

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

100422

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

RECEIVED

Appellant case No. 2023-001619

NOV 27 2023

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

SC Court of Appeals

Willie J. Bennett.....Appellant,

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

APPELLANT'S MOTION FOR REHEARING

Appellant, Willie J. Bennett, Motion for Rehearing Notice of Appeal to Stay Order is submitted. This request is in response to the Appeals Court Order of November 7, 2023, Granting Respondent's Motion to Dismiss Appellant' Notice of Appeal. The Order of the Honorable Maite Murphy, dated September 20, 2023 is at **(Exhibit, A)**. Appellant's Notice of Appeal to Stay Order was file on October 16, 2023, and denied by the Appeals Court on November 7, 2023. After the Appeals Court Order to Dismiss Appellant' Notice of Appeal, Appellant discovered new and material evidence in this case that Respondent Attorney fail to disclose.

This negligence action arising out of a motor vehicle accident that occurred on July 17, 2023, at the parking lot of Chick-Fil-A restaurant located at 7424 Garners Ferry Road, Columbia, South Carolina 29209. Chick-Fil-A employee, Defendant Sasha N. Gray, who was driving a 2019 Honda Chick-Fil-A image/logo vehicle that rear ended Appellant's vehicle while legally parked in a chick-Fil- designated customer parking area. The Columbia Police Department (**Exhibit C**), which caused Appellant property damage and personal injury.

Upon reviewing the computer records with Richland County's Court staff on November 16, 2023, Appellant discovered that Defendant's Attorney, Ms. Kelsey Brudvig, filed an electronic Proposed Order/Protective Order July 6, 2023, (**Exhibit, B**), with the Court without providing a copy of entry of the Proposed Order/Protective Order or Certificate of Service, on July 6, 2023, with Appellant as required by SCRCF. Appellant first became aware of the deficiency on November 16, 2023.

HISTORY

The South Carolina Circuit Courts computer system is available to the general public that allows monitoring of cases and pending actions. However; the general public, including Pro Se, have restricted access to electronic activity such as reviewing filed Motions by Attorneys. If the general public or Pro Se are not notified of an electronic filing, as required by SCRCF, by opposing council, we are placed at a disadvantage in the judicial process and right to due process of the law are involuntary forfeited, such as in this case. Mid-State Distribs., Inc., 310 S.C. at 334, 426 S.E.2d at 780. Interlocutory orders affecting a substantial right may be immediately appealed pursuant to § 14-3-330(2). Orders affecting a substantial right "discontinue an action,

prevent an appeal, grant or refuse a new trial, or strike out an action or defense." Id. at 335 n. 4, 426 S.E.2d at 780 n. 4.

The computer generates a Notice of Electronic Filing (NEF) which is only accessible to Attorneys, not the general public/Pro Se. The message/instruction on the NEF Form states, "the following people have not been served electronically by the Court. Therefore, they must be served by traditional means **(Exhibit, B)**." By Appellant not having equal access to the NEF Computer System as is Respondent's Attorney, Ms. Brudvig, Appellant is placed in and uneven and advantaged position to adequately process his case. Appellant is thereby denied due process of the law which affects a substantial right. Mid-State Distributions, Inc., 310 S.C. at 334, 426 S.E.2d at 780. Fourteenth Amendment to The United States Constitution. No one shall be "deprived of life, liberty or property without due process of law."

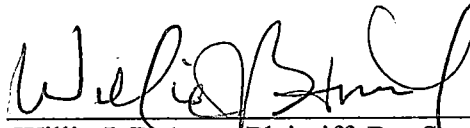
During the course of Discovery pursuant to Rules 26, 33, of SCRPC, Appellant requested discovery evidence from all Respondents and received little or no information and inaccurate responses. Pursuant to Rule 45, SCRPC, Subpoena was issued to Claire H. Eckert as the registered owner of the Chick-Fil-A image/logo 2019 Honda delivery vehicle that **(Exhibit, C)** employee Gray drove and collided with Appellant. The Subpoena served to verify the accuracy of insurance information, which is questionable given that Defendant previously provided Appellant three (3) different policy numbers. Respondent failed to provide Appellant Discovery pursuant to Rule 34(c), SCRPC, ...Independent Discovery Action may be maintained against nonparty. Subpoena was also issued to Claire N. Eckert for deposition. Ms. Brudvig rejected her appearance. *Wofford v. Ethyl Corp.* 316 S.C. 75, 447 S.E. 2d 187 (1994). S.C. Rule 34(c), this Rule does not preclude an independent action against a person not a party for Production of Documents and Things ... **(Exhibit, D)**, Transcript, p. 21-23), Judge Murphy stated that she

