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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case Number: 2022-000017

Joseph N. Grate,

Appellant,

v.

Christopher Douglas Brown,

Respondent.

RECORD ON APPEAL

Joseph N. Grate, Pro Se
P.O. Box 1294
Pawley's Island, SC 29585
(843) 742-0696

Other Counsel of Record:
Richard C. Thomas, Esq.
P.O. Box 8448
1613 Main Street
Columbia, S.C. 29202
Attorney for Respondent

I N D E X

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STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

JUDGMENT

Joseph N Grate

[REDACTED], SC 29585

PLAINTIFF(S)

Vs

Christopher Douglas Brown

[REDACTED], SC.29585

DEFENDANT(S)

Hertz Vehicles Llc
2 Office Park Court, Suite 103
Columbia, SC 29223

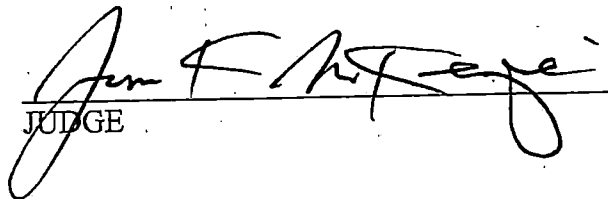
State Farm
PO Box 106171
Atlanta, GA 30348

The issues in this action were tried in the Central Jury on June 16, 2021 at which time a Judgment for the Plaintiff, Joseph N Grate, was rendered in the amount of \$1,097.76.

IT IS THEREFORE ORDERED that the Plaintiff recover from the Defendant(s):

Christopher Douglas Brown

the total amount of \$1,097.76 which includes other relief, if any, as stated below.


JUDGE

Central Jury
333 Cleland Street
Post Office Box 807
Georgetown, SC 29440
Phone: (843) 545-3383 Fax: (843) 545-3394

June 21, 2021

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP2200605

Joseph N Grate
PLAINTIFF(S)

Christopher Douglas Brown
DEFENDANT(S)

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), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled);
 Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRCP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded;
 Other Dismissed, see below.

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:

Motion for Recusal by Appellant is DENIED.

Respondent's Motion to Dismiss Appeal is GRANTED. The appellant failed to file his Notice of Appeal with the magistrate rendering the decision on appeal. See Rule 18(a), SC Rules of Magistrate Court. Therefore, this appeal is DISMISSED.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/09/2021 .

Joseph N Grate for Joseph N Grate
Joseph N Grate for Joseph N Grate

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

STATE OF SOUTH CAROLINA)

COUNTY OF Georgetown)

Joseph N. Grate,)
PLAINTIFF)

VS.)

Christopher Douglas Brown,)

Hertz Vehicles LLC,)

State Farm Insurance.)
DEFENDANTS)

CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT

COMPLAINT

(Jury Trial Demanded)

PARTIES AND JURISDICTION

1. That, **Joseph N. Grate**, the plaintiff in this civil action, states as follows:
2. Plaintiff is a citizen and resident of Georgetown County, South Carolina.
3. Defendant Christopher Douglas Brown was and believably is a citizen and resident of Georgetown County, South Carolina.
4. Defendant Hertz Vehicles LLC was the owner of the Vehicle at issue herein.
5. State Farm Insurance was the Insurer of the Vehicles at issue herein.

FACTS

1. On February 28, 2018, Plaintiff was driving his Pick-up Truck Northbound on U.S. Highway 17.
2. At the same time, Defendant Brown was directly behind Plaintiff, also traveling Northbound, driving the Hertz Vehicle and collided with the rear of Plaintiff's Truck.

3. As the results of the collision, Plaintiff has incurred medical expenses, has suffered severe pain and loss of income.
4. At the time of the collision, Defendant Hertz Vehicle LLC was the owner of the vehicle driven by Defendant Brown.
5. At the time of the collision, State Farm Insurance was the insurer of the subject vehicles and or Defendant Brown.
6. In light of the foregoing, Plaintiff submits the following, good faith tabulation of costs:

7. TABULATION OF COST

The cost of repair of Plaintiff's Truck, (estimate).....	\$3,903.04
Missed work,	\$2,250.00
Taillight replacement cost,	\$72.12
Doctor's Treatment cost,	\$730.00
Rehab Equipment cost	\$544.84
TOTAL.....	\$7,500.00

FOR FIRST CAUSE OF ACTION

AS TO DEFENDANT BROWN

1. Plaintiff, with reference the paragraphs above and the incorporation of same, herein states as follows:
2. Defendant Brown was legally obligated to be in control of the vehicle and to operate it safely.
3. Defendant Brown was careless and negligent, with regards his legal duties associated with operating the vehicle.
4. As the result of the collision, Plaintiff was subsequently encountered and cited by South Carolina Highway Patrol for damaged Taillight.

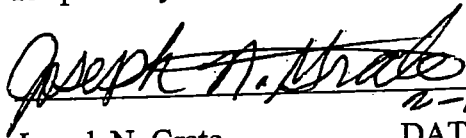
FOR SECOND CAUSE OF ACTION

AS TO DEFENDANTS

1. Plaintiff, with reference the paragraphs above and the incorporation of same, herein states as follows:
2. Defendants are liable for the collision and should have accepted responsibility for and provided appropriate remedies and consideration for same, in accordance with all laws pertaining thereto.

Wherefore, Plaintiff prays for judgment against Defendants for ACTUAL, CONSEQUENTIAL AND PUNAITVE DAMAGES as may be determined by the trier of facts, for all costs associated with the bringing of this action, and for such and other relief as the Court may deem just and proper.

