

ORIGINAL

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No.

Supreme Court, U.S.
FILED

JAN 26 2026

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

ISRAEL ROMERO, Petitioner,

v.

CHARTER COMMUNICATIONS, INC., and SPECTRUM,
Respondents.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF SOUTH CAROLINA**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

This case presents a clear, recognized, and intractable opportunity for this Court when courts apply double standard in a class of one in violation of Equal Protection Clause and Due Process Clause of the Fourteenth Amendment to the United States Constitution.

In *Ames v. Ohio Dept. of Youth Services*, 605 U.S. 303 (2025), this Court ruled that the used of double standards violate the Equal Protection Clause of the XIV Amendment to the U.S. Constitution. In *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000), this Court held that the Equal Protection Clause gives rise to a cause of action on behalf of a “class of one” where the plaintiff does not allege membership in a class or group, but alleges that he has been intentionally treated differently from others similarly situated and that there is no rational basis for such a treatment. In *Dupree v. Younger*, 598 U.S. 729 (2023), this Court ruled that decisions on motions for summary judgment are appealable immediately; and, in *Cox v. Cohn*, 420 U.S. 469 (1975), this Court held that a judgment can be considered “final” for review purposes if the federal issue is conclusive and a delay in review would erode a federal right (in this case, the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment).

Petitioner filed a motion for summary judgment after initial discovery was executed. At the hearing, the circuit judge stated to Petitioner, “I appreciate all of your arguments and your brief, and actually stating the law as far as Kitchen Planners [2023], which you included in your brief. So I applaud you in that regard”(Transcript p. 29 lines 21-24) But the judge made the decision against Petitioner applying a dead rule when it comes to summary judgment: “incomplete discovery” on *Doe ex rel Doe v. Batson*, 345 S.C.316 (2001), that was overruled by *Dawkins v. Fields*, 354 S.C. 58 (2003) in clear “double standard” violating Petitioner’s Equal Protection clause right. On appeal, the S.C. Court of Appeals dismissed the appeal immediately without allowing Petitioner to file his Initial Brief as mandated by Rule 208, S.C. Appellate Procedures, in violation of Petitioner’s Due Process right. The Supreme Court of South Carolina denied certiorari without giving time to Petitioner to file for Rehearing, affirming the lower courts violations of Petitioner’s Constitutional rights, and this case should be reviewed. See *Kitchen Planners v. Friedman*, 440 S.C. 456 (2023).

The question presented is:

Whether South Carolina courts erred in applying “double standard” in a “class of one” in violation of the Equal Protection and Due Process clauses of the Fourteenth Amendment to the United States Constitution.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

RELATED PROCEEDINGS

Greenville County Court of Common Pleas, Greenville, South Carolina:

Romero v. Charter Comm., and Spectrum, No. 2024-CP-2306738
Complaint: Pending (Stay, and in abeyance until this appeal is final)
Motion for Summary Judgment: Denied on August 6, 2025
Respondents Motion to Compel Plaintiff: Granted on August 6, 2025

The South Carolina Court of Appeals:

Romero v. Charter Comm., and Spectrum, No. 2025-001605
Appeal Dismissed: August 18, 2025
Petition for Rehearing: Denied on October 28, 2025
REMITTUR: sent to lower court on January 13, 2026

The Supreme Court of South Carolina:

Romero v. Charter Comm. and Spectrum, No. 2025-002275
Certiorari Denied, Decided: January 13, 2026

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays for a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from state courts:

The Supreme Court of South Carolina denying certiorari is unpublished and is a simple Order without OPINION is [X] unpublished (Appendix C).

The ORDER by the South Carolina Court of Appeals dismissing the appeal is [X] unpublished (Appx. A-1).

The ORDER by the South Carolina Court of Appeals denying Petitioner's petition for rehearing is [X] unpublished (Appx. A-2).

The REMITITUR submitted by the South Carolina Court of Appeals after the Supreme Court denied certiorari is [X] unreported (Appx. A-3).

The ORDER from the Greenville County Court of Common Pleas (Circuit Court) is [X] unpublished (Appx. B).

JURISDICTION

[X] For cases from state courts:

The judgment of the Supreme Court of South Carolina denying certiorari was entered on January 13, 2026. A copy of that decision appears at Appendix C.

The REMITITUR from the South Carolina Court of Appeals was transmitted to the Circuit Court in January 13, 2026. Hence, this appeal to the Supreme Court of the United States is timely.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257 (a)

STATUTORY PROVISIONS INVOLVED

During discovery [] either party can move for summary judgment under Rule 56, which requires a [] court to enter *judgment*. Fed. Rule Civ. Proc. 56 (same as South Carolina Rule 56). This Court held that a decision on a motion for summary judgment is appealable immediately if the decision is pursuant to a purely legal issue. *Dupree v. Younger*, 598 U.S. 729 (2023). Double standard decisions violate Equal Protection Clause, *Ames v. Ohio*, 605 U.S. 303 (2025). See also *U.S. v. Skrmetti*, 605 U.S. 495 (2025).

