

S.C. SUPREME COURT

Travis Stewart, Appellant

Appellant Travis Stewart respectfully submits this Motion and Memorandum for Leave of Court to Motion the Court to file *in forma pauperis* this Motion for Rehearing and Reinstatement of the above referenced case and Recall of the Remittitur for Excusable Neglect pursuant to Federal Rules of Civil Procedure 60(b)(1) and 60(b)(6) for “Excusable Neglect and, ... any other reason that justifies relief.” Petitioner asserts extenuating circumstances, including dire financial straits, and exigencies occasioned by the COVID-19 Coronavirus Pandemic precluded Petitioner’s ability to timely to seek to Motion the Court for Rehearing and Reinstatement of the above referenced case and Recall of the Remittitur sent to the Richland

County Court of Common Pleas April 23, 2020 upon dismissal of the above referenced case for Appellant's failure to file an Initial Brief and Designation of Matter in the above matter to Stay Respondent's *Writ of Ejectment*, and to Compel Respondent to Return SCE&G Utilities to Appellant, Add Beverley D. Wilson as Co-Appellant to this Complaint, and Abate Appellant's lease late fees and interest. Appellant asserts extreme extenuating circumstances, dire financial lack, and an abject absence of funds that made it impossible to tender the additional payment requested by the transcriptionist for the transcript of the December 14, 2018 Richland County Court of Common Pleas Hearing before the Honorable Walton J. McCleod, Presiding Circuit Judge of the Richland County Court of Common Pleas, and now make it impossible to tender payment to the Court to file Appellant's Motions submitted to the Court today.

Appellant filed a Notice of Appeal for this case to the United States Supreme Court July 6, 2020 after the South Carolina Court of Appeals July 2, 2020 Denial of Appellant's June 19, 2020 Motion for Reconsideration for Recall of the Remittitur, and ruling that stated lack of appellate jurisdiction and lack of intention to Grant Appellant's untimely Motion to Recall the Remittitur. July 2, 2020, the South Carolina Supreme Court's Clerk of Court office likewise informed Appellant the South Carolina Supreme Court lacked appellate jurisdiction in this matter absent the South Carolina Court of Appeal's Recall of the Remittitur, and would, therefore, deny Appellant's Petition for a *Writ of Certiorari* should Appellant file such.

The United States Supreme Court Ordered Appellant on July 22, 2020 to comply with the mandated protocol of the Supreme Court of the United States per 28 USC Section 1257 and seek a final order from the South Carolina Supreme Court prior to filing a *Petition for Writ of Certiorari* with the Supreme Court of the United States. August 1, 2020, Appellant filed a

Notice of Appeal to the South Carolina Supreme Court with a detailed **MOTION AND MEMORANDUM FOR LEAVE OF COURT FOR MOTION TO STAY FOR CAUSE AS A PRIORITY MATTER OF AN EMERGENT NATURE DUE TO EXTENUATING CIRCUMSTANCES THE JUNE 26, 2020 WRIT OF EJECTMENT IN THE RULE TO VACATE OR SHOW CAUSE ACTION AND TO COMPEL PLAINTIFF TO CONTINUE DEFENDANT'S TENANCY DURING THE PENDENCY OF THE APPEAL OF THIS CASE TO THE S.C. SUPREME COURT FOR PETITION FOR WRIT OF CERTIORARI, DECLARATORY JUDGMENT AS TO THE ADDITION OF CO-PARTIES, AND DISMISSAL OF THE WRIT OF EJECTMENT.**

Appellant filed an Amended Notice of Appeal on August 13, 2020 to the South Carolina Supreme Court for Leave of Court to Vacate the South Carolina Court of Appeal's March 3, 2020 Order Dismissing the above case for Petitioner's failure to file the Initial Brief of the Appellant and Designation of Matter and Denying Petitioner's Motion for Recall of the Remittitur pursuant to Federal Rules of Civil Procedure 60(b)(1) and 60(b)(6) for "Excusable Neglect and, ... any other reason that justifies relief." Petitioner asserted extenuating circumstances, court transcription delay, dire financial straits, and COVID-19 Coronavirus Pandemic exigencies precluded Petitioner's ability to timely acquire the December 14, 2018 Richland County Court of Common Pleas Hearing Transcript in this matter to file the Initial Brief of the Appellant, Designation of Matter, and seek Declaratory Judgment from this Court to enjoin Beverley D. Wilson, Co-Lessee of Aspyre/YOUnion Apartment 3106, as Co-Defendant/Co-Appellant, now Co-Petitioner in this matter, and other third parties as

Co-Plaintiffs and Co-Respondents in this action, or alternatively, as third parties as Co-Defendants in this action, countersuit actions, derivative actions, and cross-claims.