Respectfully submitted,



Joseph N. Grate,
[REDACTED]
[REDACTED], South Carolina 29585
[REDACTED]

12-12-2021
DATED

Plaintiff, Pro Se

Judge : Steven Craig Pop
14363 Ocean Highway, Suite 1
Pawleys Island, SC 29585
Phone:(843) 545-3633 Fax:(843) 545-3640

Received From: Grate, Joseph N
[REDACTED]
[REDACTED], SC 29585

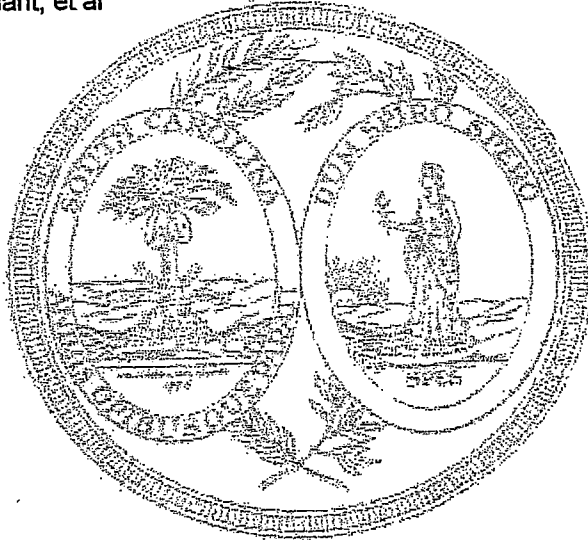
Date: 3/ 9/2021
Receipt #: 64009
Clerk: c22clilly

Paying for: Self
Transaction Type: Civil Payment
Payment Type: Money Order \$80.00
Total Paid: \$80.00

Reference #: 26802629381
Comment: delay in filing due to compromised computer
Non-Refundable

You may check the status of your Georgetown case at:
<http://www.sccourts.org/caseSearch/>

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2021CV221070017	Joseph N Grate VS Christopher Douglas Brown , defendant, et al	\$80.00	\$80.00	\$0.00



Total Cases: 1 \$80.00 \$80.00 \$0.00

Once I have received confirmation that the defendants have all been properly served by the Courts paperwork; your case will be sent to Central Jury Court in Georgetown

The grounds for the motion is Plaintiff's claim against the Defendants is barred because the motor vehicle collision giving rise to Plaintiff's claim occurred on February 28, 2018; however, Plaintiff's action against the Defendants was not filed until March 9, 2021. This information can be gathered from the Plaintiff's Complaint and from this case's Georgetown County Fifteenth Judicial Circuit Public Index summary (attached hereto as Exhibit A). Therefore, Plaintiff missed the statute of limitations to commence this action.

A three-year statute of limitations applies to Plaintiff's negligence, personal injury, and property damage claims. S.C. Code Ann. § 15-3-530 (5). An action must be commenced within three years after Plaintiff knew or by the exercise of reasonable diligence should have known that he had a cause of action. S.C. Code Ann. § 15-3-535. The statute of limitations on a claim for damages for personal injuries sustained in an automobile accident begins to run on the date of the accident. Wiggins v. Edwards, 314 S.C. 126, 442 S.E. 2d 169 (S.C. 1994). In this case, Plaintiff's Complaint plainly shows that the action was not filed and thus commenced within the three-year statute of limitations. Therefore, the action should be dismissed based upon the statute of limitations and/or Rule 12 (c) of the *South Carolina Rules of Civil Procedure*.



Richard C. Thomas, SC Bar No. 5533
Barnes, Alford, Stork & Johnson, LLP
1613 Main Street
Post Office Box 8448
Columbia, SC 29202-8448
(803)799-1111
richard@basjlaw.com
Attorneys for Defendant
Christopher Douglas Brown

May 25, 2021

ACT
#2

THE STATE OF SOUTH CAROLINA

In The Circuit Court

For

The 15th Judicial District

APPEAL FROM GEORGETOWN

Magistrate Court

James K. McKenzie, Magistrate

2021 JUL 21 PM 3:51

Civil Case No. 2021-CV-22-1070017

Christopher Douglas Brown, et al.

Respondents

v.

Joseph N. Grate,

Appellant

NOTICE OF APPEAL

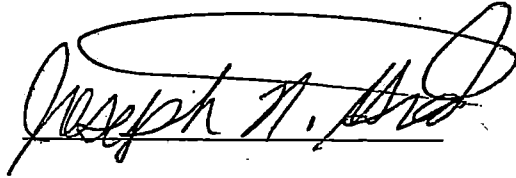
Joseph N. Grate appeals the judgment of The Honorable James K. McKenzie, dated June 21, 2021. Appellant received written notice of entry of this judgment on July 28, 2021.

Pursuant to Rule 18 of South Carolina Rules of Magistrates Court,

Appellant herein appeal the disposition of the case, on the following grounds:

1. That the verdict, insofar as it related to damages, was against the weight of the evidence.
2. That the award of damages was grossly inadequate .
3. That a jury verdict is against the weight of the evidence, especially given the fact that the jury found in favor of plaintiff and against the defendant Brown, on liability. Therefore, the issue of whether the jury verdict as to damages was fair and reasonable, in light of the evidence that was presented and uncontradicted, points to a glaring miscarriage of justice due to an improper verdict, with respect to the absence of award for Appellant's Medical and Lost Work Claims.

July 21, 2021



Joseph N. Grate,

[REDACTED]

[REDACTED]

South Carolina 29585

[REDACTED]

Appellant Pro Se

Other Counsel of Record:
Richard C. Thomas, Esq.
P.O. Box 8448
1613 Main Street
Columbia, S.C. 29202

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

) IN THE COURT OF COMMON PLEAS
)
) FIFTEENTH JUDICIAL CIRCUIT

Joseph N. Grate,
Appellant,

) Civil Action No.: 2021-CP-22-00605
)

-vs-

) **MOTION TO DISMISS THE APPEAL**
)

Christopher Douglas Brown, et al.,
Respondents.

TO: JOSEPH N. GRATE, APPELLANT :

PLEASE TAKE NOTICE that on the tenth (10) day after service hereof, or at such time and date as may be assigned by the Court, Respondent, by and through the undersigned attorneys, will move before the Presiding Judge of the Court of Common Pleas - Georgetown County for an order dismissing this appeal based upon *S.C. Code Ann. § 18-7-20, S.C. Code Ann. § 22-3-1000*, and Rule 18 of the *South Carolina Rules of Magistrates Court*.

