

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND
COUNTY

Court of Common Pleas

Judge Robert Hood, Fifth Circuit Judge

Case # 2020-CP-400-3810

Appellate # 2020-001708

RECEIVED

Jan 26 2021

SC Court of Appeals

Morris Hutson

Defendant/Appellant

v.

Penn America Insurance
Company & Global Indemnity
Group, LLC

Plaintiff/Respondent

APPELLATE’S INITIAL BRIEF

Comes now the Appellant in this new case, whereby Penn America /Global Indemnity (hereinafter PAGI) took new action on August 10, 2020, against this Appellant in Judge Hood's Richland County Common Pleas Court, entitled “COMPLAINT (Action in Equity; No Jury Trial Demanded)”. Appellant has acquired a copy of the transcript as of January 25, 2021. Said transcript shall be delivered to the Appellate Court with Appellant's Designation of Matter, as required.

Multiple citations from the transcript will verify that Judge Hood (# 2020-CP-400-3810) totally disregarded the concrete evidence that Defendant/Appellant presented. Judge Hood's orders, penned by these Respondents, further illustrate that the Judge acted solely upon the testimonies, positions, and "honesty" of these Respondent's (Officers of the Court), who were currently, or formerly, employed by PAGI. The Judge's confidence was grossly misplaced. Appellant's Final Brief succinctly documents and verifies this.

Just as the same as bank robbers and gangs can rob one bank, then another bank, then another etcetera, the court can allow for each bank robbery to be tried separately. These Respondents have acted similarly, as they continue to fabricate, lie, cover up their own fraudulent actions by not reporting the fraud (as required by law the South Carolina Rules of Professional Conduct) in order to win their suit, as these Respondents attempted in filing August 10, 2020 (#2020-CP-400-3810) against this Appellant. Therein, Respondents cited multiple cases that Defendant/Appellant had lost in order to encourage Judge Robert Hood to grant a motion to strike Defendant's (now Appellant's):

"Notice of Extrinsic Fraud;"

"Memorandum to Defendant's Amended Cross Complaint;"

"Request for Sanctions and Memorandum in Support;"

"Motion to Strike Portions of Defendants 'Answer'," *and*

"Request for Sanctions".

Appellant brings to this Court's attention that Respondents, Officers of the Court(s), blatantly violated the following Rules of Professional Conduct:

U.S. Code 1324c. Document fraud:

*"Falsely make for purposes of this section, the term "falsely make" means to **prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.**"*

SCRPC Rule 8.3 (A). Reporting Professional Misconduct:

*"A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects **shall inform the appropriate professional authority**".*

SCRPC 8.3 (b) and cmt. 1.

*"As a self-regulating profession, lawyers are expected to **report serious misconduct by other lawyers to appropriate disciplinary authorities.** The duty to report the misconduct of others extends even to misconduct by another lawyer in the same firm".*

SCRPC 8.4. Misconduct (p. 408) "it is professional misconduct for a lawyer to:

- (a) *violate or attempt to violate the (RPC), knowingly assist or induce another to do so, or do so through the acts of another;*
- (b) *commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;*
- (c) *commit a criminal act involving moral turpitude;*
- (d) *engage in conduct involving dishonesty, fraud, deceit or misrepresentation;*
- (e) *engage in conduct that is prejudicial to the administration of justice;*

- (f) *state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or*
- (g) *knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.”*

Extrinsic fraud is fraud that induces one not to present a case in court or deprives one of the opportunities to be heard or is not involved in the actual issues.

