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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2019-001488

MB Hutson/MB Hudson, ... Appellant,

v.

Penn America Insurance Company,
Global Indemnity Group, Inc.,
Timothy J. Newton, Esq., J.R. Murphy, Esq.,
John Doe #1, John Doe #2, ... Respondents.

RESPONDENTS' MOTION FOR INJUNCTIVE RELIEF

Respondents Penn America Insurance Company and Global Indemnity Group, Inc. ("PAIC"), Timothy J. Newton ("Newton"), and J.R. Murphy ("Murphy") (collectively "Respondents") submit the following Motion for Injunctive Relief pursuant to Rule 269, SCACR, and the inherent authority of this Court. Specifically, Respondents request that this Court direct Appellant to refrain from continuing to make argumentative, unsubstantiated, and defamatory comments in motions and correspondence to the Court, and to warn him that continuation of his pattern of misconduct could result in a sanctions order against him.

Appellant Morris Beach Hutson a/k/a MB Hutson/MB Hudson ("Hutson") is aware of the judicial privilege because it was a key defense in prior related litigation. (See Exh. A: Def's Mot.

for JNOV and for New Trial, TLC Holdings, LLC *et al.* v. M.B. Hutson a/k/a M.B. Hudson, Civ. Action No. 2015-CP-14-00615 (filed Feb. 5, 2018).) Hutson, through counsel, argued that defamatory statements relating to a judicial proceeding are not actionable, regardless of whether the defendant acted in good faith, acted with malice, or any other circumstance. (Id. at p. 2 (citing Hainer v. American Med. Intern, Inc., 328 S.C. 128, 135, 492 S.E.2d 103, 106 (1997), and several other cases).) Hutson, as the defendant, was present at the trial. Hutson is also aware that court filings are publicly available online.

Armed with this knowledge, Hutson takes every opportunity to inject defamatory material into documents he files with courts. Each time he does this, it generates additional litigation. Respondents feel compelled to respond because Hutson's slurs are in the public record. Respondents respectfully request this Court to order Hutson to cease and desist from his scheme of abusing Respondents through the judicial process.

Hutson, in a relentless onslaught, maligns Respondents and their counsel as dishonest and accuses them of fraud in nearly every document he files. Yet he appealed from rulings adverse to his allegation that Respondents knew of fraud upon the court committed by third parties and failed to satisfy a duty (as envisioned by Hutson) to report it. After the initial briefing was closed, Hutson filed motions seeking to add a claim that Respondents are actively committing fraud upon the Court. This Court denied Hutson's motion.

Respondents also filed motions to strike certain scurrilous statements from Hutson's briefs. This Court denied Respondents' motions.

Since the initial briefs have been filed, Hutson's sole right and duty in this appeal has been to file and serve the Record on Appeal. The Rules of Appellate Procedure do not allow substantive arguments without leave of court after the initial briefs have been filed. (See Rule 211, SCACR.)

Nevertheless, Hutson continued making defamatory allegations in this appeal and threatening Respondents in correspondence. PAIC filed a separate action in circuit court seeking an injunction prohibiting Hutson from continuing to file litigation against Respondents related to this matter. On December 9, 2020, Judge Robert E. Hood granted both PAIC's motion for temporary injunction, as well as PAIC's motions to strike. (See Exhs. B and D to Resp'ts Return to Appellant's Mot. to Amend his Designation of Matter, filed Dec. 23, 2020.)

In PAIC's action, Hutson filed cross-claims against Newton and Murphy alleging, among other things, that they were actively committing fraud upon the court. Judge Hood also granted Newton and Murphy's dispositive motion. (See id., at Exh. C.) Judge Hood specifically found that Newton and Murphy were not committing fraud upon the court. (Id. at Exh. C, p. 7.)

Judge Hood further denied Hutson's motion for temporary injunction, which asked the lower court to direct the counter-defendant and third-party defendants to admit their alleged knowledge of extrinsic fraud. (See id., at Exh. D.)

Hutson recently filed an appeal from several of Judge Hood's orders. (Appellate Case number 2020-001708.)

After Judge Hood's orders were filed, Hutson continued his vendetta of defamation and harassment against Respondents in this Court. Hutson filed a letter to the Clerk of Court of the Court of Appeals on December 22, 2020, which is filled with grandstanding and mischaracterization. (Exh. B: Hutson Letter, filed Dec. 22, 2020.) Hutson improperly made substantive arguments about the evidence and his damages. He claims to be "fighting for his life" despite the fact that he is the party prosecuting this litigation and launching the continuous barrage of epithets. (See id.). He portrays the court rulings as being based on technicalities due to

"professional ploys," when in fact his substantive evidence has been presented and heard by two judges. (See id.) Hutson closed with a malicious smear:

> The court should notice that these skilled Respondents have done their best to make me look as disreputable as possible to prevent my [sic] being sent to a jury. A jury will recognize the indisputable ploys, misrepresentations and fraud upon the court, and then, at long last, justice will be accomplished. For reasons like these, private citizens in our country have been unable to trust their insurers' attorneys.

(Id.) Hutson's comments are entirely inappropriate. They are out of order procedurally, being addressed to the Clerk without authorization under the rules governing appellate practice. Hutson's letter is not responsive to any actions by Respondents other than to their requiring him to file a compliant Record on Appeal. Respondents obviously strongly disagree as to the substance of Hutson's comments and object to his attempt to "poison the well" with court personnel.

The next day, on December 23, 2020, Hutson served and attempted to file a document entitled, "Appellate's Response to Respondents' Motion for an Order."[1] (Exh. C: Hutson Response to Respondent's Motion, dated Dec. 23, 2020.) In this document, Hutson falsely claims that "Respondents have been known to misrepresent and commit fraud upon the court, as well as fraud in general." (Id.) He baselessly misrepresents that "two of the Respondents have lied to a criminal judge just a few weeks ago." (Id.) Hutson argued that he should not be required to "perform to" what he characterizes as Respondent's "private requirements" in serving the Record on Appeal, claiming that Respondents have fought and lied to and about him. (Id.)

[1] Respondents received this filing through an e-mail from Cynthia Exum, sent through Adobe Acrobat. One of the recipients listed in the Adobe Document Cloud is ctapfilings@sccourts.org (apparently misspelled), no stamped copy was received back from the Court and the filing does not currently appear on the South Carolina Appellate Case Management System.

Contrary to Hutson's assertion, Respondents merely expect Hutson to comply with what this Court has already ordered him to do. This Court's directive, granting Respondents' motion "in its entirety," is set forth in its November 30, 2020 Order:

> Appellant shall serve and file a record on appeal that complies with the South Carolina Appellate Court Rules. The record must contain consecutively numbered pages, an index, and every page of all matters designated by the parties. The record may not include any matters not designated by the parties or first presented to the lower court.

Respondents attempted to work with Hutson to finalize the Record, but instead he ran to this Court and publicly accused Respondents of dishonesty.

