

The South Carolina Court of Appeals

Joseph N. Grate, Appellant,

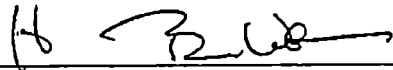
v.

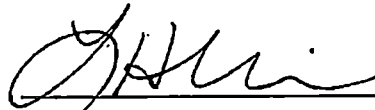
Jameka Cohen, Respondent.

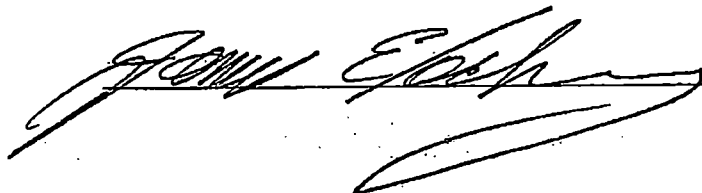
Appellate Case No. 2021-000449

ORDER

After careful consideration of the petition for rehearing, 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 a rehearing. Accordingly, the petition for rehearing is denied.


_____ C.J.


_____ J.


_____ A.J.

Columbia, South Carolina

cc:
Joseph N. Grate
Jameka N. Cohen

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MAY 24 2023

S.C. SUPREME COURT

FILED
Apr 20 2023

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case Number: 2021-000449

Unpublished Opinion No. 2023-UP-118,
Submitted March 1, 2023 – Filed March 22, 2023.

Joseph N. Grate,

Appellant,

v.

Jameka Cohen,

Respondent.

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AFFIDAVIT IN SUPPORT OF MOTION TO REHEAR
The Reference Case

For his Affidavit, your Affiant, Appellant herein here by states the following:

- 1.This is not a Traffic Court case. In such cases, in Judge Pyatt's Court, an individual who has been Cited for not having the Proper Documentation while operating a Motor Vehicle, can appear before the Court and present the Documents at issue and have the Citation removed. That is a S.O.P. in Judge Pyatt's Court.
- 2.The Case at bar is a Civil Case, Governed by the South Carolina Rules of Civil Procedure. (R .p.7,8)

The very specific complaint was properly drafted, filed and served, in accordance with said procedure. Said procedure required an answer within 30 Days. To date, no answer has been filed or served.

3. The Summons specifically laid out the requirements and the consequences of non-adherence thereto. **(R. p. 9,10)**

4. To date, all Judges have erred, in that they chose to totally disregard the very basic Rules of Civil Procedure.

5. Judge Pyatt chose to proceed in accordance with his Traffic Court M. O.

6. Judge Culbertson's M.O., per Appellant's experience, is from somewhere that would not be recognizable by the Legislator; cannot be substantiated by any South Carolina Court Rule. Appellant has appeared before him on several occasions. Also, Appellant stand by his assertion that the Court Reporter Lied.

7. The only abandonment in this case is that of the reviewing Judges, who Wholesale abandoned their responsibility and their Oath, when they crafted the bogus Opinion, that they do not want to publish. That is understandable, for publishing it would cast a bright light onto the Judges that got us to this point.

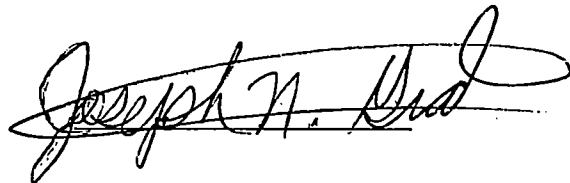
8. All that has ever been required in this case is to read the pleading. After no answer is evident, that should have ended the Case.

I have no problem so concluding. I would assume that a First Day Law
Student would concur.

FURTHER, your Affiant say the above while also reiterating, by
Reference, the related Pleading, in its entirety.

Sincerely,

April 1, 2023

A handwritten signature in black ink that reads "Joseph N. Grate". The signature is written in a cursive style with a large, sweeping flourish at the end.

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

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S.C. SUPREME COURT

**MEMORANDUM OF AUTHORITIES IN SUPPORT OF MOTION TO
REHEAR THE REFERENCED CASE**

1. South Carolina Rules of Magistrates Court: Rule 5, SCRMC.

COMPLAINT

(a) A suit is commenced by filing with the magistrates court a short and plain written statement of the facts showing what the plaintiff claims and why the claim is made.

(b) The plaintiff shall state on the complaint the address to which the court may mail notices and correspondence concerning the case.

2. South Carolina Rules of Magistrates Court: Rule 7, SCRMC.

ANSWER AND COUNTERCLAIM; TIME FOR FILING

(a) The defendant may reply to the plaintiff's complaint by filing a written statement in a form approved by the magistrate or by personally appearing and making an oral statement. This reply shall be called an "answer." If the defendant personally appears within the specified time period and makes an oral answer, it shall be reduced to writing. The court or court personnel shall assist the defendant in reducing the answer to writing if the court determines assistance is required. The defendant's answer may deny in total or in part any or all of the material allegations made in the plaintiff's complaint, and/or allege any new matter constituting a defense. The court shall deliver a copy of the answer to the plaintiff in a manner provided for in Rule 8.

(b) A defendant shall file an answer and any appropriate counterclaims with the court within thirty (30) days from the first day after the date of service. When service is by some other means, as provided for in Rule 6, the defendant shall file the answer and any appropriate counterclaims with the court within the time period designated by the statute, rule, or order, and the time period shall be stated in the summons.

3.South Carolina Rules of Civil Procedure: Rule 1, SCRCP.

SCOPE OF RULES

These rules govern the procedure in all South Carolina courts in all suits of a civil nature whether cognizable as cases at law...

4.South Carolina Rules of Civil Procedure: Rule 7, SCRCP.

PLEADINGS ALLOWED: FORM OF MOTIONS

(a) **Pleadings.** There shall be a complaint and an answer...;

Note:

This Rule 7(a) is identical to the Federal Rule

5.South Carolina Rules of Civil Procedure: Rule 12, SCRCP.

DEFENSES AND OBJECTIONS - WHEN AND HOW PRESENTED - BY PLEADING OR MOTION - MOTION FOR JUDGMENT ON PLEADINGS

(a) **When Presented.** A defendant shall serve his answer within 30 days after the service of the complaint upon him...,

Note:

This Rule 12(a) is identical to the Federal Rule except that it changes the time to answer from 20 to 30 days.

6.South Carolina Appellate Court Rules: Rule 240, SCACR

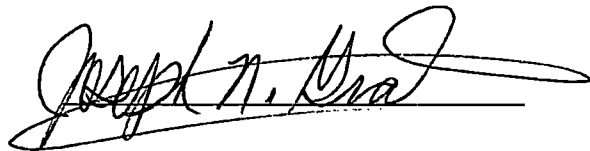
MOTIONS AND PETITIONS GENERALLY

(a) Applicability. This Rule governs all motions or petitions filed in the appellate court...

- (i) Rehearing.** The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Sincerely,

April 1, 2023



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