

6/9/10

**APPELLANT’S MOTION FOR EXTENSION OF TIME AND  
CLARIFICATION ON RECORD OF APPEAL**

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

**RECEIVED**

JUL 22 2013

**SC Court of Appeals**

Allen University,

Respondent,

v.

Lawrence Terry,

Appellant.

**APPELLANT’S MOTION FOR EXTENSION OF TIME AND  
CLARIFICATION ON RECORD OF APPEAL**

**ARGUMENT**

Since discovering the spurious documents used by the Respondent to surreptitiously alter the lower court docket, it has become difficult to move forward in the present proceedings. Rule 210(c) states, " *The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal.*" As the Appellant recently pointed out in his Motion For Contempt and Sanctions the Respondent’s attorney, Debbie Durban, improperly altered documents having evidentiary value to this appeal.

In Debbie Durban’s Affidavit filed with this Appeals Court she stated that contacted someone at the Clerk of Court’s office on February 20, 2013 to correct previous mistakes she

made in filing her documents. The Case History, attached, from the lower court shows that three motions were added to the case file/docket on February 22, 2013. As the Respondent wrote on their MOTION AND ORDER INFORMATION FORM AND COVERSHEET the clerk originally filed those documents in case number 2011-CP-40-05469, all attached.

The lower court's Order was abruptly filed on September 17, 2012. The Order denying Appellant's Motion To Reconsider was filed on February 11, 2013. With the backdated 8/8/2012 Motion For Protective Order, 8/28/2012 Motion For Protective Order, and 8/28/2012 Renewed Motion to Show Cause being fraudulently altered on February 22, 2013 and then inserted into the case file/docket it is clear that these documents **were not present** during the lower courts writing of its Orders. Knowing this, the Appellant cannot include these documents in the Record of Appeal because they do not adhere to the rules of procedures.

The Respondent's Initial Brief refers to the altered documents as evidence for their arguments. The Respondent had prior knowledge of the issues with their lower court filing and chose not to act or motion the lower court. The Respondent filed a Memorandum in Opposition to Plaintiff's Motion For Reconsideration on 10/03/2012. The Appellant's 9/18/2012 Motion For Reconsideration, attached, clearly stated multiple times that the Respondent failed to reply to the Initial Requests For Admissions and Amended Complaint so when Debbie Durban proudly states in her Sworn Affidavit, "*Upon receiving Appellant's Notice of Appeal and Initial Brief on February 19, 2013, I learned that Appellant apparently thought Allen had never responded to his Amended Complaint or answer his discovery requests*" She stated this in a **Sworn Affidavit** and it is clearly untrue. She would like this court to now believe that she was clueless as to why the Appellant's presents the argument that," Allen had never responded to his Amended Complaint or answer his discovery requests" although the Appellant's Motion For Reconsideration was based on those facts and the Respondent replied to said motion. The attached motion proves the Appellant conveyed these material facts to her back in October 2012! Debbie Durban replied to that information 15 days later. In the PLAINTIFF'S BRIEF IN REPLY TO DEFENDANT'S MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION filed 10/8/2012, the Appellant made the negligence of Debbie Durban in handling this case very clear by specifically stating on page 1 line 24, "*Now I just noticed that the Defendant has negligently used multiple case numbers on their Memorandum In Opposition and if the Defendant has done the same on previous allegedly submitted documents then that would make*

*them grossly negligent in handling their case and with no fault of the Clerk of Court or the Plaintiff.*" Debbie Durban knew of the wrongfully filed documents for months but did nothing.

The Appellant filed approximately 9 documents in the lower court, in September 2012 to December 2012, giving the Respondent notice of their failed responses. Debbie Durban had approximately 5 months to motion the court for relief but instead strategically chose to wait until after the lower court made a final judgment and after the Appellant filed his Notice of Appeal. With these surreptitious alterations, the Appeals Court would be misled into believing that the docket did indeed show the documents alleged to have been submitted by the Allen University and Debbie Durban. The Appellant made all decisions and filings regarding case #2012-CP-40-04857 based on the information shown on the related circuit court docket. Appellant received NO notice from the Respondent or Court and did not discover that the motions were improperly altered until 6/14/2013. Debbie Durban is a well-respected Partner at one of the nation's most prestigious law firms and well aware of the court's rules. Based on her actions, Ms. Durban committed a fraud upon the Court in bringing altered evidence forward in the Court of Appeals with the intent to deceive all. Given the many notices provided to Ms. Durban, her claims of being unaware of the issues regarding the lack of properly filed responses in Case #2012-CP-40-04857 leave even the most generous person incredulous.

