



Richland County Sheriff's Department

DEC 30 2021

AFFIDAVIT OF SERVICE or NON-SERVICE

Date Entered: 12/29/2021
File Number: C202106687
DSS Number: 0
Foreign Case #: 2021cP4006223

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Date _____

Plaintiff Edward Tyrone Hills 4711 Forest Dr. Suite 221 Columbia, SC 29206
Phone: (803)599-9152 Work:

Defendant(s) Dean University of SC (Dean Samuels, Joel) Petigru 300 Columbia, SC 29201
Phone: (803)777-9939 Work:

PERSONALLY APPEARED Before Me P. Wilkes, duty sworn says that he/she served, or attempts to serve, the following civil paper(s):

Summons & Complaint 1

on the defendant DEAN UNIV. OF SC as follows:

() By personally handing the process to the defendant at _____ SC
on _____ (Date/Time) (Street)

() By handing the process to _____ at _____ SC on _____, a person of suitable age and discretion then residing in
(Name of Person Served/Relationship) (Street) (City) (Date/Time)
the defendant's usual place of abode.

() By handing the process to WALTER (TERRY) H. PARHAM the registered corporate agent or officer of the company at
109 OSBORNE Adm. Bldg. Columbia SC on 01/09/22-10:32 AM and leaving him/her a copy.
(Name of Person Served/Company Name) (Street) (City) (Date/Time)

() WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

() COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action. SWORN TO Before me this

7 day of January 2022

P. Wilkes
Deputy Sheriff, Richland County

P. WILKES
S# 1195

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES
P.O. Box 143 Columbia, SC 29202

KENNETH COLEMAN
Notary Public, South Carolina
My Commission Expires
July 15, 2024

2022 FEB - 08 PM 12:42
JEANNETTE W. MCBRIDE
C.C.P., P.S., & F.C.
FILED
RICHLAND COUNTY

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA

EDWARD TYRONE HILLS
Petitioner/Plaintiff,

Vs.

DEAN, UNIVERSITY OF SOUTH
CAROLINA
Respondents/Defendants

NO. 2021CP400

APPLICATION FOR ENTRY OF
DEFAULT AND SUPPORTING AFFIDAVIT

RICHLAND COUNTY
FILED
2022 FEB - 9 AM 9:39
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

COME NOW the Plaintiff, EDWARD TYRONE HILLS, requests the Clerk, pursuant to Rule 12, FEDERAL Rules of Civil Procedure, to enter default against the Defendant, DEAN, UNIVERSITY OF SOUTH CAROLINA, in the above entitled action for failure to plead, answer or otherwise defend as set forth in the Affidavit attached hereto.

Respectfully submitted,

By: *Edward T. Hills*

EDWARD TYRONE HILLS
4711 Forest Drive, Suite 221
Columbia, SC 29206-4810

AFFIDAVIT IN SUPPORT OF ENTRY OF DEFAULT

STATE OF South Carolina)

COUNTY OF Richland)

2022 FEB -9 AM 9:39
FILED
RICHLAND COUNTY
JEANETTE W. MERRIDG
C.C.P., G.S., & F.C.

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named EDWARD TYRONE HILLS, who, having first been duly sworn by me, stated on oath the following:

1. A copy of the Summons, together with a copy of the Complaint, was served upon the Defendant by P. Wilkes, on January 7, 2022. Pursuant to Rule 12, Federal Rules of Civil Procedure, service of process was deemed complete on Defendant on January 7, 2022, an Entry of Appearance of Counsel was filed on behalf of Defendant on February 7, 2022.

2. That more than thirty days have elapsed since the date on which the said Defendant was served with Summons and a copy of the Complaint.

3. That the Defendant has failed to answer or otherwise defend as to Plaintiff's Complaint, or serve a copy of any Answer or other defense which he might have.

4. That this Affidavit is executed by affiant herein in accordance with Rule 12, Federal Rules of Civil Procedure, for the purpose of enabling the Plaintiff to obtain an entry of default against the Defendant for his failure to answer or otherwise defend as to the Plaintiff's Complaint.

Edward T. Hills
SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of February, 2022

Clive Pitts
NOTARY PUBLIC

My commission expires
03/01/2024.

**RICHLAND COUNTY SHERIFF'S DEPARTMENT
CIVIL PROCESS DIVISION
SERVICE REQUEST INFORMATION SHEET**

You are requested to provide, to the best of your ability as much information as possible. It is understood that all information may not be available to you. However, the more information you provide will assist us in the service of your papers. If the address you provide is an apartment complex please include the building and apartment number and if it's a gated community the (Gate code).

The Richland County Sheriff's Department can't provide any legal advice and does not do any research in locating the person you are trying to serve. If you have more than one address you wish us to attempt a service fee will be required for each address requested. We will make 4-5 attempts to serve your paper but if no contact is made we will return paper non-served.