On December 29, 2020, Hutson filed what purports to be a reply memorandum in support of his motion to amend his Designation of Matter. (Exh. D: Appellant's Reply to Return to Motion to Amended Designation, filed Dec. 29, 2020.) This filing could scarcely be more defamatory and contains gross misstatements of fact. Hutson ignored the issue at hand—Hutson's request to amend his Designation—and instead improperly aired his grievances about the merits of his appeal. It is devoid of legal authority except for two cases regarding the duties of *pro se* litigants, which were merely repeated from Respondent's Return. (See id.) His factual assertions lack any evidentiary support and contravene the findings of the trial court. Hutson again blamed Respondents for the results of prior cases with which they had no involvement whatsoever, speculating they are involved in a nebulous conspiracy.

Hutson engaged in egregious name-calling. He not only repeatedly accused Respondents of conspiracy, fraud and dishonesty; he called them "less than animals with no conscience for another's human life." (Id.) Hutson suggested that counsel for Respondents PAIC have "violated forty-seven rules of law including the South Carolina Rules of Professional Conduct" and the attorney's oath. (Id.) He assailed the impartiality of this Court and invoked religious prejudice:

"Dear God, I sincerely pray that this Honorable Appeals Court has the courage to award justice...even if it means bringing down Officers of their own Court."

Hutson's reply insinuated that Newton admitted he committed extrinsic fraud before Judge Hood. The transcript, which Hutson has just ordered, will reflect that Newton argued that Hutson has no claim against the other two attorneys who appeared at the hearing because they were not involved in Hutson's prior litigation with TLC Holdings, LLC, in which Hutson claims he was defrauded. Newton was not admitting the knowledge or commission of any fraud. Rather, he was explaining that there was no manner in which Hutson's allegations could possibly involve the other attorneys at Murphy & Grantland or any attorneys at Collins & Lacy. It was grossly inappropriate for Hutson to twist Newton's words into a purported admission, and to inject them into the public record in this appeal.

Hutson also accused PAIC's current counsel, Christian Stegmaier, of being "caught lying" in open court. Though not entirely clear, it appears that Hutson took issue with Stegmaier's comments to the Court regarding Hutson's September 14, 2020 claim that the then-pending motions were set for a hearing on September 22 and that a judge had been assigned. When our office contacted the Clerk, we were informed no such assignment had been made and we would receive an e-mail notice upon scheduling. Stegmaier cited this occurrence as another example of Hutson's dishonesty and gamesmanship. Following the hearing, Hutson forwarded the trial court and counsel a series of e-mails between Hutson and Athena Borer regarding his request that the injunction matters be set for a hearing. The e-mails provided, to which Stegmaier was not a party, do not reflect that a hearing was ever previously scheduled; rather, Hutson unilaterally requested that a hearing be set on the 22nd or 23rd of September and asked who the judge would be if one of those dates was assigned. (Exh. E: Hutson E-mails with Circuit Court Clerk.) Thus, contrary to

Hutson's intention to catch Stegmaier in a lie, Hutson's e-mails reflect that Hutson's representations to counsel that a motions hearing was set for September 22 and that a judge was assigned were false.

These examples sufficiently demonstrate Hutson's proclivity for prevarication. His filing ignores the relevant issue—his request to amend his Designation of Matter—and instead wages a ruthless *ad hominem* campaign of personal attacks upon the character of Respondents and their counsel. This Court has authority to stop this misconduct.

Rule 269 of the South Carolina Appellate Court Rules empowers this court to impose sanctions for frivolous motions and returns. Sanctions may also be imposed for noncompliance with the Appellate Court Rules. Id.

Courts also have inherent authority to maintain order and to impose silence, respect, and decorum in their proceedings. Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991). Courts have discretion to fashion an appropriate sanction for misconduct that abuses the judicial system. Id. at 44-45. A court's inherent authority to do all things reasonably necessary to the administration of justice in the case before it includes jurisdiction to issue injunctions. State-Record Co., Inc. v. State, 332 S.C. 346, 349, 504 S.E.2d 592, 593 (1998). Appellate courts have an ancient equitable power to enjoin vexatious litigation. Matter of Hartford Textile Corp., 681 F.2d 895, 897 (2nd Cir. 1982) ("The time has come to exercise that power and bring this litigious charade to a halt."), cert. denied, 459 U.S. 1206, 103 S.Ct. 1195 (Feb. 22, 1983).

The Supreme Court of South Carolina has held that repetitive and frivolous filings can warrant the imposition of a filing fee and a requirement of an affidavit certifying a good faith belief of meritoriousness prior to any future filings. In re Maxton, 325 S.C. 3, 478 S.E.2d 679 (1996); Richardson v. Stewart, 386 S.C. 282, 688 S.E.2d 124 (2010). Frivolous and repetitive court filings

are considered abusive when they waste the court's time and interfere with the fair administration of justice. See id.

In other jurisdictions, courts hold that use of the legal system as a tool for harassment will not be tolerated. Sassower v. Signorelli, 99 A.D. 2d 358, 358-59, 472 N.Y.S.2d 702 (N.Y. App. Div. 1984). When "a litigant is abusing the judicial process by hagriding individuals solely out of ill will or spite, equity may enjoin such vexatious litigation." Id. at 359 (collecting cases).

Besides mere voluminosity, the malicious content of court filings can support injunctive relief. "The fact that one appears *pro se* is not a license to abuse the process of the court and to use it without restraint as a weapon of harassment and libelous bombardment." Spremo v. Babchik, 155 Misc. 2d 796, 803, 589 N.Y.S. 2d 1019, 1024 (N.Y. Sup. Ct. 1992). "When it becomes clear that the courts are being used as a vehicle for harassment by a knowledgeable and articulate experienced *pro se* litigant, the issuance of an injunction is warranted." Id. (citations omitted); see also Martin-Trigona v. Capital Cities/ABC, Inc., 145 Misc. 2d 405, 410, 546 N.Y.S.2d 910, 913 (N.Y. Sup. Ct. 1989) (holding that knowing, willful, and wrongful misconduct by an experienced *pro se* litigant warrants a severe sanction).

Courts have authority to order litigants to cease and desist from using correspondence and filings as a vehicle for defamation. Correspondence containing irrelevant content that "attempts to prejudice the mind of the court by statements, conclusions, and alleged facts" may be prohibited. McAllister v. McAllister, 95 N.J. Super. 426, 430, 231 A.2d 394, 396 (N.J. Super. 1967). "A defendant may not defy the court and hurl gross accusations and insolence under the guise of freedom of speech." Id. at 435, 231 A.2d at 398. Repetitious motions and court filings containing insulting and abusive slurs have been enjoined. Heritage Hills Fellowship v. Plouff, 555 F. Supp. 1290, 1298-99 (E.D. Mich. 1983).