would allow Bennet to complete discovery. Transcript, p. 22, "If after you do whatever discovery or homework that you feel that you need to do to figure out any party that you think may be pertinent, then you need to file the proper motion to do so". Judge Murphy did not lift the restrictions of Respondent's Motion for Protective Order/Motion to Quash to allow Appellant an avenue to conduct Discovery nor did she issue an Order or provide guidance to commence or terminate Discovery. See Wofford v. Ethyl Corp. Therefore, the Judge Order was premature and prejudiced the Appellant's case. Frank Joe Baughman, ET al., Appellants, 306 S.C. 101, 410 S.E. 2d 537 (1991). ... the Court held that grant of partial Summary Judgement was premature in Appellant had demonstrated a likelihood that further Discovery would uncover additional evidence.

On July 6, 2023, Ms. Brudvig electronically filed a Proposed Order/Protective Order (Exhibit, E) without providing notification or a copy of the Proposed Order to Appellant as required by SCRCP which placed Appellant at a disadvantage to respond and denied him due process and cause him irreparable harm. This act itself substantially affected Appellants rights. "Mid-State Distribs., Inc., 310 S.C. at 334, 426 S.E.2d at 780. Interlocutory orders affecting a substantial right may be immediately appealed pursuant to § 14-3-330(2). Orders affecting a substantial right "discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense." Id. at 335 n. 4, 426 S.E.2d at 780 n. 4.

It is of belief that the Court did not consider Appellant's Motions and nothing is in the Order to suggest that Appellant's evidence was considered. Respondent Proposed Order and Judge Murphy Order are identical (Exhibit, E). Appellant was first notified of the order and its contents on September 23, 2023.

Appellant respectfully request that his Motion for Rehearing to stay be granted.



Willie J. Bennett, Plaintiff, Pro Se
113 Healing Springs Road
Hopkins, South Carolina 29061
(803) 319-5740 Cell

November 27, 2023
Hopkins, South Carolina.

Other Counsels of Record:

Collins Lacy, Attorney at Law
Kelsey J. Brudvig
1330 Lady Street, 6th Floor
Columbia, South Carolina 29201

Sweeny, Wingate & Barrow, P.A.
Christy E Mahon
1515 Lady Street
Columbia, South, Carolina 29201

Collins Lacy, Attorney at Law
ATTN: Kyle L. Brady
1330 Lady Street, 6th Floor
Columbia, South Carolina 29201

EXHIBIT A

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Willie J. Bennett,)

Plaintiff,)

v.)

Sasha N. Gray, Claire H. Eckert, and)
Chick-Fil-A, Inc.,)

Defendants.)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2023-CP-40-00017

ORDER

This matter is before the Court on Defendant Claire H. Eckert's Motion for Protective Order or, in the alternative, Motion to Quash. The motion was heard by the Court via WebEx on June 27, 2023. Following consideration of the motion and submitted written material, along with oral arguments, the Court GRANTS Defendant's Motion.

This is a negligence action arising out of a motor vehicle accident that occurred on July 17, 2022, at the parking lot of the Chick-fil-A branded restaurant located at 7424 Garners Ferry Road, Columbia, South Carolina 29209. The subject Chick-fil-A restaurant is owned and operated by 2CE, LLC. Defendant Sasha N. Gray, an employee of 2CE, LLC was operating a vehicle on behalf of the restaurant, when Gray's vehicle allegedly came into contact with the rear bumper of the Plaintiff Willie J. Bennett's, *pro se*, vehicle. Plaintiff is claiming both property damage and personal injury.