STATEMENT OF THE CASE

This case presents a square and indisputable conflict over a significant question of appellate reviewability: when state courts apply “double standard” in a “class of one” and violate Petitioner’s Fourteenth Amendment to the United States Constitution rights to Equal Protection and Due Process. The violation is triplet by the South Carolina courts because the Circuit Court applied the double standard by ruling based upon a dead rule when it comes to summary judgment and a second rule on discovery that stopped summary judgment; then, the Court of Appeals applied double standard by denying Petitioner’s right to file an Initial Brief, and the Supreme Court did not give Petitioner an opportunity to file a petition for rehearing. The same day the Supreme Court filed its ruling, same day submitted the notice to the Appeals Court, and the Appeals Court submitted the REMITTUR the same day to the Circuit Court: January 13, 2026. The fast pitch actions deprived Petitioner of his right to due process on a petition for rehearing. Take notice that Judge Verdin did not participate in the decision at the South Carolina Supreme Court. The same S.C. Supreme Court held that to overcome a motion for summary judgment, a non-moving party must file counter affidavits, and that a “fishing expedition” and “mere scintilla” is not enough. *Kitchen Planners v. Friedman*, 440 S.C. 456 (2023) The Circuit Judge knew the rule because at the hearing for the motion on July 29, 2025 told Petitioner, “I appreciate all of your arguments and your brief, and actually correctly stating the law as far as Kitchen Planners, which you included in your brief. So I applaud you in that regard” (Rec’d Item # 1 p. 28, lines 21-25) However, on August 6, 2025, Judge Fant filed his decision pursuant to *Doe ex rel. Doe v. Batson*, 345 S.C. 316

(2001) for “incomplete discovery.” That rule was overruled by *Dawkins v. Fields*, 354 S.C. 58 (2003), and subsequently by *Kitchen Planners* (id). In *Dawkins*, the S.C. Supreme Court held that “incomplete discovery” is not enough to overcome a motion for summary judgment. Take notice of two points: (1) that Respondents came with that “false defense” based upon a purported “deposition of Petitioner.” Respondents invented the deposition *extemporaneously* 42 days after the Petitioner’s motion for summary judgment was noticed (served) to Respondents and filed with the court; and, (2) The deposition notice clearly states that, “these depositions are being taken for the purpose of discovery, *for use as evidence at trial...*” but never mentions for the purpose of overcoming the Petitioner’s motion for summary judgment. The purported defense presented by respondents is a lie. This Court held that a [judgment or decision] “obtained through use of false evidence violates the Fourteenth Amendment Due Process Clause.” *Glossip v. Oklahoma*, 604 U.S. 226 (2025). In *Glossip*, this Court stated that, “A lie is a lie, no matter what its subject.” See also *Napue v. Illinois*, 360 U.S. at 269 (1959)(quoting *People v. Savvides*, 1 N.Y.2d 554 (1956)). The Circuit Court’s decision is clear: the law in *Kitchen Planners* (id) and in *Dawkins* (id) is good only for other litigants but not for Petitioner. Then, Petitioner appealed to the South Carolina Court of Appeals that *ten days later* dismissed the appeal (Appx A-1) violating Rule 208, S.C. Appellate Procedures that sets a deadline to Petitioner to file an Initial Brief *thirty days* after receiving the transcript, and gives *sixty days* to the Court Reporter to complete the transcript, but only works for other litigants not for Petitioner. It is clear violation of Petitioner’s right to Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. Petitioner filed a

Petition for rehearing and the Appeals Court denied the Petition stating that, "The Court is unable to discover that any material fact or *principle of law* has been either overlooked or disregarded." (Appx. A-2). Then, Petitioner filed a Petition for Writ of Certiorari to the S.C. Supreme Court, and the Supreme Court of South Carolina just ORDER, "Based on the vote of the Court, the petition for a writ of certiorari is denied." Filed 1/3/2026 (Appx C), submitted same day to the Court of Appeals, and the Appeals Court submitted same day the REMITTUR to the Circuit Court (App- A-3). Looks like they were ready to get Petitioner in the pit, a "class of one," as held by this Court in *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000). The "three state Courts" applied double standard that is a "triplet" in violation of Petitioner's Constitutional rights to Equal Protection and Due Process. Petitioner does not allege membership in a class or group, but alleges that South Carolina courts intentionally treated him differently from others similarly situated and that there is no rational basis for such treatment. There are no conceivable obstacles to resolving it in this Court.

This case easily satisfies all the traditional criteria for granting review. The conflict is clear, acknowledged, and entrenched. It has already been recognized by the courts of South Carolina, and by this Court and by multiple commentators. The South Carolina Court of Appeals has multiple decisions but the Supreme Court of South Carolina has recently decided that interlocutory decisions are appealable immediately: Opinion No. 28132 *Owens v. Stirling*, 438 S.C. 352, 358 (2023), holding that, "A trial court's ruling on a discovery matter will not be disturbed on appeal **except** where there is an abuse of discretion. An 'abuse of discretion' may be found by this Court where the appellant

shows that the conclusion reached by the lower court was without reasonable factual support, resulted in prejudice to the [Constitutional] right of appellant , and, therefore amounted to an error of law.” In *Waetzig v. Halliburton*, 604 U.S. 305 (2025), this Court ruled that, “Because a ‘judgment’ and ‘order’ both involve some judicial determination of rights a “proceeding” should at least involve some judicial action or conclusive determination of right.” Therefore, the decision by the Greenville County Circuit Court on Petitioner’s motion for summary judgment is appealable immediately, raising the question on Equal Protection Clause and Due Process Clause of the Fourteenth Amendment to the United States Constitution.

