

RECEIVED

Jan 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County Court of Common Pleas
The Honorable G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2023-001839

John Alexander,.....Appellant

v.

William G. Yarborough, III, Esquire;
Lisa Cherry;
John Doe, Contract Attorney;
John Doe, Paralegal.....Respondents

MOTION TO DISMISS

Comes Now, the Respondents, by through their undersigned attorney of record, William G. Yarborough, III and would hereby respectfully move to dismiss this appeal. In support of this motion, the Respondents would respectfully show:

Following a hearing, Judge G.D. Morgan, Jr. issued a Form 4 Order on July 27, 2023 granting Respondents’ Motion to Dismiss and denying Appellant’s motions, and directing Respondents to prepare a proposed order to submit to the Court for review. (Ex. A). In response

to the July 27, 2023 Form 4 Order, Appellant submitted a Rule 59(e) Motion to Alter or Amend Judgment as well as a Rule 52(b) Motion for Fact Finding and Conclusion of Law, which were clocked by the Court of Common Pleas on August 28, 2023 and its certificate of service has August 8, 2023 as its date of service. (Ex. B). The final order granting Respondents' motions to dismiss was filed on September 5, 2023. (Ex. C). Appellant served a second Rule 59 Motion upon Respondents, which was received October 4, 2023 and its date of service being October 2, 2023. (Ex. D). The second Rule 59 Motion was not timely served, because as stated in the second Rule 59 Motion, Appellant received written notice of the Court's final order on September 9, 2023. (Ex. D). It also does not appear as though the Appellant's second Rule 59 motion was ever properly filed as the Clerk of Court returned the motion with a notice regarding unpaid motion filing fees. (Ex. E and Ex. F). On October 27, 2023, the Court issued an order denying Appellant's Rule 52 and Rule 59 motions. (Ex. G). Appellant filed a Notice of Appeal with this Court dated November 20, 2023, as amended on December 11, 2023.

The Notice of Appeal with this Court was untimely, as the time for Appellant to appeal was not stayed by a timely post-hearing motion. Appellant, having received written notice of the September 5, 2023 order on September 9, 2023, had ten (10) days to file and serve his Rule 59 motion. *See* Rule 59(e), SCRCF. Because he did not serve his Rule 59 motion until October 2, 2023 (let alone ever properly file it with the Court of Common Pleas), his Rule 59 motion was untimely and thus did not stay the time to appeal. Rule 203(b)(1), SCACR ("When a *timely* motion...to alter or amend the judgment (Rules 52 and 59, SCRCF)...has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion.") (italics added)). His notice of appeal to this Court dated November 20, 2023, as amended on December 11, 2023, was thus untimely and this Court

therefore has no jurisdiction to hear this appeal. *See e.g., Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (holding the time to file and serve the notice of appeal is jurisdictional).

The Court of Common Pleas's order on October 27, 2023 does not salvage the untimeliness of Appellant's Rule 59 motion or the untimeliness of his Notice of Appeal with this Court. *See also Leviner v. Sonoco Prod. Co.*, 339 S.C. 492, 494, 530 S.E.2d 127, 128 (2000) (holding that an order which addressed an untimely Rule 59 motion was a nullity and the previous order, from which the Rule 59 motion was untimely filed, had matured into a final order when no post-trial motion was filed within 10 days). It has long been established that the ten (10) days to file such a motion is a hard deadline, and likewise, the Court of Common Pleas loses jurisdiction within ten (10) days if no such motion is timely filed. *See e.g., Overland, Inc. v. Nance*, 423 S.C. 253, 256-57, 815 S.E.2d 431, 433 (2018) (“[W]e repeat that the ten-day deadline in Rule 59(e) is an absolute deadline. A trial court does not have the power to alter or amend a final order if more than ten days passes and no Rule 59(e) motion has been served...nor does a trial court have any power to grant the moving party an extension of time in which to file a Rule 59(e) motion...The failure to serve a Rule 59(e) motion within ten days of receipt of notice of entry of the order converts the order into a final judgment, and the aggrieved party's only recourse is to file a notice of intent to appeal.”) (internal citations omitted)). *See also e.g., In re Beard*, 359 S.C. 351, 358, 597 S.E.2d 835, 838 (Ct. App. 2004) (“The established case law is that a trial judge loses jurisdiction over a case when the time to file post-trial motions has elapsed...!Although trial judges retain jurisdiction to alter judgments on their own initiative for ten days if a Rule 59(e), SCRCP, motion is filed, after ten days that jurisdiction is lost.”) (internal citations omitted)). *See also supra, Leviner*, 339 S.C. at 494, 530 S.E.2d at 128.

