

**MOTION FOR JUDICIAL NOTICE IN SUPPORT OF APPELLANT'S  
REPLY BRIEF & FINAL BRIEF**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2012-CP-40-04857

Allen University,

Respondent,

v.

Lawrence Terry,

Appellant.

**RECEIVED**

JUN 24 2013

**SC Court of Appeals**

**MOTION FOR JUDICIAL NOTICE IN SUPPORT OF APPELLANT'S  
REPLY BRIEF & FINAL BRIEF**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE  
NOTICE that Appellant, Lawrence Terry, requests that the Court, pursuant to South Carolina  
Evidence Rule 201, inclusive, take judicial notice of the following matters, facts, and documents  
in connection with Appellant's REPLY BRIEF & FINAL BRIEF.


"A party shall plead in response to an amended pleading within the time remaining for  
response to the original pleading or within fifteen days after service of the named amended  
pleading, whichever period may be the longer, unless the court otherwise orders." Rule 15(a),  
SCRCP. If a party has failed to "plead or otherwise defend as provided by the South Carolina  
Rules of Civil Procedure and that fact is made to appear by affidavit or otherwise," the clerk of

court will enter default. Rule 55(a), SCRPC. Entry of default is a ministerial act which a clerk is required to perform once default is made to appear by the affidavit of the moving party. See *Thynes v. Lloyd*, 294 S.C. 152, 153-54, 363 S.E.2d 122, 123 (Ct.App.1987) (holding that **"whether default was actually entered is of no consequence since the entry of default is a purely ministerial act which the clerk was required to perform once the default was made to appear by the affidavit" of the moving party**). Fact, the filed Affidavit of Default on 9/11/2012 was six days before the abrupt 9/17/2012 Order to Dismiss/due process violations.

If the Respondent's late answer, erroneously corrected by clerk of court on 2/22/2013 and backdated 8/28/2012, did amount to a "pleading" filed prior to entry of default, it did not comply with the time requirements of Rule 15(a), SCRPC. Respondent clearly failed to file an answer within fifteen days of service of the Amended Complaint upon them and they were technically in default. Thus, Respondent's answer was not a valid pleading or defense "as provided by" the Rules of Civil Procedure. A plain reading of Rule 55(a) allows entry of default when a pleading or defense is asserted in a manner noncompliant with the Rules of Civil Procedure. To hold otherwise would render the requirements in Rule 15(a), SCRPC, meaningless.

Further, filing a late answer would not alter the fact that Respondent was in default, **especially if entering default is a ministerial act to be automatically performed once an affidavit shows the Respondent has failed to comply with the requirements of the rules**. *Thynes*, 294 S.C. at 153-54, 363 S.E.2d at 123. With the Affidavit of Default being properly filed and a copy hand delivered to the Clerk of Court prior to the abrupt dismissal, the circuit court's order of dismissal should be reversed and this Appeals Court need not reach the remaining issues on appeal. See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

June 24, 2013



Lawrence Terry  
Post Office Box 24138  
Columbia, South Carolina 29224  
(803) 414-0760  
Appellant, Pro Se



Exhibit A

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2012-CP-40-04857

Lawrence Terry

Allen University

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. No. Suit;  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:

THIS CAUSE OF ACTION IS DISMISSED WITH PREJUDICE. PLAINTIFF MAY APPEAL BUT MAY NOT FILE ANOTHER CAUSE OF ACTION REGARDING THIS MATTER WITH THIS COURT.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT 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
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge [Signature] Judge Code 2061 Date 9/5/12

For Clerk of Court Office Use Only

This judgment was entered on the 11 day of Sept, 2012 and a copy mailed first class or placed in the appropriate attorney's box on this 11 day of Sept, 2012 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court [Signature]

Exhibit B

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2012-CP-40-4857

Allen University

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;  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:

**PLAINTIFF'S MOTION FOR RECONSIDERATION IS HEREBY DENIED.**

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT 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
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge [Signature] Judge Code 2061 Date 2/8/13

For Clerk of Court Office Use Only

This judgment was entered on the 11 day of Feb, 2013 and a copy mailed first class or placed in the appropriate attorney's box on this 11 day of Feb, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court [Signature]

Exhibit C

IN THE COURT OF COMMON PLEAS FOR THE STATE OF South Carolina  
IN AND FOR Richland COUNTY

Lawrence Terry, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Allen University, )  
)  
Defendant, )

ca# 2012-CP-40-04857

RECEIVED

JUN 19 2013

SC Court of Appeals

DEANETTE W. MORRIS  
C.C.P. & G.S.