Respondents recognize that courts are sympathetic to the rights of *pro se* litigants. Heritage Hills, 555 F. Supp. At 1298. However, *pro se* litigants have no greater rights than their attorneys would have. McAllister, 95 N.J. Super. At 439, 231 A.2d at 400. Misconduct that would be reprehensible for an attorney and that would subject an attorney to disciplinary action supports a finding of contempt of court by a *pro se* litigant. Id. Counsel opposing *pro se* litigants have been instructed to "remain vigilant to assure that the court's latitude does not evolve into something more damaging." Richard L. Weber, No Greater Rights, N.Y. State Bar Journal, p. 11, 13 (July/Aug. 2007).

Respondents' character is not at issue in this appeal. The sole issue on appeal is whether Judge Nettles properly granted Respondents' dispositive motions. Moreover, character evidence is not generally admissible to prove conduct. Rule 404, SCRE. Irrelevant and prejudicial evidence is generally excluded. Rule 403, SCRE. Courts do not entertain suspicions of conspiracies that do not exist. See Muka v. N.Y. State Bar Ass'n, 120 Misc. 2d 897, 905, 466 N.Y.S. 2d 891 (N.Y. Sup. Ct. 1983). As an experienced *pro se* litigant, Hutson should know this.

The above recitation reflects that Hutson has demonstrated a pattern of unrelenting, repetitive, unwarranted, and malicious abuse of Respondents and of the judicial system. Now two trial judges have heard Hutson's arguments and found no merit to his charges of fraud committed by Respondents. The filing of the Record on Appeal in this matter is currently on hold because of Hutson's insistence on including in it improper arguments and materials relating to his allegations of fraud and refusal to include all material designated by Respondents.

Respondents recognize that Hutson has a right to appeal. However, he has no right to engage in grandstanding and to continually attempt to scandalize Respondents with gratuitous defamatory comments in correspondence and court filings. Unless and until this Court sets a

hearing for oral arguments in this appeal, the time for arguing the merits of the instant appeal is past. Hutson will have an opportunity to brief the merits of his other appeal in due course.

Therefore, Respondents hereby request that this Court order Hutson to confine his subsequent communications to the Court to proper motions practice and requisite filings, and to refrain from disparagement, mischaracterization, and personal attacks against Respondents and their counsel. Respondents also request that Hutson be ordered to refrain from impugning the impartiality of this Court with insinuations that justice can only be served by a ruling in his favor. Respondents further request that this Court warn Hutson that future misconduct will not be tolerated and that continuation of it may subject him to sanctions, up to and including dismissal of his appeal and imposition of an award of Respondents' attorney's fees and costs in defending this litigation.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

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RESPONDENTS' MOTION FOR INJUNCTIVE RELIEF

Columbia, South Carolina
January 13, 2021

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondents Penn America Insurance Company and Global Indemnity Group, Inc., do hereby certify that I have this date served the foregoing

RESPONDENTS' MOTION FOR INJUNCTIVE RELIEF

by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, and via electronic mail, addressed to the following:

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Dated: January 13, 2021

Exhibit A

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CLARENDON	CASE NO.: 2015-CP-14-0615
TLC HOLDINGS, LLC, RICHARD CLARK, AND JIMMY S. LOVELL, Plaintiffs, vs. M.B. HUTSON A/K/A M.B HUDSON, Defendant.	**DEFENDANT'S MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT AND MOTION FOR NEW TRIAL**

Following the jury trial and verdict rendered in this matter on Friday, 26 January 2018, defendant hereby moves pursuant to Rule 50(b) of the South Carolina Rules of Civil Procedure for judgment notwithstanding the verdict and moves pursuant to Rule 59(a) for a new trial. Specifically, the Rule 50 motion is based on two of the grounds raised by defendant in its motions for a directed verdict at the close of the plaintiff's evidence and at the close of all of the evidence: (1) plaintiffs' claims are barred as a matter of law by the absolute privilege doctrine in South Carolina defamation cases, and (2) plaintiffs' damages are barred by plaintiffs' own evidence that the damaged entity was Big Water Resort, LLC, which is not the plaintiff in this matter. The grounds for a new trial are that (1) plaintiffs damages are barred by their own evidence that the damaged entity was Big Water Resort, LLC, which is not a plaintiff in this matter; (2) plaintiffs' evidence of lost business income and value was speculative; and (3) the trial court erred in instructing the jury as to the common law defense of justification, which was not asserted by defendant.

1. **Plaintiffs' claims are barred in their entirety as a matter of law by the**

absolute privilege doctrine in South Carolina.

In South Carolina, statements that relate to a judicial proceeding, **including preliminary steps taken prior to filing a lawsuit**, enjoy an absolute privilege. *Crowell v. Herring*, 301 S.C. 424, 430, 392 S.E.2d 464, 467 (Ct. App. 1990). Other jurisdictions are in accord.[1]

Absolutely privileged statements are not actionable in defamation regardless of whether defendant acted in good faith, acted with malice, or any other circumstance. *Hainer v. American Med. Intern, Inc.*, 328 S.C. 128, 135, 492 S.E.2d 103, 106 (1997); *see also Richardson v. McGill*, 273 S.C. 142, 145, 255 S.E.2d 341, 342, (1979); *see also Fulton v. Atlantic Coast Line R.R. Co.*, 220 S.C. 287, 296, 67 S.E.2d 425, 429 (1951); *see also Bell v. Bank of Abbeville*, 208 S.C. 490, 493, 38 S.E.2d 641, 642 (S.C. 1946); *see also Pond Place Partners, Inc. v. Poole*, 351 S.C. 1, 22, 567 S.E.2d 881, 892 (Ct. App. 2002); *Wright v. Sparrow*, 298 S.C. 469, 473, 381 S.E.2d 503, 506 (Ct. App. 1989); *see also Johnson v. Independent Life & Acci. Ins. Co.*, 94 F. Supp. 959, 961 (D.S.C. 1951).

