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Jan 13 2021

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.)



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

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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.

***** CONFIDENTIALITY NOTE *****

The information contained in this facsimile message is attorney privileged and confidential. It is intended only for the use of the individual or entity named above, and any other dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone (803) 782-4100 (collect) and return the original message to us at the above address via the U.S. Postal Service. You will be reimbursed for the required postage. Thank you.



MURPHY & GRANTLAND, P.A.

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

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SC Court of Appeals

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



MURPHY & GRANTLAND, P.A.

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

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SC Court of Appeals

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