2012 SEP 11 AM 8:33

FILED

PLAINTIFF'S BRIEF IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT

In support of Plaintiff's Motion For Summary Judgment the Plaintiff states the following facts:

1. On August 10, 2012 Plaintiff filed an Amended Complaint dropping Libel, Silent Fraud, and Constructive Fraud as causes of actions leaving only Negligence and Intentional Infliction Of Emotional Distress so not to waste the Court's time.
2. Plaintiff continues to suffer irreparable injury in the form of **lost reputation**, lost opportunities, and goodwill everyday that the false and misleading statements remain on Plaintiff's student records.
3. The Defendant recently stated on page 3 line 8 of their Motion To Dismiss that, "**When this mistake was discovered, his transcript was corrected...**" That statement shows acceptance of one occasion of gross negligence and attempted fix.
4. **Cornell Law defines Negligence** as: "A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions when there is some duty to act (e.g., a duty to help victims of one's previous conduct)." Allen University admitted, Exhibit B attached to Complaint, that the previous staff was Negligent in handling my student records. After admitting that material fact the Defendant still intentionally refused to help correct the previous staffs' misconducts.

5. **Definition from Nolo's Plain-English Law Dictionary:** "Failure to exercise the care toward others that a reasonable or prudent person would use in the same circumstances or taking action that such a reasonable person would not, resulting in unintentional harm to another. Negligence forms a common basis for civil litigation, with plaintiffs suing for damages based on a variety of injuries, from physical or property damage to business errors and miscalculations." The Defendant admitted, exhibit B attached to Complaint, they made business errors and miscalculations in regards to my educational background.
6. Plaintiff served Request For Admissions on 7/30/2012. The Defendant has failed to respond (Exhibit D attached) and pursuant SCCRP 36 all request are deemed admitted. Some of the admitted requests are as follows:

#6. Admit that You were negligent in handling the Plaintiff's student records.

#7. Admit that You were negligent either presently or in the past with handling some students' transcripts.

#8. Admit that You made an error with handling the Plaintiff's 2007 transcript.

#12. Admit that You have been negligent in handling financial aid money within the past 12 years.

#15. Admit that You have known that Your previous staff were not keeping accurate records.

#18. Admit that You have known that Your Business Office was negligent in handling financial aid money.

#19. Admit that by not disclosing the fact You have known of false grades being published on transcripts, You committed fraud.

#20. Admit that for some unknown reason false grades were being published on the Plaintiff's 2007 transcript.

#21. Admit that the Plaintiff's reputation was harmed because of the error on his 2007 transcript made by You in a reasonably foreseeable way.

#22. Admit that the error on the Plaintiff's transcript was a substantial factor in causing the Plaintiff's harm.

#23. Admit that every transcript prior to 2008 of the Plaintiff had false grades on them.

#24. Admit that You know the definition of Negligent and or Negligence.

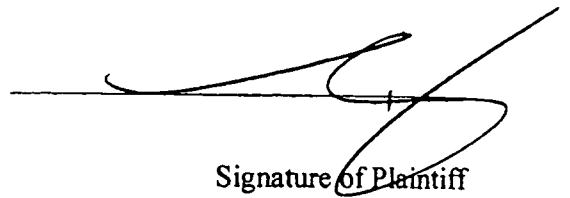
#25. Admit that You know the definition of Fraud.

