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Jun 07 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2017-CP-27-0386
Appellate Case No. 2018-002186

First Team Hyundai, LLC d/b/a Hilton Head HyundaiRespondent

v.

Greg S. HackneyAppellant

**RESPONDENT’S RESPONSE TO APPELLANT’S
MOTION TO REVERSE ORDER**

Introduction

Respondent, First Team Hyundai d/b/a Hilton Head Hyundai, respectfully requests Appellant’s Motion to Reverse the Court’s May 14, 2022 Order be denied based on the following grounds:

The South Carolina Appellate Court Rules are not mere technicalities but provide the parties and the Court with an orderly mechanism through which to guide appeals." *Henning v. Kaye*, 415 S.E.2d 794, 307 S.C. 436 (1992). A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with the substantive procedural requirements of the law. *State v. Burton*, 356 S.C. 259, 265 n. 5, 589 S.E.2d 6, 9, n.5 (2003).

Appellant has demonstrated a pattern of failing to follow the Orders of the Court. This Court ruled on May 22, 2020, September 23, 2020, and January 11, 2021, that the Record not include matter not presented to the lower court. Despite these three Orders, Appellant requested again in his February 14, 2022 Motion to incorporate documents that were not before the lower court.

Appellant has filed five deficient Records on Appeal in this case.¹ Following the fourth deficiency, this Court issued an Order on December 3, 2021 requiring Appellant to correct the Record, including insuring that all of Respondent's designated matters were included and that all exhibits were in sequential order.

Appellant's Record filed on February 28th is full of duplicate and misplaced pages, making it difficult to identify all of the deficiencies.² In addition to these errors, the Record does not comply with the specific requirement of the Court's December 3, 2021 Order regarding exhibits. The exhibits to Respondent's motion for partial summary judgment are not in sequential order (the transcript of the October 24, 2017 hearing and Exhibit I to the Motion being out of order). The exhibits to Respondent's Memorandum in Support of its Motion for Partial Summary Judgment are also not in sequential order (Exhibit P not in sequential order, one page

¹ Appellant filed his first Record on Appeal on February 18, 2020. The Record omitted properly designated matter and included matter that was not before the lower court. Appellant served a second deficient "Provisional and Contested" Record on Appeal on October 23, 2020. Appellant filed a third deficient Record on May 13, 2021, and a fourth deficient Record on August 9, 2021. Appellant's February 24, 2022 Record is also deficient.

² Errors in the Record filed by Appellant on February 28, 2022 include: (1) the Record does not contain the entirety of Appellant's Motion to Stay; (2) pages 193-212 are repeated at pages 385-404; (3) pages 219 and 220 are unrelated to the preceding or successive pages; (4) the pages appearing at 221-223 are repeated at 419-421; (5) Appellant's Motion for the First Request to Admit to Defendant to Be Included in Discovery is indexed as appearing at page 349, but appears at pages 193-212; (6) Respondent's Memorandum in Opposition to Defendant's Motion for Request to Admit to be included in Discovery, indexed as appearing at page 385, appears at pages 416-418; and (7) exhibits are repeated or appear out of order.

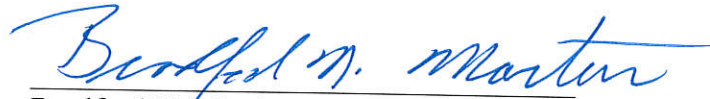
of Exhibit A included again after Exhibit U). Exhibit D, appearing at pages 311-321 is repeated at pages 602-612). Appellant has had almost four years and five attempts to provide a proper Record on Appeal.

Conclusion

Appellant, for the fifth time, fails to timely comply with the requirements of the Court's Rules and Orders. There is no basis for such defiance, and Respondent respectfully requests the ending of this costly appeal that is now over three years old.

Respectfully submitted,

June 7, 2022



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First Team Hyundai, LLC d/b/a Hilton Head Hyundai Respondent


v.

Greg S. Hackney Appellant

PROOF OF SERVICE

I, Peggy McComb, Legal Assistant to attorneys for Respondent, First Team Hyundai, LLC d/b/a Hilton Head Hyundai, certify that I have served a copy of **Respondent's Response to Appellant's Motion to Reverse Order** via email floridaexperiment@icloud.com and by depositing a copy in the U.S. Mail, sufficient first class postage prepaid, on June 7, 2022, addressed to **Greg S. Hackney, 6125 Roswell Road, #145, Sandy Springs, GA, 30328.**

June 7, 2022



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June 7, 2022

Via email ctappfilings@sccourts.org and U.S. Mail
The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: *First Team Hyundai, LLC dba Hilton Head Hyundai v. Greg S. Hackney*
C.A. No. 2017-CP-27-0386
Appellate Case No. 2018-002186

Dear Ms. Kitchings:

Enclosed please find Respondent's Response to Appellant's Motion to Reverse Order and Proof of Service.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

BNM/pm
Enclosures

cc: Greg Hackney