On May 8, 2023, Plaintiff served a subpoena *duces tecum* on the subject restaurant, requesting production of video, insurance information, and photographs and repair estimate of the involved vehicle driven by Defendant Gray. Defendants provided a written response to the subpoena *duces tecum* on the same date, advising that this information was previously requested

Defendant's Motion to Quash subpoena *duces tecum* as the information requested has already been provided through the course of discovery and/or response to an identical subpoena *duces tecum*.

IT IS SO ORDERED.

The Honorable Maite Murphy
Presiding Judge

ELECTRONICALLY FILED - 2023 Sep 20 3:06 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4000017



Richland Common Pleas

Case Caption: Willie J Bennett vs Sasha N Gray , defendant, et al
Case Number: 2023CP4000017
Type: Order/Protective Order

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2023-09-20 14:56:56 page 5 of 5

ELECTRONICALLY FILED - 2023 Sep 20 3:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4000017

EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Willie J. Bennett,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2023-CP-40-00017

ORDER

This matter is before the Court on Defendant Claire H. Eckert's Motion for Protective Order or, in the alternative, Motion to Quash. The motion was heard by the Court via WebEx on June 27, 2023. Following consideration of the motion and submitted written material, along with oral arguments, the Court GRANTS Defendant's Motion.

This is a negligence action arising out of a motor vehicle accident that occurred on July 17, 2022, at the parking lot of the Chick-fil-A branded restaurant located at 7424 Garners Ferry Road, Columbia, South Carolina 29209. The subject Chick-fil-A restaurant is owned and operated by 2CE, LLC. Defendant Sasha N. Gray, an employee of 2CE, LLC was operating a vehicle on behalf of the restaurant, when Gray's vehicle allegedly came into contact with the rear bumper of the Plaintiff Willie J. Bennett's, *pro se*, vehicle. Plaintiff is claiming both property damage and personal injury.

On May 8, 2023, Plaintiff served a subpoena *duces tecum* on the subject restaurant, requesting production of video, insurance information, and photographs and repair estimate of the involved vehicle driven by Defendant Gray. Defendants provided a written response to the subpoena *duces tecum* on the same date, advising that this information was previously requested

Defendant's Motion to Quash subpoena *duces tecum* as the information requested has already been provided through the course of discovery and/or response to an identical subpoena *duces tecum*.

IT IS SO ORDERED.

The Honorable Maite Murphy
Presiding Judge

ELECTRONICALLY FILED - 2023 Sep 20 3:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4000017



Richland Common Pleas

Case Caption: Willie J Bennett vs Sasha N Gray , defendant, et al
Case Number: 2023CP4000017
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So Ordered

s/ Maite Murphy 2166

Electronically signed on 2023-09-20 14:56:56 page 5 of 5

ELECTRONICALLY FILED - 2023 Sep 20 3:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4000017

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Willie J. Bennett,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2023-CP-40-00017

ORDER

This matter is before the Court on Defendant Claire H. Eckert's Motion for Protective Order or, in the alternative, Motion to Quash. The motion was heard by the Court via WebEx on June 27, 2023. Following consideration of the motion and submitted written material, along with oral arguments, the Court GRANTS Defendant's Motion.

This is a negligence action arising out of a motor vehicle accident that occurred on July 17, 2022, at the parking lot of the Chick-fil-A branded restaurant located at 7424 Garners Ferry Road, Columbia, South Carolina 29209. The subject Chick-fil-A restaurant is owned and operated by 2CE, LLC. Defendant Sasha N. Gray, an employee of 2CE, LLC was operating a vehicle on behalf of the restaurant, when Gray's vehicle allegedly came into contact with the rear bumper of the Plaintiff Willie J. Bennett's, *pro se*, vehicle. Plaintiff is claiming both property damage and personal injury.

On May 8, 2023, Plaintiff served a subpoena *duces tecum* on the subject restaurant, requesting production of video, insurance information, and photographs and repair estimate of the involved vehicle driven by Defendant Gray. Defendants provided a written response to the subpoena *duces tecum* on the same date, advising that this information was previously requested

of the Defendants and provided within the responses to the written discovery. Defendants also served supplemental responses to discovery, producing the applicable declaration page.

