

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-10-1444

Holmes

Haynesworth Sinkler Boyd, et al.

RECEIVED
MAY 21 2019
SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: A supplemental proceedings hearing is scheduled to take place in this matter on March 10, 2017. The court is advised by the Clerk of Court's office that Cynthia Holmes, M.D., has filed several motions in this matter in violation of the Supreme Court's order filed December 3, 2009 directing the "Clerks of Court in this state to refuse to accept further filings from petitioner in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than petitioner, licensed to practice of law in this state." Given the broad language of this directive and the fact that the motions have been filed by Dr. Holmes, pro se, the court orders the Clerk of Court's office to strike all motions filed by Dr. Holmes in this matter as well as all future motions, if any.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

[Handwritten signature]

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
NA	NA	\$NA
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062

Judge Code

Date

2/8/17

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Cynthia Holmes, M.D.,

C/A NO: 2007-CP-10-01444

Plaintiff,

vs.

Haynsworth Sinkler Boyd, P.A.,
successor to Sinkler & Boyd, P.A.,
Manton Grier and James Y. Becker

Defendants.

ORDER DENYING RELIEF SOUGHT BY DEFENDANT HSB

This matter came before the Court on the motion of Defendant Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A. ("HSB") for an expedited order of execution against the interest of Cynthia Holmes ("Holmes") in property located at 1611 Poe Avenue, Sullivans Island, SC 29482 (the "Property"). In support of HSB's request, HSB submitted a motion and affidavit of Mary M. Caskey concerning the reasons they believe expedited relief was warranted. Defendant asserted its motion is of an "emergency nature," and that the Master-in-Equity Judge Scarborough's office informed them he would be recusing himself from the case, therefore, the motion was forwarded to this judge in her capacity as Chief Administrative Judge for Civil Purposes. For the reasons set forth below and in HSB's Motion and supporting documents, the Court DENIES HSB's Motion without a hearing pursuant section (c)(4) of the Order of the Supreme Court of South Carolina dated April 22, 2020 "Re: Operation of the Trial Courts During the Coronavirus Emergency" (Appellate Case No. 2020-000447.)

EXHIBIT A

In South Carolina, a judgment cannot last more than ten years, irrespective of whether a party has filed for bankruptcy during those ten years. The ten-year enforcement period for execution on judgments as provided in S.C. Code Ann. §15-39-30 (Supp.2003), once commenced, is absolute and not subject to tolling. *Home Port Rentals, Inc. v. Moore* 359 S.C. 230, 236 (Ct. App. 2004). Such judgment is considered “utterly extinguished” ten years from the date of its entry. *Wells ex. rel. A.C. Sutton & Sons, Inc. v. Sutton*, 299 S.C. 19 (Ct. App. 1989).

As noted by Defendant HSB in its Emergency Motion for Expedited Order of Execution and Sale of Property and Issuing Notice of Sale, *Gordon v. Lancaster*, 425 S.C. 386 (2018), gives no flexibility as to the enforcement of judgments after the Statute of Limitations has run. The South Carolina Supreme Court granted certiorari in *Gordon* to determine whether a creditor may execute on a judgment more than ten years after its enrollment when the time period had expired during the course of litigation. *Id.* at 387. In this case, the court held a creditor could not obtain satisfaction of his judgment after its statutory period of active energy had expired. *Id.* at 386. In arriving at this decision, the court interpreted the plain meaning of the statute finding a creditor has ten years to execute on the judgment from the date of entry, a time period that cannot be renewed. *Id.* at 397. Further, the court rejected Gordon’s argument that South Carolina stands in isolation compared with other jurisdictions on the issue, arguing it must remain faithful to the text of the act. *Id.* at 393. Additionally, the court cited earlier precedent, *Garrison v. Owens*, which held “a judgment lien is purely statutory, its duration as fixed by the legislature may not be prolonged by the courts and the bringing of an action to enforce the lien will not preserve it beyond the time fixed by the statute, if such time expires before the action is tried. 258 S.C. 442, 446-47 (1972).

Based on the foregoing, Defendant’s Motion is DENIED.

AND IT IS SO ORDERED.

s/Jennifer B. McCoy
Circuit Court Judge

June 10, 2020
Charleston, SC

NOTICE OF ADR

J Doe

2019CP1006590

PLAINTIFF(S)

Filing Date: December 23, 2019

Vs

James Y Becker
M M Caskey
Mikell R Scarborough

DEFENDANT(S)

Pursuant to the South Carolina Alternative Dispute Resolution Rules (SCADR), you are required to participate in the following methods of Alternative Dispute Resolution (ADR): mediation or arbitration (binding or non-binding); on or before 300 days from the date of filing of this action. The parties have a right to mutually agree upon the form of ADR and a neutral person(s) to conduct that ADR process. In the event the parties are unable to agree upon the form of ADR, the court hereby designates mediation as the default process of ADR. In the event the parties are unable to agree upon a mediator, the court hereby appoints

John S. Simmons, 1711 Pickens St., , Columbia, SC 29201, Phone (803) 779-4600

to serve as mediator. In the event the aforementioned mediator has a conflict of interest or is unable to serve, the alternate mediator is

John D. Harrell Sr., 2000 Sam Rittenberg Blvd, Suite 2001, Charleston, SC 29407, Phone (843) 766-4700

The parties and/or their lawyers shall contact the court-appointed mediator directly regarding scheduling and payment of the court-mandated fee.