The ground for the motion is Appellant's Notice of Appeal was not timely served and filed in accordance with the statutory requirement set out in *S.C. Code Ann. § 18-7-20* and in *S.C. Code Ann. § 22-3-1000* and the requirement of Rule 18 of the *South Carolina Rules of Magistrates Court*. The relevant portion of *S.C. Code Ann. § 18-7-20* provides (with emphasis added): "The appellant, within thirty days after written notice of judgment has been given him or his attorney by the magistrate, recorder, or judge of the municipal court, **except when the judgment is announced at the trial in the presence of the appellant or his attorney then no written notice is necessary**, shall serve a notice of appeal, stating the grounds upon which the

appeal is founded.” The relevant portion of *S.C. Code Ann.* § 22-3-1000 states: “The right of appeal from the judgment exists for thirty days after the rendering of the judgment.” Rule 18 of the *South Carolina Rules of Magistrates Court* states in part ... “If the judgment is announced at the trial in the presence of the parties or their attorneys, the notice of appeal shall be served and filed within thirty (30) days of the date the judgment is announced.” ... Appellant’s underlying case was tried *pro se* by the Appellant before Magistrate James K. McKenzie and a jury on June 16, 2021. At the conclusion of the trial on June 16, 2021, Magistrate McKenzie announced the jury’s verdict in open court in the presence of the Appellant and counsel for Respondent. Thirty (30) days from June 16, 2021 is July 16, 2021. Therefore, to comply with the above stated statutes and rule Appellant should have served and filed Appellant’s Notice of Appeal by July 16, 2021. Appellant did not serve and file the Notice of Appeal until July 21, 2021. The Notice of Appeal is not timely. Therefore, the appeal should be dismissed because the service and filing of the Notice of Appeal fails to meet the requirement of *S.C. Code Ann.* § 18-7-20, *S.C. Code Ann.* § 22-3-1000, and Rule 18 of the *South Carolina Rules of Magistrates Court*.

s/Richard C. Thomas

Richard C. Thomas, SC Bar No. 5533
Barnes, Alford, Stork & Johnson, LLP
1613 Main Street
Post Office Box 8448
Columbia, SC 29202-8448
(803)799-1111
richard@basjlaw.com
Attorneys for Respondent

July 30, 2021

THE STATE OF SOUTH CAROLINA
In The Circuit Court
For
The 15th Judicial District

APPEAL FROM GEORGETOWN
Magistrate Court

James K. McKenzie, Magistrate

Case No. 2021-CP-22-00605

Joseph N. Grate,

Appellant.

v.

Christopher Douglas Brown,

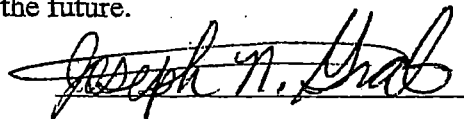
Respondent,

MOTION FOR RECUSAL

Appellant, in the interest of Justice, hereby moves the Court for the recusal of
Judge B. Culbertson, from every aspect of this case, and from any case in which
Appellant here-in is involved, now or in the future.

Additionally, in the interest of Justice, it is requested that Court Reporter: **Sallie
Beth Todd**, not be allowed to act as the Court Reporter in any case in which
Appellant here-in is involved, now or in the future.

October 28, 2021



Joseph N. Grate,

████████████████████
████████████████████, South Carolina 29585
████████████████████

Appellant Pro Se

2021 NOV - 1 PM 2:52

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

CASE NUMBER: 2021-CP-2200-065

Joseph N. Grate,

Appellant.

v.

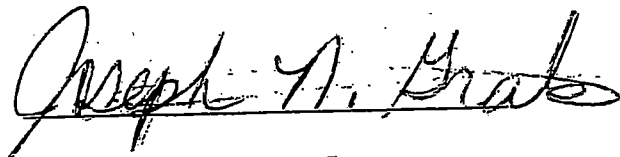
Christopher Douglas Brown,

Respondent,

NOTICE OF APPEAL

Joseph N. Grate appeals the Judgment of the Honorable, Benjamin H. Culbertson, dated:
December 9, 2021. Appellant received written notice of entry of this judgment, December
13, 2021.

January 3, 2022



Joseph N. Grate, Pro Se

[REDACTED]
[REDACTED] S.C. 29585
[REDACTED]

cc: Other Counsel of Record
Richard C. Thomas, Esq.
1613 Main Street
P.O. Box 8448
Columbia, S.C. 29202
803.799.1111

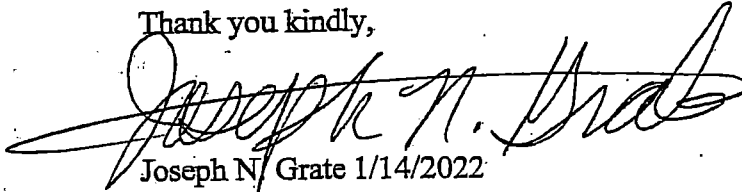
Honorable Tonnya K. Kohn
State Court Administrator
South Carolina Courts
1220 Senate Street, Suite 200
Columbia, South Carolina 29201-3739

RE: Joseph N. Grate, Appellant, v. Christopher Douglas Brown, Respondent.
Case Number: 2021-CP-2200-605

Dear Madam Clerk:

Please allow the resubmission hereof, for the sole purpose of correcting the
Case Number.

Thank you kindly,



Joseph N. Grate 1/14/2022

Enclosed for filing is a notice of appeal in the above case.

Sincerely,

January 3, 2022

Joseph N. Grate, Pro Se

██████████
██████████ S.C. 29585
██████████

cc: Other Counsel of Record
Richard C. Thomas, Esq.
1613 Main Street
P.O. Box 8448
Columbia, S.C. 29202
803.799.1111

1 State of South Carolina)
2 COUNTY OF GEORGETOWN)

TRANSCRIPT OF RECORD

CASE NO. : 2021-CP-22-0605

3 -----

4 December 9, 2021

5 **BEFORE:** The Honorable Benjamin H. Culbertson

6 -----

7 Joseph N. Grate,)
8 Plaintiff,)
9)
10 vs.)
11 Christopher Douglas Brown,)
12 Defendant.)

13 -----

14 **APPEARANCES:**

15 **For the Plaintiff:**

16 Joseph N. Grate, Pro Se

17 **For the Defendant:**

18 Richard Carson Thomas, Esquire

19

20

21 Julie A. Kevish
22 Official Court Reporter

23

24

25 December 9, 2021

P-R-O-C-E-E-D-I-N-G-S

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THE COURT: This is 2021-CP-22-00605, Joseph N. Grate versus Christopher Douglas Brown and others. According to my roster the matter is before the Court on a Motion to Dismiss Appeal and also a motion, no doc?

THE CLERK: That's the motion for appeal.

THE COURT: Okay. There's also a Motion for Recusal.

THE CLERK: Which is not on -- he submitted that.

THE COURT: That was November 1st.

THE CLERK: Right.

THE COURT: So it's a Motion to Dismiss the Appeal and then the appeal.

THE CLERK: Right.

THE COURT: Okay. Well, I guess we're going to have to address this Motion for Recusal that Mr. Grate filed. Mr. Grate?

MR. GRATE: Yes, sir?

THE COURT: Let me ask you, you've filed a motion for me to recuse myself from presiding over this appeal. What is the basis for that motion?