On the same date, Plaintiff served an identical subpoena *duces tecum* on Defendant Claire H. Eckert (requesting video, insurance information, and photographs and repair estimate of the involved vehicle), along with a Notice of Deposition for Claire H. Eckert, set for May 30, 2023.

Defendants filed a motion to quash or in the alternative, motion for protective order related to the May 8, 2023, subpoena *duces tecum* and Notice of Deposition served on Claire H. Eckert.

As articulated in the Court's Order granting Defendants' Motion to Substitute the Real Party in Interest, the proper defendants are Sasha N. Gray and 2CE, LLC. Per the Court's Order, Claire H. Eckert and Chick-fil-A, Inc. are not proper parties in interest and, therefore, are dismissed from this action.

Rule 45 of the South Carolina Rules of Civil Procedure states that "A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena." Rule 45(c), SCRPC. "The court on behalf of which the subpoena was issued shall enforce this duty" *Id.* Further, "[t]he scope of discovery allowed under a subpoena is the same as the scope of discovery allowed under Rule 26."). See also Singletary v. Sterling Transp. Co., 289 F.R.D. 237, 241 (E.D. Va. 2012).¹ 9. Plaintiff has the burden "to explain why [he] cannot obtain the same information, or comparable information that would also satisfy [his] needs, from one of the parties to the litigation" *Virginia Dep't of Corr. v. Jordan*, 921 F.3d 180, 189 (4th Cir. 2019).

¹ Rule 45, SCRPC was modeled after the Federal Rules of Civil Procedure. See Rule 45, SCRPC cmt. ("Rule 45 is amended to conform to federal Rule 45, as amended in December 1991.").

As an initial matter, Claire H. Eckert is not a proper party to this action. The Court finds that because Claire H. Eckert is not a real party in interest to this action, Defendants would be prejudiced in permitting the deposition of Claire H. Eckert to be held prior to Plaintiff producing any supporting documentation regarding his claim. Plaintiff has the burden of proof in this case. If Plaintiff has not sought any treatment related to personal injuries or does not intend to seek a repair estimate, he must state the same in his discovery responses. However, Plaintiff has indicated he is seeking a repair estimate and has been treating with a physician, while at the same time has failed to provide any documentation supporting the same to date. Accordingly, the Court grants protection from the deposition appearance of Claire H. Eckert as the same would impose an undue burden and expense on Defendants as Plaintiff has failed to provide requested information in written discovery to substantiate his claims for property damage and personal injury.

Further, based on the affidavit submitted by Claire H. Eckert, she has no personal knowledge regarding the facts of this case including but not limited to the accident, training and supervision of employees, including Defendant Sasha N. Gray, or Plaintiff's damages. Accordingly, the Court further grants Defendant's Motion to Quash the Notice of Deposition issued to Claire H. Eckert, as it appears to the Court that the appearance at the deposition would impose an undue burden and expense on Defendants.

As it relates to the subpoena *duces tecum* served on Defendant Claire H. Eckert, the Court finds that the information has been previously provided by Defendants to Plaintiff through both written discovery responses, as well as a response to a similarly served subpoena *duces tecum* on the Restaurant. The subpoena *duces tecum* is duplicative of discovery requests and responses, the information requested has already been produced or responded to, and the subpoena imposes an unnecessary burden and expense on Defendant Claire H. Eckert. Accordingly, the Court grants

Defendant's Motion to Quash subpoena *duces tecum* as the information requested has already been provided through the course of discovery and/or response to an identical subpoena *duces tecum*.

IT IS SO ORDERED.

The Honorable Maite Murphy
Presiding Judge



Confirmation of Receipt

The following information confirms acceptance of your filing by Common Pleas

Case Information

Client Number	1033-148
Case Caption	Willie J Bennett vs Sasha N Gray , defendant, et al
Case Number	2023CP4000017
Case Subtype	(320) Motor Vehicle Accident
Judge	Clerk Of Court C P, G S, And Family Court
County	Richland
Agency	Common Pleas

Filing Information

Filer	Kelsey Jan Brudvig
Official File Stamp	07-06-2023 11:28:24 AM
Filer Interface Id	5802603
Clerk Interface Id	5475789
Client #	1033-148

Payment Information

Payment Method	Waiver/Deferral: Waiver Requested
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Approved Documents

Order/Order Cover Sheet \$25.00

Proposed Documents

Order - M4PO or M2 Quash.docx	Proposed Order/Protective Order
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Certificate of Electronic Notification

Recipients

Christy Mahon - Notification transmitted on 07-06-2023 11:28:34 AM.