The existing situation is intolerable. The question presented raises legal and practical issues of surpassing importance, and its correct disposition is critical to the consistent operation of appellate review not only in the federal courts but also in state courts as well. Because this case presents an optimal vehicle for resolving this important question of federal law, with consequences at state level too as this Court ruled on *Cohen v. Beneficial*, 337 U.S. 541 (1949) that, “the laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as rules of decisions in civil actions in the courts of the United States, in cases where they apply,” the petition should be granted.

1. The Petitioner Israel Romero is a retired senior citizen. Earned a Juris Doctor degree at law school in the United States. Later, earned a Doctor of Philosophy (PhD), and spends most of his time writing essays as Opinion Editorials that are published by LinkedIn by free from both ends. Petitioner is a journalist and writer since the age of

eighteen. Petitioner is a former university professor, mostly at Bridgewater State University, at Bridgewater, Massachusetts.

2. Petitioner is a customer of the TV and Internet cable operator Spectrum, and subsequently of its parent corporation Charter Communications (Defendants), since moving from New England to South Carolina in 2007. Petitioner has been customer of the Respondents since 45 years ago when those providers have been changing names across the time.

3. On March 2024, Petitioner transferred Spectrum Internet services from Spartanburg, S.C. to Greenville, S.C. Petitioner made the installation of the equipment and hardware in his new home at Greenville. After a Spectrum Manager at Spartanburg told Petitioner that no charges will be made, the bill came with a “transfer of services” extra charge of \$30.00. Petitioner protested the charge but was told to pay or risk to have services cut and sent to collection. Petitioner claimed it to be violation of § 39-5-180 (b), Title 39 of S.C. Code of Laws -Charging for services not provided and also is “padding bill,” and Petitioner pointed out so in the original complaint, proving the claim and the motion with the bill provided by Respondents.

4. On May 7, 2024, Petitioner cancelled the services provided by Respondents, and returned the equipment to Respondents. On May 27, 2024, Petitioner received a bill charging services for the entire month of May 2024 billing cycle, when services were already cut: no equipment, no service. Petitioner filed with the original complaint the receipt for “Equipment Returned,” as evidence of this claim. Respondents violated § 37-5-103(2) that states, “If seller accepts surrender of goods [equipment returned] the

consumer is not liable for payment of services to the seller.” It is also called “padding bill.” Petitioner filed the document “Equipment Returned” as evidence of this claim.

5. In May 2024, respondents charged another customer for the entire month of May 2024 for services to the same Petitioner’s address. That other customer happens to be Petitioner’s wife: Petitioner switched the name of the customer only to avoid extra charges, and to avoid harassment from Respondents, but this Petitioner pays the bills, as proven to the Circuit Court with bank statements. Double charging for services at the same place is against the **Respondents’ Rules** and is a crime in South Carolina. It is also “padding bill.” Petitioner filed the bills with the original complaint and the motion as evidence to prove this claim.

6. Once Petitioner moved into his new home in Greenville, SC, he received a Promo Card for new residential customers. When Petitioner went to Respondents offices to claim the benefits offered in the Promo Card, Respondents’ manager told Petitioner that it was “just a promotional card.” In plain words: it was a deceptive advertising in violation of SCUTPA Title 39-5-20. The promo card was attached to the original complaint and to the motion as evidence of this claim. In *State ex rel. Wilson v. Ortho-McNeil*, 2012-206897 (2015), the Supreme Court of South Carolina held that defendants violated the S.C. Unfair Trade Practices Act (SCUTPA) by engaging in unfair methods of competition by willfully failing to disclose the truth to customers.

7. During the years 2023-2024 Respondents made Petitioner pay for Internet services: Petitioner was approved by the Federal Government Affordable Connectivity Program (ACP) and was receiving the services from Respondents free of charge because

the government made those payments, until Respondents started billing Petitioner directly and forcing Petitioner to pay while Respondents were receiving double payment: from Petitioner and from the government. Respondents violated U.S.C. Title 42 – The Public Health and Welfare, and Chapter 7 – Social Security. Later, when the ACP ended, the federal government approved the LifeLine benefits to Petitioner for free Internet, but Respondents denied free services to Petitioner. On discovery for this matter, Respondents have refused to provide Petitioner the records that remain in the exclusive custody and control of Respondents regarding this particular double-claim, but the one that was ordered by the Circuit Court to comply with discovery requests is Petitioner, especially the infamous deposition of Petitioner. Besides, collecting “padding bills” it may be federal crime for siphoning money illegally from the Federal Government.