In *Crowell v. Herring*, cited above, a Veterans of Foreign Wars ("VFW") commander was acquitted in a court martial proceeding charging him with improperly receiving funds from video machines at the VFW owned by Hoyt's Music Company ("Hoyt's). *Crowell*, 301 S.C. at 428-29, 392 S.E.2d at 466. Following his acquittal, the commander sued VFW investigators and

[1] *See Harris v. NCNB Nat'l Bank of North Carolina*, 85 N.C. App. 669, 355 S.E.2d 838 (1987); *see also Samson Investment Co. v. Chevaillier*, 1999 OK 19, 988 P.2d 327 (1999); *see also Lerette v. Dean Witter Organization, Inc.*, 60 Cal. App. 3d 573, 131 Cal.Rptr. 592 (2d Dist. 1976); *see also Club Valencia Homeowners Ass'n v. Valencia Assoc.*, 712 P.2d 1024 (Colo. App. 1985); *see also Irwin v. Cohen*, 40 Conn. Supp. 259, 490 A.2d 552 (1985); *see also Libco Corp. v. Adams*, 100 Ill. App. 3d 314, 55 Ill. Dec. 805, 426 N.E.2d 1130 (1981); *see also Sriberg v. Raymond*, 370 Mass. 105, 345 N.E.2d 882 (1976); *see also Johnston v. Cartwright*, 355 F.2d 32 (8th Cir. 1966) (applying Iowa law); *see also Richeson v. Kessler*, 73 Idaho 548, 255 P.2d 707 (1953); *see also Bull v. McCuskey*, 96 Nev. 706, 615 P.2d 957 (1980); *see also Penny v. Sherman*, 101 N.M. 517, 684 P.2d 1182, cert. denied, 101 N.M. 555, 685 P.2d 963 (1984); *see also Cummings v. Kirby*, 216 Neb. 314, 343 N.W.2d 747 (1984).

several Hoyt's representatives for slander, libel, and malicious prosecution stemming from statements made at the court martial proceedings, during the official investigation, and prior to the investigation. *Crowell,* 301 S.C. at 426, 392 S.E.2d at 465. The trial court granted defendants' motion for summary judgment on all plaintiff's claims for slander and libel. *Id.* Plaintiff appealed.

On appeal, the court first held that statements made during the court martial proceedings were absolutely privileged. *Crowell,* 301 S.C. at 430, 392 S.E.2d at 467. Next, the court held that statements made by VFW investigators during their depositions were absolutely privileged. *Crowell,* 301 S.C. at 431, 392 S.E.2d at 467. The court then held that statements made by VFW investigators during their investigation, prior to the court martial proceedings, were also absolutely privileged. *Id.* The court likened the investigation to a prosecutor interviewing witnesses and preparing a case. *Id.* Accordingly, these statements were absolutely privileged because they were preliminary steps that bore a reasonable relation to a contemplated proceeding. *Id.*

Finally, the court addressed an allegedly defamatory affidavit authored by a Hoyt's representative and given to a VFW trustee. *Crowell,* 301 S.C. at 431, 392 S.E.2d at 467-68. The affidavit alleged that the plaintiff improperly received payments from Hoyt's. *Crowell,* 301 S.C. at 429, 392 S.E.2d at 466. This affidavit was drafted long before any litigation commenced and prior to the initiation of any official investigation. *Crowell,* 301 S.C. at 429, 392 S.E.2d at 466. In fact, this statement led to the official VFW investigation which, in turn, led to the court martial proceeding. *See Crowell,* 301 S.C. at 428, 392 S.E.2d at 466. The court held that the pre-investigation statement made by an eventual witness was absolutely privileged as a preliminary

statement relating to the commencement of a formal proceeding. *Crowell,* 301 S.C. at 432, 392 S.E.2d at 468.

The court was persuaded by the New Jersey Supreme Court's holding in *Rainier's Dairies v. Raritan Valley Farms*, 19 N.J. 552, 117 A.2d 889 (1955). *Crowell,* 301 S.C. at 431, 392 S.E.2d at 468. That case involved citizens making allegedly defamatory statements in petitions to the Office of Milk Industry encouraging them to investigate a possible price fixing scheme. *See Crowell,* 301 S.C. at 432, 392 S.E.2d at 468. The *Crowell* court noted that the "New Jersey Supreme Court held the petitions to investigate were absolutely privileged even though the statements were unsolicited and given prior to the institution of a formal investigation or proceeding." *Id.*

Furthermore, the *Crowell* court found that its holding protected a vital interest, worthy of absolute privilege as a matter of policy. The court opined that "[t]he threat of a civil action in slander or libel would undoubtedly have a chilling effect on those tempted to initiate legitimate investigations or inquiries into others' supposed wrongdoings." *Id.*

The Federal District Court in South Carolina has ruled in accordance with *Crowell* and taken a similar view regarding the absolute judicial privilege. In *Woodward v. Weiss*, the court held that statements made prior to the commencement of civil litigation were absolutely protected by the judicial privilege. *Woodward v. Weiss*, 932 F. Supp. 723, 728 (D.S.C. 1996).

Woodward involved a medical doctor suing another medical doctor for libel stemming from statements made in a report. *Woodward*, 932 F. Supp. at 725. Defendant was hired by an insurance company to evaluate the treatments and diagnoses rendered by plaintiff to three insurance claimants. *Woodward,* 932 F. Supp. at 724-25. In his report to the insurance company,

defendant charged that plaintiff had excessively treated the claimants and that his opinions were not supported by the records, and plaintiff filed a claim for defamation. *Woodward,* 932 F. Supp. at 725.

The district court recognized that South Carolina law affords statements "rendered as a preliminary step to a judicial proceeding which [bear] a reasonable relation to litigation" an absolute privilege. *Woodward,* 932 F. Supp. at 727. The court quoted the Restatement for the proposition that "The privilege **also protects [the witness] while engaged in private conferences with an attorney at law with reference to proposed litigation,** either civil or criminal." *Id* (quoting Restatement (Second) of Torts § 588, Comment (b) (1977) (emphasis added)).

The court held that defendant's pre-litigation statements were absolutely privileged. *Woodward,* 932 F. Supp. at 727. The court reasoned that defendant's report could possibly have been used as an exhibit in theoretical future litigation. *Id.* Likewise, defendant could possibly have been called as a witness in any such litigation. *Id.* The court even went so far as to hold that the reports were absolutely privileged irrespective of whether a judicial proceeding ever actually commenced. *Woodward,* 932 F. Supp. at 728. The district court, like the court of appeals in *Crowell,* was influenced by the public policy consideration that people should be permitted to investigate and discuss a matter that resulted in injury prior to the commencement of legal action without fear of a possible defamation lawsuit. *Id.*

In the case at bar, the alleged acts of defamation by defendant were strikingly similar to those of the Hoyt's representative, which were absolutely privileged. In this case, plaintiffs sought to prove two acts of defamation: (1) the postcard of December 2013 and (2) oral and

written communications by defendant Hutson to class action plaintiff's lawyer Bill Padget during the spring of 2014, following the postcard. The postcard was addressed to present and former members of the Big Water Resort campground and informed them that they (and he) had been scammed by TLC. The postcard suggested that they all band together and initiate a class action against TLC for this scam, and indicated that defendant had already contacted an attorney about it. Following the postcard, defendant referred campground members to Mr. Padget, who agreed to represent them.

As a part of his investigation into his clients' case, Mr. Padget interviewed Mr. Hutson and received a three page summary from him entitled "Class Action" which outlined what defendant believed to be the wrongful acts of TLC in furtherance of their scam. Mr. Padget testified that his communications with defendant and the documents he received from defendant were critical to his decision to bring the class action, which was ultimately settled by TLC for approximately $1.8 million by TLC. The defendant here, according to Mr. Padget's testimony, was a critical witness in that class action,

Both instances of defamation described above were pre-litigation, pre-investigation writings. Both were offered by an eventual witness accusing another of wrongdoing. Still more, both led to an investigation and, eventually, to a judicial proceeding against the subjects of those writings. In effect, both statements are examples of a whistleblower sounding an alarm.