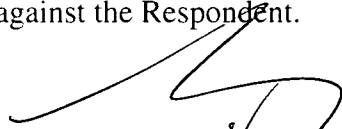
Our Court of Appeals has long held, "a party has a duty to monitor the progress of his case." *Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct.App.2001) (quoting *Goodson v. Am. Bankers Ins. Co.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct.App.1988)).

## CONCLUSION

The Appellant respectfully requests for an extension of time to compile a Record of Appeal. Before exerting an unreasonable amount of time and money compiling a Record of Appeal, the Appellant requests clarification from the court on the acceptability of the multiple submissions from the Respondent which were never seen or considered by the lower court in their decision for case #2012-CP-40-04857. Also, the bulk of the Respondent's Initial Brief is based on information unconsidered in the lower court therefore it appears not to adhere to the rules of procedure and should be voided. Please also refer to Appellant's Motion For Contempt and Sanctions recently filed in this court.

Therefore, the Appellant respectfully prays for relief from this court in the form of any sanctions on Debbie Durban and/or Allen University as deemed proper by the court, and relief through having the Clerk of Court instructed to remove the surreptitiously altered motions, and to rule on this appeal in favor of the Appellant and against the Respondent.

July 22, 2013



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

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

---

Court of Appeals Tracking No. 2013-000340

---

Lawrence Terry, ..... Appellant,  
v.  
Allen University, ..... Respondent.

---

**AFFIDAVIT OF DEBBIE WHITTLE DURBAN**

---

I, the undersigned Debbie Whittle Durban, being duly sworn, depose and state as follows:

1. I am over 21 years of age and am competent to testify as to the matters alleged herein.

2. I am the attorney for the Respondent, Allen University ("Allen"), in the above-referenced appeal.

3. Upon receiving Appellant's Notice of Appeal and Initial Brief on February 19, 2012, I learned that Appellant apparently thought Allen had never responded to his Amended Compliant or answer his discovery requests. I knew this was not correct because upon receipt of Appellant's discovery requests, I had filed a

Motion for Protective Order asking the court to stay discovery. Later, upon receiving the Amended Complaint, I filed Renewed Motions to Show Cause, for Sanctions, and to Dismiss. I served each of these motions on Appellant by mail at his post office box address, which is the same address I had used throughout this lawsuit with no apparent issue. (*See Exhibits A and B.*)

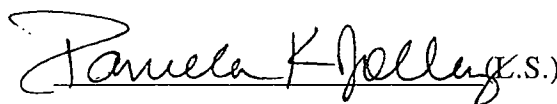
4. To try and determine the basis for Appellant's mistaken belief, I checked Richland County's online public index and discovered that both the Motion for Protective Order and the Renewed Motions to Show Cause, for Sanctions, and to Dismiss had been filed by the Clerk of Court's office under the wrong civil action number. Instead of filing these motions under 2012-CP-40-04857, the civil action number for the current lawsuit, the clerk's office had filed them under 2011-CP-40-05469, which was Appellant's previously dismissed fourth lawsuit. Although the correct civil action number was on the front page of each pleading, the civil cover sheets attached to the pleadings had the civil action number from the earlier case which could have resulted in the misfiling by the clerk's office.

5. I then called the Richland County Clerk of Court's office on February 20, 2013, and spoke with Jim Truitt, the Administrator, to explain the mistake and inquire how to remedy it. Mr. Truitt told me he would look into it and get back to me. A time entry for this conversation is attached as Exhibit C. A few days later, Mr. Truitt called and spoke with my administrative assistant, Pam Jolley, and informed her that the motions had been refiled under the appropriate civil action number.

FURTHER AFFIANT SAYETH NOT

  
Debbie Whittle Durban

Sworn to and subscribed before me  
this 12<sup>th</sup> day of July 2013

  
Notary Public for South Carolina  
My Commission Expires 12/9/2013.

