

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Torita W. Wright,

Plaintiff,

vs.

State Farm,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT

CASE NO.: 2023-CP-04-01763

**ORDER GRANTING STATE FARM FIRE
& CASUALTY COMPANY'S MOTION
TO DISMISS**

RECEIVED

Dec 13 2023

SC Court of Appeals

WHEREAS, the named Defendant, State Farm Fire & Casualty Company ("State Farm"), as the alleged Uninsured Motorist Carrier, filed a Motion to Dismiss on September 27, 2023, through its attorney, Patrick L. "Trey" Still, Esq of Clawson and Staubes, LLC. This motion seeking an Order Dismissing the above captioned case was before the Court on November 8, 2023. Tortia W. Wright appeared as the pro se Plaintiff. Darby A. Davis, Esq. of Clawson and Staubes, LLC, appeared on behalf of State Farm Fire & Casualty Company. Counsel for State Farm moved for an Order Dismissing the above captioned case on the following grounds:

1. The subject motor vehicle accident allegedly occurred on October 4, 2020, on I-85 in Anderson County.
2. According to the Plaintiff's Complaint, her vehicle made contact with "a block in the road", which led to her alleged damages, and she was later advised that said block came from an unknown tractor trailer.

3. The Plaintiff improperly named State Farm as a party in this case according to South Carolina Code Section 38-77-180.
4. The Plaintiff failed to plead facts sufficient to constitute a cause of action according to the statutory requirements of South Carolina Code Section 38-77-170(2). Specifically, the Plaintiff failed to meet the statutory requirement for an affidavit from an independent witness based on the allegations pled in her Complaint.
5. The Plaintiff failed to properly commence this action through valid service according to South Carolina Code Section 38-5-70.

NOW THEREFORE, on motion of State Farm Fire & Casualty Company, through its attorneys, it is hereby

ORDERED that the above captioned case by the Plaintiff against State Farm, is hereby dismissed WITH prejudice and that any further suit, action or proceeding by the Plaintiff against State Farm Fire & Casualty Company ("State Farm") concerning those matters which were, or which could have been, set forth in the pleadings herein shall henceforth be forever barred.

AND IT IS SO ORDERED this _____ day of _____, 2023, in the Court of Common Pleas for Anderson County, South Carolina.

The Honorable R. Lawton McIntosh



Anderson Common Pleas

Case Caption: Torita W Wright VS State Farm

Case Number: 2023CP0401763

Type: Order/Dismissal

S/R. LAWTON McINTOSH

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