Moreover, defendant's statements to class action plaintiff's attorney Bill Padget, including the documents provided, were comparable to the doctor's statements in *Woodward,* which were also absolutely privileged. Both were pre-litigation statements containing accusations and supporting facts that were likely to be used in future litigation. Defendant's

communications to Mr. Padget satisfy the key factors analyzed by the *Woodward* court. The record is uncontroverted that these allegedly defamatory statements were made by defendant during Mr. Padget's investigation. Mr. Padget also testified that he viewed defendant as a key witness to his case.

Plaintiffs argue that this case is distinguishable from *Crowell* because these statements were not made by investigators as a part of an official investigation. In *Crowell*, however, the court of appeals held that a pre-investigation affidavit made by an eventual witness to future litigation was absolutely privileged. The affidavit of the Hoyt representative was neither authored by investigators nor made during the course of an official investigation. Thus, *Crowell* is not distinguishable; it is directly on point.

Crowell and *Woodward* both held that pre-litigation statements bearing a reasonable relation to future litigation are absolutely privileged. Here, the postcards resulted in the campers seeking advice and representation from Mr. Padget, and both the campers and defendant did file lawsuits against plaintiffs. The testimony at trial demonstrates that Mr. Padget filed a class action on behalf of many campers in federal court. Moreover, the testimony shows that defendant, upon learning that he would not qualify as a member of the class, filed his own claims against plaintiffs.

Plaintiffs argue that defendant had no reason to make communications regarding a lawsuit in which he would not participate as a party. Similarly, plaintiffs argue defendant acted in bad faith and did not, in good faith, contemplate commencing a legal action. South Carolina law, however, is clear on this point: such considerations are improper and irrelevant to the issue of absolute privilege. *Hainer*, 328 S.C. at 135, 492 S.E.2d at 106 ("When a communication is

absolutely privileged, no action lies for its publication, **no matter what the circumstances under which it is published, i.e., an action will not lie even if the report is made with malice.**") (emphasis added); *see also Richardson*, 273 S.C. at 145, 255 S.E.2d at 342 ("Privileged communications in the law of libel and slander are either absolute or qualified. When the communication is absolutely privileged, no action will lie for its publication, **no matter what the circumstances under which it is published**. When qualified, however, the plaintiff may recover if he shows that it was actuated by malice.") (quoting *Bell*, 208 S.C. at 493, 38 S.E.2d at 642) (emphasis added)); *see also Fulton*, 220 S.C. at 296, 67 S.E.2d at 429 ("Under [an absolute privilege] there is no liability, **even though the defamatory words are falsely and maliciously published.**") (emphasis added); *see also Pond Place*, 351 S.C. at 22, 567 S.E.2d at 892 ("When a communication is absolutely privileged, no action lies for its publication, **no matter what the circumstances under which it is published, i.e., an action will not lie even if the report is made with malice.**") (quotation omitted) (emphasis added); *see also Wright,* 298 S.C. at 473, 381 S.E.2d at 506 ("If the communication is absolutely privileged no action will exist for its publication **no matter what the circumstances under which it is published.** If a privilege is qualified, a plaintiff may recover if he shows the publication was actuated by malice.") (emphasis added); *see also Johnson*, 94 F. Supp. at 961 ("An absolutely privileged communication is one in respect of which . . . no remedy can be had in a civil action . . . **even though it may have been made maliciously.**") (quotation omitted) (emphasis added).

Moreover, Defendant's statements reasonably relate to the class action. It is for the court to determine whether a defamatory statement is relevant to a legal proceeding, with all doubts being resolved in favor of relevancy. *McKesson & Robbins v. Newsome*, 206 S.C. 269, 275, 33

S.E.2d 585, 587 (1945); *See also Texas Co. v. C. W. Brewer & Co.*, 180 S.C. 325, 327, 185 S.E. 623, 624 (1936). The evidence here easily satisfies this low standard. The essence of the post card, in fact, is that it proposes a class action. Defendant's statements made allegations and recited detailed facts central to the eventual class action lawsuit and to defendant's own claims. Moreover, plaintiffs claim that their defamation damages include the settlement and fees from the class action lawsuit. Thus, plaintiffs concede that the statements made by defendant relate to the eventual litigation; their own claim is that the class action was caused by defendant's statements.

Crowell is controlling here, and *Woodward* is instructive. Those cases are not materially distinguishable from this case. Both demonstrate that defendant is entitled to judgment as a matter of law because his communications bore a reasonable relation to eventual litigation. Refusing to grant defendant's motion would, as South Carolina courts have suggested, chill speech from those who seek to turn to litigation to redress injury done to them by others. Thus, this motion for judgment notwithstanding the verdict should be granted, and judgment should be entered in favor of defendant.

2. <u>Plaintiffs' damages are barred by plaintiffs' own evidence that the damaged entity, if any, was Big Water Resort, LLC, which was not a plaintiff in this case.</u>

Plaintiff Richard Clark testified that, but for the defendant's allegedly defamatory postcard, he and plaintiff Steve Lovell could have restarted the Big Water Resort Campground in 2014, generated over a million dollars a year in profit for six straight years, and then sold the campground business for a profit of $6 million in 2019. Thus, according to Mr. Clark, Big Water Resort LLC lost $12 million. This testimony was in stark contrast to the plaintiffs' own

evidence that Big Water Resort, LLC, lost money every year between 2003 and 2010 (except one) when the plaintiffs last ran the campground prior to 2014. The problem with this testimony is that Big Water Resort, LLC was not the plaintiff and was no longer owned by plaintiffs Richard Clark and Steve Lovell after they sold that entity to defendant in 2010.

Because of the plaintiff's own testimony, the trial court erred in refusing to direct a verdict on the issue of the alleged lost business profits incurred by the plaintiffs. Defendant is further entitled to a new trial on this issue of damages.

In addition, defendant is entitled to a new trial based on the trial court's refusal to exclude the speculative testimony described herein. Over defendant's repeated objection, the trial court allowed the above testimony. Under South Carolina law, "[p]roof of lost profits requires the plaintiff to prove (1) that it is reasonably certain that profits would have been realized but for the tort and (2) that such lost profits can be ascertained and measured from the evidence produced with reasonable certainty." Collins Music Co. v. Ingram, 292 S.C. 537, 541, 357 S.E2d 484, 486 (Ct. App. 1987). The proof "must pass the realm of conjecture, speculation, or opinion not founded on facts, and must consist of actual facts from which a reasonably accurate conclusion regarding the cause and the amount of the loss can be logically and rationally drawn." Drews Co. v. Ledwith-Wolf Associates, Inc., 296 S.C. 207, 213, 371 S.E. 2d 532, 536 (1988).