MR. GRATE: Your Honor, do you really want me to say it, to read it out?

THE COURT: If you want me to recuse myself we've got to put it on the record.

MR. GRATE: Yes, sir, in interest on justice, sir.

1 THE COURT: I'm going to deny that motion. Mr.
2 Thomas, let me hear from you on your Motion to Dismiss the
3 Appeal.

4 MR. THOMAS: Thank you, Your Honor. Your Honor, our
5 Motion to Dismiss the Appeal is based on the South Carolina
6 Code 18720, code 22-3-1000 and Rule 18, Rules of Magistrate
7 Court. Your Honor, the pertinent portion of the statute say
8 the appellant has 30 days after written notice of a judgment
9 has been given to Notice of Appeal, except when the judgment is
10 announced at the trial in the presence of the appellant or his
11 attorney, then no written notice is necessary. This is
12 reiterated in Rule 18 in the Rules of Magistrate Court which
13 says that if the judgment is announced at the trial in the
14 presence of the parties and their attorneys Notice of Appeals
15 shall be filed within 30 days that the judgment is announced.
16 Your Honor, this case was tried before Magistrate McKenzie on
17 June 16th. The verdict was announced in open court. Mr.
18 Grate was present. He represented himself pro se. He was
19 present when the judgment was announced and then 30 days from
20 June 16th would have made his appeal due July 16, 2021. He
21 didn't notice this appeal until after that time frame, he
22 noticed it July 21st, it's not timely, and we move to dismiss
23 the appeal.

24 THE COURT: So you said -- when was the --

25 MR. THOMAS: The trial was June 16th, Your Honor.

1 THE COURT: Was there an order issued?

2 MR. THOMAS: Subsequently, there was.

3 THE COURT: And when was that order issued?

4 MR. THOMAS: That order -- well, the Magistrate Court
5 judgment was entered, that was dated June 21st.

6 THE COURT: Okay. And he filed this July 21st?

7 MR. THOMAS: Yes, sir, Your Honor.

8 THE COURT: I'm going to deny the motion. I'm going
9 to let him go ahead and go forward with it.

10 MR. THOMAS: Yes, sir, Your Honor.

11 THE COURT: Mr. Grate, you're appealing the decision
12 of the Magistrate?

13 MR. GRATE: Your Honor, yes, however, please, with
14 respect to my Motion for Recusal, I understand you're not going
15 to recuse yourself. There's another part to that, also.

16 THE COURT: That's why I asked you, I've already
17 ruled on that motion, and I've heard his Motion to Dismiss. So
18 that matter has already been disposed of.

19 MR. GRATE: I understand, Your Honor. There's a
20 section pertaining to the court reporter, also.

21 THE COURT: Okay. Well, we've got a different court
22 reporter.

23 MR. GRATE: Okay.

24 THE COURT: Alright, go ahead.

25

1 MR. GRATE: Your Honor, --

2 THE COURT: Well, wait a minute, let me check and
3 see, I don't know that I've -- there's no return. Mr. Grate,
4 let me hear from you. Did you send your Notice of Appeal to
5 the Magistrate?

6 MR. GRATE: Your Honor, I don't remember right now,
7 sir.

8 THE COURT: I mean, because there's no record of an
9 appeal filed by the Magistrate. When you file your appeal
10 you're supposed to serve the Magistrate then the Magistrate
11 sends us the record of appeal as to what he or she did.
12 I don't know what -- well, wait a minute, let me see: Central
13 Jury Court, have not received any notice of appeal, and the
14 case was disposed until this present date. But there's no
15 date. Alright, Mr. Grate, let me hear from you. Go ahead.

16 MR. GRATE: Your Honor, I'm appealing the decision or
17 the verdict of the jury. With respect to the awards, the jury
18 did not award any damages, and I submitted clear evidence,
19 supporting evidence for all of my claims... They were not
20 refuted in any way, they were not challenged, therefore, I
21 think that I'm entitled to be awarded the damage that I claim
22 based on the substantial evidence rule, and I would like to
23 submit the documentation of my evidence that I submitted.

24 THE COURT: That's what I'm saying is, you're
25 supposed to send your Notice of Appeal to the Magistrate and

1 then the Magistrate sends me everything that was presented
2 during the trial of the case.

3 MR. GRATE: I really don't remember right now if I
4 did send that, sir.

5 THE COURT: I've got a letter in here from the
6 Magistrate saying they never received a notice of it, or from
7 the Magistrate's clerk.

8 MR. GRATE: Well, if that's the case I would request
9 a continuance so as to rectify that situation.

10 THE COURT: Let me hear from Mr. Thomas.

11 MR. THOMAS: Your Honor, I would certainly oppose any
12 continuance. Your Honor, this case was tried before a jury.
13 The jury heard all the evidence. We certainly did contest his
14 damages. The jury rendered a verdict, I didn't have to believe
15 everything that he presented or everything he said and they
16 rendered a verdict accordingly.

17 THE COURT: What is the case about?

18 MR. THOMAS: It's an automobile accident, Your Honor.

19 THE COURT: Well, what I'm going to do, I need to go
20 back. Mr. Grate, there's the Motion to Dismiss that I
21 previously denied because he said you didn't file it timely.
22 I'm going to go back and I'm going to grant the Motion to
23 Dismiss because you didn't file it properly. There's grounds
24 for if you didn't file it timely. Well, you filed it from
25 whenever the Magistrate issued the decision even though it was

1 rendered in open court, but you didn't send the Magistrate the
2 Notice of Appeal that they require so that he can provide the
3 record on appeal.

4 MR. GRATE: Your Honor, I'm requesting that you
5 consider my request for continuance.

6 THE COURT: Well, the problem is is that would be
7 giving you a special allowance because you didn't do it
8 properly --

9 MR. GRATE: Okay.

10 THE COURT: -- and I don't know that I'm authorized
11 to do that or that I can do that.

12 MR. GRATE: Okay. Well, if I may say, it sounds like
13 the defendant would be given a special allowance in that he
14 filed a Motion to Dismiss and his motion does not stand
15 according to the rules, but if Your Honor is going to allow
16 him -- going to approve the motion, he didn't put a motion in
17 concerning whether it was filed correctly with the Magistrate
18 Court or not. Like I say, I don't know for sure, I have to
19 check, and I don't see harm on the grounds of continuing to
20 check, and if it hasn't been filed why not allow me the
21 opportunity to rectify it?