Once your paper is logged in it will be assigned to a Deputy Sheriff who will attempt to complete service. Within 10 days (excluding weekends and holidays). It may take longer depending on the current volume of papers and any special instructions you have listed.

INFORMATION ON PERSON TO BE SERVED

NAME Deans, USC, (Dean Samuels, Joel)

ADDRESS PeVigra 300

CITY, STATE, ZIP COLUMBIA, SC

NICKNAME/ALIAS _____ SEX M RACE WM HEIGHT _____ WEIGHT _____ EYE _____ HAIR _____

VEHICLE INFO. _____

Suggested time to serve papers ASAP

PHONE NUMBER (803 777-9939)

Comments/Additional Information _____

**RETURN INFORMATION - REQUIRED
(This is who the Proof of Service will be returned to)**

NAME EDWARD T. WILB

ADDRESS 4711 Forest Drive, Suite 221

CITY, STATE, ZIP COLUMBIA, SC 29206

PHONE NUMBER (803 599-9152)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
EDWARD TYRONE HILLS)
 Plaintiff,)
 vs.)
DEAN, UNIVERSITY OF SOUTH CAROLINA)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 JUDICIAL CIRCUIT
 CASE NO.: 2021 -CP-400 - 6223

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

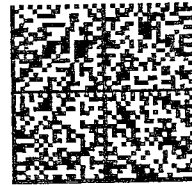
Plaintiff's Attorney: <u>EDWARD T. HILLS</u> , Bar No. <u>N/A</u>	Defendant's Attorney: <u>WALTE (TERRY) H. PARHAM</u> , Bar No. <u>N/A</u>
Address: <u>4711 FOREST DRIVE, SUITE 221, COLA, SC</u>	Address: <u>109 OSBORNE ADMIN BLDG, COLA, SC</u>
Phone: <u>803-599-9152</u> Fax _____	Phone: <u>803 777-7854</u> Fax _____
E-mail: _____ Other: _____	E-mail: _____ Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>DEFAULT</u>	Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO
Estimated Time Needed: <u>45 MINUTES</u>	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order	
I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>Edward T. Hills</u> Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	<u>FEBRUARY 9</u> , 20 <u>22</u> Date submitted
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input checked="" type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20____
CLERK'S VERIFICATION	
Collected by: <u>meb</u>	Date Filed: <u>2/9</u> , 20 <u>22</u>
<input checked="" type="checkbox"/> MOTION FEE COLLECTED: \$ <u>25.00</u> <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

RICHLAND COUNTY
 FILED
 2022 FEB -9 AM 9:39
 JENNIFER W. MOBRIDGE
 C.O.P. CLERK & REC'D



ROBINSON
GRAY

Litigation + Business



quadiant

FIRST-CLASS MAIL

IMI

\$000.73⁰

02/07/2022 ZIP 29201
043M31228435

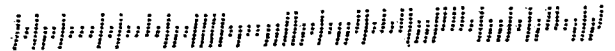
US POSTAGE

RECEIVED on 2/10/22 in DECAIT
~~IT WAS~~

Edward Tyrone Hills
4711 Forest Drive, Suite 221
Columbia, SC 29206-4810

DECAIT

2920683125 0082





ROBINSON
GRAY

Litigation + Business

MONTEITH P. TODD

DIRECT 803 231.7837 DIRECT FAX 803 231.7887

mtodd@robinsongray.com

February 7, 2022

DE CAULT

Mr. Edward Tyrone Hills
4711 Forest Drive, Suite 221
Columbia, SC 29206

RE: Edward Tyrone Hills v. University of South Carolina
Civil Action No. 2021-CP-40-06223
Claim No. F2101
Our File No. 6129/1548

Dear Mr. Hills:

We enclose and serve upon you by mail a Notice of Motion and Motion to Dismiss in regard to the above matter which we have filed with the Clerk of Court today.

Yours truly,

Monty Todd
Monteith P. Todd

MPT:rc
Enclosure

*Did not RECEIVE until 10th
of February / DE CAULT*

DEFAULT / Did not RECEIVE UNTIL
10th 0⁶ / February

ELECTRONICALLY FILED - 2022 Feb 07 2:30 PM - RICHLAND - COMMON PLEAS - CASE#2021CP4006223

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

Edward Tyrone Hills,) Civil Action No. 2021-CP-40-06223
)
Plaintiff,)

vs.)

DEFENDANT'S NOTICE OF MOTION
AND MOTION TO DISMISS

Dean, University of South Carolina,)
)
Defendant.)

