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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

NOV 01 2023  
SC Court of Appeals

Maite Murphy, Circuit Court Judge

Appellant case No. 2023-001295

Richland County Court Case No. 2023-CP-40-00017

Willie J. Bennett.....Appellant,

Sasha N. Gray, Claire H. Eckert.....Respondent.  
and Chick-Fil-a, Inc.

**APPELLANT’S RESPONSE AND MOTION TO DENY  
RESPONDENT CLAIRE H. ECKERT’S MOTION TO  
DISMISS APPEAL**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF  
APPEALS:

Appellant, Willie J. Bennett, received Respondent Claire H. Eckert’s Motion to Dismiss Appeal via United States Mail, post marked October 27, 2023, and received October 31, 2023.

Respondent stated in the Respondent Claire H. Eckert’s Motion to Dismiss Appeal that ... Appellant failed to attached the Order to his Notice of Appeal and believes the Notice of Appeal related to the Circuit Court’s September 20, 2023 order. Related to the Circuit Court’s September 20, Order. The September 20, 2023 Order was not attached to the Notice of Appeal but was

inadvertently attached to the Appellant's Fourth Motion to Stay Order as Exhibit A. Both Notice of Appeal and Appellant's Fourth Motion to Stay Motion were contemporaneously filed October 16, 2023, with the Appeals Court and sent to Respondent with Proof of Service. The Order is in Respondent possession.

On June 17, 2022, Respondent employee, Sasha N. Gray, while driving a Chick-Fil-A 2019 Honda delivery image/logo (red and white) delivery vehicle, struck Appellant in the rear of his 2018 GMC Sierra vehicle which was legally parked in an authorized parking space at the Chick-Fil-A Restaurant, located at 7424 Garners Ferry Road, Columbia, South 29209. Columbia Police Department (CPD) responded to the accident scene, see CPD incident report, **Exhibit A**. Appellant claiming property damage and personal injury.

History: Appellant contends that Claire Eckert is a proper and just Respondent in this case. She is the registered owner of the 2019 of the Chick-Fil-A image/logo vehicles that was involved in the accident. By admission pursuant to Rules 26, 33, SCRPC. Claire Eckert Chick-Fil-A 2019 Honda is insured with Arch Insurance Company. This is the same insurance company that insures the Chick-Fil-A Restaurant located at 7424 Garners Ferry Road, Columbia, South 29209 when the accident happened. It is of information and belief that on June 17, 2023 (date of accident), Claire Eckert owned a fleet (multiple) of Chick-Fil-A delivery image/logo vehicles.

At the start of Appellant discover pursuant to Rules 26 and 33 of SCRPC, Respondent gave vague and incomplete information to Appellant discovery request (of record). Example, providing three completely different auto insurance policy numbers of vehicle involved in the accident with Appellant. Failing to provide discovery of evidence on Claire Eckert i.e., the number of chick-Fil-A vehicles that are registered in her name, photo of 2019 Honda vehicle with image/logo that was involved in the accident with Appellant different, Respondent provided

a small limited view of a right corner of a damaged white car which clearly could not be use to verify the actual vehicle the was involved in the accident (it is of information and belief that this is not the accident vehicle). Respondent also failed to provide the requested repair shop in which to further identify the vehicle true identify. The reason Respondent stated for not providing requested discovery, Claire Eckert is not the proper Respondent and is not a person of interest in this case. Thus, Appellant sought discovery by Deposition by means of Subpoenas of Claire Eckert. When that failed Appellant, sought discovery information via Columbia Police Department, the City of Columbia, and the South Carolina Highway Department. At that point Respondent file Motions to Quash Discovery. Respondents, in their effort to evade and impede discovery, have tolled and undo financial l burden on Appellant.

Respondent is asserting in the Motion to Dismiss that Appellant on a repetitive bases requested discovery evidence, 1) via Subpoenas, 2), Depositions, 3) and Discovery Rules Pursuant to SCRCP, etc. That Respondent repeatedly stated the right to deny Appellant discovery evidence because Claire H Eckert was not a person of interest or a proper Respondent in this case. Discovery of nonparty ... Wofford v. Ethyl Corp., 447 S.E. 2d, 187, 316 S.C.75 (1994). Independent discovery action may be maintained against nonparty pursuant to Rule 34 (c). It is of record appellant that Appellant first sought discovery material pursuant SCRCP, Rules 26 and 33 Again, Respondent failed to provide complete or total discovery evidence. Also ,see Neeltec Enterprizes. Inc. V. Long, 725 S.E. 926, 397 S.C 563 (2012) and Rules 26,33, and 45 of the SCRCP.