- [1] More broadly, it is defined as: fraudulent acts which keep a person from obtaining information about his/her rights to enforce a contract or getting evidence to defend against a lawsuit. This could include destroying evidence or misleading an ignorant person about the right to sue. Extrinsic fraud is distinguished from "intrinsic fraud," which is the fraud that is the subject of a lawsuit.
- [2] Extrinsic fraud often involves fraud on the court, but may arise in other contexts. Extrinsic fraud does not mean merely lying or perjury, nor misrepresentations, nor intrinsic fraud, nor "to matters that could have been raised during the divorce proceeding.
- [3] It must involve "collateral ... circumstances" such as:
- "bribery of a judge or juror,"
 - "fabrication of evidence by an attorney,"
 - "preventing another party's witness from appearing,"
 - "intentionally failing to join a necessary party," or
 - "misleading another party into thinking a continuance had been granted...."

Extrinsic fraud may occur in real estate transactions or financing, such as when a lender forces a homeowner to lose his or her real property in a foreclosure through acts of extrinsic fraud.

SCRPC Annotated (Rule 407) p. 7(SCRPC) “A Lawyers Responsibilities”:

“... 5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.”

United States Court of Appeals for the Sixth Circuit has delineated five (5) elements of conduct that constitute extrinsic fraud upon the Court:

1. "On the part of an officer of the Court"
2. "That is directed to the judicial machinery itself,"
3. "That is intentionally false, willfully blind to the truth, or is in reckless disregard for the truth;"
4. "That is a positive averment or is concealment when one is under a duty to disclose;"
5. "That deceives the Court."

SCRPC Rule 3.3.

“*Candor Towards the Tribunal*” “...in *Chewning v. Ford Motor Co.*, 354 S.C. 72, 579 S.E.2d 605 (2003), the court stated that the involvement of an attorney in suborning perjury or

intentionally concealing documents amounts to extrinsic rather than intrinsic fraud”: NOTE: Newton, then representing PAGI, wrote an email to Appellant citing this case and verifying that he KNEW – or should have known – about this extrinsic fraud.... yet did not expose it.

Rule 402 (k), Attorney Oath: (SCRPC p. 1, ll. 16-19):

"I will employ for the purpose of maintaining the causes confided to me only such means as are consistent with trust and honor and the principles of professionalism, and will never seek to mislead an opposing party, the Judge or Jury by a false statement of fact or law".

None of the Respondents disclosed before John Hood’s court the evidence that they held proving extrinsic fraud that Defendant / Appellant had suffered. Nor did Respondents attempt to present Laura Paton Esq.’s fifty-five (55) counts of fraud that they all had copies of, yet refused to expose, nor did they investigate same, which they had an obligation to do because PAGI had an “obligation to investigate and provide protection” on behalf of Defendant / Appellant, their insured.

Not in ANY of the cases wherein PAGI represented Defendant / Appellant did Respondent(s), even once disclose any of the fraud and Extrinsic Fraud that was perpetrated against this Appellant, although they were fully aware in each and every State and Federal Court. Their failure to execute their duty to the court to expose the underlying fraud and Extrinsic Fraud was a direct and proximal cause for the Defendant / now, Appellant, to have ever had “legal” and complete representation, leading to his “lost cases” which those attorneys now submit as a failure of this Appellant, when it was their own failure to execute their duties. In reality, those losses showcase Respondents’ failures to disclose the facts to the courts, once again.

Respondents continue their dishonesty against the courts and this Appellant to this day. Appellant paid thousands of dollars for this protective coverage from PAGI. All Respondents lie and paint fraudulent pictures of Appellant to protect *themselves* for *their corruption* and failure to uphold the rules of professionalism to which they swore a solemn oath.

Corruption and failure to disclose or report Extrinsic Fraud are actions by these lawyers, "officers of the Court," that justify their being disbarred and fully removed from practicing law via the guidelines cited in the South Carolina Rules of Professional Conduct 2016 Edition. That punitive action is required by S.C. R. P. C. along with other types of punishments including public exposure by the Supreme Court.

Appellant shall list various documents in the Designation of Matter and include them in the Record on Appeal to support and substantiate these facts. Appellant plans to keep this case simple and right to the heart of these issues. Appellant shall also quote rules of law that all Respondents have broken in order to hide their wrong doings that has destroyed the Defendant / Appellant. These officers of the Court must not be allowed to commit this type of fraud and Fraud Upon the Court in order to "win" for Insurance Conglomerates and defeat their insured in the State of South Carolina.