Plaintiff Clark's testimony regarding an alleged lost profit starting immediately upon his retaking of the campground business in 2014 is purely speculative. The facts are that the campground lost money every year except one from 2003 to 2010 when these plaintiffs were previously operating it. Mr. Clark's alleged lost profits (and concomitant lost value) were completely untethered to the actual facts presented to the jury. Thus, the Court erred in allowing

this speculative lost profits/lost value testimony.

3. **Finally, defendant is entitled to a new trial based on the court's erroneously charging the jury in accordance with the plaintiff's requested jury charge number 8.**

This charge, based on the case of Leevy v. North Carolina Mutual Life Ins. Co., 184 S.C. 111, 191 S.E. 811(1937), is erroneously based on a case in which the defendant pursued the common law plea of justification. According to the Leevy court, "[i]f the defendant undertook to justify the slander and prove the truth of the statements, and failed because justification is unsupported by the evidence, it may be considered a circumstance of aggravation, and a continued and express malice, and may properly be considered by the jury in estimating the damages." Id. at 118, 191 S.E. at 814. This instruction is plain error because (1) if "justification" is the legal equivalent of the defense of truth, there was abundant evidence of justification in the case at bar (as opposed to "unsupported by the evidence"), and (2) plaintiffs explicitly withdrew their claim for punitive damages at the trial. This instruction inappropriately invited the jury to assess punitive damages when plaintiff had no claim for such damages.

WHEREFORE, defendant respectfully requests that this court enter judgment notwithstanding the verdict, in favor of defendant, and/or a new trial for the reasons set forth above.

This the 2nd day of February, 2018.

MILLBERG GORDON STEWART PLLC

s/Frank J. Gordon
S.C. Bar No. 71769
Attorney for the Defendant
Millberg Gordon Stewart PLLC
1101 Haynes St., Ste. 104
Raleigh, NC 27604
919-836-0090
fgordon@mgsattorneys.com

Attorneys for defendant, M. B. Hutson.

Exhibit B

RECEIVED
Dec 22 2020
SC Court of Appeals

MB Hutson/MB Hudson

v.

Penn America Insurance Company, Global Indemnity Group, Inc. Inc.,
Timothy J. Newton, Esq., J. R. Murphy, John Doe #1, and John Doe #2

Appellate Case No. 2019-001488

Claim No. 16011284, C&L File No, 000774-01021

Dear Ms. Kitchings:

Appellant, Pro Se, MB Hutson, hereby assures the court this 22nd day of December, 2020, that he will have filed the Record of Appeal for the case cited above on or before the 29th day of this month, December, 2020.

As Appellant, Pro SE, I has submitted overwhelming evidence supporting my appeal to the Honorable Appeals Court and pray this court will remand this case for a jury trial. This is the first Record of Appeal that I have ever filed. I implore the court to forgive any minor mistakes on my part for I am fighting for my life. I have been extremely damaged by these Respondents, despite my age (76). I have submitted overwhelming evidence to substantiate my case, which this Honorable Court can see. Respondents' attempts to win, without the case being remanded to a jury, is merely to defeat me on technicalities, a professional ploy. Furthermore, they have thus far made me indigent in this process, resulting in me truly "fighting for my life."

The court should notice that these skilled Respondents have done their best to make me look as disreputable as possible to prevent my being sent to a jury. A jury will recognize the indisputable ploys, misrepresentations and fraud upon the court, and then, at long last, justice will be accomplished. For reasons like these, private citizens in our country have been unable to trust their insurers' attorneys.

Respectfully,

M B Hutson, Pro Se

Exhibit C

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Case No. 2018-CP-400-6344

Appellate Case # 2019-001488

MB Hutson/ MB Hudson — Appellant.

v.

Penn America Insurance Company, Global Indemnity Group, Inc., Timothy J. Newton, Esq. and J.R. Murphy, Esq., John Doe #1 and John Doe #2 — Respondents.

APPELLATE'S RESPONSE TO RESPONDENTS' MOTION FOR AN ORDER

Comes now the Appellant who states the following;

1. Respondents have filed a motion asking that the Honorable Court issue an Order requiring the Appellant to produce his Record of Appeal according to their desires. Since the Respondents have been known to misrepresent and commit fraud upon the court, as well as fraud in general, and since two of the Respondents have lied to a criminal judge just a few weeks ago, Appellant does not trust the Respondents and can only rely upon the Honorable

Appellant Court, should there be a few discrepancies, as this is the first Record of Appeal Appellant has done.

2. Appellant has revised his Record of Appeal as well as the Index. Appellant states that it would be improper for the Honorable Court to order the Appellant, who has been truly damaged by intentional measures by the Respondents, to be under order to perform to their private requirements since Respondents have fought and lied to and about the Appellant.

3. Therefore, Appellant asks that no order be executed by this Honorable Court against Appellant allowing Respondents to control and dictate to this damaged Appellant.

4. Appellant is a) working to complete his Revised R ecord of Appeal, and
   b) waiting for approval of his Motion for his amended Designation of Matter (filed Dec. 11, 2020: twelve days before this filing) which had reflected "Notes" asked by the Appellate Court to omit (which was done), in order to complete the revised Record on Appeal and file it.

December 23, 2020

M B Hutson, Pro Se
Post Office Box 2755
Orangeburg, South Carolina 29116-2755
(803) 308-2714

(Note on Service to Respondents on Next Page)

APPELLATE'S RESPONSE TO RESPONDENTS' MOTION FOR AN ORDER

has been served electronically to all parties as listed below simultaneously with being e-filed to the Court of Appeals:

ctapfilings@sccourts.org

and Respondents:

Penn-America Ins. Co. and Global Indemnity c/o their attorneys of record:

cstegmaier@lacyandcollins.com & lbaer@lacyandcollins.com

and, also to:

tnewton@murphygrantland.com

jrmurphy@murphygrantland.com

Exhibit D

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Case No. 2018-CP-400-6344

Appellate Case # 2019-001488

RECEIVED
Dec 29 2020
SC Court of Appeals

MB Hutson/ MB Hudson — Appellant.

v.

Penn America Insurance Company, Global Indemnity Group, Inc., Timothy J. Newton, Esq. and J.R. Murphy, Esq., John Doe #1 and John Doe #2 — Respondents.

APPELLATE'S RESPONSE TO RESPONDENTS' RETURN TO APPELLANT'S MOTION TO AMEND HIS DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL AND APPELLANT'S DECEMBER 22, 2020 LETTER TO THE COURT

Comes now the Appellant that states the following:

1. Respondents' cite the following:

A Pro Se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law--City of Columbia vs. ASSA'Ad-Faltas, 420 S.C. 28, 49, 800 S.E. 2d 783, 793

(2017)--"No one, rich or poor, is entitled to abuse the judicial process".