Kyle Brady - Notification transmitted on 07-06-2023 11:28:34 AM.

Kelsey Brudvig - Notification transmitted on 07-06-2023 11:28:33 AM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2023CP4000017

Official File Stamp: 07-06-2023 11:28:24 AM
Court: CIRCUIT COURT
Common Pleas
Richland
Case Caption: Willie J Bennett vs Sasha N Gray , defendant, et al
Event(s):
Order/Order Cover Sheet \$25.00
Document(s) Submitted: Proposed Order/Protective Order
Filed by or on behalf of: Kelsey Jan Brudvig

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Christy Elizabeth Mahon for Chick Fil A Inc
Kelsey Jan Brudvig for Sasha N Gray, Claire H. Eckert
Kyle Lee Brady for Sasha N Gray, Claire H. Eckert

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Christy Elizabeth Mahon for Chick Fil A Inc
Kelsey Jan Brudvig for Sasha N Gray, Claire H. Eckert
Willie J Bennett for Willie J Bennett
Willie J Bennett for Willie J Bennett

EXHIBIT C

Date	Time	County	1 - Interstate 2 - US Primary 3 - SC Primary	4 - Secondary 5 - County 6 - PP	Collision Location (Rt. # / Name)	0 - Main Line 6 - Connection 2 - Alternate 7 - Business 5 - Spur	Miles:	Dir. N E S W	(In) Near City or Town of:
06-17-2022	1 8 3 5	40		6 PP	576 / GARNERS FERRY RD		.01		COLUMBIA

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	Unit # 02	Sex: [] Race: [] Street 217 GUSTY LN
#Occ 1	Birth Date: [] City, State, & Zip SC	#Occ 1	Birth Date: [] City, State, & Zip HOPKINS SC 290819583
State SC	Driver's License #	State SC	Driver's License # 104244633 D
Year 2018	Body PK	Year 2019	Body 2S
Vehicle Make GMC	VIN # 3GTP1NEC6JG215178	Vehicle Make HOND	VIN # 3HGGK5H4XKM711249
State SC	Year 2099	State SC	Year 2023
License Plate # HV4007	Owner's D.L. # 4274225	License Plate # UCG972	Owner's D.L. # UNKNOWN
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 # #Occ	Sex: [] Race: [] Street	Home Telephone: []	Owner's Full Name
Birth Date: []	City, State, & Zip	Bus. Telephone: []	Street
State	Driver's License #	Contributed To Collision Yes <input type="radio"/> No <input type="radio"/>	City, State, & Zip
Year	Body	Accident Insurance Information for Unit # 02	
Vehicle Make	VIN #	Company Name ARCH INSURANCE	Area Code/Phone Number ()
All Units Insurance Information (to be completed by Investigating Officer)			
Accident Insurance Information for Unit # 01		Accident Insurance Information for Unit #	
Company Name	Area Code/Phone Number ()	Company Name	Area Code/Phone Number ()
Agency Name	Policy Number 001761223U71075	Agency Name	Policy Number

Automobile Liability Insurance Information		
Notice of Requirement Accepted <input checked="" type="checkbox"/>	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.		The information as contained herein is based solely upon my knowledge and belief as a representative of the above insurance company and no warranty of liability is imputed into the above mentioned insurance as I have listed herein.
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
Beginning Date:	Ending Date:	Title
	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	Signature	Date
SCCJA # 7825-3834	Code 4 0 0 1	Reviewer's Name	Rank
	Date	Internal Agency Code 220014778	

