

Clerk of Court Jenny Abbott Kitchings
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

April 10, 2013

RE: Blue Ridge Electrical Coop, Inc. vs. Kathleen Gresham and J. S. Gresham
CA no. 2008-CP-23-5245 SC Court of Appeals

Dear Ms. Kitchings,

I thought I better once again follow up in the above matter especially in light of Judge Lawton McIntosh's letter to you I have just received dated 1 April. The letter seems to indicate that I disregarded the meeting the Judge set up to once again put together the small part of the trial record that were mysteriously and unusually destroyed or missing. (I might note once again here that I have repeatedly asked and written for an investigation into this most suspicious matter without reply from anyone in authority at the court or in the court administration about this transgression). This matter, wrongly brought in the first place and without even a prima facie case of truth and factuality, existed in the court system and in discovery for over three years before the three-day jury trial. As your records will reflect, the jury promptly found in Defendant's (my) favor and against the Plaintiffs on the complaint and in the counterclaim. It is clear that the Plaintiffs seek to have the case tried again some half dozen years-plus later, as they lost. All evidence was available, all witnesses were available, and all facts were available at the initial trial. I was led to believe until months ago that much of the transcript was destroyed but in actuality, a relatively small portion is apparently suspiciously missing and that includes my testimony. I have painstakingly prepared a good summary of my testimony and submitted it to the trial court, and I take it, he to you, last fall, 2012. I have noticed you of this in my last correspondence to you several months ago.

My husband has been through two surgeries recently and that matter has obviously taken my full attention and care. We have put our lives on hold for many years while this matter dragged on in the court often due to schedule problems of Plaintiffs. The testimony I submitted is final and the only other witness was a reply witness of mine after Plaintiffs presented reply testimony from one of their employees regarding guy wires on my property that my reply witness and my testimony, refuted. I have owned and used my property in excess of 26 years and certainly know my property lines. Blue Ridge was in error then and they are in error now as the jury found in ruling unanimously and in short order that Blue Ridge had trespassed on my property, which is still on-going.

I could not abandon my husband and family responsibilities again for this matter which never seems to end and is wrongly pushed by Plaintiffs, now and in the beginning when they instituted this action to allegedly collect on a "bad account" when it was paid in full, completely, immediately, each and every month for 26-plus years. The bills were paid promptly and according to their prepared, published and mailed bills to me each month during the period they alleged a bad account. Their own CEO whom I subpoenaed for trial, even admitted under oath that I was an excellent customer and that the bills were

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paid in a timely fashion. This is what started the lawsuit and wrongly so, for there never was a bad account or money owing. Even the judge at lawsuit commencement in admonished me to "pay my d--- bill," before he had heard any testimony or the first witness, pre-judged the case and wrongly so, causing my family much continued anguish, money, and time. I handled the matter pro se due to the large fees for professional representation as we had only the truth to relate. We do not have unlimited pockets to pay Plaintiff's counsel with excessive hourly billings and costs that must come from electrical cooperative members of which I am a member in good standing of many years duration. It is my guess that Plaintiff's have spent in excess of \$200,000 on this matter at the least. I have asked their counsel this question many times both verbally, in person and in writing to be told that I was not entitled to this information even if under the freedom of information act or any other reason. Surely, this Court, in its duty to protect the citizens of this state, should inquire into this matter of money spent by Plaintiffs and not turn its head. It is, in fact, a tragedy that this case was even brought in the first place. It is yet another tragedy for it to be represented to the Court of Appeals that I have somehow dragged my feet for we have grave health matters in my family that take preference over this sham of a matter wrongly brought in the first place. The Greenville Clerk of Court questioned my elderly parents, ages 85 and 90, shortly after this March 11th meeting when I was busy with the hospitalization of my husband. I do not feel that is appropriate and feel involving my elderly parents was not professional or appropriate.

The Plaintiffs may not agree with the record I submitted but it is not theirs to change. Their notes were apparently scant while mine were more detailed as I even submitted to you the actual copies of the jury charge made by the judge that he copied to each of us at trial, shortly before he gave them, but no one, including the judge, provided them to you but me. I am ready to proceed with the record submitted and which we can supplement in this most bizarre case, in brief preparation. Witnesses in this matter have long dispersed or left while we have most of the transcript in place with our respective notes, exhibits, and recollections to support our positions. I know that Plaintiffs have now abandoned the 'bad account' theory that brought them to this lengthy trial/court process. Clearly, they have taken that step because the evidence even with their own witnesses was simply not there and never was there. They had no case. Period. They should be sanctioned as I repeatedly sought.

I have presented a settlement possibility to them at their repeated request, never having received one from them and even though we, the Defendants, were victorious with the unanimous and swift jury verdict. I can do no more. The Plaintiffs are simply not eager to end this matter due to a lucrative fee arrangement at electrical coop's detriment. In fact, additional lawyers to battle me have been added and their fees added to the poor coop's monetary obligations. My power bill was been raised and I view every action of Plaintiffs at this point as suspicious.

I will be tied up, as earlier noticed you, until summer with date unclear as my husband, which I do not feel I am compelled to report to you as these are private medical matters, despite inquiry from the Clerk of Greenville Court and others, faces a series of serious medical issues as did/do I. I provided medical statements.

I am ready to proceed without more administrative type meetings, as I am sure the Court will understand a more relaxed process given the highly unusual issue of a small portion of the missing record. Justice demands adherence to the unanimous jury verdict from this three-day trial, with very competent, skilled attorneys for Plaintiff who engaged extensively in pretrial discovery, engaged in mediation at large costs to us, and prevailed against my repeated motions for dismissal and sanctions. Plaintiffs would not even dismiss my husband as a party even though their own witnesses finally admitted on the witness stand in sworn testimony upon my questioning, that my husband had never been a member of Blue Ridge Electrical Coop. and should never have been a party to this action. Yet, for years, they asserted to the Court that he was a member and that he was properly a party to their action, costing my poor husband days and days off from work at our expense, senseless stress which we believe worsened his health conditions, and damaged his reputation as alleging he was of a 'bad account,' when all along, it was paid in full, each and every month as Plaintiffs billed it.

This jury heard the evidence, evaluated the witnesses, all testimony, all exhibits, asked questions, heard the charge from the Judge that I supplied to you in copy and rendered their verdict. I was cut off by the trial judge as to punitive damages long pled, at the last portion of the trial which the jury did not hear as they were prohibited by the trial judge despite my objections. The jury returned a verdict against the Plaintiffs in all particulars of what they were allowed to decide.

I hope this is helpful as we are most frustrated with this never-ending saga of a matter that should never have been a court case in the first place. We want to go on with our lives with whatever time we have left and without the continued harassment of our electrical cooperative.

Yours truly,



Kathleen Gresham (as captioned in comp.)

Pro se

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