Appellant ask the Court to Deny Respondent's Motion to Dismiss.



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(803) 319-5740 Cell

November 1, 2023, 2023  
Hopkins, South Carolina.

Other Counsels of Record:

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ATTN: Kyle L. Brady  
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**EXHIBIT A**

Date 06-17-2022	Time 1 8 3 5	County 40	1 - Interstate 2 - US Primary 3 - SC Primary	4 - Secondary 5 - County 6 - PP	Collision Location (Rt. # / Name) 576 / GARNERS FERRY RD	Miles: .01	Dir: NE SW	Dir: Near City or Town of: COLUMBIA
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To Vehicle Owner/Operator: **Failure to return this form to the Department of Motor Vehicles within 15 days from the date of the collision could result in the suspension of your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.**

HH-906846	Driver/Pedestrian's Full Name LEGALLY PARKED	HH-906847	Driver/Pedestrian's Full Name GRAY SASHA NACOE
Unit # 01	Sex [ ]	Race [ ]	Street 217 GUSTY LN
#Occ 1	Birth Date [ ]	City, State, & Zip HOPKINS SC 290619583	State SC
Year 2018	Body PK	Vehicle Make GMC	VIN # 3GTP1NEC6JG215178
State SC	Year 2099	License Plate # HV4007	Owner's D.L. # 4274225
Home Telephone [ ]	Owner's Full Name BENNETT WILLIE J	Home Telephone [ ]	Owner's Full Name ECKERT CLAIRE HOLMES
Bus. Telephone [ ]	Street 113 HEALING SPRINGS RD	Bus. Telephone [ ]	Street 6005 HAMPTON RIDGE RD LOT33
Contributed To Collision Yes <input type="radio"/> No <input checked="" type="radio"/>	City, State, & Zip HOPKINS SC 290619319	Contributed To Collision Yes <input checked="" type="radio"/> No <input type="radio"/>	City, State, & Zip COLUMBIA SC 292091340

Unit #	Sex	Race	Street	Home Telephone	Owner's Full Name
#Occ	Birth Date	City, State, & Zip	Bus. Telephone	Street	
State	Driver's License #	Insurance Company:	Contributed To Collision Yes <input type="radio"/> No <input type="radio"/>	City, State, & Zip	
Year	Body	Vehicle Make	VIN #	Accident Insurance Information for Unit # 02	

Company Name ARCH INSURANCE		Area Code/Phone Number ( )
Agency Name	Policy Number 31CAB1044800	
Company Name		Area Code/Phone Number ( )
Agency Name	Policy Number 001761223U71075	

Company Name		Area Code/Phone Number ( )
Agency Name	Policy Number 001761223U71075	

**Automobile Liability Insurance Information**

Notice of Requirement Accepted  Signature \_\_\_\_\_ Y N Refused to Affix Signature? \_\_\_\_\_  
Y N Vehicle Subject to Registration in SC? \_\_\_\_\_

To Be Completed Below or Entered at WWW.SC-ALIR.COM By Insurance Company representative. This form should not be mailed to DMV if insurance information has been submitted electronically

Reference to Unit #: \_\_\_\_\_, I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated insurance company on the date of the collision.

Insurance Company	Policy #:	Signature	Title
Beginning Date:	Ending Date:	Policy Holder:	NAIC# (Assigned by S.C. Dept. of Ins.)
		Bus. Telephone ( )	

Notice: If liability insurance was not in effect for your vehicle involved in the collision, the Department of Motor Vehicles could suspend your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.

If any of the below are applicable, Disregard the above portion.		Form FR-10 Not Issued: Section 56-10-520	
<input type="checkbox"/>	Check here if a Form SR-23, Fleet policy of 25 or more vehicles is on file with the Department of Motor Vehicles covering the vehicle	No FR-10 Issued to Operator/ Owner of Unit #: _____	
<input type="checkbox"/>	Check here if a certificate of self-insurance has been issued by the Department of Motor Vehicles covering the vehicle and indicate the certificate number: SI - _____	Summons issued to:	
<input type="checkbox"/>	Check here if liability insurance was not in effect to comply with South Carolina statutory requirements	For operating or allowing the operation of an uninsured vehicle	Summons Number: Signature
Investigating Officer's Name HILL - AE	Rank PTL	SCCJA # 7825-3834	Code 4 0 0 1
Date	Reviewer's Name	Rank	Internal Agency Code 220014778