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

Lawrence Terry )

Plaintiff )

v. )

Allen University )

Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.

2012-CP-40-04857

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

*File*

|   |   |
|---|---|
| Plaintiff's Attorney:<br>Lawrence Terry, Bar No. Pro Se<br>Address:<br>PO Box 24138 Columbia, SC 29224<br>phone: 803-414-0760 fax:<br>e-mail:            other: | Defendant's Attorney:<br>Debbie Whittle Durban, Bar No. 16893<br>Address:<br>Nelson Mullins Riley & Scarborough, LLP, PO Box<br>11070, Columbia, SC 29211<br>phone: 803-255-9465 fax: 803-255-9069<br>e-mail:            other: |
|---|---|

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

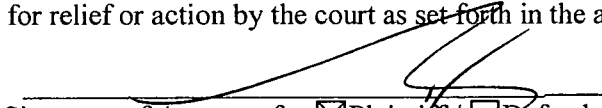
**SECTION I: Hearing Information**

Nature of Motion: \_\_\_\_\_  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

- Written motion attached  
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

  
 Signature of Attorney for  Plaintiff /  Defendant

Date submitted

*9/18/2012*

2012 SEP 18 AM 8:44  
 RECEIVED  
 CLERK'S OFFICE  
 RICHLAND COUNTY

**SECTION III: Motion Fee**

- PAID - AMOUNT:  
 EXEMPT:  Rule to Show Cause in Child or Spousal Support  
 (check reason)  Domestic Abuse or Abuse and Neglect  
 Indigent Status     State Agency v. Indigent Party  
 Sexually Violent Predator Act     Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication     Motion for Execution (Rule 69, SCRCP)  
 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: \_\_\_\_\_  
 Other:

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order.  
 Other:

JUDGE

CODE: \_\_\_\_\_ Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Date Filed: \_\_\_\_\_

Collected by: \_\_\_\_\_

- MOTION FEE COLLECTED: \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \_\_\_\_\_



1 Key facts about this case are as follows:

- 2 i. Plaintiff had no knowledge of a pending Motion To Dismiss.
- 3 ii. There is not and was not a pending Motion To Dismiss on the docket.
- 4 iii. The Defendant has failed to respond to the Plaintiff's Amended Complaint.
- 5 iv. Plaintiff filed an Affidavit Of Default on 9/11/2012. Plaintiff also filed a Motion For
- 6 Default Judgment on 9/14/2012 which included evidence that the Defendant failed to file
- 7 any type of Answer or response to the Amended Complaint within the specified time.
- 8 v. The Plaintiff has multiple Motions pending while the Defendant has none on the docket.
- 9 vi. The initial Motion to Dismiss submitted by the Defendant requested a "hearing" although
- 10 it was voided by the Amended Complaint.
- 11 vii. The Plaintiff did not receive any notice of an unknown Motion.
- 12 viii. The Plaintiff was denied the right to object or present evidence against the unknown
- 13 Motion To Dismiss.
- 14 ix. The Defendant failed to respond to any of the Plaintiff's Requests For Discovery
- 15 including Requests For Admissions which were served with the Original Complaint.
- 16 Therefore pursuant SCCRP 36 all Requests For Admissions are deemed Admitted and
- 17 that in itself would defeat any real Motion To Dismiss if the Defendant presented one.
- 18 x. To date the Defendant still has not filed anything other than their voided Motion To
- 19 Dismiss.

20 The Court previously stated that the Plaintiff's claim of a breached investigation was void

21 because it lacked consideration. The Defendant stated multiple times that they did not owe the

22 Plaintiff any right or obligation to investigate his educational records and called it a "gracious

23 offer" and the Court agreed. Based on the Defendant's own Privacy Guidelines on the university

24 website, Exhibit A attached, which they take from a Federal Law of The Family Educational

25 Rights and Privacy Act of 1974 the Plaintiff does have certain Rights which the school denied.

26 The Plaintiff's claim of negligence refers to the multiple negligent acts in regards to the handling

27 of the Plaintiff's educational records by the Defendant. FERPA/the Defendant's own guideline

28 affords students certain rights with respect to their educational records.

