

**RECEIVED**

**May 31 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY  
ADMINISTRATIVE LAW COURT

Chief Judge H. Bruce Williams and Judges Aphrodite Konduros and Jerry Vinson Jr.,  
Court of Appeals Judges  
S. Phillip Lenski, Administrative Law Court Judge

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Appellate Case No. 2021-001462 (S.C. Ct. App. filed December 13, 2021)  
Docket No. 21-ALJ-22-0116-AP (ALC filed April 22, 2021)

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South Carolina Department of Employment  
and Workforce and 4056 LLC Main DBA Spill  
the Beans currently known as Andee's Custom  
Blended Ice Cream

Respondents,

v.

Katrina Daniels,

Petitioner.

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**MOTION TO PROCEED IN FORMA PAUPERIS**

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On November 13, 2021, the petitioner moved the Court for a Motion to Proceed without cost and asked the court to please waive the initial Notice of Appeal filing fee and other court fees.

The petitioner's motion read as follows: "The Appellant (petitioner) is a full-time student in her fifth year of college. She has college loans, tuition fees, book fees, car loan, auto insurance, car maintenance, rent expense, utilities, and rental insurance. Her current student loan balance is \$35,689.03, with an additional \$10,500 for next semester alone, totaling \$46,189.13. Her loan amount had to be raised due to a significant increase in rent expense, which had doubled last semester, as well as higher education costs associated with obtaining a master's degree. Her parents only have one income, with two children in college. Her brother, in this last month, was hospitalized twice, once for 1 week, and just before Thanksgiving, he was hospitalized and in ICU for an additional 10 days. The hospitalization bills are still being processed. Prior to this, the family had occurred many other hospitalization expenses (including

an emergency surgery requiring a five-day hospital stay for pneumothorax when her brother's lung had collapsed, and an emergency surgery for her mother). The Appellant and her father were also involved in a car accident, where the vehicle had to be towed away and the Appellant is still undergoing treatment. The family also had unexpected expenses related to defective water pipes in and out of the house, which (after fixing many times and rerunning new pipes from the meter to the house) had to have all the water pipes replaced in the entire house due to a water pipe leak in the foundation slab. Not to mention exuberant expenses for the family's dog, who required emergency surgery for her back, and who was sick last week requiring another \$400 unexpected expense. Proof of these expenses are available upon request.

Due to a series of unfortunate events and to the increasing college/rental expenses, the Appellant respectfully asks to please waive the cost so that her case can be fairly heard.”

The Order to Proceed Without Cost was granted by the Court of Appeals on February 2, 2022. The appeal to the South Carolina Court of Appeals was denied on May 4, 2022 because all parties were served within thirty (30) days after the receipt of the decision, except for the employer (who, originally, the court said did not need to be served) but was served 9 days later. Motion to Reinstate/Petition for Rehearing before the Court of Appeals, which was construed as a Petition to Rehear the dismissal, was made and finally ruled on May 12, 2022, denying the petition due to lack of jurisdiction.

Since the petitioner's case was not able to be fairly heard before the Court of Appeals, the petitioner is asking this court to please be able to proceed in Forma Pauperis, as the petitioner has exhausted all remedies, and her only hope is that a petition for an Original/Extraordinary Writ and/or a Mandamus Writ will be granted by this court.

Respectfully submitted,

May 29, 2022

/s/ Katrina Daniels  
Katrina Daniels  
3439 Fallowbrook Forest  
York, SC 29745  
(803) 810-4498  
katrina.daniels16@gmail.com  
[jjdaniels36@gmail.com](mailto:jjdaniels36@gmail.com)  
Petitioner (pro-se)

Opposing Counsel:  
Ben Cook  
Office of General Counsel – SCDEW  
PO Box 8597  
Columbia, SC 29202  
(803) 737-0395

Andee O'Sell  
4056 Main LLC DBA Spill the Beans currently  
known as Andee's Custom Blended Ice Cream  
404 Oak Street, Clemson, SC 29631  
(412) 559-6213