ORIGINAL

SOUTH CAROLINA DPS/OHS & DMV USE ONLY

Page # 1 of 1

SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR-310 (Rev. 04/2016)

# Of Units 02

Amended - Attach Copy of Original Report Corrected

Notified 1840

Arrived 1855

Date: 06-17-2022, Time of Collision: 1835, County: 40, Collision Location: PP-GARNERS FERRY RD, City: COLUMBIA

Lane # / Dir., Distance Offset, Direction, Base Intersection, Second Intersection, GPS COORDINATES

HH-906846 Driver/Pedestrian's Full Name LEGALLY PARKED, HH-906847 Driver/Pedestrian's Full Name GRAY SASHA NACOE

Unit # 01 Sex Race Street, Unit # 02 Sex Race Street

#Occ Birth Date City, State, & Zip, #Occ Birth Date City, State, & Zip

State Driver's License # Class Insurance Company, State Driver's License # Class Insurance Company

Year Body Vehicle Make VIN #, Year Body Vehicle Make VIN #

State Year License Plate # Owner's D.L. #, State Year License Plate # Owner's D.L. #

Home Telephone (893) 6786757 Owner's Full Name BENNETT WILLIE J, Home Telephone (803) 3276478 Owner's Full Name ECKERT CLAIRE HOLMES

Bus. Telephone, Street 113 HEALING SPRINGS RD, Bus. Telephone, Street 6005 HAMPTON RIDGE RD LOT33

Contributed To Collision Yes No City, State, & Zip HOPKINS SC 290819319, Contributed To Collision Yes No City, State, & Zip COLUMBIA SC 292091340

Estimated Speed Speed Limit C.D.L. Req: Yes (No) T/B S Req: Yes (No) Alc/Drg Info (see back): Yes (No), Estimated Speed Speed Limit C.D.L. Req: Yes (No) T/B S Req: Yes (No) Alc/Drg Info (see back): Yes (No)

Driver/Pedestrian's Full Name, State Year License Plate # Owner's D.L. #

Unit # Sex Race Street, Home Telephone, Owner's Full Name

#Occ Birth Date City, State, & Zip, Bus. Telephone, Street

State Driver's License # Class Insurance Company, Contributed To Collision City, State, & Zip

Year Body Vehicle Make VIN #, Estimated Speed Speed Limit C.D.L. Req: Yes No T/B S Req: Yes No Alc/Drg Info (see back): Yes No

Dir. of Travel: Unit 1: (N) S E W Unit 2: (D) S E W Unit 3: N S E W

Table with 5 columns: Unit 1 Dam., Unit 2 Dam., Unit 3 Dam., Prop. Dam. 1, Prop. Dam. 2

Property Owner/Witness: Property Owner/Witness

Address: Address

State Zip: Phone, State Zip: Phone

Photo: Describe What Happened (Refer to Units by Number) Y N

UNIT 1 WAS LEGALLY PARKED. UNIT 2 WAS ATTEMPTING TO PARK LATERALLY ON THE LEFT OF UNIT 1. WHILE PULLING FORWARD UNIT 2'S PASSENGER SIDE FRONT BUMPER STRUCK UNIT 1'S REAR DRIVER SIDE BUMPER.

PRIVATE PROPERTY

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANT IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name: HILL - AE, Rank: PTL, SCCJA #: 7825-3834, Jurisdiction Code: 4 0 0 1, Review Date: 06-17-2022, Reviewer's Name: Scott Desrochers, Rank: Sgt., Internal Agency Code: 220014778



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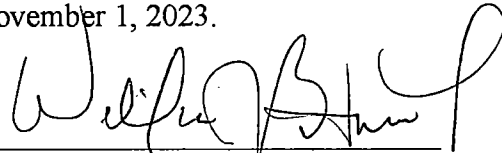
Richland County Court Case No. 2023-CP-40-00017

Willie J. Bennett.....Appellant,

Sasha N. Gray, Claire H. Eckert,  
and Chick-Fil-a, Inc..... Respondent.

PROOF OF SERVICE

The undersigned certifies that a copy of the enclosed Appellant's Response and Motion to Deny Respondent Claire H. Eckert' Motion to Dismiss appeal have sent to the below attorneys of records via United State Mail, postage prepaid, November 1, 2023.



Willie J. Bennett, Plaintiff, Pro Se  
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November 1, 2023  
Hopkins, South Carolina.

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