

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Mar 31 2021

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case # 2020-001708
Case No. 2018-CP-40-03810

Penn America Ins. Co. & Global Indemnity Group, Inc., Plaintiff/Counter-Defendants,

v.

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

AND

Morris Beach Hutson a/k/a/ M.B. Hutson, Third Party Plaintiff,

v.

Timothy J. Newton, Esq.; & John Robert Murphy, Esq.; Murphy & Grantland, P.A.;
Christian Stegmaier, Esq.; and Collins & Lacy, P. C.,
Third-Party Defendants,

of whom Morris Hutson is the Appellant,

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

APPELLATE'S response to "RESPONDENTS PENN AMERICA
INSURANCE COMPANY, GLOBAL INDEMNITY GROUP, INC.,
CHRISTIAN STEGMAIER, ESQ., AND COLLINS & LACY P.C.'S MOTION
TO STRIKE APPELLANT'S "MEMORANDUM" FILED MARCH 5, 2021,
APPELLANT'S "NOTICE" FILED MARCH 8, 2021, AND APPELLANT'S
"REPLY BRIEF" FILED MARCH 10, 2021, AND REQUEST FOR
SANCTIONS

Comes now Appellant who states the following:

1. A lawyer who is not licensed cannot practice law in the State of South Carolina.

2. Penn America/Global Indemnity's lawyer(s) who perpetrate fraud against Appellant or fraud upon the Appellant Court cannot be allowed to practice law in *any* Court in South Carolina.

3. Any attorney representing PAGI should not be allowed to file any papers, documents, written statements, motions, reply brief, cite any cases of law nor be recognized by the Honorable Court since perpetrating fraud against Appellant or the Honorable Appellant Court is against the law and can corrupt the heartbeat of Justice. Such extrinsic fraud and fraud against the Appellant tilts the scales of justice totally in favor of the perpetrator.

4. The Legal Department of Penn America Insurance Company and Global Indemnity Insurance Company (hereinafter PAGI), insurers of Appellant Hutson, and their South Carolina attorneys:

(A) Christian Stegmaier, Esq. (Collins & Lacy, P.C.), and

(B) Timothy J. Newton, Esq., John Grantland, Esq. and J.R. Murphy, Esq. (Murphy Grantland, P.A.),

CANNOT TAKE THE POSITION individually and / or corporately, in WORD or WRITING, that they did not know about the fraud against Hutson and the Extrinsic Fraud Upon the Courts enacted upon the Courts, which was underlying

these cases of which they each had all the documents and filings (made by TLC Holdings, LLC's attorneys) at:

1. Turner Padget Graham and Laney of Charleston, S.C., and
2. Thomas Harper, Esq. at Womble Carlyle Sandridge and Rice .

All attorneys concealed their knowledge of this fraud against Hutson and upon the Honorable Courts.

5. Attorney Laura Parton (hired by Defendants PAGI) investigated and cited in writing some (77) counts of fraud perpetrated by TLC's attorneys grossly tilting the scales of justice in their favor which directly caused Hutson to lose all of his cases since the extrinsic fraud upon the courts prevented Hutson from being properly heard and effectively presenting his cases.

6. Once Hutson discovered that PAGI and their attorneys were continuing the fraud and extrinsic fraud upon the Courts, Hutson filed suit against all Respondents. The only defense that PAGI's attorneys had was to take the position that the reason for Hutson losing all of his cases was due to "*frivolous filings*" by Hutson. They fail to mention that their own attorney, Frank Gordon, Esq. did not contest one of those "lost cases" which *they accuse Hutson for losing*. Gordon collaborated with TLC Holdings, LLC and their attorneys and even Plaintiff Timothy Newton, Esq., who slipped in prior to the jury trial and met with all parties and the judge ex-parte prior to the opening of that session, in which Attorney Gordon thereafter, did no serious questioning. The result was a quick \$3.5M judgment against Hutson.

7. All of PAGI's attorneys should lose their licenses due to engaging in the collaborated extrinsic fraud.

8. Hutson REMINDS the Honorable Appeals Court that all lawyers are required and obligated to report fraud and conspiracy to the Tribunal by law and by some fifty (50) South Carolina Rules of Professional Conduct (2016 Edition). FURTHERMORE, NOT ONLY DID NONE OF THEM REPORT IT-- – they collaborated with the fraud. NO LAWYER -- None of TLC's LAWYERS (from the two Charleston Firms noted above), NOR PAGI's ATTORNEYS (the two Columbia Firms in this Suit) HAVE EVER REPORTED THE FRAUD UPON THE COURTS NOR THE TRUE REASON WHY THIS APPELLANT LOST ALL OF HIS CASES, Instead, PAGI'S ATTORNEYS use Appellant's loses as a cornerstone for them to hide behind to prevent their losing their Professional Licenses to practice law due to not reporting as they were required to.