22 THE COURT: Mr. Grate, I'm going to dismiss the
23 appeal because the appeal is not filed properly.

24 MR. GRATE: Thank you, sir.

25 THE COURT: Thank you.

CERTIFICATE

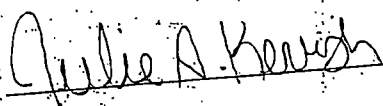
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STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

I, Julie A. Kevish, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of Common Pleas for Georgetown County, South Carolina, on the 9th of December, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 9, 2021



JULIE A. KEVISH
OFFICIAL COURT REPORTER

360 Health Care
 4810 North Kings Highway
 Myrtle Beach, SC 29577-2558
 Phone: 843-692-9243 Fax: 843-692-9245

Patient Appointment Receipt

Grate, Joseph

SC 29585

Appt: 04/04/2018 02:00 PM **Provider:** Jin Li Dong, DC LAc
Purpose: New Patient **Tx Plan:**

Dx:

Date	Code	Mod	Description	Charge Amount	Ins	Patient	Tax	Credit	Adjust	Balance
			Balance forward as of 04/03/2018							\$0.00
04/04/2018	99201	25	NP Problem Focused	\$50.00	\$0.00	1 \$50.00				\$50.00
04/04/2018	97140-C		Myofascial Release	\$35.00		1 \$35.00				\$85.00
04/04/2018	72050-C		C-SPINE XRAYS 4-5 VIEWS	\$140.00		1 \$140.00				\$225.00
04/04/2018	72100-C		L-SPINE 2 VIEWS	\$120.00		1 \$120.00				\$345.00
04/04/2018			Payment-Credit Card					\$345.00		\$0.00
Balance as of 04/04/2018										\$0.00

Thu, Apr 12 18

01:15 PM NES HEALTH

Jin Li Dong, DC LAc

360 Health Care LLC
 4810 N Kings Hwy
 Myrtle Beach, SC 29575
 843-692-9243

SALE

MID: 6000 Store: 0001 Term: 6664

04/04/18 16:45:52

Trans ID: [REDACTED]

APPR CODE: [REDACTED]

VISA Chip

AMOUNT \$345.00

APPROVED

Visa Credit

AID: [REDACTED]

TVR: 80 80 00 80 00

TST: 68 00

 Patient Signature X

PLAINTIFF EXHIBIT

1

Thank You
 Please Come Again

#2

2

360 Health Care
 4810 North Kings Highway
 Myrtle Beach, SC 29577-2558
 Phone: 843-692-9243 Fax: 843-692-9245

Patient Appointment Receipt

Grate, Joseph

██████████, SC 29585

Appt: 04/12/2018 01:15 PM **Provider:** Jin Li Dong, DC LAc
Purpose: NES HEALTH **Tx Plan:**

Dx: E819.9: Motor Vehicle traffic accident of unspecified nature resulting in unspec injury, M54.2: Cervicalgia, M62.830: Muscle spasm of back, M54.5: Low back pain, M47.812: Spondylosis w/o myelopathy or radiculopathy, cervical region, M54.6: Pain in thoracic spine, M99.03: Segmental and somatic dysfunction of lumbar region, M43.06: Spondylolysis, lumbar region

Date	Code	Mod	Description	Charge Amount	Ins Units	Patient Amount	Tax	Credit	Adjust	Balance
			Balance forward as of 04/11/2018							\$0.00
04/12/2018	97813		ACUPUNCTURE	\$70.00	1	\$70.00				\$70.00
04/12/2018	97140-C		Myofascial Release	\$35.00	1	\$35.00				\$105.00
04/12/2018			Payment-Credit Card					\$105.00		\$0.00
Balance as of 04/12/2018										\$0.00

360 Health Care LLC
 4810 N. Kings Hwy
 Myrtle Beach, SC 29575
 843-692-9243

SALE

MID: 6000 Store: 0001 Term: 6664

04/12/18 14:20:16
 Trans: ██████████
 APPR ██████████
 MASTERCARD Chip
 ██████████ **/**

AMOUNT \$105.00

APPROVED

MASTERCARD
 TVR: 80 00 00 80 00
 TSI: 68 00

PLAINTIFF EXHIBIT

2

 Patient Signature X

Thank You
 Please Come Again

CUSTOMER COPY

#3

2

360 Health Care
 4810 North Kings Highway
 Myrtle Beach, SC 29577-2558
 Phone: 843-692-9243 Fax: 843-692-9245

Patient Appointment Receipt

Grate, Joseph
 [REDACTED]
 [REDACTED], SC 29585

Appt: 05/10/2018 02:45 PM **Provider:** Jin Li Dong, DC LAc
Purpose: Acupuncture Tx **Tx Plan:**

Dx: E819.9 : Motor Vehicle traffic accident of unspecified nature resulting in unspec injury, M54.2 : Cervicalgia, M62.830 : Muscle spasm of back, M54.5 : Low back pain, M47.812 : Spondylosis w/o myelopathy or radiculopathy, cervical region, M54.6 : Pain in thoracic spine, M99.03 : Segmental and somatic dysfunction of lumbar region, M43.06 : Spondylolysis, lumbar region

Date	Code	Mod	Description	Charge Amount	Ins	Patient Units	Amount	Tax	Credit	Adjust	Balance
			Balance forward as of 05/09/2018								\$0.00
05/10/2018	97813		ACUPUNCTURE	\$70.00		1	\$70.00				\$70.00
05/10/2018			Payment-Credit Card						\$70.00		\$0.00

360 Health Care LLC
 4810 N. Kings Hwy
 Myrtle Beach, SC 29575
 843-692-9243

SALE

MID: 6000 Store: 0001 [REDACTED]
 [REDACTED]
 05/10/18 15:27:43

VISA Chip
 [REDACTED] ***
AMOUNT \$70.00

APPROVED

Visa Credit
 [REDACTED]
 TVR: 80 80 00 80 00
 TST: 68 00

Thank You
 Please Come Again

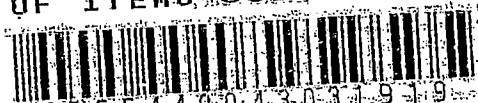
CUSTOMER COPY

PLAINTIFF EXHIBIT

3
 _____ Patient Signature X
 #6

Balance as of 05/10/2018 \$0.00
 Autozone 0455
 915 US HWY 501
 MYRTLE BEACH, SC
 (843) 626-1904
 #864638 50-706 1.99 P
 Duracast
 1.50 Stars Bit 1 EA 1.99
 SUBTOTAL 4.99
 TOTAL TAX @ 9.0002 0.45
 TOTAL 5.44
 CASH 20.00
 CHANGE 14.56

REG #02 CSR #08 RECEIPT
 STORE #0455
 DATE 03/19/2019 13:14
 # OF ITEMS SOLD 1



Take a survey for a chance to win \$5000

at www.autozonecares.com
 or by calling 1-800-598-8943
 No Purchase Necessary. Ends 08/31/19
 subject to Entry Periods & Official Rules
 at www.autozonecares.com
 Open to legal residents of 50 US, DC or PR, 21+. Void where prohibited.