Therefore, in light of the foregoing, Respondents respectfully request this Court to dismiss this appeal.

Respectfully submitted,

s/ William G. Yarborough, III
South Carolina Bar No. 10271
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612 | Fax: (864) 271-0711
bill@wgylaw.com

Counsel for Self and All Respondents

Exhibit A

John Alexander
PLAINTIFF(S)

William Glenn Yarborough, III et al
DEFENDANT(S)

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. Nonsuit); 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
- STAYED DUE TO BANKRUPTCY**
- 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 matter is before the Court on Plaintiff John Alexander's Motion For a Lien and Motion for Default Judgment, and on Defendant William G. Yarborough III's Motion to Dismiss for Failure of Service of Process and Motion to Dismiss for Failure to State Facts. Based on a review of the file, the submissions of the parties and the oral arguments presented at the hearing, Plaintiff's motions are DENIED, and Defendant's motions are GRANTED. Defendant is to prepare a proposed order and submit it to the Court via email for review.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/27/2023 .

John Alexander for John Alexander
John Alexander for John Alexander

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: John Alexander vs. William Glenn Yarborough III , defendant, et al

Case Number: 2023CP2301388

Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

Exhibit B

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,)
)
Plaintiff,)

Civil Action No. 2023C42301388

vs.)

PROOF OF SERVICE

William Glenn Yarborough III,)
)
et al,)
)
Defendants.

I, John Alexander, certify this 8 day of August, 2023 that I sent the Motion to Alter or Amend Judgment Rule 59(e), SCRPC and Motion For Fact Finding and Conclusion of Law Rule 52(b), SCRPC United States Postal Services, prepaid, to Law Office of William G. Yarborough III, William Glenn Yarborough III, et al, 308 West Stone Avenue, Greenville, South Carolina 29609.

Respectfully Submitted,
John Alexander

Sworn and Subscribed
this 8th day of August, 2023
[Signature]
Notary Public For South Carolina
My Commission Expires 2/3/2026.



STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,)
Plaintiff,)
vs.)

Civil Action No. 2023-CP-23-01388

MOTION TO ALTER OR AMEND
JUDGMENT RULE 59(e), SCRPC

William Glenn Yarborough, III)
et al,)
Defendants.)

COMES, John Alexander, pursuant to Rule 59(e), SCRPC with a Motion To Alter or Amend Judgment of this Court filed on July 27, 2023 and will show:

On July 25, 2023, a hearing motion was held on plaintiff's Motion For a Lien and Motion for Default Judgment, and on Defendant William G. Yarborough III's Motion to Dismiss for Failure of Service of Process and Motion to Dismiss for Failure to State Facts. During the hearing Plaintiff did not produce to the Court Proof of Service of the February 15, 2023 Summons and Complaint.

The Court can and should alter its July 27, 2023 to reflex the Exhibit # 1 production of the February 15, 2023 clock, date and stamped Summons and Complaint. As such, the Court should Reverse its Decision Denying plaintiff's Motion for Default Judgment and Motion For a Lien. And Grant each of the plaintiff's

motions.

Second, on August 2, 2023 the plaintiff received the Court's Order Granting the defendant's Motions. This court can and should Reverse its Decision for the above mentioned. As well as pursuant to Karlsson v. Rabinowitz, 318 F.2d 666, 668-69 (4th Cir. 1963) "Noncompliance with Rule 4 does not mandate dismissal where the necessary parties have received actual notice of the suit and have not been prejudiced by the technical defect in service."

In the instant case, the Court overlooked that the defendant's (1) conceded along with the plaintiff that they received actual notice; (2) the plaintiff established for the record that the defendants filed an Answer to the Complaint and Summons; and (3) the defendants did not allege or argue that they had been prejudiced in any manner.

Third, the Court can and should Reverse its Decision because it overlooked the plaintiff's Amendment to Complaint filed on June 9, 2023 curing any defect of failing to state facts. The Amendment corroborates any and all testimonial, documentations evidence provided at the hearing to state facts sufficient to constitute a cause of action.

