

APPENDIX**TABLE OF CONTENTS**

Appendix A	Order in the Supreme Court of Mississippi (August 29, 2018)	App. 1
Appendix B	Order of the Court in the Chancery Court of the First Judicial District of Hinds County, Mississippi (November 7, 2017)	App. 3
Appendix C	Order in the Supreme Court of Mississippi (August 22, 2017)	App. 5
Appendix D	Order of the Court in the Chancery Court of the First Judicial District of Hinds County, Mississippi (September 13, 2016)	App. 7
Appendix E	Order of Dismissal in the Chancery Court of the First Judicial District of Hinds County, Mississippi (September 1, 2016)	App. 9
Appendix F	Order in the Supreme Court of Mississippi (November 14, 2018)	App. 12
Appendix G	Constitutional and Statutory Provisions	App. 14

App. 1

APPENDIX A

IN THE SUPREME COURT OF MISSISSIPPI

[Filed August 29, 2018]

No. 2017-CP-01673

CHARLES LAVEL STRINGER)
<i>Appellant</i>)
)
v.)
)
STORESONLINE INC., AND)
CREXENDO, INC.)
<i>Appellees</i>)

Consolidated with: 2016-CP-01449

CHARLES LAVEL STRINGER)
<i>Appellant</i>)
)
v.)
)
STORESONLINE, INC.)
<i>Appellees</i>)

App. 2

ORDER

This matter is before the panel of Kitchens, P.J., King and Maxwell, JJ., on the Motion to Dismiss Appeal filed by Storesonline, Inc., and Crexendo, Inc., and the Response and Request to Strike Motion to Dismiss filed by Appellant. Appellees ask that the appeal be dismissed, alleging that it is interlocutory. After due consideration, the panel finds that the Motion to Dismiss Appeal is well taken and should be granted.

IT IS THEREFORE ORDERED that the Motion to Dismiss Appeal filed by Storesonline, Inc., and Crexendo, Inc., is granted. This appeal is dismissed upon entry of this order. Costs of appeal, if any, are taxed to Appellant.

SO ORDERED, this the 29th day of August, 2018.

/s/ Leslie D. King
LESLIE D. KING, JUSTICE

APPENDIX B

**IN THE CHANCERY COURT OF THE FIRST
JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

[Filed November 7, 2017]

CIVIL ACTION NO. G-2015-1651

CHARLES L. STRINGER)
PLAINTIFF)
)
V.)
)
STORESONLINE, INC., and)
CREXENDO, INC.)
DEFENDANTS)

ORDER OF THE COURT

BEFORE THE COURT is Plaintiff's Amended Motion to Alter or Amend this Judgment. This Court entered its Order of Dismissal in this action on September 1, 2016. On September 13, 2016, this Court entered its Order Denying Plaintiff's Motion to Alter or Amend. On September 29, 2016, Plaintiff filed his Notice of Appeal. The Appeal was dismissed by Order of the Mississippi Supreme Court on August 24, 2017. Plaintiff's request for reconsideration of the dismissal has also been denied. On October 5, 2017, Plaintiff filed the current Amended Motion to Alter or Amend Judgment.

App. 4

Plaintiff's Amended Motion is procedurally improper. This Court entered an Order of Dismissal based upon Rule 12(b)(6) on September 1, 2016. Appeal of such dismissal was taken and denied. There is simply no procedural basis to request alteration or amendment of the Order some thirteen (13) months later. Furthermore, even if the Amended Motion were properly before this Court, Plaintiff offers no new information that this Court failed to consider in its original decision. Plaintiff again alleges that the Court's determination is incorrect, but provides no evidence or precedent that would permit this Court to reconsider its initial determination. There has been no showing of mistake, inadvertence, newly discovered evidence or fraud in this matter. Likewise, Plaintiff has provided no cause for a reconsideration of this matter. The carefully considered Order of this Court was properly entered and no circumstances exist which would warrant a reconsideration of such. Therefore, Plaintiff's Amended Motion to Alter or Amend Judgment is hereby denied.

SO ORDERED, ADJUDGED, AND DECREED THIS
the 7th day of November, 2017.