A Rule to Show Cause why sanctions should not be imposed may be issued in all cases that fail to file a Proof of ADR or Exemption form indicating evidence of participation in or exemption from an ADR process within 300 days from the date of filing of the action or 90 days from the date of this notice 10/20/2020.

Date: July 13, 2020

Notice of this Order was given by First Class Mail, E-mail, Fax or by the E-Filing Notice of Electronic Filing (NEF). Pro-Se parties were notified by first class mail on 07/13/2020

Plaintiff Attorney:

J Doe
C/O C Holmes
Po Box 187
Sullivans Island, SC 29482

Defendant Attorney:

Mary M Caskey
PO Box 11889
Columbia, SC 29211

Andrew F. Lindemann
PO Box 6923
Columbia, SC 29260

ADR Coordinator

Caroline Leonard

(843) 958-5013

(843) 958-5020

ccleonard@charlestoncounty.org

STATE OF SOUTH CAROLINA

COUNTY OF *Charleston*

Dr. Cynthia Holmes, M.D.,

Plaintiff(s)

vs.

*East Cooper Community Hospital, Inc.,
Tenethealth System Medical, Inc.*

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

10 -CP-10 - 3410

(Please Print)

Submitted By: *Chalmers C. Johnson*

Address: *523 So. 6 Street, Apt 402*

Tacoma, WA 98405

SC Bar #: *11583*

Telephone #: *425-999-0900*

Fax #:

Other:

E-mail: *chalmersjohnson@gmail.com*

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☒ JURY TRIAL demanded in complaint ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input checked="" type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 <i>-CP-</i>
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Other (799) | Administrative Law/Relief
<input type="checkbox"/> Reinstatement Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Sexual Predator (510) | | |

Submitting Party Signature: 

Date: *4-13-10*

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

ORIGINAL FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JAN 31 2000

LARRY W. PROPPES, CLERK
CHARLESTON, SC

JANE DOE, M.D.,

Plaintiff,

-VS-

TENET HEALTH SYSTEMS,
INC. d/b/a EAST COOPER
COMMUNITY HOSPITAL, BILL
CONE, JOHN GRADY, M.D.,

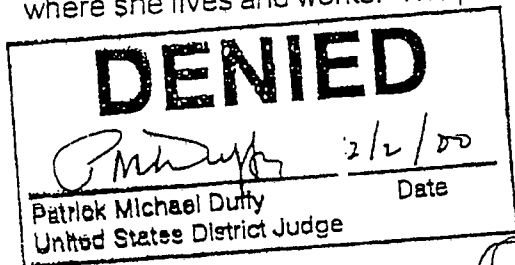
Defendants.

Civil Action No.: 2:99-0833-23

PRO SE MOTION TO RECONSIDER
DISSOLUTION OF THE TEMPORARY
INJUNCTION, MOTION TO ALLOW
ADDITIONAL TIME TO OBTAIN
SUBSTITUTE COUNSEL

The Practitioner intended no disrespect to anyone. The Practitioner sincerely regrets any appearance of disrespect and is unaware of any disrespect on the record or otherwise and respectfully disagrees with that characterization. After the extended and protracted course herein, the Practitioner is hopeful of an expeditious resolution of the case. The Practitioner's attorney, however, has not been timely: first, taking months to schedule the Motion for Temporary Injunction; second, not responding in a timely manner to your Honor's Scheduling Order; third, not providing adequate representation and preparation of the case; and fourth, not notifying opposing counsel until the eleventh hour on January 4, 2000 of the request to reschedule the deposition which was made by letter dated December 17, 1999 (Exhibit A).

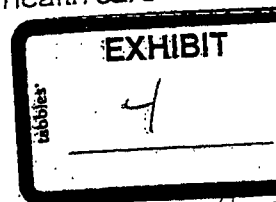
The Practitioner is a sole practitioner with an office in the small community where she lives and works. The practitioner has worked to provide quality health care for



FILED

FEB - 2 2000 *elcam*

LARRY W. PROPPES, CLERK
CHARLESTON, SC



FEB - 4 2000

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Cynthia Holmes, M.D.,

Plaintiff.

vs.