August 25, 2020, the South Carolina Supreme Court ruled the Court independently and unilaterally construed Petitioner/Appellant Stewart's Notice of Appeal and detailed Motion and Memorandum as a Petition for *Writ of Certiorari*, then asserted Petitioner/Appellant Stewart Notice of Appeal's detailed Motion and Memorandum failed to comply with South Carolina Appellate Court Rules for filing a *Petition for Writ of Certiorari*, and Dismissed Petitioner/Appellant Stewart's Notice of Appeal without addressing Petitioner/Appellant's Motions for Stay of the *Writ of Ejectment*, Declaratory Judgments, including enjoining Beverley D. Wilson as a Co-Defendant, Co-Appellant, Co-Petitioner or addition of third parties to this matter as Co-Plaintiffs or alternatively as third party litigants to the extent those parties adversely effected and affected the dire financial circumstances of Petitioner/Appellant Stewart and Co-Lessee Wilson.

Appellant Stewart respectfully Motions the South Carolina Court of Appeals for Rehearing and Reinstatement of the above matter and Recall of the Remittitur asserting the South Carolina Court of Appeals' Denial of Appellant's Petition for Rehearing and Reinstatement of Appellant's Case would result in a final judgment that would Dismiss Appellant's case. SCACR 221(c). Appellant has concurrently filed a Motion for Declaratory Judgment on several issues in and directly affecting this case, including enjoining Beverley D. Wilson as a Co-Defendant, Co-Appellant, Co-Petitioner and addition of third parties to this matter as Co-Plaintiffs or alternatively as third party litigants with the South Carolina Supreme Court. Appellant directly references the attached/included Motion for Declaratory Judgment

submitted by Appellant to the SC Supreme Court today, August 26, 2020 regarding matters in and directly affecting and consequential to this case, and requests that Appellant's August 26, 2020 Motion for Declaratory Judgment to the SC Supreme Court in its entirety be incorporated by reference herein, as contained herein.

Appellant respectfully asserts restrictions occasioned by the COVID-19 Coronavirus Pandemic prevented gainful employment and made it impossible to garner sufficient funds to employ legal counsel. Further, Appellant does not qualify for pro bono legal counsel, and is unable to properly prepare an Initial Brief and Designation of Matter to adequately represent Appellant's and Appellant's mother, Beverley D. Wilson's leasehold interests in Aspyre, now YOUNION Apartment 3106 on Appellant's own. Appellant's mother, Beverley D. Wilson, M.D., J.D., despite her adamant objections to date of the improper and illegal denials of her right to defend Appellant's and her leasehold interests in Aspyre, now YOUNION Apartment 3106, has been denied the right to petition and access the Court as granted by the South Carolina Constitution and the U.S. Constitution.

Appellant specifically asserts that Co-Lessee Beverley D. Wilson has been prohibited by this Court from submitting documents to this Court on behalf of the Appellant, the [improperly] only named Defendant in the original action in this case, as the unlawful practice of law, even though Appellant's mother is Appellant's Power of Attorney and has an express leasehold interest with full benefits in Aspyre, now YOUNION, Apartment 3106 as a Co-Lessor with Appellant of Aspyre, now YOUNION, Apartment 3106 as a condition precedent to payment by Appellant's mother for Appellant's late December 2017 and January 2018 lease payments to Aspyre to effect Appellant's continued and Appellant's mother's newly created leasehold interest

