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DEC 10 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Robert Young, Circuit Court Judge

Case No. 2021CP1003564

Small Claims Court

Martelle Morrison, Small Claims Judge

Case No. 2021CV1010600964

Willie A. Key ..... Appellant,

v.

MUSC et al. & U.S. Dept. of  
Veterans Affairs et al., ..... Respondents.

MOTION TO REINSTATE

Willie A. Key hereby moves the court to reinstate his appeal on the ground of erroneous misinterpretation that only the order of the Small Claims Court is being appealed. Appellant is appealing both the order of the Court of Common Pleas and the order of the Small Claims Court.

December 8, 2021.

Willie A. Key  
71 Society St., Apt. 501  
Charleston, S.C. 29401  
(843) 530-0284  
Pro se

## MEMORANDUM

### STATEMENT OF THE CASE

On August 3, 2021, appellant filed this action in the Court of Common Pleas for the 9<sup>th</sup> Judicial Circuit (Charleston County) along with a Motion and Affidavit to Proceed In Forma Pauperis. On August 12, 2021 the Court, Honorable Roger Young, denied the Motion and, citing lack of jurisdiction, directed appellant to file the claim in Small Claims court.

On August 26, 2021, as directed, appellant filed this complaint in Charleston City Small Claims Court. The Small Claims court required appellant to pay ninety dollars (\$90.00) filing fee. On October 29, 2021 the small Claims court, Honorable Martelle Morrison, dismissed appellant's complaint, also citing lack of jurisdiction.

### DISCUSSION

First, Rule 203(e) SCACR provides in part:

- (1) "The notice of appeal shall ... contain the following Information: (1) The name of the court, judge, and county from which the appeal is taken.
- (2) The docket number of the case in the lower court."

In the instant case, where appellant's Notice of Appeal (on file with this court) contains precisely the above information required by the Rule 203(e), plain reading of the notice shows that the appellant is appealing the orders of both the Court of Common Pleas and the Small Claims Court. Similarly, the

arguments in BRIEF OF APPELLANT (on file with this court) shows the same.

In addition, Rule 203(d)(2) SCACR provides in part:

"... The notice filed with the appellate court shall be accompanied by the following:  
(B) A copy of the order(s) and judgment(s) which are to be challenged on appeal if they have been reduced to writing; and ..."

Additionally, where appellant's Notice of Appeal (on record with this court) was accompanied with a copy of orders from both Common Pleas Judge Young and Small Claims Judge Morrison, the Notice of Appeal complied with the requirements of this Rule and further attests to appellants' appealing both court's orders.

If appellant has to choose which court's order to appeal, appellant chooses to appeal the initial erroneous order of the Common Pleas court which has this action in its present position.

Regarding this court's order dismissing this appeal for lack of jurisdiction, appellant submits that it would be futile to appeal the Small Claims court decision to dismiss for lack of jurisdiction to the Court of Common Pleas, since Common Pleas initially claimed lack of jurisdiction and directed the appellant to file his action in Small Claims Court.

Further, here the appellant is put to the task of first, appealing the erroneous decision of the Court of Common Pleas and correct decision of the Small Claims court, where both claimed lack of jurisdiction, and, if this court doesn't reinstate his appeal, having to appeal this court's decision to dismiss his appeal for the same erroneous "lack of jurisdiction" reason — all without

the original complaint ever being heard! Somewhere along the process reform is needed to avoid this unfairness.

### CONCLUSION

Based on the above discussion appellant's Appeal should be reinstated.

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CERTIFICATE OF SERVICE

I certify that I have served the Motion to Reinstate on the defendants by depositing a copy of same in the U.S. Mail, postage prepaid on December 8, 2021, addressed as shown below.

Willie A. Key  
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Charleston, S.C. 29401  
(843) 530-0384  
Pro se

Other Counsel of Record:

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Mr. Willie A. Key  
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Jenny A. Kitchings, Clerk  
S.C. Court of Appeals  
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