Ref No: 0455-440043-190319-2

Take a survey for a chance to win \$5000

at www.autozonecares.com
 or by calling 1-800-598-8943
 No Purchase Necessary. Ends 08/31/19
 subject to Entry Periods & Official Rules
 at www.autozonecares.com
 Open to legal residents of 50 US, states, DC or PR, 21+. Void where prohibited.

360 Health Care
 4810 North Kings Highway
 Myrtle Beach, SC 29577-2558
 Phone: 843-692-9243 Fax: 843-692-9245

Patient Appointment Receipt

Grate, Joseph
 [REDACTED]
 [REDACTED], SC 29585

Appt: 04/19/2018 01:15 PM	Provider: Jin Li Dong, DC LAc
Purpose: Acupuncture Tx	Tx Plan:

Dx: E819.9 : Motor Vehicle traffic accident of unspecified nature resulting in unspec injury, M54.2 : Cervicalgia, M62.830 : Muscle spasm of back, M54.5 : Low back pain, M47.812 : Spondylosis w/o myelopathy or radiculopathy, cervical region, M54.6 : Pain in thoracic spine, M99.03 : Segmental and somatic dysfunction of lumbar region, M43.06 : Spondylolysis, lumbar region .

Date	Code	Mod	Description	Charge Amount	Ins Units	Patient Amount	Tax	Credit	Adjust	Balance
			Balance forward as of 04/18/2018							\$0.00
04/19/2018	97813		ACUPUNCTURE	\$70.00	1	\$70.00				\$70.00
04/19/2018			Payment-Credit Card					\$70.00		\$0.00
Balance as of 04/19/2018										\$0.00

Thu, Apr 26 18 01:15 PM Acupuncture Tx Jin Li Dong, DC LAc

1:15 4/18
 360 Health Care LLC
 4810 N. Kings Hwy
 Myrtle Beach, SC 29575
 843-692-9243

SALE

MID: 6000 Store: 008 [REDACTED]
 [REDACTED]
 04/19/18 14:10:43

MASTERCARD Chip
 [REDACTED] ***

AMOUNT \$70.00

APPROVED

MASTERCARD
 [REDACTED]
 TVR: 80 00 00 80 00
 TSE: 68 00

PLAINTIFF EXHIBIT

4

Thank You
 Please Come Again
 CUSTOMER COPY

 Patient Signature X

#4

360 Health Care
 4810 North Kings Highway
 Myrtle Beach, SC 29577-2558
 Phone: 843-692-9243 Fax: 843-692-9245

Patient Appointment Receipt

Grate, Joseph
 [REDACTED]
 [REDACTED] SC 29585

Appt: 04/26/2018 01:15 PM **Provider:** Jin Li Dong, DC LAc
Purpose: Acupuncture Tx **Tx Plan:**

Dx: E819.9 : Motor Vehicle traffic accident of unspecified nature resulting in unspec injury, M54.2 : Cervicalgia, M62.830 : Muscle spasm of back, M54.5 : Low back pain, M47.812 : Spondylosis w/o myelopathy or radiculopathy, cervical region, M54.6 : Pain in thoracic spine, M99.03 : Segmental and somatic dysfunction of lumbar region, M43.06 : Spondylolysis, lumbar region

Date	Code	Mod	Description	Charge Amount	Ins Units	Patient Amount	Tax	Credit	Adjust	Balance
			Balance forward as of 04/25/2018							\$0.00
04/26/2018	97813		ACUPUNCTURE	\$70.00	.1	\$70.00				\$70.00
04/26/2018			Payment-Credit Card					\$70.00		\$0.00
									Balance as of 04/26/2018	\$0.00

360 Health Care LLC
 4810 N. Kings Hwy
 Myrtle Beach, SC 29575
 843-692-9243

SALE

04/26/18 13:52:57
 [REDACTED]
 VISA Chip
 [REDACTED] **/**
AMOUNT \$70.00

APPROVED

Visa Credit

TVR: 80 80 00 80 00
 TSI 88 00

PLAINTIFF EXHIBIT

5

 Patient Signature X

Thank You
 Please Come Again

#5

Item	Description	Quantity	Rate	Amount
E61007L	EP-970 Ltd Inversion Table	1	399.85	399.85
BP101	Teeter Bonus Pack	1	0.00	0.00
Premium Extended Warranty	Premium Warranty Plan	1	0.00	0.00
GS1019	Accessory Bundle	1	144.99	144.99
			Subtotal	544.84
Shipping Cost (FedEx Home Delivery : Teeter.com)				0.00
			Total	\$544.84

All prices are in USD (US Dollar). ATTENTION all customers that reside in the states of CO, VT, PA, KY, ME ,MO: Important state-specific tax collection information can be found at <https://teeter.com/support/tax-disclaimer/>

Billing Address

Joseph N. Grate
 [REDACTED]
 [REDACTED]
 [REDACTED] SC 29585

Shipping

Joseph N
 [REDACTED]
 [REDACTED]
 Pawleys

Shipping Method

Please allow 3-7 business days for delivery. Note that for multiple item You will receive a separate email from Teeter confirming your tracking i

Connect with Us

Add info@teeter.com to your address book so you don't miss emails si

PLAINTIFF EXHIBIT

6

7

SCA APPRAISAL COMPANY
NEW YORK SERVICE CENTER - 41 LUDLAM AVE, BAYVILLE, NY 11709
LOS ANGELES SERVICE CENTER - PO BOX 1455, BURBANK, CA 91507
REQUEST A SUPPLEMENT 24 HRS A DAY 7 DAYS A WEEK AT: WWW.SCA-APPRAISAL.COM
FOR ADDITIONAL ASSISTANCE CALL 800-572-8010

*** ESTIMATE ***

05/14/2018 10:27 AM

Owner

Owner: JOSEPH GRATE
Address: [REDACTED]
City State Zip: Pawleys Island, SC 29585

Home/Day: [REDACTED]
Work/Day: [REDACTED]
Cell: [REDACTED]