in YOUnion Apartment 3106 expressed to and accepted by Respondent's agent Tiffany Maddox, assistant residential manager of Aspyre Apartments, now YOUnion Apartments, February 8, 2018 with Ms. Maddox satisfying provision of an electronic room key for Aspyre, now YOUnion, Apartment 3106 immediately to Appellant's mother followed by provision of a fob to access the Aspyre, now Younion, Apartment premises by the senior residential manager, subsequently. Electronic Aspyre, now YOUnion, Apartment keys and fobs are ONLY provided to tenants of Aspyre, now YOUnion Apartments. February 8, 2018, Ms. Maddox also effected, as a condition precedent to Appellant's mother tendering the December 2017 and January 2018 lease payments for Appellant's mother's Co-Lessee status in Aspyre, now YOUnion, Apartment 3106 the immediate removal of an Aspyre premises restraining order against Appellant's mother initiated by Appellant in July 2017 at the onset of Appellant's heralding PTSD symptoms just prior to an acute exacerbation of Appellant's spectral PTSD. That Aspyre restraining order prevented Appellant's mother from timely accessing Appellant and presenting Appellant to his outpatient mental health provider to access outpatient mental healthcare which could have averted Appellant's hospitalization subsequently in July and August 2017 when Appellant experienced an acute exacerbation of his spectral PTSD. In this matter at hand, the stress of mounting a defense/presenting a court case has an exceedingly great potential to precipitate an acute exacerbation of Appellant's spectral PTSD and Major Depression during this court case or immediately thereafter, when Appellant unsuccessfully defends Appellant's and Appellant's mother's leasehold interests in Aspyre, now YOUnion Apartment 3106, and both are evicted and left homeless.

Appellant and Appellant's mother, Beverley D. Wilson, have co-leased Apartment 3106 at YOUNion Apartment, 1000 Whaley Street, Columbia, S.C., 29201 since February 2018. Appellant and Appellant's mother pool their financial resources to meet their residential and graduate school and law school attendance related financial obligations, respectively. Appellant's mother was improperly denied her request for financial aid for the Spring 2020 Semester, her final semester of law school, at the Charleston School of Law. Appellant's financial resources have been depleted since early April 2020.

Early February 2020, Appellant's mother drafted a preliminary Petition for a Declaratory Judgment to the South Carolina Supreme Court to be declared a Co-Lessee of Aspyre, now YOUNion, Apartment 3106 with Appellant to be allowed proper expression of her leasehold interest in Aspyre, now YOUNion, Apartment 3106 in this and any related matters before the Court involving Aspyre, now YOUNion, Apartment 3106, but lacked access to the then not available transcript of the December 14, 2018 Richland County Court of Common Pleas Hearing in this matter to properly effectuate that Petition for a Declaratory Judgment before the SC Supreme Court. Though Appellant prepaid the transcriber, Ms. Maryann Nevers, for the transcript, additional funds were required/requested to receive the transcript once the transcript was readied by Ms. Nevers April 15, 2020. Appellant was unable to timely acquire that December 14, 2018 Richland County Court of Common Pleas Hearing transcript due to a lack of funds. Ms. Nevers tendered a hard copy of the transcript "for funds already paid" upon Appellant's hardship appeal for same to Ms. Nevers May 19, 2020.

Appellant received the December 14, 2018 Richland County Court of Common Pleas' Hearing transcript May 21, 2020, but was unable to prepare and submit the Initial Brief and

Designation of Matter on his own or with assistance, as Appellant has spectral PTSD and is recovering from Major Depression, both of which preclude an undertaking of this magnitude and nature for Appellant, lest same precipitate Appellant's spectral PTSD or aggravate his Major Depression. Appellant will have his mental health provider tender a letter to the Court to that effect, as soon as Appellant's funds permit same.

Appellant's mother has been repeatedly denied her request for financial aid for the Spring 2020 semester by Mr. Bobby Greer, the Financial Aid Director of the Charleston School of Law, despite the Charleston School of Law's President Ed Bell's March 24, 2020 emailed statement to the U.S. Department of Education, USDOE, in support of the release of Appellant's mother's financial aid for the Spring 2020 Semester, subject to the express requirement the USDOE unequivocally assert the Charleston School of Law's Financial Aid Director had discretionary authority to approve Appellant's mother's financial aid for the Spring 2020 Semester. President Bell email is included herein:

From: J Edward Bell <jeb@edbelllaw.com>
Sent: Tuesday, March 24, 2020 1:22 PM
To: Beverley Wilson <bdwilson@charlestonlaw.edu>; FSA Ombudsman Office <FSAOmbudsmanOffice@ed.gov>
Cc: Bobby Greer <bgreer@charlestonlaw.edu>; Ed Bell <ebell@charlestonlaw.edu>
Subject: RE: U.S. Department of Education Ombudsman Office Case #01885249, Opened August 22, 2019

Dear Sir

I am the President of the Charleston School of Law. I would encourage you to look favorably on Dr. Wilson's application for the funds that she is seeking. We are ready to approve of the disbursement of these funds with your permission.