7. Admittedly, the Defendant was Negligent.

*I declare under penalty of perjury that the foregoing is true and correct.*

September 11, 2012

Dated:



Signature of Plaintiff

Lawrence Terry, Pro Se



Richland County  
Fifth Judicial Circuit  
Public Index Search



[Back](#)

[New Search](#)

[County Home Page](#)

**Lawrence Terry vs Allen University**

Case Number: 2012CP4004857  
Case Type: Common Pleas  
Status: Pending  
Disposition:  
Original Source Doc:  
Judgment Number:

Court Agency: Richland County Common Pleas  
Case Sub Type: Personal Injury 350  
Assigned Judge:  
Disposition Date  
Original Case #:

Filed Date: 07/16/2012  
File Type: Non-Jury

Disposition Judge:

- [Parties](#) | [Judgments](#) | [Actions](#) | [Associated Cases](#) | [Tax Map Information](#)

**Actions**

Name	Description	Action Type	Begin Date	Completion Date
Terry, Lawrence	Request/Request for Production of Documents	Filing	07/16/2012 - 11:11:06	
Terry, Lawrence	Request/Request for Admissions	Filing	07/16/2012 - 11:11:40	
Terry, Lawrence	Summons & Complaint	Filing	07/16/2012 - 16:02:55	
Terry, Lawrence	ADR/Alternative Dispute Resolution (Workflow)	Filing	07/16/2012 - 16:08:57	
Terry, Lawrence	Affidavit	Filing	07/16/2012 - 16:14:37	
Terry, Lawrence	Interrogatories	Filing	07/16/2012 - 16:15:03	
Terry, Lawrence	Amended Coversheet For Non Jury	Filing	07/18/2012 - 08:49:52	
Terry, Lawrence	Motion For An Expedited Non Jury Trial Date	Motion	07/20/2012 - 11:31:19	
Terry, Lawrence	Motion/Motion Filing Fee	Amount	07/20/2012 - 13:21:42	
Terry, Lawrence	Verification/Verified	Filing	07/26/2012 - 09:00:54	
Allen University	Motions to Show Cause, For Sanctions, and To Dismiss	Motion	07/31/2012 - 12:12:07	
Terry, Lawrence	Amended Complaint For Negligence and Intentional Infliction	Filing	08/10/2012 - 10:11:01	
Terry, Lawrence	Service/Affidavit Of Service on Allen University	Filing	08/10/2012 - 15:34:46	
Terry, Lawrence	Statement of Additional Facts For Motion For An Expedited No	Filing	08/17/2012 - 14:17:13	
Terry, Lawrence	Reply to Defendant's Motions to Show Cause, For Sanctions, a	Filing	08/17/2012 - 14:18:16	
Terry, Lawrence	Motion For Summary Judgment	Motion	08/27/2012 - 10:50:25	
Terry, Lawrence	Motion/Motion Filing Fee	Amount	08/27/2012 - 16:54:34	

CMS 5.5.07.02  
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Exhibit D

Exhibit D

1 IN THE COURT OF COMMON PLEAS FOR THE STATE OF South Carolina  
2 IN AND FOR Richland COUNTY

3  
4  
5 Lawrence Terry, ) Case No.: 2012-CP-40-04857  
6 Plaintiff, )  
7 vs. )  
8 Allen University, )  
9 Defendant )

PLAINTIFF'S BRIEF IN REPLY  
TO DEFENDANT'S  
MEMORANDUM IN OPPOSITION  
TO PLAINTIFF'S MOTION FOR  
RECONSIDERATION

FILED  
RICHLAND COUNTY  
JANETTE W. McBRIDE  
C.C.P. & C.S.  
OCT 8 PM 1:23

10  
11 Plaintiff, Lawrence Terry, files this Brief In Reply to Defendant's Memorandum in  
12 Opposition in this case. In support of its motion, Lawrence Terry states the following:

13 ARGUMENT

14 There is not a standing Motion To Dismiss on the docket so I do not understand how or  
15 why the Defendant stated in their Memorandum In Opposition, "*For the reasons explained in*  
16 *Defendant's Motion to Dismiss, filed on August 27, 2012, and incorporated herein, Defendant*  
17 *opposes Plaintiff's Motion For Reconsideration.*" I have attached a copy of the docket which  
18 clearly shows the only document filed on August 27, 2012 was the Plaintiff's Motion For  
19 Summary Judgment. The Defendant did initially file a Motion To Dismiss on 7/31/2012 in  
20 response to my Original Complaint that was served to the Defendant on 7/30/2012 but the  
21 Plaintiff later filed an Amended Complaint on 8/10/2012 which the Defendant has failed to file  
22 ANY response to. The Plaintiff did file an Affidavit Of Default on 9/11/2012 and a Motion For  
23 Default Judgment, both also attached. The Defendant's negligence in failing to respond to the  
24 Plaintiff's Amended Complaint and Initial Discovery Requests is not a valid reason and is  
25 inexcusable. Now I just noticed that the Defendant has negligently used multiple case numbers  
26 on their Memorandum In Opposition and if the Defendant has done the same on previous  
27 allegedly submitted documents then that would make them grossly negligent in handling their  
28 case and with no fault of the Clerk of Court or the Plaintiff. The Defendant is well represented by  
experienced legal counsel from one of the largest law firms in the United States of America:

REYNOLDS  
JUN 19 2013

1 Where an attorney is merely neglectful, the general rule applies and relief from judgment is  
2 unavailable. Concerning a claim of attorney neglect, the general rule is that "the neglect of the  
3 attorney is attributable to the client." *Graham v. Town of Loris*, 272 S.C. 442, 451, 248 S.E.2d  
4 594, 598 (1978). In discussing this general rule, the *Graham* court quoted approvingly from  
5 *Simon v. Flowers*, 231 S.C. 545, 551, 99 S.E.2d 391, 394 (1957):

6 Although a wide discretion is vested in courts to set aside or vacate judgments because of the  
7 neglect, misconduct or inadvertence of counsel employed in the case, the general rule  
8 undoubtedly is that the neglect of the attorney is the neglect of the client, and that no mistake,  
9 inadvertence or neglect attributable to the attorney can be successfully used as a ground for  
10 relief, unless it would have been excusable if attributable to the client. The acts and omissions of  
11 the attorney in such case are those of the client.

12 In *Simon*, 231 S.C. 545, 99 S.E.2d 391, defense counsel failed to answer a complaint because he  
13 was involved in a multi-day trial. As a result of defense counsel's failure to answer the  
14 complaint, the court entered a default judgment against defendant. On appeal, our supreme court  
15 was sympathetic to defense counsel's plight but nevertheless adhered to the general rule and  
16 imputed the neglect of counsel to his client. The court explained:

17 [T]he default was the result of forgetfulness on [the attorney's] part which in turn was due to  
18 pressure of his business in the trial of cases.... In the crowded routine of a busy lawyer's life a  
19 mistake such as the record here discloses is understandable; but it entails the penalty of default  
20 under strict enforcement of the rule of procedure, and the trial court's refusal to forgive it affords  
21 no basis for reversal.

22 *Id.* at 550-51, 99 S.E.2d at 394.

## 23 CONCLUSION

24  
25 If the Dismissal was based on an alleged Motion To Dismiss filed on 8/27/2012 then the  
26 Dismissal is void because the docket clearly shows no such motion. The Court and the Plaintiff  
27 base their decisions off of what is filed on the docket. If the Plaintiff did not file an Affidavit Of  
28

1 Default and Motion For Default Judgment, as required by law, the Plaintiff could have had his  
2 lawsuit dismissed for Failure To Prosecute. The Plaintiff Pro Se has followed the South Carolina  
3 civil rules of procedures while the negligent actions of the Defendant's experienced legal counsel  
4 have failed to abide by those rules. The Defendant received proper Notice of the Amended  
5 Complaint, Requests For Admissions, and the Defendant has known for weeks that the docket  
6 did not show any response to the Amended Complaint because the Plaintiff also attached a copy  
7 of the docket to their Brief In Support Of Motion For Summary Judgment, but yet they still  
8 failed to file any Motion to try to correct it. The Defendant has basically lost this case in multiple  
9 ways including the fact that they failed to respond to the Amended Complaint, based on their  
10 failure to respond to the requests for admissions negligence is admitted, and the overwhelming  
11 evidence submitted by the Plaintiff clearly shows negligence on the part of the Defendant.  
12 Therefore, Plaintiff also requests that the Court use its power to rule on the pending Motion For  
13 Summary Judgment and/or the Motion For Default Judgment.  
14  
15  
16  
17

18 For the reasons stated above Lawrence Terry, Plaintiff Pro Se, requests that the Court  
19 reverses its previous Order To Dismiss, Rule on Plaintiff's pending Motions, and allow this case  
20 to move forward.  
21  
22