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**PROOF OF SERVICE OF PETITION FOR AN  
ORIGINAL/EXTRAORDINARY WRIT AND/OR WRIT OF  
MANDAMUS, THE WRIT'S EXHIBITS, AND A MOTION TO  
PROCEED IN FORMA PAUPERIS**

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I certify that I have served the Petition for an Original/Extraordinary Writ and/or Writ of Mandamus, the Writ's Exhibits, and a Motion to Proceed in Forma Pauperis to both the South Carolina Department of Employment and Workforce ([Legal@dew.sc.gov](mailto:Legal@dew.sc.gov), [kchesley@dew.sc.gov](mailto:kchesley@dew.sc.gov)) and to 4056 Main, LLC ([andee.osell@gmail.com](mailto:andee.osell@gmail.com)), respondents, and to the Administrative Law Court, Clerk of Court, Ms. Jana Shealy ([jshealy@scal.net](mailto:jshealy@scal.net)), and the Court of Appeals, Clerk of Court, Honorable Jenny Abbott Kitchings ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)) on May 29, 2022.

According to the provisions put in place by the Supreme Court of South Carolina Memorandum, dated December 16, 2020, (Amended Order Regarding the Operation of the Trial Courts During the Coronavirus Emergency), by the Supreme Court of South Carolina, Order dated August 25, 2021, and confirmation from both the Court of Appeals and the Supreme Court, the serving and filing of appeals and petitions by email are allowed in these courts.

On January 11, 2022, the Department questioned the ability for someone who is pro-se to be allowed to file electronically and served a Motion to Dismiss to the Court of Appeals. The Department referenced (d) for Electronic Service Using AIS E-mail address, not realizing that section (c) in this same order allows for the service by email to all parties (including someone who is pro-se) on such matters.

Hopefully, this misunderstanding has been resolved. If the Department is not accepting of the provisions provided by this court, please notify the petitioner, and she will respectfully serve the Department by US mail. Hopefully, the court will allow for the reimbursement of the additional cost if the petitioner is asked to do so.

Respectfully submitted,

May 29, 2022

/s/ Katrina Daniels  
Katrina Daniels  
3439 Fallowbrook Forest  
York, SC 29745  
(803) 810-4498  
[katrina.daniels16@gmail.com](mailto:katrina.daniels16@gmail.com)  
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Katrina Daniels  
3439 Fallowbrook Forest  
York, SC 29745

May 29, 2022

The Honorable Patricia A. Howard  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

**RECEIVED**  
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**SC Court of Appeals**

RE: Katrina Daniels, Petitioner, v. South Carolina Department of Employment and Workforce and 4056 Main LLC DBA Spills the Beans, currently known as Andee's Custom Blended Ice Cream, Respondents,  
Docket No. 21-ALJ-22-0116-AP  
Appellate Case No. 2021-001462

Dear Ms. Howard:

Enclosed for filing is a Petition for an Original / Extraordinary Writ and/or Writ of Mandamus, the Writ's Exhibits, and a Motion to Proceed in Forma Pauperis in the above case. Also enclosed are the following:

- (1) Proof of service of the Petition for an Original / Extraordinary Writ and/or Writ of Mandamus, the Writ's Exhibits, the Motion to Proceed in Forma Pauperis to the South Carolina Department of Workforce and 4056 Main, LLC, Respondents, and to the Administrative Law Court Clerk and the Court of Appeals, Clerks of Court.

Respectfully submitted,

/s/ Katrina Daniels  
Katrina Daniels  
3439 Fallowbrook Forest  
York, SC 29745  
(803) 810-4498  
[katrina.daniels16@gmail.com](mailto:katrina.daniels16@gmail.com)  
[jjdaniels36@gmail.com](mailto:jjdaniels36@gmail.com)  
Petitioner (pro-se)

cc: Ben Cook  
Office of General Counsel – SCDEW  
PO Box 8597  
Columbia, SC 29202  
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Respondent

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