

**Willie L. Singleton**

501 N. Congdon Street  
Georgetown, SC 29440

May 14, 2013

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MAY 17 2013

**S.C. SUPREME COURT**

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Supreme Court Building  
1231 Gervais Street  
Columbia, SC 29201

**Re: Case # 2012-211946 - Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson v. City of Georgetown Building Official Stephen Stack, et.al**

Dear: Mr. Shearouse,

I write in response to Respondents request for this Court to decline Petitioner's filing of Supplemental Citation based on the following two {2} issues:

- A. Rule 208(7).SCACR,
- B. The authorities cited in the Petitioner's purported Supplemental Citation are at least two years old and should have been included in the original brief.

Issue # 1

I was unaware that Rule 208 SCACR, INITIAL BRIEFS applied in the issue at bar.

*Rule 208(7).SCACR, (7) Supplemental Citations. When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed, the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.*

When preparing to file I read Rule 242 SCACR, CERTIORARI TO THE COURT OF APPEALS and contacted to Court as to form. The Court informed me that there were no written requirements as to form and that as long as the case number was on the submittal to allow the Court to identify the case, it was a proper submittal.

After filing the Writ of Certiorari and the Respondent replied to it, the Appellant found several cases directly on point. The Appellant called the Court and asked how to add those cases to the Writ of Certiorari, the Court informed the Appellant to submit a Supplemental Citations to a Writ of Certiorari. The Appellant went to Rule 242 SCACR, CERTIORARI TO THE COURT OF APPEALS and could not find a format to submit the Supplemental Citation, the Appellant once more called the Court and was informed that there was no form as to Supplemental Citation.

The Respondent argument is that a Supplemental Citation should be in a letter form as required by the rule. Rule 208(7) does not state that the Supplemental Citation must be in a letter form. If that is not the case, I can and will resubmit in letter form upon notification of the Court in response to this letter.

## Issue 2

It's the Appellant understanding that a Supplemental Citations to a Writ of Certiorari before the Court was allowed up until the time the case was considered, even if the cases offered were more than two years old, they can be one hundred years old as long as there are directly on point. In the case at bar the Respondent first argued that the Lower Court made its decision based on the face of the complaint, then in the reply to the Writ of Certiorari, the Respondent changed its position and stated that the Court made its decision because certain information was not present in the complaint. Those arguments presented in the supplemental citation were made in the initial brief at the appeals Court, the main difference are the case law directly on point. *See* initial brief argument's 5.6.7.

5. DID THE TRIAL COURT ERR IN FINDING THAT PUNITIVE DAMAGES BE STRICKEN FROM THE COMPLAINT.

6. DID THE TRIAL COURT ERR IN FINDING THAT THE INDIVIDUAL DEFENDANTS BE STRICKEN FROM THE COMPLAINT.

7. DID THE TRIAL COURT ERR BY DETERMINING THAT THERE WERE NO GENUINE ISSUES TO ANY MATERIAL FACTS BY ENTERING A JUDGMENT AS A MATTER OF LAW.

In the brief the Appellant argued in 5, 6, and 7 that the court made its ruling without any evidence. The Respondent response was that no evidence was needed because the court made its ruling based on the face of the complaint not the evidence.

The Respondent argued that the Lower Court ruling was based on the face of the complaint and that the complaint did not state that the defendants went outside the scope of their official duties, the original brief dealt with the language of the Lower Court. The Respondent in their response to the Writ of Certiorari made the argument and opens the door with their response stating that the Appellant did not present any evidence proving that the defendants went outside the scope of their official duties. Because the Respondents open the door, the case law directly on point in the Supplemental Citation is proper. The following five arguments were given:

*I. Did the court err dismissing the Individual Defendants from the face of the complaint before any evidence was presented by the Defendants pursuant to Rules 12(b)(6), SCRCPP?*

*II. Did the court err striking punitive damages from the complaint before the Defendants presented any evidence pursuant to Rules 12(b)(6), SCRCPP?*

*III. Did the court err ruling that the Individual Defendants action were under the scope of their official duties pursuant to Rules 12(b)(6), SCRCPP?*

*IV. Did the court err ruling that the Individual Defendants actions fell under the tort claim act pursuant to Rules 12(b)(6), SCRCPP?*

*V. Did the court err ruling to dismiss defendant Steven Stack, a defendant who plead guilty in a consent order that he had broken State law and city ordinance after he (and*

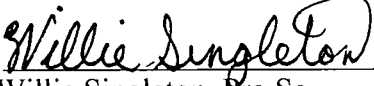
*other named defendants) had been warned in writing several times over the course of a year before the incident that he was breaking the law, and that Mr. Stack actions was under the scope of his official duties. With all that evidence presented to the Court, the Court still ruled that his action fell under the tort claim and that punitive damage be stricken from the complaint against Stack pursuant to Rules 12(b)(6), SCRPC?*

For the reasons stated above, the Appellant believes that the submitted Supplemental Citation is a proper action before the Court. However if that is not the case, enclose is a Supplemental Citation in a letter from. The Writ of Certiorari has not been ruled on as of yet. The Appellant ask the court to accept the Supplemental Citation.

The requirements of "Haines v.Kerner, 404 U.S. at 521, 92 S.Ct. at 594 should allow the submission.

May14, 2013

Respectfully submitted,



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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

RECEIVED

MAY 17 2013

Appeal From Georgetown County  
Court of Common Pleas

S.C. SUPREME COURT

Larry B. Hyman, Presiding Circuit Court Judge

Appellate Case No. 2012-211946

Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson,

Petitioner.

v.

City of Georgetown Building Official Stephen Stack, et. Al.

Respondent,

PROOF OF SERVICE

I certify that I have served a response to the request for dismissal of **Supplemental Citation** from Sheila M. Bias and a **Supplemental Citation in Letter form For Petition For a Writ of Certiorari** Of Plaintiff on City of Georgetown Building Official Steven Stack, et. al. by depositing a copy in the U.S. Mail, First Class Postage prepaid, on the 14<sup>th</sup> day of May, 2013, addressed to their attorney of record, Richard Plowden & Robinson, P.A. Post Office Drawer 7788 Columbia South Carolina 29202. (803) 771-4400

May 14, 2013

*Willie Singleton*

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