This current case is different for Defendant in that Defendant was sued by his insurance company, PAGI, causing Appellant to cross complaint the same. This Defendant / Appellant now has new orders that totally damage him for life. All of Respondents' filings are fraudulent and totally misrepresent this Appellant.

This case must be sent to a Jury in South Carolina for the Appellant can, without fail, prove to a jury the facts laid out within this document. Disclosure of all the facts will assure

this Appellant's victory and subsequent restitution for losses of time, money, and health; only a jury can remedy this situation.

Appellant prays that this new suit and orders can be reversed and remanded to the lower court for a Jury trial. Having one short hearing is not Justice. There is no ability for discovery. This case is far more complicated and needs a Jury. Respondents do not have an interest in discovery and investigations. Only a Jury Trial order will assure the truth is fully disclosed.

Appellant hereby attaches concrete proof that these lawyers "Sworn Officers of the Court" will lie. Appellant supplies just one of the many concrete lies told by Christian Stegmaier, Esq. in court:

Directed to Judge Robert Hood: (Quote from the transcript dated October 15, 2020, Columbia, S.C. in the Court of Common Pleas):

"Briefly in response. Number one, Mr. Hutson has a history of misrepresenting and misleading. On two occasions with regards to this action, Mr. Hutson sends two e-mails telling me how he had talked to the clerk of Court and that the judge had been assigned to this matter and that a hearing was imminent. That certainly wasn't the case." "I'm saying these things because they're illustrative of the way he operates." "I can forward the Court the e-mail." -- C. Stegmaier, Esq.

The real truth is attached hereto and will be listed on Designation of Documents and into the Record of Appeal:

--email conversation between Hutson and Clerk Althea.

--copies served to Stegmaier

--Record of service of same.

Proof of Delivery of Athena's scheduling update to Defendant Stegmaier/PAGI

Inbox



H Hutson <hutson4444@gmail.com>

Oct 18, 2020, 12:19 PM

to rhoodlc, Marci, Christian, bcc: Hutson

To the Honorable Judge Hood:

The attached verification of service showing that Stegmaier was *served* with Athena's notice and copies of Athena's emails are thereto attached.

In checking the court's records (on their website), it appears that my replacement copy for the "lost copy in the mail" had arrived, or was located by the court and recorded. The court apparently did not notice that when the *replacement copy* for "Defendants Answers to Plaintiffs' Fraudulent Complaint" was delivered to the court that there was this additional filing with it, so this filing with the information regarding Athena's emails was apparently not recorded. However, it was (in person) delivered on the date attested to (18th) and signed for at Penn America's Counsel's office. That service verification IS on the court record, and also provided to you herein

for your convenience.

I believe that a thorough search of the paper copies at the court will verify this.

I apologize, on behalf of the court, to Mr. Stegmaier, that the document was not scanned and entered, but trust he will see that his employee, Mary, at his front desk, did sign for that document when he reviews this attachment.

Therefore, Christian Stegmaier was provided the entire correspondence between myself and Athena at the Court, on paper copies and yet accused the Defendant of lying unjustly before your Honor.

Kindest regards,

M B Hutson

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
)
)
) Civil Action No. 2020-CP- 4003810
)
)
)

Penn America Insurance Company and
Global Indemnity Group, LLC,

Plaintiffs

vs.

Morris Beach Hutson a/k/a M. B. Hutson

Defendant

**DEFENDANTS ANSWERS TO
PLAINTIFFS'**

FRAUDULENT COMPLAINT

Second copy due to 'lost' in mail.

Morris Beach Hutson a/k/a M.B. Hutson

Defendant

vs.

