

**RECEIVED**

DEC 01 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  
Civil Action Case No. 2018-CP-40-06344

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' RETURN TO  
APPELLANT'S MOTION TO REINSTATE HIS APPEAL**

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondents Penn America Insurance Company and Global Indemnity Group, Inc. ("Respondents PAIC"), Timothy J. Newton ("Newton") and J.R. Murphy ("Murphy") (collectively "Respondents"), hereby respond to Appellant M.B. Hutson's Motion to reinstate this appeal. For the reasons set forth below, Hutson's Motion should be denied.

## ARGUMENT

This appeal was dismissed by Order filed November 10, 2021. The ground for dismissal was Hutson's non-compliance with the South Carolina Appellant Court Rules and this Court's Orders of May 5, 2021 and July 15, 2021.

The standard for reinstatement is good cause shown. Rule 260(a), SCACR. Hutson's stated ground for good cause is his subjective confusion. This Court's directives have not been confusing—Hutson has simply failed to follow this Court's instructions. Violation of court orders does not establish good cause.

### **I. Good cause has not been shown for reinstatement.**

By Order dated March 11, 2021, Hutson was directed to do one thing, and one thing only: divide the Record on Appeal (ROA) he filed on February 22, 2021 into volumes not exceeding 500 double-sided pages. Hutson has been instructed repeatedly not to make any other changes.

Respondents objected to both substantive modifications and pagination to Hutson's updated ROA in their Third Joint Motion for Correction and Clarification of the Record on Appeal filed March 31, 2021. This Court granted that motion by Order filed May 5, 2021. This Court specifically instructed Hutson to file a ROA "that includes the content and pagination of the previously-filed February 22, 2021 record on appeal and February 26, 2021 appendix." This Court further directed that "[t]he pagination and content of this record shall remain identical to the February filings." This is not a difficult command to follow.

Respondents again objected to Hutson's subsequent iteration of the ROA in their Fourth Joint Motion for Correction and Clarification of the Record on Appeal filed June 11, 2021. This Court granted that Motion by Order filed July 15, 2021 and again instructed Hutson to file a

ROA “with the proper pagination and content that matches the February 22, 2021 record on appeal.”

On July 23, 2021, Hutson filed a letter expressing confusion about the ROA. Responding to that letter, Respondent Newton sent this Court and all parties a copy of Volume II and pointed out that all Hutson needed to do was to correct approximately 30 pages that were inaccurate in Volume III. (Newton e-mail filed July 26, 2021.) Hutson did not make either of those corrections.

On August 25, 2021, this Court advised Hutson that if he needed clarification, he needed to file a motion. This Court warned Hutson that he “must comply with this Court’s order dated July 15, 2021 within ten (10) days of the date of this letter or this appeal will be dismissed.”

Hutson has never complied with these Orders. On the date the ten-day deadline was set to expire, Hutson instead filed a motion claiming he needed clarification due to errors committed by Respondent Newton. (Appellant’s Mot. Regarding Order Dated Aug. 25, 2021.)

In response, Respondents once again provided Hutson with a road map for success with respect to the ROA. The content and pagination of both the ROA itself and its index have already been set by prior orders. Hutson merely needed to file Volume II and correct the deficiency identified in Volume III. These are the same issues that were raised in Respondents’ Fourth Motion, which this Court granted on July 15, 2021.

On November 10, 2021, this Court dismissed this appeal. Hutson’s request for reinstatement fails to establish good cause. Hutson has dragged out this appeal for over eight months by simply disregarding court orders.

**II. Hutson's proffered ROA does not comply with this Court's Orders.**

Even if good cause is found for reinstatement of this appeal, Hutson's motion should be denied because his proposed ROA fails to comply with this Court's prior Orders. The ROA he filed with his motion once again contains both substantive modifications and changes in pagination. Page 934-A in Volume II contains highlighting and an extraneous comment, "Removed for redundancy view on page 189," that are not in the February 22, 2021 ROA. Additionally, the pagination has been changed. The page numbers should be continuous from page 929 to page 960. The use of letters in the pagination is prejudicial because these pages have been cited in Respondent Newton and Murphy's initial brief. This Court has previously ruled that "Respondents need not file any amended final briefs." (Order filed May 5, 2021.) Even in seeking reinstatement, Hutson continues to flout this Court's Orders.