8. In discovery on his own, Petitioner contacted the S.C. Department of Consumer Affairs, and obtained a document filed by the S.C. Authority with the Federal Communications Commission with a list of at least –by mid 2025- 28,200 formal complaints, naming as first violator Defendant Spectrum. Violations go from “poor service, bill increases, misleading sales tactics, failure to cancel a portion of the bundle as requested, equipment damage during delivery, customer death provoking double charges to the new customer at that same address), deceptive free trials [i.e. Promo Cards like the one Petitioner received as his new home], and unresolved billing disputes. The document was filed with the motion for summary judgment as evidence to prove the claim.

9. The alleged acts, omissions and practices by Respondents had as a consequence as proximate cause, besides the described economic damages, psychological damage.

Petitioner claimed along the other claims, having suffered Intentional Infliction of Emotional Distress (IIED), of such extreme intensity and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious, and utterly intolerable in a civilized community; and Petitioner filed with the motion for summary judgment some medical records as evidence.

10. The original complaint and the motion were filed pursuant to Title 37 Consumer Protection Code, and Title 39 South Carolina Unfair Trade Practices Act (SCUTPA) for the above mentioned violations of Respondents against Petitioner. The case has no relationship at all with Breach of Contract. However, the Respondents filed along with the complete bills from Petitioner records for services provided by Respondents to Petitioner when Petitioner lived at Spartanburg, SC, a copy of the document called SPECTRUM RESIDENTIAL GENERAL TERMS AND CONDITIONS OF SERVICE. It is not a contract but a series of imposed rules. However, in the front page, the document reads in bold type letters all capitals: (1)...(2)...(3) [the customer has] the right to opt out of the foregoing provisions.” When Petitioner filed the complaint on November 19, 2024, Petitioner opted out of the document and its provisions. Take notice that even if the document can be admitted as evidence, the only thing it proves is that Respondents will keep violating the Consumer Protection Code and the SCUTPA because Respondents contend that they can do what they want based upon such set of rules of the Spectrum Residential General Terms and Conditions of Service, which proves the South Carolina rule that in order for a Plaintiff [this Petitioner] to prove violations of SCUTPA, the Respondent must show a behavior or pattern for the prospect of repetition of the

complained violations. “Unfair or deceptive practices in the conduct of trade or commerce have an impact upon the public interest if the acts or practices have the potential for repetition. *Noack Enterprises, Inc. v. Country Corner Interiors*, 290 S.C. 475, 351 S.E.2d 347 (Ct. App. 1986) (citing *Anhold v. Daniels*, 94 Wash.2d 40, 614 P. 184 (1980)) The only document filed by Respondents in Petitioner’s motion for summary judgment proves Petitioner’s case for the violations claimed.

11. As the law requires a non-moving party to overcome a motion for summary judgment, Respondents failed to file at least three affidavits of experts: one from a cardiologist, one from either a psychologist or a psychiatrist, and one from a Certified Public Accountant. Respondents failed the test from *Kitchen Planners* (*id*) but on August 6, 2025, the Circuit Court sided with Respondents, and violated Petitioner’s right of Equal Protection Clause and Due Process of the Fourteenth Amendment to the U.S. Constitution, and this case deserves review.

Petitioner submitted the NOTICE OF APPEAL on August 8, 2025, stating clearly that, “This appeal is taken for abuse of discretion by the lower court that applied a dead rule of “incomplete discovery” from *Doe ex rel. Doe v. Batson* (2001) to a motion for summary judgment where the correct rule is set by South Carolina Supreme Court on *Kitchen Planners v. Friedman* (2023). With this judgment, the lower court overrules the Supreme Court, in clear abused of discretion, and must not be tolerated by the Court of Appeals. Also overrules *Dawkins v. Field[s]*, 580 S.E.2d 433, 354 S.C. 58 (2003).” (Appx D) The Appeals Court wrote, “This appeal arises out of the circuit court denying Appellant’s motion for summary judgment and granting Respondents’ motion to compel

deposition. Because the underlying order is not immediately appealable, we dismiss this appeal. See *Ballenger v. Bowen*, 313 S.C. 476, 477-78, 443 S.E.2d 379, 380 (1994) (holding the denial of a motion for summary judgment is not immediately appealable); and *Hamm v. S.C. Pub. Serv. Comm'n*, 312 S.C. 238, 241, 439 S.E.2d 852, 853 (1994) (holding discovery orders are interlocutory and not immediately appealable).” (See Appx. A-1) Those are older cases and have been partially overruled by new state cases, some from the very S.C. Court of Appeals and others from the S.C. Supreme Court, that hold the **exceptions**. SCOTUS also have a series of cases that hold **exceptions** to those general rules, and will be exposed in this brief. Petitioner submitted a Petition for Rehearing [to Reinstate] and the ORDER just says, “The Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting rehearing. Accordingly, the petition for rehearing is denied.” (See Appx A-3) Take notice that the Appeals Court violated Rule 208, S.C. Rules of Appellate Procedures when denied Petitioner’s right to file an Initial Brief. In the process violated Petitioner’s right to Due Process guaranteed by the Fourteenth Amendment to the U.S. Constitution.