23 Date 10/8/2012

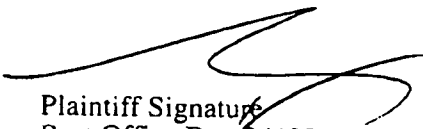
24   
25 Plaintiff Signature  
26 Post Office Box 24138  
27 Columbia, SC 29224  
28 Lawrence Terry, Pro Se

Exhibit E

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.255.9069  
www.nelsonmullins.com

Debbie Whittle Durban  
(Admitted in SC & NC)  
Tel: 803.255.9465  
Fax: 803.255.9069  
debbie.durban@nelsonmullins.com

June 13, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RECEIVED

JUN 19 2013

SC Court of Appeals

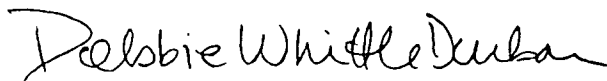
RE: Lawrence Terry v. Allen University  
~~Civil Action No. 2010 CP 40 02301~~  
Court of Appeals Tracking No.: 2013-000340  
Our File No. 31667/01501

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find (1) the Initial Brief of Respondent, and (2) the Respondent's Designation of Matter to be Included in the Record on Appeal. By copy of this letter, copies of the documents have been served on Lawrence Terry, the Pro Se Appellant, and a Proof of Service is attached to each document. Please stamp the enclosed extra copies of the Initial Brief and the Designation of Matter with the time and date of filing and return them to me in the enclosed envelope.

Thank you for your attention to this matter.

Very truly yours,



Debbie Whittle Durban

DWD:pjolley  
Enclosures

cc: Lawrence Terry (Plaintiff Pro Se)

Flomand County Common Pleas  
**CASE HISTORY FOR CASE 2012CP4004857**

Exhibit F

FILED DATE: 7/16/2012

Lawrence Terry vs Allen University

CASE TYPE: CP/Personal Injury 350

STATUS: Appeal

JUDGE:

**CASE PARTIES:**

Plaintiff Terry, Lawrence

Defendant Allen University

Plaintiff Pro Se Terry, Lawrence

P O Box 24138, Columbia, SC 29224

Defendant Attorney Durban, Debbie Whittle

PO Box 11070, Columbia, SC 29211

**CASE HISTORY FOR CASE 2012CP4004857**

**Allen University**

Age: Unknown

DOB: Unknown

DL#:

SSN: 000-00-0000

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
------	----------	-------------	-----------	--------------

Total:

DATE	TIME	EVENT DESCRIPTION
7/31/2012	12:12 PM	Motions to Show Cause, For Sanctions, and To Dismiss
8/1/2012	12:00 AM	COCMORENO recorded the following Case Note: Certificate of Service
8/8/2012	3:06 PM	Motion For Protective Order
10/3/2012	12:12 PM	Filing recorded: Memorandum in Opposition to Plaintiff's Motion For Reconside
10/3/2012	12:00 AM	COCMORENO recorded the following Case Note: Memorandum in Opposition to Plaintiff's Motion For Reconsideration of Court's Order Dismissing Case, Certificate of Case
2/22/2013	12:00 AM	COCMORENO recorded the following Case Note: Certificate of Service

Print Date: 06/14/2013  
 Print Time: 9:54:59AM  
 Requested By: COCRYAN

CaseHistory.rpt V6.1

Page 1 of 1

**R. Land County Common Pleas  
CASE HISTORY FOR CASE 2012CP4004857**

Lawrence Terry vs Allen University

FILED DATE: 7/16/2012

CASE TYPE: CP/Personal Injury 350

STATUS: Appeal

JUDGE:

**CASE PARTIES:**

Plaintiff Terry, Lawrence

Defendant Allen University

Plaintiff Pro Se Terry, Lawrence

P O Box 24138, Columbia, SC 29224

Defendant Attorney Durban, Debbie Whittle

PO Box 11070, Columbia, SC 29211

**CASE HISTORY FOR CASE 2012CP4004857**

**Terry, Lawrence**

Age Unknown

DOB: Unknown

DL#:

SSN: 000-00-0000

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
------	----------	-------------	-----------	--------------

**Total:**

DATE	TIME	EVENT DESCRIPTION
7/16/2012	11:11 AM	Filing recorded: Request/Request for Production of Documents
7/16/2012	11:11 AM	Filing recorded: Request/Request for Admissions
7/16/2012	4:02 PM	Filing recorded: Summons & Complaint
7/16/2012	4:08 PM	Filing recorded: ADR/Alternative Dispute Resolution (Workflow)
7/16/2012	4:14 PM	Filing recorded: Affidavit
7/16/2012	4:15 PM	Filing recorded: Interrogatories
7/18/2012	8:49 AM	Filing recorded: Amended Coversheet For Non Jury
7/20/2012	11:31 AM	Motion For An Expedited Non Jury Trial Date
7/20/2012	1:21 PM	Motion/Motion Filing Fee
7/26/2012	9:00 AM	Filing recorded: Verification/Verified

Print Date: 06/14/2013  
 Print Time: 9:35:50AM  
 Requested By: COCTRIBBLE

CaseHistory.rpt V6.1

Page 1 of 2

CASE HISTORY FOR CASE 2012CP4004

8/10/2012	10:11 AM	Filing recorded: Amended Complaint For Negligence and Intentional Infliction
8/10/2012	3:34 PM	Filing recorded: Service/Affidavit Of Service on Allen University
8/13/2012	12:00 AM	COCMORENO recorded the following Case Note: Amended Complaint For Negligence and Intentional Infliction of Emotional Distress
8/17/2012	2:17 PM	Filing recorded: Statement of Additional Facts For Motion For An Expedited No
8/17/2012	2:18 PM	Filing recorded: Reply to Defendant's Motions to Show Cause, For Sanctions, a
8/20/2012	12:00 AM	COCMORENO recorded the following Case Note: Reply to Defendant's Motions to Show Cause, For Sanctions, and to Dismiss
8/20/2012	12:00 AM	COCMORENO recorded the following Case Note: Statement of Additional Facts For Motion For An Expedited Non-Jury Trial Date
8/27/2012	10:50 AM	Motion For Summary Judgment
8/27/2012	4:54 PM	Motion/Motion Filing Fee
8/28/2012	11:25 AM	Filing recorded: Motion For Protective Order
8/28/2012	11:28 AM	Filing recorded: Renewed Motion to Show Cause, For Sanctions, and to Dismiss
9/11/2012	9:51 AM	Filing recorded: Brief in Support of Motion For Summary Judgment
9/11/2012	10:35 AM	Filing recorded: Affidavit of Default
9/14/2012	8:39 AM	Motion/Motion Filing Fee
9/14/2012	2:30 PM	Motion For Default Judgment
9/17/2012	12:00 AM	COCGUNTER recorded the following Case Note: Form Order This Casue of Action is DISMISSED with prejudice. Plaintiff May Appeal, but may not file another cause of action regarding this matter with this court.
9/17/2012	1:59 PM	Form Order This Casue of Action is DISMISSED with prejudice.
9/18/2012	8:43 AM	Motion/Motion Filing Fee
9/18/2012	9:34 AM	Motion For Reconsideration on Order to Dismiss
9/19/2012	11:36 AM	Filing recorded: Affidavit of Plaintiff
9/19/2012	11:37 AM	Filing recorded: Brief in Support of Motion For Reconsideration on Order to D
9/20/2012	12:00 AM	COCMORENO recorded the following Case Note: Brief in Support of Motion For Reconsideration on Order to Dismiss
9/21/2012	12:00 AM	COCMORENO recorded the following Case Note: Memorandum of Law in Support of Motion For Reconsideration on Order to Dismiss
9/21/2012	9:37 AM	Filing recorded: Memorandum of Law in Support of Motion For Reconsideration o
9/24/2012	12:00 AM	COCMORENO recorded the following Case Note: Additional Statements of Fact in Support of Motion For Reconsideration on Order to Dismiss
9/24/2012	11:57 AM	Filing recorded: Additional Statements of Fact in Support of Motion For Recon
10/4/2012	12:00 AM	COCMORENO recorded the following Case Note: Reply to Defendant's Memorandum in Opposition of Plaintiff's Motion For Reconsideration
10/4/2012	2:38 PM	Filing recorded: Reply to Defendant's Memorandum in Opposition of Plaintiff's
10/8/2012	8:48 AM	Filing recorded: Brief In Reply To Defendant's Memorandum in Opposition to Pl
10/9/2012	12:00 AM	COCMORENO recorded the following Case Note: Brief In Reply To Defendant's Memorandum in Opposition to Plaintiff's Motion For Reconsideration
12/11/2012	12:00 AM	COCMORENO recorded the following Case Note: Additional Statements of Facts in Reply to Defendants Memorandum In Opposition of Plaintiff's Motion For Reconsideration
12/11/2012	4:41 PM	Filing recorded: Additional Statements of Facts in Reply to Defendants Memora
12/13/2012	10:06 AM	Filing recorded: Memorandum of Law in Support of Motion For Default Judgment
2/11/2013	10:44 AM	Form Order Plaintiff's motion for Reconsideration is DENIED.
2/19/2013	10:42 AM	Filing recorded: Notice of Appeal
<del>2/22/2013</del>	<del>12:00 AM</del>	COCGUNTER recorded the following Case Note: Renewed Motion to Show Cause, For Sanctions, and to Dismiss Plaintiff's Amended Complaint, Certificate of Service
<del>2/22/2013</del>	<del>12:00 AM</del>	COCGUNTER recorded the following Case Note: Renewed Motion to Show Cause, For Sanctions, and to Dismiss Plaintiff's Amended Complaint, Certificate of Service