ORIGINAL

SOUTH CAROLINA DPS/OHS & DMV USE ONLY		Page # 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	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- PP 7- Ramp	Collision Location (Rt. # / Name) / PP-GARNERS FERRY RD	0- Main Line 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Miles: /	Dir. NE SW	In / Near City or Town of: COLUMBIA
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Lane # / Dir. #	Distance Offset Miles Feet	Direction N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other 7- Ramp	Base Intersection (Rt. # / Name) /	0- Main Line 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	GPS COORDINATES 00 00' 00.00" DEGREES MINUTES SECONDS		
R.R. Id.	From N E S W	Ramp Only 1- Entrance 2- Exit	To N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other 7- Ramp	Second Intersection (Rt. # / Name) /	0- Main Line 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Latitude 33 57 58.82	Longitude 80 56 38.54

HH-906846	Driver/Pedestrian's Full Name LEGALLY PARKED	HH-906847	Driver/Pedestrian's Full Name GRAY SASHA NAGOE
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Unit # 01	Sex	Race	Street	Unit # 02	Sex	Race	Street			
#Occ 1	Birth Date	City, State, & Zip		#Occ 1	Birth Date	City, State, & Zip				
State		Driver's License #	Class	Insurance Company:	State		Driver's License #	Class	Insurance Company:	
Year 2018	Body PK	Vehicle Make GMC	VIN # 3GTP1NEC6JG215178	Year 2019	Body 2S	Vehicle Make HOND	VIN # 3HGGK5H4XKM711249			
State SC	Year 2009	License Plate # HV4007	Owner's D.L. # 4274225	State SC	Year 2023	License Plate # UCG972	Owner's D.L. # UNKNOWN			
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 290619319		Contributed To Collision Yes No		City, State, & Zip COLUMBIA SC 292091340				
Estimated Speed 0	Speed Limit NP	C.D.L. Req: Yes No	T/B S Req: Yes No	A/c/Drg Info (see back): Yes No	Towed By	Yes No				
State		Year	License Plate #	Owner's D.L. #						
Unit # 01	Sex	Race	Street	Home Telephone ()	Owner's Full Name					
#Occ 1	Birth Date	City, State, & Zip		Bus. Telephone ()	Street					
State		Driver's License #	Class	Insurance Company:	Contributed To Collision Yes No					
Year 2018	Body PK	Vehicle Make GMC	VIN # 3GTP1NEC6JG215178	Estimated Speed 0	Speed Limit NP	C.D.L. Req: Yes No	T/B S Req: Yes No	A/c/Drg Info (see back): Yes No	Towed By	Yes No

State	Year	License Plate #	Owner's D.L. #
SC	2009	HV4007	4274225

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 290619319		Contributed To Collision Yes No		City, State, & Zip COLUMBIA SC 292091340	
------------------------------------	--	--	--	------------------------------------	--	---	--

Estimated Speed 0	Speed Limit NP	C.D.L. Req: Yes No	T/B S Req: Yes No	A/c/Drg Info (see back): Yes No	Towed By	Yes No
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State		Year	License Plate #	Owner's D.L. #
-------	--	------	-----------------	----------------

Unit # 01	Sex	Race	Street	Home Telephone ()	Owner's Full Name
#Occ 1	Birth Date	City, State, & Zip		Bus. Telephone ()	Street

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

Year 2018	Body PK	Vehicle Make GMC	VIN # 3GTP1NEC6JG215178	Estimated Speed 0	Speed Limit NP	C.D.L. Req: Yes No	T/B S Req: Yes No	A/c/Drg Info (see back): Yes No	Towed By	Yes No
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Dir. of Travel:	Unit 1: (N) S E W	Unit 2: (N) S E W	Unit 3: N S E W
-----------------	-------------------	-------------------	-----------------

Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2
\$0	\$800	\$	\$	\$

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

PRIVATE PROPERTY

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.

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	SCCA # 7825-3834	Jurisdiction Code 4 0 0 1	Review Date 06-17-2022	Reviewer's Name Scott Desrochers	Rank Sgt.	Internal Agency Code 220014778		

EXHIBIT D

1 we only have one more motion that was filed by the
2 Defendant.

3 THE COURT: Mr. Bennett, tell me about your motion.

4 MR. BENNETT: I need to look at it just a second.

5 THE COURT: I'm going to hop off two seconds, I'll be
6 right back.

7 (Pause.)