/s/ J. Dewayne Thomas
CHANCELLOR J. DEWAYNE THOMAS

APPENDIX C

IN THE SUPREME COURT OF MISSISSIPPI

[Filed August 22, 2017]

No. 2016-CP-01449

CHARLES LAVEL STRINGER)
<i>Appellant</i>)
)
v.)
)
STORESONLINE, INC.)
<i>Appellee</i>)

ORDER

This matter is before the panel of Dickinson, P.J., Coleman and Beam, JJ., on the Motion to Dismiss Appeal filed by Storesonline, Inc., and Crexendo, Inc., and the Response and Request to Strike Motion to Dismiss filed by Appellant. Appellees ask that the appeal be dismissed, alleging that it is interlocutory. After due consideration, the panel finds that the Motion to Dismiss Appeal is well taken and should be granted. The Request to Strike Motion to Dismiss should be denied.

IT IS THEREFORE ORDERED that the Motion to Dismiss Appeal filed by Storesonline, Inc., and Crexendo, Inc., is granted. This appeal is dismissed upon entry of this order. Costs of appeal, if any, are taxed to Appellant.

App. 6

IT IS FURTHER ORDERED that the Request to Strike Motion to Dismiss filed by Appellant is denied.

SO ORDERED, this the 22nd day of August, 2017.

/s/ Jess H. Dickinson
JESS H. DICKINSON,
PRESIDING JUSTICE

APPENDIX D

**IN THE CHANCERY COURT OF THE FIRST
JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

[Filed September 13, 2016]

CIVIL ACTION NO. G-2015-1651

CHARLES L. STRINGER)
PLAINTIFF)
)
V.)
)
STORESONLINE, INC., and)
CREXENDO, INC.)
DEFENDANTS)

ORDER OF THE COURT

BEFORE THE COURT is Plaintiff's Motion to Alter or Amend this Court's dismissal of its Complaint against Defendants herein. Specifically, this Court dismissed the Complaint under the doctrines of both collateral estoppel and res judicata. This Court found that Plaintiff sought to re-litigate matters which had been fully adjudicated on two (2) separate occasions. Plaintiff now seeks to have this Court alter or amend its findings.

However, Plaintiff offers no new information that this Court failed to consider in its original decision. Plaintiff alleges that the Court's determination is

App. 8

incorrect, but provides no evidence or precedent that would permit this Court to reconsider its initial determination. There has been no showing of mistake, inadvertence, newly discovered evidence or fraud in this matter. Likewise, Plaintiff has provided no cause for a reconsideration of this matter. The carefully considered Order of this Court was properly entered and no circumstances exist which would warrant a reconsideration of such. Therefore, Plaintiff's Motion to Alter or Amend Judgment is hereby denied.

SO ORDERED, ADJUDGED, AND DECREED THIS the 13th day of September, 2016.

/s/ J. Dewayne Thomas

CHANCELLOR J. DEWAYNE THOMAS

APPENDIX E

**IN THE CHANCERY COURT OF THE FIRST
JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

[Filed September 1, 2016]

CIVIL ACTION NO. G-2015-1651

CHARLES STRINGER)
PLAINTIFF)
)
V.)
)
STORESONLINE, INC., and)
CREXENDO, INC.)
DEFENDANTS)
)

ORDER OF DISMISSAL

THIS CAUSE is before the Court on Defendants' Motion to Dismiss under Rule 12(b)(6) of the Mississippi Rules of Civil Procedure. This Court has held hearing on the matter and has reviewed all the pleadings of the parties as well as all relevant statutory and case law. After careful review, this Court finds that the motion is well taken and should be granted.

Plaintiff Charles Stringer made a purchase from StoresOnline on January 23, 2008. Plaintiff's purchase was specifically included in a nationwide class action titled *Hill v. StoresOnline, Inc.*, which was settled on January 13, 2010. The class action resolved and

dismissed the claims of all Settlement Class members that fit the following description: "All persons who purchased any product or service from Defendants from January 1, 2005 to December 31, 2008." In connection with this settlement, Plaintiff executed a release covering claims "of whatsoever nature, character or kind, whether known or unknown, suspected or unsuspected, owned or held, from the beginning of the world to the date of his release, for, upon, or by an reason of any matter, cause or thing whatsoever, against the Release Parties."