9. In Appellant's initial brief Hutson cites some (95) laws and fraud perpetrated by TLC Holdings' Charleston attorneys and PAGI's Columbia, S.C. attorneys. Had PAGI's attorneys reported the extrinsic fraud to the Tribunal as required, Appellant would have, and could have *won all cases* and collected millions of dollars against TLC Holdings, LLC and their lawyers, as well as ,PAGI and their lawyers. Due to the lack of their legally and professionally executing their duties and oath to the state of South Carolina, via reporting the crimes in the court, Appellant has now become indigent and does rightfully and truthfully refer to those attorneys as liars and thieves for stealing Appellant's ability to have had fair trials and justice.

AN EXAMPLE OF EXTRINSIC FRAUD UPON THE COURT:

1. A police officer is standing at an intersection watching traffic.

2. A citizen approaches the officer asking for directions.
3. All of a sudden, a deranged man steps off a bus and starts shooting at the officer and the citizen.
4. The citizen, who happens to be legally armed, and notices that the officer does not respond, jerks out his pistol in self defense, shooting the deranged shooter, killing him.
5. Since the officer is required to write up a police report, he takes out his pad and writes that "Citizen shot and killed man exiting the bus," but intentionally leaves out the crucial facts/evidence that Citizen was defending himself (self-defense) because the officer on the scene failed to draw and stop the initial shooter, thereby the officer was protecting his own indiscretion and failure to act.

How could that Appellant get a fair trial????

10. The 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."

11. These attorneys have committed all counts by refusing to report the initial fraud upon the court(s) via conspiracy, as well as the following professional guidelines:

12. **South Carolina Rule 3.3. Candor Towards the Tribunal:** "One who intentionally conceals critical evidence for the sole purpose of self preservation at the cost of disgracing, deceiving, plotting and defrauding the Honorable Court, is creating Extrinsic fraud upon the court".

13. **Rule 402 K, Attorney Oath:** "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."

NOTE: "The trial court has the inherent authority, within the exercise of sound judicial discretion, to dismiss an action when a plaintiff has perpetrated a fraud on the court, or where a party refuses to comply with court orders". Kornblum v. Schneider, 609So. 2d 138, 139 (Fla. 4th DCA 1992)

THEREFORE, APPELLANT Prays for the following:

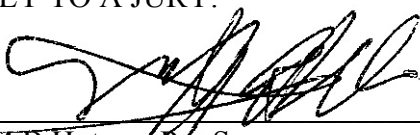
1. The Court refuse to allow Respondents any right to defend/represent themselves in this case by sending this case straight to a jury.
2. Throw out the dishonest lawyers and send this case directly to a Jury.
3. Allow all papers that Appellant has filed proving the fraud upon the court to remain a part of the court record.
4. Rule that all these attorneys' filings are cloaked with fraud.

5. Rule that NO Respondent has never responded to nor proved that they have exercised their duty and reported the fraud upon the courts to the Tribunal nor to this Honorable Appeals Court, as required by law.
6. Rule that the Respondents have never presented any evidence that they executed their duty which was to report the Extrinsic Fraud as required by law.
7. Never allow sanctions against this Appellant, who is trying to fight for his rights as a citizen, restoration of his life and the possibility of a healthy future.
8. Rule that these Respondents' intentional lack of reporting and conspiring with the authors of the extrinsic fraud upon the courts , has caused Appellant severe damages for which restitution is necessary by way of a jury.
9. Leave the copy of Appellant's suit against Judge Robert E. Hood in place and active due to Hood's intentional lack to reprimanding PAGI's attorneys for Extrinsic Fraud and conspiracy since he had all the filed evidence.

Furthermore, as, Hood intentionally misquoted the law during the hearing (on transcript) right after stating that he complied with all South Carolina Canon rules. Appellant had quoted prior to Hood's statements the Canon rules of law and had cited the same in all of his filings prior to the hearing of which will now become part of this appeal, yet Hood ignore the actual wording of the Canon law by intentionally twisting the written law in favor of his fellow attorneys / Respondents. The Canon law is crystal clear.
10. Consider this interchange from the Transcript between "The Court" (Judge Hood) and Hutson on October 15, 2020: (Transcript page 38, ll.1-19 entered herein as page 7-B:

11. Recognize and reward this Appellant with a favorable Order due to the total dishonesty of these Respondents by immediately sending this case to a jury. It is unthinkable that this Appellant is having to deal with unscrupulous “attorneys of law” in America today, while they intentionally attempt to corrupt this Court and Judges for the purpose of bringing additional harm to this Appellant for their own self-benefit and the benefit of the unlawful actions of their professional counterparts and former law school associates to aid their clients, PAGI.
12. Allow the copy of the suit against Hood to stay due to the fact that it is directly associated with this entire corruption that Respondents are actively involved in for this is the reason that PAGI’s attorneys want this removed for it lays out again the actual facts of fraud and conspiracy. Removing Hood’s suit would allow the PAGI attorneys to better hide with less illegal exposure.
13. Do not allow any part of Appellant’s filings to be stricken since all PAGI attorneys have unclean hands and are attempting to deceive the Honorable Appeals Court. These attorneys are merely attempting to benefit through their unethical practice of law in an attempt to protect their employer/insurance company. The media broadcasts numerous warnings daily for the public to NEVER trust an insurance company nor their attorneys. This is one example as to “Why.”
14. SEND THIS CASE DIRECTLY TO A JURY.

March 31, 2021



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