1 (1) The right to inspect and review one's education records within 45 days of the day the college  
2 receives a request for access. A student who wishes to review his or her academic records must  
3 fill out and sign a request form in the Office of Records and Registration. The Registrar will  
4 make arrangements for access and notify the student of the time and place where the records may  
5 be inspected.

6 (2) The right to request the amendment of records the student believes are inaccurate,  
7 misleading, or otherwise in violation of the student's privacy rights under FERPA. A student  
8 who wishes to ask the University to amend a record should write the University official  
9 responsible for the record, clearly identify the part of the record the student wants changed, and  
10 specify why it should be changed.

11 If the University decides not to amend the record as requested, the University will notify the  
12 student in writing of the decision and of the student's right to a hearing regarding the request for  
13 amendment. Additional information regarding hearing procedures will be provided to the student  
14 when notified of the right to a hearing.

15 (3) The right to provide written consent before the University discloses personally identifiable  
16 information from the student's education records, except to the extent that FERPA authorizes  
17 disclosure without consent.

18 (4) The right to file a complaint with the U.S. Department of Education concerning alleged  
19 failures by the University to comply with the requirements of FERPA. The The Family Policy  
20 Compliance Office administers FERPA:

21  
22 The Plaintiff focused on right #2 which is the right to request the amendment of records.  
23 The emails attached to this Motion express how the Plaintiff begged and pleaded for copies of  
24 specific educational records that he believed were inaccurate and would help prove that fact but  
25 the Defendant ignored and refused the Plaintiff his rights to do so. The Plaintiff never received a  
26 written decision from the Defendant on why they denied him the amendment or requests for  
27 files. The Defendant never informed the Plaintiff to his right to a formal hearing and they  
28 Defendant did not inform the Plaintiff of his right to file a complaint with the Department of  
Education. In fact the Defendant never explained anything in regards to FERPA to the Plaintiff.

1 So the instant complaint is based on negligence. The Defendant does not deny the fact that they  
2 made mistakes. The fact that the Defendant failed to inform the Plaintiff of his rights under  
3 FERPA is fraudulent and they broke Federal Laws. The recently discovered FERPA information  
4 only strengthens the Plaintiff's claim of negligence. Once the Plaintiff discovered this FERPA  
5 information I immediately sent a certified letter requesting a formal hearing and written  
6 explanation but did not receive either. The emails are dated February 2010 so they are well  
7 within the statute of limitations and once again they further prove negligence by the Defendant.

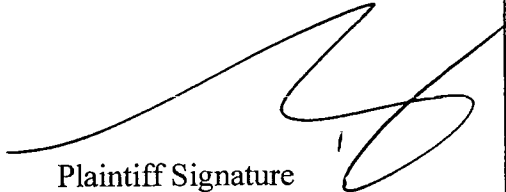
### 8 CONCLUSION

9 So if the Defendant is now claiming the instant Complaint is based on a failure to  
10 investigate the Plaintiff's educational records then based on the newly discovered material facts  
11 they are correct. I submitted audio and paperwork to support my claims. What more do I need to  
12 provide to get a fair chance at a trial? The Defendant was grossly and willfully negligent in  
13 handling the Plaintiff's educational records. I would file a Motion To Vacate the previous based  
14 on this newly discovered FERPA evidence but the Court told me I could not file any more  
15 Motions and if the information is not presented to the trial judge then the Court of Appeals will  
16 not consider it.

17 For the reasons stated above, Lawrence Terry Plaintiff Pro Se, requests that the Court reverses its  
18 previous Order To Dismiss and allow this case to move forward.

19 Date

9/18/2012

20   
21 Plaintiff Signature  
22 Post Office Box 24138  
23 Columbia, SC 29224  
24 Lawrence Terry, Pro Se  
25  
26  
27  
28



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  | <del>Pendant Complaint for Negligence and Intentional Infliction</del> | 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  | <del>Motion for Summary Judgment</del>                                 | Motion      | 08/27/2012 - 10:50:25 |                 |
| Terry, Lawrence  | Motion/Motion Filing Fee   | Amount      | 08/27/2012 - 16:54:34 |                 |

Exhibit D

# Fifth Judicial Circuit Public Index Search

[Back](#)

[New Search](#)

[County Home Page](#)

