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Dec 10 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Appellate Case No. 2020-001708
Civil Action Case No. 2020-CP-40-03810

Penn America Insurance Company and Global Indemnity Group, LLC,

Plaintiff/Counter-Defendants,

v.

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

Defendant/Counter-Plaintiff,

AND

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

Third-Party Plaintiff,

v.

Timothy J. Newton, 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; Timothy J. Newton, Esq.;
Murphy & Grantland, P.A.; Christian Stegmaier, Esq.; and Collins & Lacy P.C. are the
Respondents.

**RESPONDENTS' REPLY TO APPELLANT HUTSON'S RETURN TO ITS FIRST
MOTION FOR CORRECTION OF THE RECORD ON APPEAL
AND REQUEST FOR ABEYANCE OF FINAL BRIEFING DEADLINES**

Respondents filed a joint motion for an Order directing correction of the Record on Appeal on November 8, 2021. Appellant Hutson filed an untimely Return to the motion on December 6, 2021.¹ This Reply to the Return follows.

For the reasons more fully outlined in its Motion, Respondents requested that a new Index, prepared by Respondents and attached as Exhibit A to the Motion, be substituted by the Clerk on Volumes One through Five of the Record on Appeal filed with this Court on October 29, 2021. To the extent the Clerk cannot make the substitution and submission of new PDF copies is required, Respondents requested that Respondents be permitted to make those submissions. This request was made in an effort to eliminate the possibility of further alterations by Appellant Hutson that could result in the expenditure of more time and resources on the part of Respondents and the Court.

Respondents further requested that Appellant be directed to prepare Volume Six of the Record of Appeal, to be accompanied by the Index attached as Exhibit A to the Motion and to include all and only the content for Volume Six outlined in the Index. Specifically, Volume Six should include the following:

| | |
|--|------|
| Form 4 Order, entered Feb. 17, 2021 (complete) | 2070 |
| EXHIBIT TO Newton and Murphy & Grantland’s Motion to Dismiss, or in the alternative, Motion for Summary Judgment, filed Sept. 15, 2020: Exh. 7: E-mail dated Nov. 11, 2010 re: Big Water lifetime membership info (cited in Magistrate Baker’s Report and Recommendation) | 2075 |
| EXHIBIT TO Newton and Murphy & Grantland’s Memorandum in Support of Motion to Dismiss/Summary Judgment, filed Oct. 9, 2020: Exh. 13: Wilkerson E-mail dated Aug. 31, 2017 | 2076 |
| Hutson Motion for Emergency Hearing with Exhibits, filed Jan. 28, 2021..... | 2077 |

¹ Rule 240(e), SCACR, provides a party ten days to file a return to a motion. The Rule further provides: “Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.”

EXHIBIT TO Third-Party Defendants Timothy J. Newton and Murphy & Grantland, P.A.’s Memorandum in Opposition to Defendant / Third-Party Claimant Morris Beach Hutson a/k/a M.B. Hutson’s “Revisited” Amended Motion for an Emergency Hearing and in Support of Motion for Sanctions, filed Feb. 12, 2021:

Exh. 31: Transcript of Hutson Depo. in Class Action, May 18, 2015 2098
E-mail from Judge Hood’s Chambers requesting draft Orders, Oct. 23, 2020 2427
Amended Certificate of Compliance..... 2429

Finally, Respondents also requested the deadlines for filing the final briefs in this matter be held in abeyance until twenty days following correction of the Record on Appeal.

Appellant Hutson’s Return claims that there is an error in the pagination reflected on the Index and that certain documents are unavailable or unknown to him.

1. The Proposed Index’s Pagination is Correct

Hutson avers: “Recommended pagination of 1808 was duplicated in both volumes four (end) and five (beginning). Volume five must begin with page 1809. That change impacts the balance of the Record on Appeal.” Hutson’s confusion likely arises from his submission of two sets of the five-volume Record on Appeal, one submitted and received on October 28, 2020, and the other submitted and received on October 29, 2020. Indeed, the original Record submitted by Hutson on October 28 duplicated page 1808 in Volumes Four and Five. However, after undersigned counsel pointed out pagination errors in that Record to Hutson, Hutson filed an “Adjusted” Record on October 29, 2020, that corrected that and other errors. The October 29 Record consists of Volume One, pages 1 through 443; Volume Two, pages 444 through 878; Volume Three, pages 879 through 1361; Volume Four, pages 1362 to 1807; and Volume Five, pages 1808 through 2069. Thus, the error cited by Hutson does not exist in the “Adjusted Record” filed on October 29, which was the Record upon which Respondents prepared the proposed Corrected Index.

2. Respondents Providing Documents Hutson Claims He Cannot Locate

As an initial matter, the solution to an appellant's inability to locate a document duly designated for inclusion in the Record is not to leave the document out completely and require Respondents to scour a multi-volume Record to determine what is missing. This is particularly egregious because Appellant executed a Certificate stating that the Record contains all material proposed to be included by any of the parties and not any other material. Nonetheless, Respondents will provide the documents Hutson claims he cannot locate so the same can be included in Volume Six of the Record.