Third Party Defendants:

Penn America Insurance Company,
Global Indemnity Group, LLC,
Timothy J. Newton, Esq.,
Murphy & Grantland, P.A., and
Christian Stegmaier, Esq.,
Collins & Lacy P.C.

COMES NOW Defendant who states the following:

1. On Sunday, the 6th day of September, Defendant placed in the U.S. Mail (blue mail boxes) copies to all parties and the court, "Defendants Answers to Plaintiffs ... Complaint" in the case cited above.

2. Today, September 17, 2020, Defendant checked the records only to discover that Plaintiff had filed an additional paper yesterday stating that Defendant had failed to file an answer to Plaintiff's complaint.

3. Not understanding why the court is not showing the mailed in Reply to the Complaint, Defendant has immediately rushed back over to Office Depot and got a second set of copies and is arranging to have that second set of "Defendant's Answer to Plaintiff's Complaint" hand served to the Court and Plaintiff in the morning. Please note that Plaintiff, Pro Se, has secured copies to verify to the court that the first set was sent to the printer services (3 pp. of verification attached thereto) in a gracious timely period. Defendant normally is very prompt and responsible for filing in a timely manner, never having had this problem before in his legal filings.

4. Also enclosed is a photograph of a mailing, also from Orangeburg, that, instead of being delivered, was returned to the sender eight MONTHS later... less than a year ago.

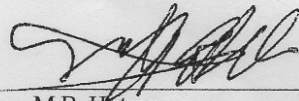
5. As a courtesy to the court and the Plaintiff, I am submitting a second copy, not knowing when the first set will show up, nor exactly when. I trust that the court will honor this second set as timely. Defendant pledges to notify the court immediately when the original set that was mailed in a timely manner, is received, and trust that the court will do likewise, should those papers not be returned to him, but reach their intended location.

6. A notice will be filed at the Post Office on their next day of business for the missing documents.

Defendant prays that the court will:

1. Defendant Hutson asks that the court will rule favorably in his behalf and receive the enclosed duplicate of Defendants Answers to Plaintiffs Fraudulent Complaint with photographs of verification that the work was originally completed on a timely basis, as being "filed timely" due to circumstances beyond his control.

Respectfully Submitted on this 17th day of September, 2020.



M.B. Hutson
P.O. Box 2755
Orangeburg, South Carolina 29116-2755
Telephone: (803) 308-2714

Copies will be served on September 18th, 2020, to:

Christian Stegmaier, Esq.
For Penn-America and Global Indemnity Group LLC
Collins & Lacy P.C.
1330 Lady Street
Columbia, SC

Please Note:

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

SERVICE VERIFICATION

(# 2020-CP-4003810)

Resubmittal of
Defendant's Answer to Plaintiff's Complaint

RECEIVED
2020 SEP 25 PM 4:28
JAMES E. W. WOODSIDE
CLERK OF COURT

has been served:

To Penn America Insurance Company and Global Indemnity Insurance Company at
The Law Office of Collins and Lacy P.C to Christian Stegmaier, Esq., attorney of record.

1330 Lady Street, 6th Floor, Columbia, SC

Phone: (803) 256 2660

Received by: M. Shure Time 9:30

Kindly Print: _____

On Friday, September 18, 2020.

Server: [Signature] (sign)



Mr. H <hmr226621@gmail.com>

Thu, Nov 12, 2020, 5:21 PM

----- Forwarded message -----

From: **Mr. H** <hmr226621@gmail.com>

Date: Thursday, November 12, 2020

Subject:

To: Rhoddlc@sccourts.org, Christian Penn Amer
<cstegmaier@collinsandlacy.com>, "Tim J. Newton"
<tnewton@murphygrantland.com>

To. The Honorable Judge Hood:

Re: Penn America/Global Indemnity vs. Morris Hutson (Case Number 2020-cp-400-3810.