Time is of the essence and your expedited response would be immeasurably beneficial to Dr. Wilson. Dr Wilson is one of our prominent students at our School and like many others, has

sacrificed a lot to attain her law degree. She needs this financial assistance and your help would be most appreciated.

If you have any questions, please don't hesitate to contact me.

Thanks

Ed Bell
President, Charleston School of Law

It is well-settled law and established custom in South Carolina and nationwide that financial aid directors of graduate level institutions of higher education have the discretionary authority to approve financial aid for students with extenuating circumstances financially utilizing their professional judgment subsequent to academic approval of that student's course load for that semester by the graduate school's Registrar, with or without simultaneous academic approval by the Dean of Academics or Dean of Students of that graduate level institution of higher education.

To date, June 19, 2020, the USDOE has not provided an unequivocal declaration of the discretionary authority of the Financial Aid Director of the Charleston School of Law despite multiple requests and petitions by Appellant's mother for same and letters of support requesting same and urging release of Appellant's mother's financial aid from both of South Carolina U.S. Senators, the Honorable Lindsey Graham and the Honorable Timothy Scott. Professor Debra Gammons, Director of the Office of Diversity at the Charleston School of Law; Dr. Karen Woodfaulk, S.C. Commission on Higher Education, SCCHE, Director for Student Affairs; and Ms. Peggy Simons, Program Coordinator Title IV Funds of the Director of Academics Office, Dr. John Lane, of the S.C. Commission on Higher Education, all unequivocally stated Appellant's mother was entitled to and should have been approved for financial aid for the

Spring 2020 Semester by Mr. Greer on a discretionary basis due to Appellant's mother's extenuating financial circumstances as Appellant's mother reported to Mr. Greer, with Mr. Greer's documentation of the rationale for utilization of his professional judgment to approve Appellant's mother's financial aid request in Appellant's mother's financial aid record at the Charleston School of Law, then submission of Appellant's approved application for financial aid for the Spring 2020 Semester to the USDOE for disbursement of that financial aid. Included herein is Appellant's mother's email to the Ms. Linda Clarke, Team Lead of USDOE's Ombudsman's Office, June 17, 2020:

On Wed, Jun 17, 2020 at 8:22 AM Beverley Wilson <bdwilson@charlestonlaw.edu> wrote:
Good Morning Ms. Clarke,

Thank you for responding to my June 11, 2020 email in part. May you please affirmatively confirm or definitively deny that Ms. Baker, as Registrar of the Charleston School of Law, and Dean Lawton, as Dean of Academics of the Charleston School of Law, have the requisite authority/discretionary authority to approve my 11 credit hours of coursework taken in the Spring 2020 Semester as academic coursework counting toward my graduation from the Charleston School of Law and submit that approved coursework to Mr. Greer; and that Mr. Greer, as Director of Financial Aid of the Charleston School of Law, has the discretionary authority to approve my thus, academically approved 11 credit hours of coursework for the Spring 2020 Semester, due to my extenuating circumstances by utilizing his professional judgment, and to document the reasoning he utilized in granting that discretionary approval for my financial aid request for the Spring 2020 Semester in my financial records at the Charleston School of Law, and to subsequently submit a copy of that documentation to the USDOE as part of my approved application for financial aid for the Spring 2020 Semester to the USDOE, which would allow "the Charleston School of Law to stand ready to disburse my financial aid upon approval by [and receipt of that financial aid from] the [USDOE]" as President Bell stated in his email to the USDOE March 24, 2020 and copied to me.

Thank you in advance for your expeditious response to this inquiry/request to prayerfully resolve this matter to my benefit.

Respectfully,

B.D. Wilson, M.D., J.D.