Control Information

Claim #: 1M01M010062161
Loss Date/Time: 02/20/2018 08:00 AM
File #: 6577074

Insured Policy #: [REDACTED]
Loss Type: Liability
Accounting #: [REDACTED]

Ins. Company: Esis

Insured: UNK
Address: [REDACTED]

Home/Day: (954)940-9502
Work/Day: (954)940-9502
Cell: (954)940-9502

City State Zip: [REDACTED]

Claimant: Joseph Grate
Address: [REDACTED]

Home/Day: [REDACTED]
Work/Day: [REDACTED]
Cell: [REDACTED]

City State Zip: [REDACTED], SC 29585

Inspection

Inspection Date: 05/14/2018
Inspection Location: RESIDENCE
City State Zip: [REDACTED] SC 29585
Primary Impact: Rear
Driveable: Yes

Inspection Type: Field
Contact: Joseph

Secondary Impact:
Rental Assisted:

Assigned Date/Time:
First Contact Date/Time:

Received Date/Time: 05/12/2018 02:00 PM
Appointment Date/Time: 05/14/2018 08:00 AM

Appraiser Name: [REDACTED]
Address: [REDACTED]
City State Zip: Burbank, CA 91507

Appraiser License #: [REDACTED]
Work/Day: (800)572-8010
FAX: (800)544-1332

Repairer

Target Complete Date/Time:

Days To Repair: 2*

Remarks

NO SUPPLEMENTS WITHOUT PRIOR AUTHORIZATION FOR SUPPLEMENT REQUEST
GO TO WEB SITE AT WWW.SCA-APPRAISAL.COM OR CALL 800-572-8010
REQUIREMENTS FOR ALL SUPPLEMENTS REQUEST :RECEIPTS,OLD PARTS,PHOTOS

ESTIMATE PREPARED BY: [REDACTED]
 AGREED PRICE-NO
 V/O PRESENT-YES
 PRODUCTION DATE--06/2005
 LKQ PARTS-YES

Vehicle

2005 Nissan Frontier LE 4 DR Ext Cab Short Bed
 6cyl Gasoline 4.0
 5 Speed Automatic

Lic. Plate: JKJ 518	Lic State: SC
Lic Expire: 07/2018	VIN: 1N6AD06U75C452226
Prod Date: 06/2005	Mileage: 137,882
Veh Insp#:	Mileage Type: Actual
Condition:	Code: Z8282D
Ext. Color: CANTEEN GREEN	Int. Color:
Ext. Refinish: Two-Stage	Int. Refinish:
Ext. Paint Code: D13	Int. Trim Code:

Options

AM/FM CD Player	Air Conditioning	Alarm System
Aluminum/Alloy Wheels	Anti-Lock Brakes	Bed Liner
Bucket Seats	Center Console	Chrome Step Bumper
Cruise Control	Dual Airbags	Fog Lights
Intermittent Wipers	Keyless Entry System	Leather Steering Wheel
Lighted Entry System	Mud/Splash Guards	Overhead Console
Power Brakes	Power Door Locks	Power Mirrors
Power Steering	Power Windows	Privacy Glass
Rear Jump Seat(s)	Side Steps	Skid Plates
Sliding Rear Window	Tachometer	Tilt Steering Wheel
Tinted Glass	Trip Computer	Velour/Cloth Seats

Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R	
Bed											
1	I	434		Panel,Bedside Outer RT	Repair				3.0*	SM	
2	L	434	13	Panel,Bedside Outer RT	Refinish				3.6	RF	
					2.5 Surface						
					0.6 Two-stage setup						
					0.5 Two-stage						
Rear Bumper											
3	EP	565		Bumper,Rear Step	Replace PXN	\$437.00			0.7	SM	
				>> KEYSTONE VALUE LINE (855) 375-4325							
				>> KEYSTONE USA 855-375-4325							
				>> ALL, US, 99999							
4	EP	436		Pad,Rear Bumper Step	Replace PXN	\$50.00			0.4	SM	
				>> KEYSTONE AUTO (855) 375-4325							
				>> KEYSTONE USA 855-375-4325							
				>> ALL, US, 99999							
Manual Entries											
5	I			Pull rear rails at arms	Repair				2.5*	FR*	

5 Items

MC	Message
13	INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Other Parts		\$487.00	
Paint & Materials	3.6 Hours @ \$30.00	\$108.00	
Parts & Material Total			\$595.00
Tax On Parts Only	@ 8.000%		\$38.96

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$44.00	1.1	3.0	4.1	\$180.40
Mech/Elec (ME)	\$65.00				
Frame (FR)	\$50.00		2.5	2.5	\$125.00
Refinish (RF)	\$44.00	3.6		3.6	\$158.40
Labor Total				10.2 Hours	\$463.80
Gross Total					\$1,097.76
Net Total					\$1,097.76

Alternate Parts Y/02/02/00/00/00 CUM 02/02/00/00/00 Zip Code: 29511 Geo 29511
 Recycled Parts Y/0/0 Zip Code: 29585 INV DATE: 05/14/2018
 Rate Name Default

Audatex Estimating 8.0.555 ES 05/14/2018 09:58 AM REL 8.0.555 DT 05/01/2018
 © 2018 Audatex North America, Inc.

1.1 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE MAY HAVE BEEN PREPARED BASED ON THE USE OF AUTOMOBILE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN THE REPAIR OF YOUR VEHICLE BY OTHER THAN THE ORIGINAL MANUFACTURER ARE REQUIRED TO BE AT LEAST EQUAL IN LIKE KIND AND QUALITY IN TERMS OF FIT, QUALITY AND PERFORMANCE TO REPLACEMENT PARTS AVAILABLE FROM THE ORIGINAL MANUFACTURER.
 THIS ESTIMATE IS NOT AN AUTHORIZATION TO REPAIR OR A GUARANTEE OF PAYMENT

Op Codes

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = QUALITY REPL. PARTS	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = L.K.Q.
TE = Partial Replace Price	PM = Replace PXN Reman/Rebld	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	

~~i) - What is the source of the~~

Is this an online estimate found by the defendant? or is it actual insurance belonging to the defendant

Defense exhibit # 1

Does Mr. Brown have insurance?
↳ the defendant.

CIVIL COURT RULES

RULE 74

PROCEDURE ON APPEAL TO THE CIRCUIT COURT

Except for the time for filing the notice of appeal, the procedure on appeal to the circuit court from the judgment of an inferior court or decision of an administrative agency or tribunal shall be in accordance with the statutes providing such appeals.

