

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jun 01 2021

SC 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.

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SC Court of Appeals

APPELLANT'S RESPONSE TO (TIMOTHY NEWTON AND J.R. MURPHY)
RESPONDENTS' INITIAL BRIEF

Comes now the Appellant who responds to Respondents Tim Newton and JR
Murphy's Initial Brief as follows:

1. Respondents acted as the "Servant" for their master, Penn America / Global, et. al., assisting and conducting fraud against Appellant and the Courts and all Judges in that they did not report their knowledge of the underlying,

existing, extrinsic fraud causing Appellant the lack of defense and the inability to have his cases heard creating millions of dollars in damage to the insured / Appellant.

2. Respondents were aware that extrinsic fraud existed based on case paper work, documents, and this Appellant's existing contracts. Respondent Timothy Newton, Esq., of Murphy and Grantland, representing and "serving" Penn America Insurance Company, et. al., wrote a 16 paragraph letter to this Appellant, prior to any settlement. Newton's letter was submitted in the lower court as Exhibit 4.1-4.3. This communication, received directly via e-mail from Respondent Newton clearly states their identification of extrinsic fraud underlying the case being defended to the extent of citing case law supporting Respondents' grasp thereof and providing evidence that they had researched that concept and found it valid, stating in # 16 on page 4.2 of the lower court Exhibit:

"16. It's hard to see why TLC and its lawyers should not have, in good faith, simply told you (and the court) that the Big Water Resort property was undevelopable because it was already obligated to double lifetime memberships as a private club. It appears that could easily have averted the entire fiasco. Since attorneys were involved, and it resulted in your inability to present your case in court, and possibly led to the sanctions order and judgment against you, there might possibly be extrinsic fraud on the court to support setting aside the Consent Order. See Chewning v. Ford Motor Co., 354 S.C. 72, 579 S. C. 2d 605 (2003.)

Respondents offered additional case law supporting the extrinsic fraud in the same letter (Items #4 and #5) even though Respondents represented only Penn America and Global.

3. Respondent's wrote the 16 paragraph letter voluntarily to bring Appellant's attention to the fact that extrinsic fraud existed, yet they never reported

such to the courts... *even though* they had a legal obligation to do so as outlined in Appellant's initial brief.

4. In an attempt to protect *themselves* from liability due to their wrongful fraudulent actions, Respondent's now attempt to confuse the honorable Appellate Court and Judges by throwing blame on Appellant for not having a solid case. Respondents are conducting their defense knowing that this Appeals Court and the Judges are being deceived. Respondents (officers or the Court) are concealing facts which create extrinsic fraud before this Court and Judges. This is criminally wrong. All submittals presented by these Respondents / Officers of the Court are invalid due to the intentional concealment as to the facts which caused Appellate to lose since his case could not be heard and since the Courts and Judges never understood the extrinsic fraud that continued and still continues. Appellant firmly states, and would swear under oath, that once Appellant informed Tim Newton, a duly sworn in officer of the Court, that he intended to mail a copy of Newton's letter to the insurance company, Respondent Newton called Appellant and pleaded that he not do so, saying, "...it would be throwing me under the bus," and would cause him great trouble. Respondent Newton then threatened to sue Appellant should Newton's letter be made public. Respondent Newton even stated that, "I thought you were a Christian, but I find that you are not".

5. Attorneys have a moral and professional obligation to be truthful to the Honorable Courts. Furthermore, attorneys, as officers of the Court, are barred from presenting deceptive and misleading pleadings in order to cloak their wrongdoings and in an attempt to avoid responsibility. Yet, that is precisely what they are currently doing to this Appellant; they are continuing to victimize this Appellant.


6. Respondents proceeded to Mediation later in 2018. Appellant wrote and emailed a letter on Tuesday, October 23, 2018, sending copies to Attorneys Bill Lyles (Court Appointed Mediator), Newton (Respondent), and Betty Templeton (then attorney for the Insurance companies) et. al., putting all parties on notice that the Settlement Agreement underlying the mediation case being heard by him (Lyles) was researched by these Respondent's and fraud and co-extrinsic fraud were identified. This evidence was submitted to the lower court: Exhibit 20 (3 pp).

7. All Respondent's were fully aware that Appellant would be severely damaged if the extrinsic fraud was not stopped by way of a proper defense and proper notice to the Honorable Courts of its existence. All Respondents were fully aware that the extrinsic fraud was against the Court and Judges and was preventing any justice to the insured victim / this Appellant.

8. Appellant is confident that the Appellate Court and Judges also fully recognize the seriousness of deceiving Honorable Courts and Judges especially since Respondents are officers of the Court and expected to conduct themselves with the highest integrity, truthfulness, and respect for the laws of the land. These Respondents had all contracts and fully understood the extrinsic fraud. Timothy Newton's sixteen (16) paragraph letter which Newton emailed to this Appellant in August of 2018, and which this appellant then emailed to Penn America, et.al., and also filed in the court system, irrefutably proves this Appellant's clear allegations. Now Respondents are carrying this behavior into the Honorable Appellate Court, now attempting to involve the Appellate Court Judges. This is criminally unacceptable.

9. Appellant asks that this Honorable Court and Judges rule in Appellant's favor and send this case to a Jury for trial. Officers of the Court should NEVER be allowed to slip out of a noose which they intentionally placed themselves in to harm an Appellant.

April 22, 2020

A handwritten signature in black ink, appearing to read 'M B Hutson', is written over a horizontal line. A long, sweeping horizontal line extends from the end of the signature across the top right of the page.

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