Petitioner filed a Petition for a Writ of Certiorari with the Supreme Court of South Carolina and, after briefings of the parties, the Court ORDER states, “Based on the vote of the Court, the petition for a writ of certiorari is denied.” (See Appx C) Take notice that Justice Verdin did not participate in the voting. The Court did not give Petitioner an opportunity to file a Petition for Rehearing. Affirming the violations of Petitioner’s Constitutional rights, the Supreme Court of South Carolina as well violated Petitioner’s

Constitutional rights to Equal Protection and Due Process. Therefore, this case deserves review.

REASONS FOR GRANTING THE PETITION

I. THERE IS A CLEAR AND INTRACTABLE CONFLICT OVER A SIGNIFICANT QUESTION

1. The courts of the State of South Carolina scored a “triplet” to defeat the motion for summary judgment filed by Petitioner eight months after commencement of the action, and after some discovery was executed. The conflict arises when Patrick C. Fant, III, Circuit Judge, ruled applying a dead law when it comes to a motion for summary judgment failing to apply the right law as he said at the hearing of the motion (Transcript p. 29 lines 21-24), in double standard that violates Petitioner Constitutional right to Equal Protection. The Court of Appeals prevented Petitioner the right to file his Initial Brief, violating Petitioner’s Constitutional right to Due Process. Then, the Supreme Court of South Carolina prevented Petitioner from filing a Petition for Rehearing, violating Petitioner’s Constitutional right to Due Process.

- a. Does Double Standard violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution? Yes.

Petitioner is member of a “class of one” as ruled by this Court in *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000). In *Village of Willowbrook* (id), this Court stated that, “the Equal Protection Clause gives rise to a cause of action on behalf of a “class of one” when the plaintiff [Petitioner] does not allege membership in a class or group, but alleges that they [the Court] have intentionally treated differently from others similarly situated and that there is no rational basis for such treatment.”

In *Dawkins v. Fields*, 354 S.C. 58 (2003), the Supreme Court of South Carolina ruled that, “further discovery by [non-moving party] is not likely to create a genuine factual issue for [overcoming the motion].” The Issue #4 in *Dawkins* is, “4. Did the trial court err in granting summary judgment without allowing additional time for discovery?” The S.C. Supreme Court answered: No! That court stated that the non-moving party had four months to complete discovery, and failed, saying that four months were “more than enough.” In our case, the non-moving party had eight months to complete discovery –if they wanted to complete discovery- that is double-more-than-enough (Pet. Reply p. 9).

The Circuit Court however ruled that denied Petitioner motion for summary judgment due to “incomplete discovery” pursuant to *Doe ex rel. Doe v. Batson*, 345 S.C. 316 (2001), that was overruled regarding summary judgment two years later by *Dawkins* (2003) and later by *Kitchen Planners* (2023) (id) too. On July 29, 2025, at the hearing of the motion Judge Fant told Petitioner, “I appreciate all of your arguments and your brief, and actually stating the law as far as Kitchen Planners [2023], which you included in your brief.” (Rec’d Item # 1 p. 28 lines 21-25) Despite saying that Petitioner had the right law, the Circuit Judge applied double standard and the wrong law without justification in clear violation of Petitioner’s Constitutional right to Equal Protection.

The law of both state and Federal Rules of Civil Procedure state that for claimant a motion for summary judgment can be brought at any time after 30 days from the commencement of the action or after service of a motion for summary judgment by the adverse party. Rule 56 S.C. R. Civ. P. (a); Rule 56 Fed. R. Civ. P. 2009 Amendment. This Court, in *Dupree v. Younger*, 598 U.S. 729 (2023), held that, “During or after that

process [discovery] either party can move for summary judgment under Rule 56, which requires a district court to enter judgment on a claim or defense..." This Court also has ruled that, "From the standpoint of due process, it is immaterial that a deprivation of property may be temporary and non-final." *Fuentes v. Shevin*, 407 U.S. 76-81 (1972).

If the State of South Carolina law and the federal law state that "incomplete discovery" is not the appropriate law to overcome a motion for summary judgment and for the court to deny summary judgment, the Circuit Court in Greenville, South Carolina, undoubtedly applied a "double standard" on a "party of one" benefiting others with the appropriate law, i.e. those in the cases of *Dawkins* (id) and *Kitchen Planners* (id) but denying Petitioner same treatment in clear violation of Petitioner's Constitutional right to Equal Protection. The conflict is clear, acknowledged, and entrenched. This case easily satisfies all the traditional criteria for granting review.

b. Does denying the opportunity to file Initial Brief violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution? Yes.

The decision by the South Carolina Court of Appeals filed August 18, 2025 dismissing the appeal just ten days after Petitioner filed it on August 8, 2025, without giving Petitioner the opportunity to file the Initial Brief violates both the Rule 208 of S.C. Rules of Appellate Procedures, and the U.S. Constitution Clauses to Equal Protection and Due Process. This Court held that the purpose of Due Process is, "To be afforded finality is notice reasonable calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust*, 339 U.S. 306 (1950).

