

DESIGNATION OF MATTER

RECEIVED

DEC 05 2022

THE STATE OF SOUTH CAROLINA

SC Court of Appeals

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2021-CP-400-6223

Dean, University of South Carolina

Respondent,

V

Edward T. Hills

Appellant

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD OF APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Affidavit of Service, January 7, 2022
2. Summons, December 23, 2021
3. Copy of Envelope of Delivery, February 7, 2022
4. Application For Entry of Default and Supporting Affidavit, February 9, 2022
5. Affidavit in Support of Entry of Default, February 9, 2022
6. Form 4 – DeAndrea Gist Benjamin, Circuit Court Judge, September 22, 2022

I certify that this designation contains no matter which is irrelevant to this appeal.

December 3, 2022

/s/ Edward T. Hills

Edward T. Hills
4711 Forest Drive, Ste 3
P.O. Box 221
Columbia, SC 29206
(803) 599-9152



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 attempt 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 _____,
(Street) (Date/Time)

() 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 01/07/22-10:32 AM, and leaving him/her a copy.
(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

[Signature] Deputy Sheriff, Richland County

P. WILKES
S# 1195

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

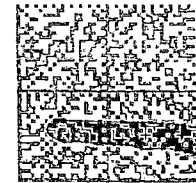
KENNETH COLEMAN
Notary Public, South Carolina
My Commission Expires
July 15, 2024

JEANNETTE W. MCBRIDE
C.C.P., D.S., & F.C.
2022 FEB - 8 09 PM 12:42
RICHLAND COUNTY
FILED



ROBINSON
GRAY

Litigation + Business



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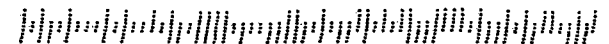
U.S. POSTAGE

RECEIVED ON 2/10/22 IN DECAIT

~~IT WAS~~

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

DECAIT
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10129-101R

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

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

APPLICATION FOR ENTRY OF
DEFAULT AND SUPPORTING AFFIDAVIT

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
JEANNETTE W. MERRIDG
C.C.P., G.S., & F.C.
FILED
RICHLAND COUNTY

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named EDWARD T. 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

Elisabeth
NOTARY PUBLIC

my commission expires
03/01/2024

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2021-CP-40-06223

Edward Tyrone Hills

Dean University of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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

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

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: This matter comes before the Court on a Motion for Entry of Default filed by Plaintiff Edward Tyrone Hills and a Motion to Dismiss in lieu of an Answer filed by Defendant Dean University of South Carolina. A hearing on the motions was held on September 21, 2022 in Richland County, South Carolina. Plaintiff, appearing Pro Se, and Defendant, represented by Ms. Rachel Hutchens, were present.

After consideration of the motions and arguments by the parties, this Court finds that Defendant timely filed its Motion to Dismiss in lieu of an Answer pursuant to 12(b)(6) within 30 days after service of the complaint. Therefore, Defendant has appropriately responded to Plaintiff's Complaint and Plaintiff is not entitled to an entry of default. Plaintiff's Motion for Entry of Default is, hereby, **DENIED**.

To give Plaintiff an opportunity to file a written response to Defendant's Memorandum in Support of its motion, Defendant's Motion to Dismiss in lieu of an Answer is continued to the next available non-jury term of court.

IT IS SO ORDERED.

INFORMATION FOR THE PUBLIC INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled

ELECTRONICALLY FILED - 2022 Sep 22 2:38 PM - RICHLAND - COMMON PLEAS - CASE#2021CP4006223