Appellant's mother's lack of financial aid during the Spring 2020 Semester, her last semester of law school was extremely problematic for Appellant's mother academically regarding and including late procurement of legal textbooks and supplies for law school, difficulty effecting the 2 ½ hour one-way commute back and forth to the Charleston School of Law from Columbia, timely compliance with meeting SC July 2020 Bar examination requirements, e.g., and completely precluded Appellant's mother's ability to complete and submit her Petition for Declaratory Judgment to the SC Supreme Court regarding Appellant's mother Co-Lessee status with Appellant for Aspyre, now YOUNion, Apartment 3106. As stated in previous petitions to this Court, Appellant and Appellant's mother no longer have an inhabitable home at 1980 Broughton Street, Orangeburg, SC due to repeated robberies of nearly all the contents of their home and repeated vandalism of their Orangeburg home since late October/early November 2016 after Appellant's mother's matriculation into the Charleston School of Law during the Fall 2016 Semester. These robberies and acts of vandalism have rendered Appellant's and Appellant's mother's Orangeburg home unsecurable, presently. Appellant's mother's abject lack of funds to effect proper securing of their Orangeburg home and to tender payments to procure documents necessary to effect the current legal proceedings in the present action are worsened by Appellant's mother's inability to aggressively pursue her medical practice opportunities and interests due to the COVID-19 Coronavirus Pandemic restrictions. Thus, Appellant's and Appellant's mother's lease interests in Aspyre, now YOUNion Apartment

3106 are of extreme importance, as Appellant's and Appellant's mother's dire financial circumstances would preclude securing another apartment and render both homeless during the current COVID-19 Coronavirus Pandemic landscape.

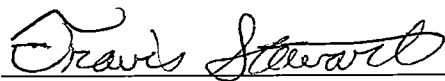
Thus, Appellant respectfully petitions the Court to Grant Appellant's Motion for Leave of Court Due to Excusable Neglect pursuant to Federal Rules of Civil Procedure 60(b)(1) and 60(b)(6) for "Excusable Neglect and, ... any other reason that justifies relief" to Motion the Court for Recall of the Remittur from the Richland County Court of Common Pleas and to file this Motion and Memorandum and previous Motions in this case to date *In Forma Pauperis* to Stay Respondent's *Writ of Ejectment*, Compel Respondent to return SCE&G utilities to Appellant, Add Beverley D. Wilson as Co-Appellant to Complaint, and Abate lease late fees and interest due to extreme extenuating circumstances and dire financial need as noted above. Appellant asserts he is unable to garner sufficient funds personally or from his nuclear family - three of the four of whom are graduate students, like Appellant; the remaining sibling is 24 years old and the youngest sibling, who struggles to share her resources with Appellant and Appellant's mother to ensure neither starves while rationing food to survive during Appellant's, Appellant's mother's, and Appellant's family's dire, extenuating financial circumstances.

Finally, Appellant is unable to secure/employ legal counsel; does not qualify for *pro bono* legal services; and is unable to effectively prepare for and tender payment to the Court to submit a legally sufficient and proper Initial Brief and Designation of Matter to adequately represent Appellant's and Appellant's mother, Beverley D. Wilson's lease interests in Aspyre, now YOUNion, Apartment 3106 on his own. Appellant lacks legal training and there exists an exceedingly undesired potential for acute exacerbation of Appellant's spectral PTSD and major

depression as noted above, which greatly outweigh and preclude Appellant's active lead participation in this matter *Pro Se* to which Appellant's mother objects as an assault upon her legal right to protect her leasehold interest along with Appellant's as Co-Lessees of Aspyre, now YUnion Apartment 3106..

Appellant prayerfully petitions the Court to Grant his Motion for Leave of Court to Motion the Court to file *in forma pauperis* pursuant to Federal Rules of Civil Procedure 60(b)(1) and 60(b)(6) for "Excusable Neglect and, ... any other reason that justifies relief" this Motion for Rehearing and Reinstatement of the above referenced case and Recall of the Remittitur sent to the Richland County Court of Common Pleas April 23, 2020 upon dismissal of the above referenced case for Appellant's failure to file an Initial Brief and Designation of Matter in the above matter to Stay Respondent's *Writ of Ejectment*, and to Compel Respondent to Return SCE&G Utilities to Appellant, Add Beverley D. Wilson as Co-Appellant to this Complaint, and Abate Appellant's lease late fees and interest due to extreme extenuating circumstances, dire financial lack.

Respectfully submitted this 26th day of August 2020,



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With full assistance from

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