Notice of appeal to the circuit court must be served on all parties within thirty (30) days after receipt of written notice of the judgment, order or decision appealed from.

In all such appeals the notice of intention to appeal shall be filed with the clerk of the court to which the appeal is taken and with the inferior court or administrative agency or tribunal within the time provided by the statute, or by this rule when no time is fixed by statute, for service of the notice of intention to appeal. The proceedings in the circuit court shall be in accordance with these rules, and priority shall be given to the hearing and disposition of such appeals in accordance with law.

Note to 1986 Amendment:

This amendment makes the time for filing a notice of appeal to the circuit court thirty days in all cases and conforms to the Administrative Procedures Act.

Administrative Procedure Act – South Carolina

The South Carolina Administrative Procedure Act (“Act”) is found in **Title 1, Chapter 23** of the South Carolina Code of Laws Annotated. The Act provides that all regulations promulgated or proposed to be promulgated by state agencies having general public applicability and legal effect, including all those including penalty provisions must be filed with the Legislative Council and published in the State Register. The Legislative Council will establish procedures for carrying out the provisions of the Act relating to the State Register and the form and filing of regulations.

S.C. Code Ann. § 1-23-110 provides for the procedures for promulgation amendment or repeal of a regulation. Before promulgation, amendment or repeal of a regulation, an agency must give notice of the drafting period by giving a notice in the state register. The notice must include:

- Address to which interested persons can submit comments;
- A synopsis of what the agency plan to draft; and
- The agency’s statutory authority to promulgate, amend or repeal the regulation.

The agency must also submit to the division a preliminary assessment report on regulations having substantial economic impact. The agency must give notice of public hearing where the agency will receive data, views, or arguments, orally and in writing, from interested persons by publication of a notice in the State Register. Notice of public hearing is given if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members.

According to S.C. Code Ann. § 1-23-125, the legislative committee to which a regulation is submitted is not authorized to amend a particular regulation and then introduce a joint resolution approving the regulation as amended. If majority of legislative committee determines that it cannot approve a regulation in the form submitted, it will notify the promulgating agency in writing along with its recommendations regarding the changes that would be necessary to obtain committee’s approval.

S.C. Code Ann. § 1-23-126 provides that any interested person can petition an agency requesting the promulgation, amendment or repeal of a regulation. Within 30 days after receipt of the petition, the agency can initiate the requested action or can deny the petition in writing after stating its reasons for the denial.

S.C. Code Ann. § 1-23-130 provides that an agency can make an emergency regulation if it finds that there is imminent threat to public health, safety and welfare and immediate promulgation of emergency regulation is necessary to avoid such imminent threat.

In a contested case, all parties must be given reasonable opportunity for hearing after giving at least 30 days' notice. The notice must include:

1. Details of the time, place, and nature of the hearing;
2. Reference to the legal authority and jurisdiction under which the hearing is to be held;
3. Details of the particular sections of the statutes and rules involved; and
4. Short and plain statement of the asserted matters.

The final decision or order in a contested case, which is adverse to a party must be in writing or stated in the record. It must include findings of fact and conclusions of law, separately stated. Findings of fact must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Any decision or order must be notified to the parties either personally or by mail. A copy of the decision or order will be delivered or mailed to each party and to his attorney of record on his/her request.

According to S.C. Code Ann. § 1-23-370, when a licensee has made timely and sufficient application for the renewal of a license, the existing license does not expire until the application has been finally determined by the agency. The agency cannot revoke, suspend, annul or withdraw any license unless, prior to the institution of agency proceedings, the agency gave sufficient notice to the licensee of facts or conduct concerning the intended action. The licensee must also be given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, summary suspension of a license can be ordered.

S.C. Code Ann. § 1-23-380 provides that any party aggrieved by the final decision in a contested case and is exhausted with all administrative remedies is entitled to judicial review. The court cannot not substitute its judgment for the

judgment of the agency as to the weight of the evidence on questions of fact. The court can affirm the decision of the agency or remand the case for further proceedings. The court can reverse or modify the decision if substantial rights of the appellant are prejudiced or the administrative findings, inferences, conclusions, or decisions:

- violates constitutional or statutory provisions;
- exceeds statutory authority of the agency;
- is made upon unlawful procedure;
- is affected by other error of law;
- is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

A party aggrieved of the final decision of the circuit court or the court of appeals can obtain a review of the final judgment from the Supreme court.

The Jury returned a verdict for the Plaintiff, but it did not address any of his claims.

(Loss time from work, Medical, The Jury was presented with evidence that was unchallenged. Therefore, based upon the presented evidence a fair-minded Jury should have returned a verdict that addressed the evidence presented and awarded plaintiff accordingly.

The United States Supreme Court, in Consolo v. Federal Maritime Commission, 383 U.S. 607, 620, 16 L.Ed. (2d) 131, 140, 86 S. Ct. 1018, 1026, quoting in part from prior decisions, discussed the "substantial evidence" rule as follows:

We have defined "substantial evidence" as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

Joseph N. Grate
JOSEPH N. GRATE, PROSE
[REDACTED]
[REDACTED], S.C.
[REDACTED]

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case Number: 2022-000017

Joseph N. Grate,

Appellant,

v.

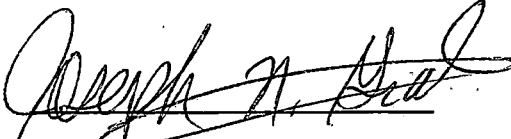
Christopher Douglas Brown,

Respondent.

CERTIFICATION

Appellant certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

June 15, 2022



Joseph N. Grate, Pro Se
P.O. Box 1294
Pawley's Island, SC 29585
(843) 742-0696

RECEIVED

JUN 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case Number: 2022-000017

Joseph N. Grate,

Appellant,

v.

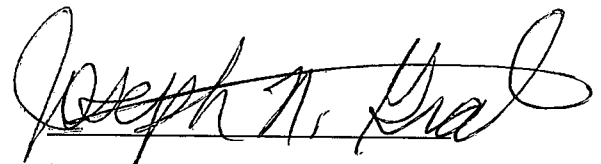
Christopher Douglas Brown,

Respondent.

CERTIFICATION

Appellant certifies that the Final Brief complies with SCACR, Rule 211(b).

June 26, 2022



Joseph N. Grate, Pro Se
P.O. Box 1294
Pawley's Island, SC 29585
(843) 742-0696