Exhibit 6

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.255.9069  
www.nelsonmullins.com

Debbie Whittle Durban  
(Admitted in SC & NC)  
Tel: 803.255.9465  
Fax: 803.255.9069  
debbie.durban@nelsonmullins.com

February 25, 2013

Ms. V. Claire Allen  
Deputy Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Lawrence Terry v. Allen University  
Appellate Case No. 2013-000340

RECEIVED

FEB 26 2013

SC Court of Appeals

Dear Ms. Allen:

This letter is to notify you that I agree with the Appellant, Mr. Terry, that there is no reason to order a transcript in order to proceed in the above-referenced appeal. Because there was no hearing or other proceedings in this case below, there is no transcript available.

Please let me know if you have questions or if you need additional information.

With kind regards, I am

Very truly yours,



Debbie Whittle Durban

cc: Mr. Lawrence Terry

**PROOF OF SERVICE OF REPLY BRIEF**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2012-CP-40-04857

Allen University,

Respondent,

v.

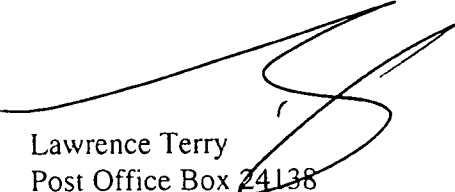
Lawrence Terry,

Appellant.

**PROOF OF SERVICE**

I certify that I have served copies of the Reply Brief on Allen University by personally delivering the copies of it to his attorney of record, Debbie Whittle Durban, at her office at Post Office Box 11070 Columbia, South Carolina 29211, on June 19, 2013.

June 19, 2013

  
Lawrence Terry  
Post Office Box 24138  
Columbia, South Carolina 29224  
(803) 414-0760  
Appellant, Pro Se

RECEIVED  
JUN 19 2013

SC COURT REPORTERS

# The South Carolina Court of Appeals

Lawrence Terry, Appellant,

v.

Allen University, Respondent.

Appellate Case No. 2013-000340

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ORDER

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Respondent's motion to dismiss is denied. Nothing in this order prevents Respondent from raising this issue in its brief.

  
FOR THE COURT

Columbia, South Carolina

cc:

Lawrence Terry

Debbie Whittle Durban

**FILED**

14 May 2013



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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May 14, 2013

Ms. Debbie Whittle Durban  
PO Box 11070  
Columbia SC 29211

Re: Lawrence Terry v. Allen University  
Appellate Case No. 2013-000340

Dear Counsel:

Enclosed is the decision of the Court. The Respondent's Initial Brief is due 30 days from the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Lawrence Terry