator;  
Shannon Loper, Individually and as employee of the Beaufort County Parks and  
Leisure; Stu Rodman, as Finance Chair of Beaufort County Council;  
Dave Thomas, Procurement Director Beaufort County, SC.  
Beaufort County Disabilities and Special Needs;  
Beaufort County DSN Board

Respondents,

**PROOF OF SERVICE**

I certify that I have served this Motion to Stay for File of 60 (b) to Beaufort County, the named Defendants and their Attorney's by depositing a copy in the US Mail on the date listed here to the Attorneys' of record, John Fletcher, Dawes Cooke, Barnwell Whaley Attorney's PO Box H, Charleston, SC 29402 and Beaufort County Attorney's PO Box 1128, Beaufort County, SC. 29901.

May 25, 2020



Steven Craig Molloy - pro se' appellant  
43 Big Woods Dr. Hilton Head SC 29926  
p. 843-368-7300 e. [scmolloy@gmail.com](mailto:scmolloy@gmail.com)

Attorney's for Respondents;

John P. Fletcher, Dawes Cooke  
Barnwell Whaley Attorney's  
PO Box H, Charleston, SC 29402  
and Beaufort County Attorneys'  
PO Box 1128, Beaufort County, SC. 29901


CRAIG MULLOY  
43 Big Woods Dr.  
16 Wm Head SC  
29926

**PRIORITY MAIL**  
**TRACKED & INSURED**

UNITED STATES POSTAL SERVICE  
For Domestic Use Only  
Last 10/1/17, July 2013

**RECEIVED**  
MAY 27 2020  
SC Court of Appeals

SC Court of Appeals  
Attn: Clerk Ms. Jenny Abbott  
Kitchings  
PO Box 11629  
Columbia, SC 29211

UNITED STATES POSTAL SERVICE		Retail
<b>P</b>	US POSTAGE PAID	
	<b>\$7.50</b>	Origin: 29920 05/29/20 4539510755-04
PRIORITY MAIL 2-DAY®		
		0 Lb 12.50 Oz 1006
EXPECTED DELIVERY DAY: 05/29/20		
SHIP TO:		<b>8012</b>
		PO BOX 11629 COLUMBIA SC 29211-1629
USPS TRACKING®NUMBER		
		
9505 5114 1946 0147 4253 46		