8 THE COURT: All right. Sorry about that.

9 Mr. Bennett, are you ready to proceed?

10 MR. BENNETT: I'm trying to unmute. Okay.

11 Can you hear me okay?

12 THE COURT: Yes, sir, you may proceed.

13 MR. BENNETT: I have a motion to extend the time that I
14 can amend my claim. According to the rules as I interpret
15 it, I had X number of days from the date of filing the
16 action to amend my claim. And I would like to amend the
17 claim -- it says without permission of the Court. So I'd
18 like to amend my claim to the Defendant says that I see that
19 are proper in this case.

20 THE COURT: Let me ask you this, Mr. Bennett, who do
21 you think is the proper party that you need to add?

22 MR. BENNETT: There's one. Of course, it is the 2 --
23 Chris Eckert, the 2CE, LLC and there could be one other
24 possible. And I need to do my homework first before I make
25 that statement. I need to complete discovery and look at

1 everything. And that will probably take me another -- by
2 Monday of this week coming.

3 THE COURT: What's the response from the Defense?

4 MS. BRUDVIG: I think that's in line with our Rule 17
5 motion. Obviously, there's substitution of 2CE into the
6 case we would consent to under our previously filed motion.
7 I'm not sure of the other entity or individual Mr. Bennett
8 is, also, seeking to add. So, at this point, I don't have a
9 response.

10 I think the proper mechanism is just file a Rule 15(a)
11 motion to the extent he wants to amend and -- to the extent
12 he wants to amend and that we don't consent. I think based
13 off of my prior arguments, I do think there would be consent
14 on an amendment to add 2CE, LLC. But, again, I don't really
15 have a response to the latter portion because I'm not sure
16 of the individual or entity he, also, seeks to add.

17 THE COURT: So, Mr. Bennett, it sounds, obviously, that
18 your motion is somewhat in line with their motion to amend.
19 So, again, I'll give you until Monday to file whatever
20 affidavit in the initial phase of that. If after you do
21 whatever discovery or homework that you feel that you need
22 to do to figure out any other party that you think may be
23 pertinent, then you need to file the proper motion to do so.

24 MR. BENNETT: Your Honor, just so I can be clear, as
25 we're talking now and as it stands, a decision has not been

1 made to remove Claire Eckert as a Defendant?

2 THE COURT: I'm going to look at the filings. I don't
3 have the paperwork in front of me as to what has been filed,
4 the affidavits. I was going to give you till Monday to
5 respond to the affidavit that you objected to and then I'll
6 take a look at everything in the record. That's why I've
7 asked for everyone to mail me hard copies of everything.
8 I'm kind of hard school, I like the paper of everything for
9 me to review and then I will make a decision.

10 But in the meantime, I'm going to ask for proposed
11 orders from counsel based upon what the arguments have been.
12 And if I need a proposed order from you, Mr. Bennett, I'll
13 ask separately so that you don't have to draft something
14 quite yet unless it's needed. I can have my law clerk
15 contact all the parties if that's something that's necessary
16 later. Okay.

17 MR. BENNETT: Okay.

18 THE COURT: So counsel, if you would submit those
19 documentations to my chambers along with proposed orders, I
20 would appreciate that. Hopefully, I'm not cutting anybody
21 else off that needed to speak on any of these motions.

22 MS. BRUDVIG: We have one more pending motion, Your
23 Honor, I apologize. I think it's relatively
24 straightforward. It's a motion for protective order or a
25 motion to quash.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellant case No. 2023-001619

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

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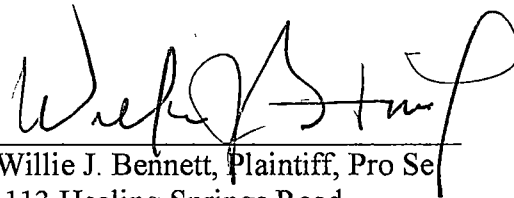
SC Court of Appeals

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 Motion for Rehearing has been sent to the below attorneys of records via United State Mail, postage prepaid, November 27, 2023.



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