--Childs v. Miller 713 F. 3D 1262, 1265 (10th Cir. 2013).

2. Appellant states that he does not wish to be Pro SE. Contrary to Respondents' assertion, being Pro Se was not Appellant's choice, nor his election. Appellant had been intentionally defrauded, tricked, scammed, railroaded and guided by these Respondents down to be slaughtered, and, in fact, Appellate was financially slaughtered. These Respondents fully recognized the existing fraud upon the Court perpetrated by TLC Holdings, LLC and their attorneys who had sued this Appellant. TLC Holdings' attorneys also fully understood the situation and that this Appellant did not understand this fraud perpetrated against him. The TLC Holdings' attorneys prosecuted a lawsuit against this Appellant the they knew that 1) this Appellant was unaware of the fraud upon the court and 2) Appellant's Insurance Companies were cooperating with TLC Holdings' attorneys in maintaining the concealments via these Respondents (attorneys) agreeing *not to acknowledge or report the Extrinsic Fraud* -- knowing full well that with the shroud of the undisclosed Extrinsic Fraud upon the Court, this Appellant could *never have his case heard* in court and was thereby doomed to lose all cases. These Respondents --via not disclosing the Extrinsic Fraud upon the Courts—co-joined with the existing Extrinsic Fraud Upon the Court and proceeded to conspire with the TLC Holdings' attorneys instead of reporting it, as required by law. This Appellant has clearly laid this out, and is now indigent and has no way to regain any financial future due to the intentional conspiracy perpetrated by all these attorneys. *THEREFORE, this Appellant has had no other choice than to becoming a Pro SE, now fighting for his life.* The extrinsic fraud upon the courts and fraud upon the Appellant still continues. All damages all directly caused by these Respondents' pretense to represent Appellant while fully knowing that until the Extrinsic Fraud Upon the Court was reported, fully disclosed and removed (which was a responsibility of the Respondents since Appellant was their insured) the fraudulently concealed facts would continue. All the Respondents fully comprehended that Appellant would be financially destroyed as a result of their collusion with the

perpetrators and their failing to execute their duty to expose the Fraud upon the Courts as Officers of the Court. Nevertheless, *they choose not to report the Fraud Upon the Court for their own personal and business reasons,* leaving their insured, this Appellant, unrepresented in the truest sense and vulnerable to total indigency.

3. This "Return to Appellant's Motion to Amend his Designation of Matter proves that these "Officers of the Court" who represent(ed) Penn America Insurance Company and Global Indemnity have violated some forty-seven rules of law including the South Carolina Rules of Professional Conduct, including (but not limited to) --grossly violating their oath, Rule 407 required prior to even practicing law. Respondents fight ceaselessly, as if they are totally innocent. All Respondents operate without honesty to the extent that Respondent, Tim Newton, Esq., actually told Appellant twice that "I am praying for you" while orchestrating a farce to appear that he was actively assuring proper representation for this Appellant in Court, but was actually secretly conspiring and orchestrating the assurity that this Appellant could never win anything in court due to the Extrinsic Fraud Upon the Court which he was diligently conspiring to keep concealed. These Respondents are less than animals with no conscience for another's human life.

4. Appellant readily admits that he is not a skilled, licensed attorney who fully understands the law. Appellant *is, however, a victim* (at age 76) of skilled, licensed, Officers of the Court....

5. Christian Stegmaier, Esq. who represents Penn America and Global Indemnity in this case, was caught lying—in open court--, to a criminal case Judge, about this Appellant in an attempt to dis-credit him. Appellant is more than willing to produce the concrete evidence via transcript of his intentional lie. Respondent Tim Newton who also formerly represented Penn America and Global Indemnity recently stood up before the same judge and stated the following: "Your Honor, anything pertaining to Extrinsic Fraud, let it fall on me". He then points to himself. This is the same Respondent who swore he new nothing about Extrinsic Fraud! Why would any officer of the Court offer

to take responsibility for such a criminal action if not already guilty and making an attempt to protect others?

6. Appellant again begs for understanding and remand this case to a jury. All the papers laying out the extrinsic fraud upon the court and pretense to represent Appellant (the insured) is laid out clearly through all submitted documents and filings.

7. Last but not less, Appellant reminds the Honorable Court that the Affidavit prepared by one of TLC's attorneys, Tom Harper, hides the truth for at that time Appellant had no idea that Harper and other attorneys for TLC Holdings, LLC were creating the underlying Extrinsic Fraud against this Appellant. Harper prepared the papers for TLC Holdings, LLC were the 22M dollars placed upon Appellant was totally and completely hidden. Appellant plans to file a Federal Court suit against TLC's attorneys as soon as feasible.

Appellant PRAYS that the Honorable Court sees through this extrinsic fraud upon the court and fraud upon Appellant by sending this case to a jury. Appellant pleads for this justice and that opportunity. Without that opportunity, Appellant has no hope for justice, nor recovery. Dear God, I sincerely pray that this Honorable Appeals Courts has the courage to award justice...even if it means bringing down Officers of their own Court.

Signed this 27th of December 2020:

M B Hutson, Pro Se
Post Office Box 2755
Orangeburg, South Carolina 29116-2755
(803) 308-2714

RECEIVED
Dec 29 2020
SC Court of Appeals

CERTIFICATE OF SERVICE

I, the undersigned, Pro Se Appellant M. B. Hutson, do hereby certify that I have this date served:

APPELLATE'S RESPONSE TO RESPONDENTS' RETURN TO APPELLANT'S MOTION TO AMEND HIS DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL AND APPELLANT'S DECEMBER 22, 2020 LETTER TO THE COURT

via electronic mail, addressed to Respondents and/counsel as follows:

Respondents Penn America Ins. Co. & Global Indemnity, through their attorneys:

CHRISTIAN STEGMAIER
S.C. Bar No. 101076
at: cstegmaier@collinsandlacy.com

LAURA R. BAER
S.C. Bar No. 68648
at: lbaer@collinsandlacy.com

and

JOHN R. MURPHY, ESQ., Pro Se
S.C. Bar No. 7941
at: jrmurphy@murphygrantland.com

TIMOTHY J. NEWTON, ESQ., Pro Se
S.C. Bar No. 71640
at: tnewton@murphygrantland.com

Dated: December 27, 2020

Signed: _____

MB Hutson, Pro Se
Post Office Box 2755
Orangeburg, SC 29116-2755
(803) 308 - 2714

Exhibit E

Tim J. Newton

From: Mr. H <hmr226621@gmail.com>
Sent: Friday, October 16, 2020 1:27 PM
To: Christian Penn Amer; Tim J. Newton
Cc: Rhoodsc@sccourts.org
Subject: Fwd: Correspondence of Hutson to/from Athena re date

---------- Forwarded message ----------
From: **Mr. H** <hmr226621@gmail.com>
Date: Friday, October 16, 2020
Subject: Correspondence of Hutson to/from Athena re date
To: Rhoodsc@sccourts.org

To the Honorable Judge Hood:

Below is a copy of my correspondence to Athena/clerk which I promised yesterday in court to send you.