## Lawrence Terry vs Allen University

**Number:** 2012CP4004857

**Court Agency:** Richland County Common Pleas

**Filed Date:** 07/16/2012

**Case Type:** Common Pleas

**Case Sub Type:** Personal Injury 350

**File Type:** Non-Jury

**Status:** Dismissed

**Assigned Judge:**

**Disposition:** Dismissed by Court - not Rule 40J

**Disposition Date:** 09/17/2012

**Disposition Judge:** Manning, L Casey

**Case Doc:**

**Original Case #:**

**Number:**

[Judgments](#)

[Actions](#)

[Associated Cases](#)

[Tax Map Information](#)

| Description  | Action Type | Begin Date            | Completion     |
|--|-------------|-----------------------|----------------|
| Motion For An Expedited Non Jury Trial Date  | Motion      | 07/20/2012 - 11:31:19 | 09/17/2012 - 1 |
| Motion/Motion Filing Fee   | Amount      | 07/20/2012 - 13:21:42 | 09/17/2012 - 1 |
| Verification/Verified  | Filing      | 07/26/2012 - 09:00:54 | 09/17/2012 - 0 |
| Motions to Show Cause, For Sanctions, and To Dismiss   | Motion      | 07/31/2012 - 12:12:07 | 09/17/2012 - 1 |
| Amended Complaint For Negligence and Intentional Infliction of Emotional Distress/Affidavit Of Service on Allen University | Filing      | 08/10/2012 - 10:11:01 | 09/17/2012 - 1 |
| Service/Affidavit Of Service on Allen University   | Filing      | 08/10/2012 - 15:34:46 | 09/17/2012 - 1 |
| Statement of Additional Facts For Motion For An Expedited No   | Filing      | 08/17/2012 - 14:17:13 | 09/17/2012 - 1 |
| Reply to Defendant's Motions to Show Cause, For Sanctions, a   | Filing      | 08/17/2012 - 14:18:16 | 09/17/2012 - 1 |
| Motion For Summary Judgment  | Motion      | 08/27/2012 - 10:50:25 | 09/17/2012 - 1 |
| Motion/Motion Filing Fee   | Amount      | 08/27/2012 - 16:54:34 | 09/17/2012 - 1 |
| Brief in Support of Motion For Summary Judgment  | Filing      | 09/11/2012 - 09:51:24 | 09/17/2012 - 0 |
| Affidavit of Default   | Filing      | 09/11/2012 - 10:35:39 | 09/17/2012 - 1 |
| Motion/Motion Filing Fee   | Amount      | 09/14/2012 - 08:39:55 | 09/17/2012 - 0 |
| Motion For Default Judgment  | Motion      | 09/14/2012 - 14:30:49 | 09/17/2012 - 1 |
| Order Order This Case For Action is Dismissed with Prejudice   | Order       | 09/17/2012 - 13:59:23 | 09/17/2012 - 1 |
| Motion/Motion Filing Fee   | Amount      | 09/18/2012 - 08:43:44 | 09/17/2012 - 1 |
| Motion For Reconsideration on Order to Dismiss   | Motion      | 09/18/2012 - 09:34:19 | 09/17/2012 - 1 |

## Richland County Fifth Judicial Circuit Public Index Search

[Back](#)
[New Search](#)
[Court Home Page](#)

### Lawrence Terry vs Allen University

|  |  |  |
|--|--|--|
| Number: 2011CF400-857<br>Case Type: Common Pleas<br>Status: Appeal<br>Disposition: Dismissed by Court - not Rule 401<br>Case Doc:<br>Number: | Court Agency: Richland County Common Pleas<br>Case Sub Type: Personal Injury 350<br>Assigned Judge:<br>Disposition Date 09/17/2012<br>Original Case #: | Filed Date: 07/16/2012<br>File Type: Non-Jury<br>Disposition Judge: Manning, L Casey |
|--|--|--|