**III. Reinstatement is unwarranted due to undue delay and expense.**

Respondents also object based upon undue delay and expense. *Pro se* litigants are entitled to their day in court. However, Hutson has repeatedly filed versions of the ROA that contain substantive modifications. Every time he does so, Respondents must carefully review each page and compare it to the February 22, 2021 ROA to ensure that no changes have been made. By filing his proposed ROA with his motion, Hutson once again obliged Respondents to undertake that exhausting task. If this Court grants Hutson's motion for reinstatement, it should reject the ROA filed with the motion and again direct Hutson to comply with this Court's Orders.

**CONCLUSION**

What this Court has directed Hutson to do is not complicated or difficult. Hutson simply refuses to do it. As of this date, he still has not complied with any of this Court's Orders since March 11, 2021. For the above reasons, Hutson's motion for reinstatement should be denied.

Respectfully submitted,

s/Christian Stegmaier (with permission)

CHRISTIAN STEGMAIER

S.C. Bar No. 68648

cstegmaier@collinsandlacy.com

LAURA R. BAER

S.C. Bar No. 101076

lbaer@collinsandlacy.com

COLLINS & LACY, P.C.

1330 Lady Street, Sixth Floor

P.O. Box 12487

Columbia, SC 29211

(803) 255-0404 (phone)

(803) 771-4484 (fax)

ATTORNEYS FOR RESPONDENTS PENN AMERICA

INSURANCE COMPANY AND GLOBAL INDEMNITY

GROUP, INC.

s/John R. Murphy (with permission)

JOHN R. MURPHY, ESQUIRE

S.C. Bar No. 7941

jrmurphy@murphygrantland.com

Post Office Box 6648

Columbia, SC 29260

(803) 782-4100

*PRO SE* RESPONDENT

s/Timothy J. Newton

TIMOTHY J. NEWTON, ESQUIRE

S.C. Bar No. 71640

tnewton@murphygrantland.com

Post Office Box 6648

Columbia, SC 29260

(803) 782-4100

*PRO SE* RESPONDENT

Columbia, South Carolina  
Dated: November 29, 2021

**CERTIFICATE OF SERVICE**

I, the undersigned, attorney for Respondents Timothy J. Newton and J.R. Murphy, do hereby certify that I have this date served the foregoing **RESPONDENTS' RETURN TO APPELLANT'S MOTION TO REINSTATE HIS APPEAL** by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, and via electronic mail, addressed to the following:

MB Hutson/MB Hudson  
1545 Biltmore Street  
Orangeburg, SC 29115  
[hutson4444@gmail.com](mailto:hutson4444@gmail.com)  
[Hmr226621@gmail.com](mailto:Hmr226621@gmail.com)  
*Pro Se Appellant*

**RECEIVED**

DEC 01 2021

SC Court of Appeals

s/John R. Murphy (with permission)  
JOHN R. MURPHY, ESQUIRE  
S.C. Bar No. 7941  
[jrmurphy@murphygrantland.com](mailto:jrmurphy@murphygrantland.com)  
Post Office Box 6648  
Columbia, SC 29260  
(803) 782-4100  
*PRO SE RESPONDENT*

s/Timothy J. Newton  
TIMOTHY J. NEWTON, ESQUIRE  
S.C. Bar No. 71640  
[tnewton@murphygrantland.com](mailto:tnewton@murphygrantland.com)  
Post Office Box 6648  
Columbia, SC 29260  
(803) 782-4100  
*PRO SE RESPONDENT*

Dated: November 29, 2021

Murphy & Grantland, P.A.  
Post Office Box 6648  
Columbia, SC 29260

COLUMBIA  
SC 29260  
29 NOV 21  
PM 4 L

NEOPOST FIRST-CLASS MAIL

11/29/2021

US POSTAGE \$000.73<sup>00</sup>



ZIP 29206  
041M11469159

Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**

DEC 01 2021

**SC Court of Appeals**

29201-076999

