

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

JEFFREY GEORGE SENTER,)
)
)
Plaintiff,)
)
v.)
)
)
MARILYN HATLEY, Personally and as)
Mayor of the City of North Myrtle Beach,)
DAVID HATLEY, CITY OF NORTH)
MYRTLE BEACH, MELISSA and)
TRACY EDGE, and the NORTH MYRTLE)
BEACH AQUATIC FITNESS CENTER,)
)
Defendants.)
_____)

C/A No.: 4:12-cv-2502-RBH-KDW
(Former state case 2012-CP-26-05320)

ORDER

On July 10, 2012, Plaintiff Jeffrey George Senter filed suit in the Court of Common Pleas of Horry County, South Carolina (former state court case number 2012-CP-26-05320) against Marilyn Hatley, Personally and as Mayor of the City of North Myrtle Beach, David Hatley, City of North Myrtle Beach, Melissa and Tracy Edge (the “Edge Defendants”), and the North Myrtle Beach Aquatic Fitness Center. Compl., ECF No. 1-1. On August 30, 2012, Defendants Marilyn Hatley, the City of North Myrtle Beach, and the North Myrtle Beach Aquatic Fitness Center removed the action. Notice of Removal, ECF No. 1. Defendant David Hatley filed an Answer on September 5, 2012. ECF No. 5. The Edge Defendants consented to removal, and Notice of Filing of Pro Se Defendants’ Consent to Removal (“Notice of Pro Se Consent”) was filed September 7, 2012. ECF No. 8. Counsel for the removing Defendants filed the Notice of Pro Se Consent, noting the Edge Defendants were “in the process of obtaining counsel.” ECF No. 8. Attached to the Notice of Pro Se Consent was a letter signed by Melissa and Tracy Edge, indicating their “Consent to Removal of this Case to Federal Court.” ECF No. 8-1.

In an October 7, 2013 Order, the court instructed the Edge Defendants to enter a written notice of appearance by mail if they intend to represent themselves in this matter. ECF No. 53 at 1. On October 22, 2013, the Edge Defendants sent a letter to the Clerk of Court via facsimile indicating their intention to appear pro se.

TO THE EDGE DEFENDANTS

The court is advised that, on January 22, 2013, the Edge Defendants submitted to the Court of Common Pleas for Horry County (“state court”) an “Answer and Counterclaim” to Plaintiff’s Complaint. When this matter was removed from the state court to this court, no pleadings or other papers pertaining to this litigation were to be filed in the state court. Plaintiff filed a Reply

to the Edge Defendants' Counterclaim on October 2, 2013, in federal court. ECF No. 46. Plaintiff explained that his counsel first received a copy of the Edge Defendants' Answer and Counterclaim on October 2, 2013, ECF No. 46 at 1, and attached a copy of the Answer and Counterclaim as an exhibit to the federal court filing, ECF No. 46-1. *Unless the Edge Defendants notify this court otherwise, on **November 1, 2013**, this court will instruct the Clerk of Court to file the Edge Defendants' Answer and Counterclaim in this federal action.* Upon the filing of the Edge Defendants' Answer and Counterclaim, other parties may file any responsive pleading appropriate in accordance with the Federal Rules of Civil Procedure.

The court advises the Edge Defendants of the following pleading and practice rules, which are applicable to all pro se litigants in this court:

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, any documents filed subsequent to the initial pleading must be served on parties. Unless otherwise ordered, service of subsequently filed documents on a defendant represented by an attorney is made on the attorney. Service on attorneys who have made an appearance in this court is effected by the court's Electronic Case Filing system through a computer generated notice of electronic filing. However, prior to a party's attorney making an appearance in this court, that party must be served with any documents filed and file a certificate of service with the court that states who was served, what document was served, and how the document was served.

Defendants must place the civil action number (C/A No.: 4-12-cv-2502-RBH-KDW) on any document provided to the court. **Any future filings in this case must be sent to the Florence Clerk's Office at Post Office Box 2317, Florence, South Carolina 29503, or be delivered by hand during business hours to the Clerk's Office, United States District Court, 401 W. Evans Street, Florence, South Carolina. The Clerk of Court cannot accept filings sent by facsimile or otherwise.** All documents requiring Defendants' signatures shall be signed with each Defendant's full legal name written in that Defendant's own handwriting. Pro se litigants shall not use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this court, Defendants are directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Defendants are further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom and sides of each paper submitted.

You are ordered to always keep the Clerk of Court advised in writing (Post Office Box 2317, Florence, South Carolina 29503) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this court, your case may be dismissed for violating this Order. Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

TO THE CLERK OF COURT

In this instance only, the Clerk of Court is directed to docket the letter received from the Edge Defendants by facsimile. However, the **Edge Defendants** are advised that pro se parties are not permitted to file documents by facsimile or by using the court's Electronic Court Filing system.

The Clerk of Court is directed to mail to the Edge Defendants copies of the following documents in this matter:

- The court's manual for nonprisoner pro se litigants;¹
- The First Amended Conference and Scheduling Order, ECF No. 40;
- The other parties' answers to Local Rule 26.03 Interrogatories, ECF Nos. 44, 47, 48;
- Answers filed by other Defendants, ECF Nos. 5, 42, 43; and
- Plaintiff's Reply to Edges Defendants' Answer and Counterclaim, ECF No. 46.

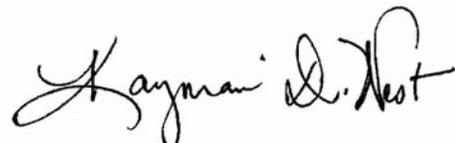
This Order and the above-listed documents are to be mailed by both regular and certified mail to Defendants Melissa and Tracy Edge, 1423 Edge Drive, North Myrtle Beach, SC 29572.

TO ALL PARTIES, COUNSEL, AND THE EDGE DEFENDANTS

Now that the Edge Defendants have entered an appearance in this matter, all parties, including the pro se Edge Defendants are to confer regarding proposed scheduling order deadlines.² No later than **November 8, 2013**, the parties are to advise the court of any requested changes to the scheduling deadlines contained in the currently operative scheduling order, ECF No. 40.

IT IS SO ORDERED.

October 23, 2013
Florence, South Carolina



Kaymani D. West
United States Magistrate Judge

¹ The manual for pro se litigants is also available on the court's website, www.scd.uscourts.gov, under the "Pro Se Representing Yourself" tab.

² Represented parties will appear by counsel, and Plaintiff's counsel shall initiate the scheduling of this court-ordered conference.