In South Carolina the law is Rule 208 (a) Time for Serving and Filing Initial Briefs. (1) Brief of Appellant. Within thirty (30) days after receiving the transcript [in our case transcript was due on October 8, 2025, and the Brief was due on November 8, 2025]. Take notice that those terms are good for other litigants but not good for Petitioner *as per* the decision by the S.C. Court of Appeals.

The Court of Appeals decision conflicts with a decision of the S.C. Supreme Court, *Gloria Ormand-Ward v. Chicago Title Ins. Co.*, Opinion No. 6127 filed December 3, 2025, held that dismissal of a case “must comport with due process requirements and must not offend traditional notions of fair play and substantial justice.” The dismissal of Petitioner’s appeal is contrary to the ruling on *Ormand-Ward*. The S.C. Court of Appeals also contradicts a decision of this Court that cleared the way for review of interlocutory orders or judgments. In the case No. 23-971 decided February 26, 2025, *Waetzig v. Halliburton*, 604 U.S. 305 (2025), this Court held that, “Because a ‘judgment’ and ‘order’ both involve some judicial determination of rights, a ‘proceeding’ should at least involve some judicial action or conclusive determination of rights.” The decision in Petitioner motion for summary judgment fits this standard: did not work for Petitioner.

When the Court of Appeals deprived Petitioner of the right to file his Initial Brief, the court violated fundamental Petitioner’s Constitutional rights, i.e. Equal Protection and Due Process. The conflict is clear, acknowledged, and entrenched. This case easily satisfies all the traditional criteria for granting review.

b. Does denying Petitioner the opportunity file a Petition for Rehearing violate Petitioner’s Constitutional Rights to Equal Protection and Due Process? Yes.

Petitioner was astonished by the speed on submitting the decision of January 13, 2026, not only by the S.C. Supreme Court but also by the S.C. Court of Appeals. The Supreme Court did not give Petitioner an opportunity to file a petition for rehearing. The same day the Supreme Court filed its ruling, same day submitted the notice to the Appeals Court, and the Appeals Court submitted the REMITTUR the same day to the Circuit Court: January 13, 2026. The fast pitch actions deprived Petitioner of his right to due process Petition for rehearing. Take notice that Judge Verdin did not participate in the decision at the South Carolina Supreme Court. Every litigant in the State of South Carolina is afforded the opportunity to file a Petition for Rehearing but Petitioner.

South Carolina Supreme Court in *Olson v. Faculty House of Carolina, Inc.*, 334 S.C. 194, 544 S.E.2d 38 (2001) held that, “Rather, appealability turns on § 14-3-330. See James F. Flanagan, *South Carolina Civil Procedure* 430 (2d ed. 1996) (“The appealability of trial court orders remains determined by the Supreme Court’s jurisdictional statute”) Section 14-3-330 declares:

“The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

(1)...(2) An order affecting substantial rights made in an action when such order (a) in effect determines the action and *prevents a judgment* from which an appeal might be taken...” (Rec’d Item #5 Petition to Reinstate p. 6 item 7; Rec’d Item #8 Pet. Reply p. 3; Rec’d Item #9 Pet. Supp. Brief p. 3; Rec’d Item # ___ Pet. Reply p. 8) In our case, the Court that wrote such an order and should comply with § 14-3-330 –South Carolina

Supreme Court- is the one that prevented a judgment from which an appeal or a Petition for Rehearing might be taken.

The S.C. Supreme Court has an array of decisions on abuse of discretion just exactly what same Court has done to Petitioner. In *Owens v. Stirling*, 438 S.C. 352 (2023), ruled that, "A trial court's ruling on a discovery matter will not be disturbed on appeal **except** where there is an abuse of discretion." (citing *Dunn v. Dunn*, 298 S.C. 499 (1989)). In *Owens* (id), the Court explained that, "An abuse of discretion may be found by this Court where the appellant shows that the conclusion reached by the lower court was without reasonable factual support, resulted in prejudice to the right of appellant, and therefore amounted to an error of law." That is exactly what the S.C. Supreme Court committed in prejudice to the right of this Petitioner. S.C. Supreme Court also ruled that, "In a case raising a novel question of law, the appellate court is free to decide the question with no particular deference to the lower court." *Richardson v. McCabe*, 439 S.C. 419 (2023) That is exactly what this Petitioner wants from SCOTUS: have no particular deference to that lower court, the S.C. Supreme Court. Citing *Hagood v. Sommerville*, 362 S.C. 191 (2005), S.C. Supreme Court held that an "order affects a substantial right and is immediate appealable when it "(a) in effect determines the action and prevents a judgment..." (quoting § 14-3-330(2))

When S.C. Supreme Court denied Petitioner the opportunity to file a Petition for Rehearing, and affirmed the Constitutional violations from the other South Carolina lower courts, not only prevented a judgment but also itself violated Petitioner's rights to Equal Protection and Due Process guaranteed by the Fourteenth Amendment to the

United States Constitution. The conflict is clear, acknowledged, and entrenched. Hence, this case easily satisfies all the traditional criteria for granting review.

2. South Carolina statute and case law state that summary judgment and discovery decisions are appealable immediately if the decision involves pure law. Federal statute and the Supreme Court of the United States case law state same.

a. Are motions for summary judgment decisions appealable immediately? Yes.