Recently, I, Defendant, asked for clarification regarding the hearing on October 15, 2020, at approximately 9:00 in the morning (Case # cited above). You may recall that those present were Christian Stegmaier as attorney representing the Plaintiff, John Grantland and Timothy Newton were present as third party Defendants and formerly lawyers who had represented Plaintiff against Hutson, who was that day representing himself as Pro SE.

Additional clarification/facts regarding that hearing.

1. Your Honor ruled I was not to file anything until a decision from the Appellant Court (even though we were in the Common Pleas Court) had been issued, of which I believe I will be sent to a jury trial.
2. Your Honor stated twice in open court that he would put either side in jail should he find that they were lying and looked over to the lawyers reminding them "they know I will". Then, Christian Stegmaier stood before Your Honor and stated that I had drummed up a lie stating that I had contacted him indicating that the Common

Pleas Court Clerk had set down the hearing on a certain date and that a judge had been assigned to hear the case. (NOTE: Prior to that hearing, I had collected the emails between the Clerk and myself and served Stegmaier with those copies at his office for verification. His receptionist signed as receiving that service and that service verification was filed with the court.) I took that action in response to Stegmaier, who, by email, stated that he had checked and that I was misrepresenting that information to him, After the hearing, I copied the entire email to your office showing that, in fact, Stegmaier had been fully informed prior to the hearing and was fabricating facts to Your Honor for the purpose of trying to make me out to be a liar, which was not truthful and only his attempt to discredit me. You may recall that I objected, cited the name of the Common Pleas Court Clerk (partially -- which you recognized and completed), and stated that I had served Stegmaier the entire communications and he was fully aware of the truth. This is extrinsic fraud: when a lawyer, such as Stegmaier did, fabricates lies against a defendant to intentionally thwart Justice. In addition, this is also perjury and deception against the Honorable Court and the Honorable Judge Hood. I remind Your Honor that we are talking about officers of the court who are sworn in by the Supreme Court.

3. The entire proceedings for application of injunction against me (defendant) were fraudulent, being full of extrinsic fraud. I simply ask for clarification: How can a sworn attorney (under Rule 407) intentionally lie to Your Honor, after you had openly warned the lawyers that they better not lie to you or face jail? To my knowledge, Stegmaier has faced no jail, nor consequence. How can this happen?

Am I allowed to file for reconsideration?
Am I allowed to appeal for Clarification?
Where is justice?

What am I to do in this situation?
Go to the Tribunal?

--

Hutsen
803-308-2714

Respectfully submitted on January 26, 2021.

January 26, 2021

A handwritten signature in black ink, appearing to read 'M B Hutson', is written over a horizontal line.

M B Hutson, Pro Se
Post Office Box 2755
Orangeburg, S.C. 29116-2755
(803) 308 – 2714; hutson4444@gmail.com

Proof of Service Attached to this e-mail.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Jan 26 2021

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge Robert Hood, Fifth Circuit Judge

Case No. 20020-CP-400-3810

Appellate # 2020-001708

Morris Hutson

Defendant/Appellant

v.

Penn America Insurance
Company & Global Indemnity
Group, LLC

Plaintiff/Respondent

PROOF OF SERVICE

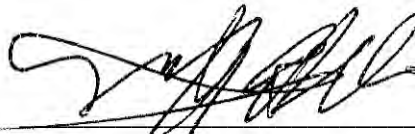
I certify that I have electronically served the **Appellant's "Initial Brief"** to the Appellate Court to meet the guidelines for filing during the coronavirus pandemic and also electronically to all parties listed on the Notice of Appeal: (1) Collins and Lacy's Christian Stegmaier, Esq. & Laura Baer, Esq.; (2) Murphy Grantland's: John Grantland, Esq., JR Murphy, Esq., and Timothy J Newton, Esq.:

cstegmaier@collinsandlacy.com; lbaer@collinsandlacy.com;

jgrantland@murphygrantland.com; jrmurphy@murphygrantland.com;

tnewton@murphygrantland.com.

January 26, 2021



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