Appellant claims that he was not included on the October 23, 2020, email from Judge Hood's chambers or that the same was misidentified. The October 23, 2020, email is attached hereto. Contrary to Hutson's representation to this Court, he had this e-mail because he was copied on it. The email address "hutson4444@gmail.com" is affiliated with Hutson; he has even used it for filings with this Court in the past.

Appellant claims he is unable to locate Exhibit 7 to Newton and Murphy & Grantland's Motion to Dismiss, or in the alternative, Motion for Summary Judgment, filed September 15, 2020. The Exhibit is attached hereto. This was also available to Hutson, as it was downloaded directly from the Public Index in the underlying case, as the seventh attachment to the Newton/M&G motion.

Accordingly, Appellant should now be in possession of all the documents that Respondents request be included in Volume Six of the Record and capable of assembling the same upon Order to do so by this Court.

CONCLUSION

Based upon the foregoing, Respondents respectfully request that this Honorable Court grant the relief requested in its First Motion for Correction of the Record on Appeal.

Respectfully submitted,

s/Laura R. Baer _____

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P.C.

s/Timothy J. Newton (with permission) _____

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**RESPONDENTS' REPLY TO APPELLANT
HUTSON'S RETURN TO ITS' FIRST MOTION
THIRD JOINT MOTION FOR CORRECTION
OF THE RECORD ON APPEAL**

Columbia, South Carolina
Dated: December 10, 2021

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondents Penn America Insurance Company, Global Indemnity Group, Inc., Christian Stegmaier, Esq., and Collins & Lacy P.C., do hereby certify that I have this date served the foregoing RESPONDENTS' REPLY TO APPELLANT HUTSON'S RETURN TO ITS' FIRST MOTION FOR CORRECTION OF THE RECORD ON 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
Hmr226621@gmail.com
Pro Se Appellant

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Dec 10 2021
SC Court of Appeals

s/ Laura R. Baer

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AMERICA INSURANCE COMPANY, GLOBAL
INDEMNITY GROUP, INC., CHRISTIAN
STEGMAIER, ESQ., AND COLLINS & LACY
P.C.

Dated: December 10, 2021

From: Hood, Robert E. Law Clerk (Katherine Heil) <rhoodlc@sccourts.org>
Sent: Friday, October 23, 2020 12:20 PM
To: J. R. Murphy; John M. Grantland; Tim J. Newton; Ibaer@collinsandlacy.com; hutson4444@gmail.com; Christian Stegmaier
Subject: Penn America v. Morris Beach Hutson, 2020CP4003810

Good Afternoon,

Hope all is well. The court has reached a decision on the motions heard October 15.

Plaintiff Penn America Insurance Company's Motion for Injunction is granted. Defendant Hutson cannot file anything against Penn America, Global, Murphy & Grantland, Collins & Lacey, Tim Newton, Christian Stegmaier, John Grantland, or anything in relation to what Judge Nettles already ruled on without a lawyer until the court of appeals case is concluded. Mr. Stegmaier, please draft a proposed order to that affect and submit it via e-file to Judge Hood.

Defendant Hutson's Motion for Temporary Injunction and Amended Cross Complaint is denied. Mr. Stegmaier, please also draft an order on that.

Third-Party Defendants Motion to Dismiss is granted. Mr. Grantland, please draft an order and submit it via e-file.

Finally, Penn America's remaining motions to stay/strike are granted. Mr. Stegmaier please also draft an order on that.

Have a good weekend and thank you all!

Best regards,

KATE HEIL

Law Clerk to the

Honorable Robert E. Hood

Circuit Court Judge

Fifth Judicial Circuit

Richland County Judicial Center

1701 Main Street

Post Office Box 192

Columbia, SC 29202-0192

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**Big Water life time membership info.**

From: Renee Roark (reneeroark@hotmail.com)  
Sent: Thu 11/11/10 10:52 AM  
To: Claudia (claudia@coffeyhandlerkent.com)  
1 attachment  
Big Water membership.pdf (920.9 KB)

Mr. Coffey,

Attached is Susan's lifetime membership info. regarding Big Water camp ground. My buyer is concerned about the "life time" members and the impact they can have on the future development of the property. In other words, in your opinion, what is the easiest, legal way to terminate the lifetime memberships of Big Water? Will these memberships have an impact on obtaining clear title for the property?

Would it be better for you to call him and talk to him OR draft an email to him? Please let me know your thoughts. I can also give him your number if you would rather him call you.

Thanks,

*Renee Roark, Realtor*  
*Multi-Million Dollar Producer*  
*Re/Max by the Lake*  
*Manning, South Carolina*

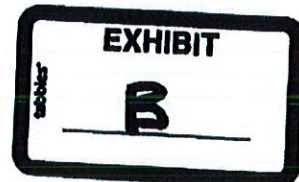
*803-460-4373-cell*  
*803-433-7355 ext.104 office*  
*803-236-0871-home*

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[reneeroark@hotmail.com](mailto:reneeroark@hotmail.com)

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2/3/2015

Roark 0025



ELECTRONICALLY FILED - 2020 Sep 15 10:52 AM - RICHLAND - COMMON PLEAS - CASE#2020CP4003810  
ELECTRONICALLY FILED - 2019 May 30 3:58 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4006344  
ELECTRONICALLY FILED - 2018 Dec 07 9:44 AM - SUMMITER - COMMON PLEAS - CASE#2018CP4301583