South Carolina and federal courts review immediate appeals from summary judgments. For instance, on January 21, 2026, the Supreme Court of South Carolina decided the Case No. 28310 of *Opternative v. S.C. Optometric Physicians Assoc.*, that is an appeal from a South Carolina Circuit Court decision on a motion for summary judgment. However, few days before, on January 13, 2026 the same Supreme Court declined to hear the appeal from Petitioner from a decision of his motion for summary judgment. And the Court of Appeals dismissed Petitioner's appeal "Because the underlying order [summary judgment and discovery to compel deposition] is not immediately appealable." It is clear violation of Equal Protection and Due Process. The Fourth Circuit Federal Appeals Court on January 20, 2026 decided the case No. 24-1799 of *Kipke v. Moore*, which is an immediate review on appeal from a summary judgment decision.

This Court, in *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975), held that a judgment can be considered "final" for review purposes if the federal issue is conclusive and a delay would erode a federal right" (in our case, violations of the Equal Protection

Clause, and Due Process Clause of the Fourteenth Amendment to the United States Constitution).

The law in this regard states that, “Interlocutory orders –and summary judgments are interlocutory *per se*- from federal courts and from the states are reviewable immediately.” 28 U.S. Code §§ 1292 and 1257. Title 28 U.S.C. § 1291, provides for appeal only “from all final decisions[] **except** [means it can be appeal] when direct appeal to this Court is provided. Section 1292 allows appeals also from certain interlocutory orders, decrees and judgments, not material to this case **except** as they indicate the purpose to allow appeals from orders other than final judgments when they have a final and irreparable effect on the right of the parties.” *Cohen v. Beneficial*, 337 U.S. 541 (1949) Take notice that the Circuit Court’s decision upon this Petition was concluded and closed, and its decision final in that sense, before the appeal was taken. *Cohen* (id)

This Court established the “plain statement rule,” in *Michigan v. Long*, 463 U.S. 1032 (1983) that, “It will assume a state court decision is based on federal law (and is therefore reviewable) unless the state court opinion contains a “plain statement that the decision rests on adequate and independent state grounds.” This appeal is pursuant to violations to the Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment to the United States Constitution, and neither the S.C. District Court or the S.C. Court of Appeals nor the S.C. Supreme Court mentions the South Carolina Constitution. Therefore, this Appeal, based on the U.S. Constitution, has merit and can be reviewed immediately by the Supreme Court of the United States. (see Pet. Reply Rec’d Item # ____, pp. 1, 2, 4, 5, 7, 13) In *Martin v. Hunter’s Lessee*, 14 U.S. 304 (1816), this

Court held that, “The Supreme Court’s appellate jurisdiction extends to state court cases involving the Constitution, laws, and treaties of the United States, and federal law must be uniform and supreme throughout the nation.” *Martin* (id) is the bedrock foundation of 28 U.S.C. § 1257. It established the principle that the U.S. Supreme Court is the ultimate interpreter of federal law, creating a unified legal system rather than 50 separate ones.

In a decision filed on January 20, 2026, *Berk v. Choy*, 607 U.S. ___ (2026) No. 24-440, Justice Amy Coney Barrett, writing the opinion for the Court, stated that, “Because Rule 8 is a valid procedural rule under the Rules Enabling Act and regulates the manner and means by which claims are presented, its displaces [any] contrary [state] law.” The conflict is clear, acknowledged, and entrenched. Hence, this case easily satisfies all the traditional criteria for granting review.

b. Are Interlocutory decisions in discovery matters appealable immediately? Yes.

The Supreme Court of South Carolina ruled that decisions on discovery matters are appealable immediately. In Opinion No. 28132 *Owens v. Stirling*, 438 S.C. 352, 358 (2023) held that, “A trial court’s ruling on a discovery matter will not be disturbed on appeal **except** where there is an abuse of discretion.” See also *Dunn v. Dunn*, 298 S.C. 499, 502 (1989). In this exception to the general rule, the lower court stated that, “An ‘abuse of discretion’ may be found by this Court where the appellant shows that a conclusion reached by the lower court was without reasonable factual support, resulted in prejudice to the right of appellant, and, therefore amounted to an error of law.” The Circuit Court relied on a purported deposition scheduled by Respondents 42 days after receiving notice and service of Petitioner’s motion for summary judgment. The scheduled

deposition is not only extemporaneous but also a lie in a clear “fishing expedition,” and that such results were planned to be used at trial but not to overcome the motion. South Carolina Supreme Court in *Olson v. Faculty House of Carolina, Inc.*, 334 S.C. 194, 544 S.E.2d 38 (2001) held that, “Rather, appealability turns on § 14-3-330. See James F. Flanagan, South Carolina Civil Procedure 430 (2d ed. 1996) (“The appealability of trial court orders remains determined by the Supreme Court’s jurisdictional statute”) Section 14-3-330 declares:

“The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

(1)... (2) *An order affecting substantial rights made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken...*” (Rec’d Item #5 Motion to Reinstate p. 6 item 7; Rec’d Item #8 Pet. Reply p. 3; Rec’d Item #9 Pet. Supp. Brief p. 3; Rec’d Item # ___ Pet. Reply p. 8) In our case, the decision by the Circuit Court in the discovery matter prevented summary judgment, and also pushed the issue of violation of the Equal Protection Constitutional Clause. The scheduled deposition came 42 days after the motion for summary judgment was noticed, served and filed at the court, and it is for the purposes of trial not to overcome the motion for summary judgment, and does not specify what evidence will elicit to overcome the motion. In one word: is a lie and prejudicial to Petitioner. This Court ruling on *Andrew v. White*, 604 U.S. 86 (2025), decided January 21, 2025, held that, “As previously established by the Court, the Due process Clause forbids the introduction of evidence so unduly prejudicial as to render a [] trial fundamentally unfair.” In *Glossip v. Oklahoma*

(id) this Court stated that, “Turning to the merits, we conclude that the [circuit court] violated its constitutional obligation to correct false testimony, and violates the Due Process Clause.” (citing *Napue v. Illinois* (id) that, “A lie is a lie, no matter what its subject.”) In *Village of Willowbrook* (id) this Court ruled that, “Our cases have recognized successful equal protection claims brought by a “class of one,” where the plaintiff alleges that he has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.” See *Sioux City Bridge Co. v. Dakota County*, 260 U.S. 441 (1923)’ *Allegheny Pittsburgh Coal Co. v. Commission of Webster Cty.*, 488 U.S. 336 (1989) In so doing, we have explained that “[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.” *Sioux City Bridge Co.* (id), (quoting *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U.S. 350 (1918)).

In *Waetzig v. Halliburton* (id), this Court ruled that, “Because a “judgment” and “order” both involves some judicial determination of rights, a “proceeding” [i.e. decisions in a motion for summary judgment or a motion to compel] should at least involve some judicial action or conclusive determination of rights,” defining that, “The word “final” underscores that [federal] Rule 60(b) [same as Rule 60(b), SCRCPP] does not infringe a court’s inherent and distinct power to revise its interlocutory decrees in an ongoing case.”

The conflict is clear, acknowledged, and entrenched. Hence, this case is an exception to the general rule (see Pet Reply p. 6) and easily satisfies all the traditional criteria for granting review.

c. Does issues of Constitutional violations need to be preserved for appeal? No.

Justice Barrett is explicit on this question. Delivering the opinion of the Court in *Dupree v. Younger* (id) stated, “The question presented in this case is whether this preservation requirement extends to a purely legal issue resolved at summary judgment. The answer is no.” In *Cox Broadcasting* (id) the question presented is, “Was the Georgia Supreme Court’s decision a “final judgment” that could be reviewed, even though the case was sent back to the trial court for a trial on the facts?” This Court held that, “The Supreme Court created a crucial set of **exceptions** to the strict final judgment rule. It held that a judgment can be considered “final” for review purposes if the federal issue is conclusive and a delay in review would erode a federal right (in this case, Petitioner’s Constitutional rights to Equal Protection Clause and Due Process Clause)(see Pet Reply p. 6)

The issue of Constitutional violations prejudicial to Petitioner, such as the Equal Protection Clause and the Due Process Clause guaranteed by the Fourteenth Amendment to the United States Constitution, is preserved on the record at least six (6) times as described on p. 23 of this Brief, regardless the law exempts an issue of pure law to be preserved. The conflict is clear, acknowledged, and entrenched. Hence, this case easily satisfies all the traditional criteria for granting review. Until this Court intervenes, parties will continue to face disparate chances of successful appeals depending on the court and the litigant. Review is urgently warranted.

II. THE QUESTION PRESENTED IS IMPORTANT AND WARRANTS REVIEW IN THIS CASE

1. The question presented is of obvious legal and practical importance. The standard for immediate appellate reviewability of summary judgments and other interlocutory decisions especially in issues of discovery is a critical important issue in every civil case but also in criminal matters, at state level and at the federal stake in the country. It is essential for all stakeholders to know the steps and when to appeal those interlocutory decisions, having in consideration that summary judgments are interlocutory by nature. In addition, when it comes to violations of Constitutional rights and the decision looks like has singled out a particular litigant, legal commentators talk of a “class of one” and also the application of double standards. Nor is there any hope of this issue resolving itself. Each side of the split has staked out its position, and the competing arguments have been thoroughly examined. The question is ripe for review.

a. The sheer number of reported decisions confirms the issue’s importance, and there is no genuine dispute that the issue arises constantly in courts of appeals in every state court and in every federal courts of appeal, and in this Supreme Court of the United States. Take notice that the use of double standard by courts mostly happens against a litigant that is minority, when is the poor against the rich and powerful either or both economical and political. There is a reason experts are tracking this issue of Constitutional rights violations, and cautioning parties to beware the uncertainty until this Court weighs in. e.g. *Andrew v. White*, 604 U.S. 86 (2025), where we find that, “When this Court relies on a legal rule or principle to decide a case, that principle is a “holding” of the Court for purposes of [precedent].” *Lockyer v. Andrade*, 538 U.S. 63 (2003)(“Clearly established