[Judgments](#) | 
 [Actions](#) | 
 [Associated Cases](#) | 
 [Tabular Information](#)

| Description   | Action Type | Begin Date                   | Completion     |
|---|-------------|------------------------------|----------------|
| Amended Discovery Sheet For Non Jury                                | Filing      | 07/28/2012 - 08/28/12        | 09/17/2012 - 0 |
| Motion For An Expedited Non Jury Trial Date                         | Motion      | 07/20/2012 - 07/20/12        | 09/17/2012 - 0 |
| Motion Motion Filing Fee  | Amount      | 07/20/2012 - 07/20/12        | 09/17/2012 - 0 |
| Verification Provided   | Filing      | 07/28/2012 - 08/02/12        | 09/17/2012 - 0 |
| Motion to Show Cause For Sanctions and To Dismiss                   | Motion      | 07/31/2012 - 08/03/12        | 09/17/2012 - 0 |
| <b>* Motion For Protective Order</b>                                | Motion      | <b>08/08/2012</b> - 08/16/12 |                |
| Amended Complaint For Negligence and Intentional Infliction         | Filing      | 08/11/2012 - 08/13/12        | 09/17/2012 - 0 |
| Service Affidavit On Service on Allen University                    | Filing      | 08/11/2012 - 08/14/12        | 09/17/2012 - 0 |
| Statement of Additional Facts For Motion For An Expedited To        | Filing      | 08/17/2012 - 08/17/12        | 09/17/2012 - 0 |
| Reply to Defendant's Motion to Show Cause For Sanctions a           | Filing      | 08/17/2012 - 08/17/12        | 09/17/2012 - 0 |
| Motion For Summary Judgment   | Motion      | 08/27/2012 - 08/28/12        | 09/17/2012 - 0 |
| Motion Motion Filing Fee  | Amount      | 08/27/2012 - 08/28/12        | 09/17/2012 - 0 |
| <b>* Motion For Protective Order</b>                                | Filing      | <b>08/28/2012</b> - 08/28/12 |                |
| <b>* Renewed Motion to Show Cause For Sanctions; and to Dismiss</b> | Filing      | <b>08/28/2012</b> - 08/28/12 |                |
| Brief in Support of Motion For Summary Judgment                     | Filing      | 09/10/2012 - 09/10/12        | 09/17/2012 - 0 |
| Affidavit of Default  | Filing      | 09/11/2012 - 09/11/12        | 09/17/2012 - 0 |
| Motion Motion Filing Fee  | Amount      | 09/14/2012 - 09/14/12        | 09/17/2012 - 0 |





STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

Lawrence Terry )

Plaintiff, )

vs. )

Allen University )

Defendant. )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2011-CR-40-05469  
*20/20/2013* *48570* *collected* *2/22/2013*

MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

|   |  |
|---|--|
| Plaintiff's Attorney:<br>Lawrence Terry, Plaintiff Pro Se, Bar No. _____<br>Address:<br>P.O. Box 24138, Columbia, SC 29224<br>Phone: 803-414-0760 Fax _____<br>E-mail: _____ Other: _____ | Defendant's Attorney:<br>Debbie Whittle Durban, Bar No. 16893<br>Address:<br>Nelson Mullins Riley & Scarborough, P.O.<br>Box 11070, Columbia, SC 29211<br>Phone: 803-255-9465 Fax 803-255-9068<br>E-mail: debbie.durban@nelsonmullins.com Other: _____ |
|---|--|

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: Def.'s Motion to Dismiss, Motion for Sanctions, and Motion to Stay Discovery  
 Estimated Time Needed: 15 minutes Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

Written motion attached  
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Debbie Whittle Durban August 8, 2012  
 Signature of Attorney for  Plaintiff /  Defendant Date submitted

**SECTION III: Motion Fee**

PAID - AMOUNT: \$ \_\_\_\_\_  
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status  State Agency v. Indigent Party
- Sexually Violent Predator Act  Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication  Motion for Execution (Rule 69, SCRPC)
- 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: \_\_\_\_\_  
 Other: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: metz Date Filed: 8/9/12  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

SCANNED

**PROOF OF SERVICE OF APPELLANT'S MOTION FOR EXTENSION  
OF TIME AND CLARIFICATION ON RECORD OF APPEAL**

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

---

**RECEIVED**

JUL 22 2013

**SC Court of Appeals**

Allen University,

Respondent,

v.

Lawrence Terry,

Appellant.

---

**PROOF OF SERVICE**

---

I certify that I have served copies of the Motion For APPELLANT'S MOTION FOR EXTENSION OF TIME AND CLARIFICATION ON RECORD OF APPEAL 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 July 22, 2013.

July 22, 2013



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