TO: EDWARD TYRONE HILLS, THE ABOVE-NAMED PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE THAT the defendant Dean, University of South Carolina ("USC") will move before the Presiding Judge of the Court of Common Pleas for Richland County at 10:00 A.M. on the tenth day after service hereof, or as soon as counsel may be heard, for an Order dismissing the Complaint pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

The basis of this Motion is two-fold. As a fundamental matter, the Complaint fails to state facts sufficient to constitute a cause of action against defendant USC for both of plaintiff's two (2) causes of action. First, the plaintiff has failed to allege facts sufficient to state a cause of action for defamation. The plaintiff has alleged that the defendant USC made an alleged, unspecified threat "to slander the name of [the plaintiff]" and that the plaintiff has not received any further work "from building owners." Compl. ¶ III (C). These allegations are not sufficient to allege the elements of a defamation cause of action. See Garrard v. Charleston Cty. Sch. Dist., 429 S.C. 170, 190, 838 S.E.2d 698, 709 (Ct. App. 2019) ("To establish a defamation claim, a plaintiff must prove: (1) a false and defamatory statement was made; (2) the unprivileged

statement was published to a third party; (3) the publisher was at fault; and (4) either the statement was actionable regardless of harm or the publication of the statement caused special harm.”).

Similarly, the plaintiff has also failed to allege facts sufficient to state a claim pursuant to 42 U.S.C. §1983 because the plaintiff denies that the defendant USC acted under color of state or local law. Compl. ¶ II (D). See Charleston Joint Venture v. McPherson, 308 S.C. 145, 152, 417 S.E.2d 544, 549 (1992) (“Section 42 U.S.C. § 1983 imposes liability upon any person who, under color of state law, subjects any citizen to the deprivation of any rights, privileges or immunities secured by the constitution.”). See also, Murray v. Singhi, C.A. No. 0:09-451-PMD-PJG, 2009 WL 2447987, at *5 (D.S.C. Aug. 7, 2009) (“To state a claim for damages under section 1983, an aggrieved party must allege: (1) that he or she was injured; (2) by the deprivation of any rights, privileges, or immunities secured by the Constitution and laws of the United States; (3) by a person acting under color of state law.”). Further, defamation of character provides an insufficient basis to maintain a §1983 claim as alleged in the Complaint. Compl. ¶ II (B). See, Paul v. Davis, 424 U.S. 693, 711-12 (1976) (interest in reputation alone does not implicate a liberty or property interest sufficient to invoke due process protection under §1983).

Moreover, the plaintiff failed to file his Complaint within the applicable statute of limitations as to both his claim for defamation and his claim pursuant to 42 U.S.C. §1983. The plaintiff alleges that the purported conduct at issue arose during the plaintiff’s renovation of flooring at USC Salkehatchie. Compl. ¶ III (C). Although the plaintiff does not allege the specific date or time of the alleged defamation, the renovation at issue and relationship between the defendant USC and plaintiff occurred between 2013 and 2014. Therefore, the plaintiff’s claims are barred by the applicable statutes of limitations and should be dismissed. See S.C. Code Ann. § 15-3-550(1); see also, Brannon v. Blanton, No. CV 9:15-2434-CMC, 2016 WL 4232886, at *2

(D.S.C. Aug. 11, 2016) (“[T]he statute of limitations for § 1983 claims arising in South Carolina is three years[.]”).

This Motion will be supported by a memorandum, affidavits, and/or the applicable law that will be filed prior to or at the time of the hearing in this matter. Given the nature of this Motion, consultation with the opposing party was not necessary.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, LLC

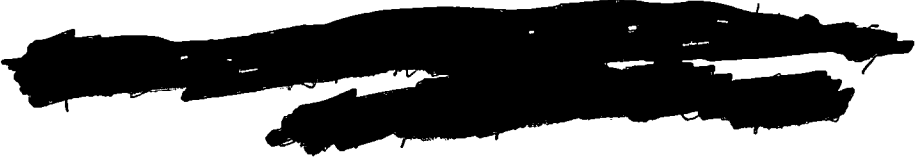
BY: s/ Monteith P. Todd

Monteith P. Todd
SC Bar No. 5591
Rachel M. Hutchens
SC Bar No. 78303
1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211
Tel: 803-929-1400
Email: mtodd@robinsongray.com
rhutchens@robinsongray.com

Counsel for Defendant

Columbia, South Carolina

February 7, 2022



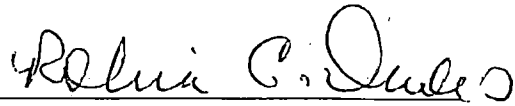
CERTIFICATE OF SERVICE

I, the undersigned legal assistant, of the law offices of Robinson Gray Stepp & Laffitte, LLC, attorneys for defendant, Dean University of South Carolina, do hereby certify that I have served plaintiff in this action with a copy of the document/pleading shown below by mailing a copy of same to counsel via United States Mail, postage prepaid, at the following address(es):

Document Served: Defendant's Notice of Motion and Motion to Dismiss

Counsel Served:

Edward Tyrone Hills
4711 Forest Drive, Suite 221
Columbia, SC 29206-4810


Robin C. Owens
Legal Assistant

2/7, 2022