Haynsworth Sinkler Boyd, P.A., successor
to Sinkler & Boyd, P.A., Manton Grier and
James Y. Becker

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE NINTH JUDICIAL CIRCUIT

C/A NO: 2007-CP-10-01444

FILED
2017 SEP 29 PM 2:20
JUDICIAL CIRCUIT
CLERK OF COURT

DEFENDANTS' MOTION TO DISMISS CERTAIN PARTIES

Defendants Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Grier and James Y. Becker (collectively, the "Defendants") hereby move this Court to dismiss Manton Grier and James Y. Becker as petitioners under the Verified Petition filed on January 3, 2017. Messrs. Becker and Grier are employees of Haynsworth Sinkler Boyd, P.A. and do not have any ownership rights or interests in the sanctions judgment that is the subject of the Verified Petition. As a result, they request that they be dismissed as Petitioners, and that Haynsworth Sinkler Boyd, P.A. be the sole remaining petitioner in this action. There are no pending claims asserted by Plaintiff against Defendants in this matter. A proposed order is attached.

HAYNSWORTH SINKLER BOYD, P.A.

Mary M. Caskey, SC Bar No: 76198

Post Office Box 11889

Columbia, South Carolina 29211

Telephone: (803) 779-3080

Facsimile No: (803) 765-1243

ATTORNEYS FOR DEFENDANTS

September 22, 2017

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Cynthia Holmes, M.D.,

Plaintiff,

vs.

Haynsworth Sinkler Boyd, P.A.,
successor to Sinkler & Boyd, P.A.,
Manton Greer and James Y. Becker,

Defendants.

C/A NO: 2007-CP-10-01444

**RULE TO SHOW CAUSE
IN SUPPLEMENTARY PROCEEDINGS
AND ORDER OF REFERENCE**

FILED
2017 JAN -3 AM 9:13
JULIE J. ARMSTRONG
CLERK OF COURT

Judgment having been rendered, an execution issued, and a *nulla bona* return made to said execution, the Defendants, Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A., Manton Greer and James Y. Becker, having moved for an examination of Plaintiff, Cynthia Holmes, M.D., under oath in Supplementary Proceedings, pursuant to the provisions of South Carolina Code Ann. §15-39-310, *et. seq.*; It is therefore,

ORDERED that Plaintiff, Cynthia Holmes, M.D., DO APPEAR before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, South Carolina, 100 Broad Street, Courtroom 2-A, Charleston, South Carolina, on the _____ day of _____, 2017, at _____ o'clock in the ____M to answer under oath concerning her assets, and TO SHOW CAUSE why her property should not be applied toward satisfaction of the Judgment set out in the Petition; and TO SHOW CAUSE why a Receiver of such property should not be appointed, pursuant to the provisions of South Carolina Code Ann. § 15-39-430.

IT IS FURTHER ORDERED that, pursuant to South Carolina Code Ann. §§ 14-11-90 and 15-30-390, this matter being referred to the Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County to entertain and rule upon all motions necessary to dispose of this matter, to include, but not be limited to, motions to appoint a receiver, motion to continue the matter, motions to sell all or certain property of judgment debtor in satisfaction of the Petitioner's debt,

ATTEST A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK C.P., G.S. & F.C.
By _____
DEPUTY CLERK

motions to dismiss, and having authority to enter a Final Order, with any appeal directly to the South Carolina Supreme Court.

IT IS FURTHER ORDERED that this Rule to Show Cause may be served on the Defendant by means of a private process server.

YOU ARE FURTHER ORDERED TO BRING WITH YOU TO THE HEARING the following:

1. Bank statements for all bank accounts [checking, savings, financial accounts, certificates of deposit, etc...] of Plaintiff from 2014 to the present;
2. Financial Statements from 2014 to the present;
3. Copies of all pay stubs from 2014 to the present;
4. All stock certificates;
5. All licenses and franchise agreements;
6. All State and Federal Tax Returns from 2014 to the present;
7. All insurance policies [personal, automobile, real estate];
8. Records of any real estate owned, either in whole or in part by Plaintiff since 2012;
9. Records of automobiles, trucks, trailers, boats, ATV's, and other vehicles and accessories;
10. Any inventories of personal property now or formerly owned from 2014 to the present;
11. Records of all inventories of furniture, fixtures, and/or equipment owned in whole or in part;
12. Copies of any contracts entitling you to payment of money.

IF YOU FAIL TO APPEAR AS ORDERED, YOU MAY BE HELD IN CONTEMPT OF COURT WHICH COULD RESULT IN A FINE AND/OR JAIL SENTENCE.

Presiding Judge

Dated: 12/30/16
Charleston, South Carolina

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., S.S. & F.C.
By _____
DEPUTY CLERK