Subsequently, Plaintiff brought another action through the American Arbitration Association ("AAA"). This action was based solely upon Plaintiff's January 23, 2008, purchase from StoresOnline. After hearing all arguments and receiving all evidence, the arbitrator dismissed Plaintiff's claims and ordered StoresOnline to pay Plaintiff the sum of \$390.00, which constituted certain costs and an offset for hosting fees that Plaintiff could have avoided had he applied the credit that he may have received from the class action settlement. Plaintiff received, and cashed, a check for this full sum from Crexendo. The AAA arbitration award delineated that it was a "full settlement of all claims and counterclaims submitted to this Arbitration. All claims not expressly granted herein are hereby, denied."

On November 12, 2015, Plaintiff filed the current action. The basis of Plaintiff's Complaint is the same purchase that has previously been addressed in both the class action settlement and the AAA arbitration. In both of these previous matters, Plaintiff executed a full release of all claims. Plaintiff herein seeks to relitigate a matter which has been fully and finally adjudicated

on two (2) separate instances. Plaintiff's claims are barred by the doctrine of collateral-estoppel and res judicata. This Court will not allow Plaintiff to "re-litigat[e] the specific issues actually litigated, determined by, and essential to the judgment in a former action. . . ." *Baker & McKenzie, LLP v. Evans*, 123 So.3d 387, 401 (Miss. 2013). Instead, this Court must find that Plaintiff will be unable to prove any set of facts which would support the relief requested. Accordingly, this Court must grant the Defendants' Motion to Dismiss and dismiss the Plaintiff's Complaint for failure to state a claim upon which relief can be granted under Rule 12(b)(6). Such dismissal shall be with prejudice.

SO ORDERED, ADJUDGED, AND DECREED THIS the 1st day of September, 2016.

/s/ J. Dewayne Thomas
Chancellor J. Dewayne Thomas

App. 12

APPENDIX F

IN THE SUPREME COURT OF MISSISSIPPI

[Filed November 14, 2018]

No. 2017-CP-01673

CHARLES LAVEL STRINGER)
<i>Appellant</i>)
)
v.)
)
STORESONLINE INC., AND)
CREXENDO, INC.)
<i>Appellees</i>)

Consolidated with: 2016-CP-01449

CHARLES LAVEL STRINGER)
<i>Appellant</i>)
)
v.)
)
STORESONLINE, INC.)
<i>Appellees</i>)

App. 13

ORDER

This matter is before the panel of Waller, C.J., Coleman and Chamberlin, JJ., on the Petition for Rehearing filed *pro se* by Charles Lavel Stringer. By order dated August 29, 2018, another panel of this Court dismissed this appeal. Stringer asks that the appeal be reinstated. After due consideration, the panel finds that the Petition for Rehearing is not well taken and should be denied.

IT IS THEREFORE ORDERED that the Petition for Rehearing filed *pro se* by Charles Lavel Stringer is denied.

SO ORDERED, this the 14 day of November, 2018.

/s/ Robert P. Chamberlin
ROBERT P. CHAMBERLIN, JUSTICE

APPENDIX G

Constitutional and Statutory Provisions

U.S. Const. amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

U.S. Const. amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. amend. XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall

App. 15

abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion

App. 16

against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

28 U.S.C. § 1654

In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

Miss. Code Ann. § 11-1-17

All chancellors or judges of the chancery and circuit courts of the state of Mississippi shall render their final decree on any and all matters taken under advisement by such chancellors or judges not later than six (6) months after the date when same are taken under

App. 17

advisement or not later than six (6) months after the date on which the chancellors or courts or judges set as a date for the final brief or memoranda of authority is required to be filed on or as to the cause taken under advisement, whichever is the latest date after the date on which the cause or case is taken under advisement.

In the event a final decree has not been entered within the six months period hereinbefore referred to, then any party to said law suit shall have the right to appeal on the record as otherwise provided the same as if a final decree has been rendered adversely. Said appeal shall be to the supreme court of the state of Mississippi and shall be treated as a preferred case over other cases except election contests.