---------- Forwarded message ----------
From: **ATHENA BORER** <BORER.ATHENA@richlandcountysc.gov>
Date: Thursday, September 17, 2020
Subject: Good morning to Miss bright eyes, I have a question;
To: "Mr. H" <hmr226621@gmail.com>

Good morning Mr. Hutson,

I am so sorry about this. I had to move some cases around so this got moved to the week of October 12. I am not sure what day of the week as of yet. The court will also be resuming normal day to day court operations, so this will be an in person hearing.

I will let you know as soon as possible as to which day this will take place. Again, I am sorry for the confusion.

Athena

Athena M Borer

Common Pleas Motion Coordinator

Richland County Clerk of Court

1701 Main Street

Columbia, SC 29201

Borer.Athena@richlandcountysc.gov

P 803-576-3372 F 803-576-1785

From: Mr. H <hmr226621@gmail.com>
Sent: Wednesday, September 16, 2020 5:04 PM
To: ATHENA BORER <BORER.ATHENA@richlandcountysc.gov>
Subject: Re: Good morning to Miss bright eyes, I have a question;

Athena, I have not heard anything about my injunction hearing or the cross complaint hearing. What happen? I mentioned to Penn America's attorney about you setting up a 22 day for the hearing and now he thinks that I lied to him. Are we still on for the 22 of this month????? Hutson

On Thursday, September 3, 2020, ATHENA BORER <BORER.ATHENA@richlandcountysc.gov> wrote:

Mr. Hutson,

Judge Jocelyn Newman will be presiding over Motions for that week.

Let me know if you have any other questions. I am happy to help.

Athena

Athena M Borer

Common Pleas Motion Coordinator

Richland County Clerk of Court

1701 Main Street

Columbia, SC 29201

Borer.Athena@richlandcountysc.gov

P 803-576-3372 F 803-576-1785

From: Mr. H <hmr226621@gmail.com>
Sent: Thursday, September 3, 2020 5:06 PM
To: ATHENA BORER <BORER.ATHENA@richlandcountysc.gov>
Subject: Good morning to Miss bright eyes, I have a question;

As of now, do you know who the judge will be that hears this injunction? If so, please give me his name. Thanking you in advance. Also, I ask that you not extend anymore time than the 22 or 23 of this month for the hearing. I think the other side might try to drag this injunction issue out. Be safe young lady.

MB Hutson. Case number 2020 cp 400 3810

--
Hutsen
803-308-2714

--
Hutsen
803-308-2714

RECEIVED
Jan 13 2021
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2019-001488

MB Hutson/MB Hudson, ...Appellants,

v.

Penn America Insurance Company, Global Indemnity Group, Inc., Timothy J. Newton, Esq., J.R. Murphy, Esq., John Doe #1, John Doe #2, ...Respondents,

---

PROOF OF SERVICE

I, the undersigned, as employee of Defendant, Timothy J. Newton, do hereby certify that on January 13, 2021, I served a copy of Respondents' Timothy J. Newton and J.R. Murphy's Motion for Injunctive Relief with corresponding exhibits in connection with the above-referenced case by Electronic and U.S. Mail to:

M.B. Hutson, pro se
P.O. Box 2755
Orangeburg, SC 29116-2755
Hutson4444@gmail.com

Appellant Pro se

Christian Stegmaier, Esq.
Laura Baer, Esq.
Collins & Lacey, P.C.
P.O. Box 12487
Columbia, SC 29211
cstegmaier@collinsandlacy.com
lbaer@collinsandlacy.com

Counsel for Respondents Penn-America Ins. Co And Global Indemnity Group, Inc.

Sharon M. Hughes, Paralegal
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260

M&G
MURPHY & GRANTLAND, P.A.

J.R. Murphy
803-454-1231
jmurphy@murphygrantland.com

FACSIMILE COVER SHEET

Date: January 13, 2021

To: Clerk of Court
S.C. Court of Appeals

Fax: 803.734.1839

From: Sharon Hughes
Paralegal

Firm: Murphy & Grantland, P.A.
4406-B Forest Drive
P.O. Box 6648
Columbia, SC 29260

Phone: 803-782-4100
Fax: 803-782-4140

Pages including cover: 45

Re: MB Hutson/MB Hutson v. Penn American Ins., et al.
No. 2019-001488

Dear Clerk of Court:

Attached please find Respondents Timothy J. Newton and J.R. Murphy's Motion for Injunctive Relief for filing in the above referenced matter. A hard copy has been placed in the U.S. Mail.

If you have any questions, please do not hesitate to call. Thank you.

M&G
MURPHY & GRANTLAND, P.A.

Timothy J. Newton
Direct dial 803-454-1242
tnewton@murphygrantland.com

January 13, 2021

VIA FACSIMILE 803.734.1839 & U.S. MAIL
Jenny Abbott Kitchings, Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: MB Hutson/MB Hudson v. Penn America Insurance Company, Global Indemnity Group, Inc., Timothy N. Newton, Esquire, JR Murphy, Esquire, John Doe #1 and John Doe #2

Civil Action No.: 2018-CP-40-06344
Appellate Case No.: 2019-001488
Our File No.: 1565-0050

Dear Ms. Kitchings:

Please find attached Respondent's Timothy J. Newton and J.R. Murphy's Motion for Injunctive Relief with corresponding exhibits and Proof of Service for filing in the above-referenced matter. A hard copy of same has been placed in the U.S. Mail to the South Carolina Court of Appeals and enclosed is a check for $50.00 for the appropriate motion filing fee.

Sincerely yours,

s/Timothy J. Newton

Timothy J. Newton

TJN/smh
Attachments

cc: M.B. Hutson, Appellant *Pro se*
All Counsel of Record

M&G
MURPHY & GRANTLAND, P.A.

Timothy J. Newton
Direct dial 803-454-1242
tnewton@murphygrantland.com

January 13, 2021

VIA U.S. MAIL
M.B. Hutson, pro se
P.O. Box 2755
Orangeburg, SC 29116-2755

Re: MB Hutson/MB Hudson v. Penn America Insurance Company, Global Indemnity Group, Inc., Timothy N. Newton, Esquire, JR Murphy, Esquire, John Doe #1 and John Doe #2

Civil Action No.: 2018-CP-40-06344
Appellate Case No.: 2019-001488
Our File No.: 1565-0050

Dear Mr. Hutson:

Enclosed please find Respondents' Motion for Injunctive Relief including all corresponding exhibits, which I hereby serve upon you by U.S. Mail. If you have any questions please feel free to call me.

Sincerely yours,

s/Timothy J. Newton

Timothy J. Newton

TJN/smh
Enclosures

cc: Counsel of Record