On the other hand, the Court erroneously denied the plaintiff's Request to produce testimony from his witnesses present at the hearing to support facts sufficient to constitute a cause of action. See Fourteenth Amendment ... right to appear, present evidence, and be heard in a civil action.

The plaintiff reserves the right to Amend the motion

pending receipt of defendants proposed order request by the Court, and reasonable time to respond.

Wherefore, it is prayed that the Court grant the motion. Reverse its ruling denying plaintiff's Motion For a lien and Motion For Default Judgment. Reverse its ruling granting defendant's Motion to Dismiss for Failure of Service and Motion to Dismiss for Failure to State Facts. And grant plaintiff's Motion For Default and Motion For a Lien.

Dated 8/8/2023.

Respectfully Submitted,
John Alexander

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough III,

et al,

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action No. 2023CP2301388

MOTION FOR FACT FINDING AND

CONCLUSION OF LAW RULE 52 (b), SCRPC

COMES, John Alexander, pursuant to Rule 52(b), SCRPC with a Motion For Fact Finding and Conclusion of Law and will show:

On July 25, 2023 this matter came before the Court on plaintiff's Motion For a Lien and Motion for Default Judgment, and on Defendant William G. Yarborough III's Motion to Dismiss for Failure of Service Process and Motion to Dismiss for Failure to State Facts Sufficient to constitute a cause of action. At the hearing motion/s plaintiff presented oral arguments, supporting documents, and offered to present testimony of eye witnesses to establish sufficient facts to constitute a cause of action

Later, on August 2, 2023 the plaintiff received the Court's Order denying plaintiff's Default Motion and Motion For a Lien. And granting Defendant's Motion To Dismiss For Failure of Service of Process and Motion to Dismiss For Failure to State Facts. The Court did not

give any opinion, facts or conclusions of Law to support its short Order.

The Plaintiff respectfully requests the Court to give facts and conclusions of law why it denied the plaintiff's motions and granted the defendant's motions so that he, as well as the South Carolina Court of Appeals will know concisely and specifically the grounds to be appealed.

Wherefore, it is prayed that the motion is granted.

Dated _____.

Respectfully Submitted,

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,)
)
Plaintiff,)

Civil Act ~~2023~~-CP-23-01388

vs.

PROOF OF SERVICE

William Glenn Yarborough, III,)
)
Esquire; Lisa Cherry; John)
)
Doe, Contract Attorney;)
)
John Doe, Paralegal,)
)
Defendants.)

23 MAR 21 AM 9:17
Paul Wickertimer DOC GUL SC

I, John Alexander, Plaintiff above certify that on this 15 day of February, 2023 I sent the Summons, Complaint, Request / Motion For A Lien, Civil Action Coversheet, Motion And Order Information Form And Coversheet, and Proof of Service United States Postal Services, prepaid, to:

William Glenn Yarborough, III, Esquire
308 West Stone Avenue
Greenville, South Carolina 29609;

Lisa Cherry
Law Office of William Glenn Yarborough
308 West Stone Avenue
Greenville, South Carolina 29609;

John Doe, Contract Attorney
Law Office of William Glenn Yarborough
308 West Stone Avenue
Greenville, South Carolina 29609;

John Doe, Paralegal
Law Office of William Glenn Yarborough
308 West Stone Avenue
Greenville, South Carolina 29609; and

Clerk of Court, Greenville County
305 East North Street
Greenville, South Carolina 29601

Respectfully Submitted,
John Alexander

Sworn and Subscribed
this 17th day of February, 2023
[Signature]
Notary Public for South Carolina
My Commission Expires 2/3/2026.

Exhibit C

and Defendant Cherry which assert that the Plaintiff failed to serve the Complaint on Defendants, refuting the proof of service attached to the Plaintiff's Summons and Complaint which stated service on all Defendants was made by regular US mail to the law office address of 308 West Stone Avenue Greenville SC 29609. The Proof of Service was dated "on this 15 day of February, 2023", weeks before the Summons and Complaint were filed and clocked by the Court of Common Pleas on March 21, 2023.

Without leave of the Court or the consent of the Defendants, Plaintiff filed an Amended Complaint on June 19, 2023, as well as a Response to the Defendants' motions to dismiss. A hearing was held on July 25, 2023. William G. Yarborough, III appeared on behalf of himself and other named Defendants. The Plaintiff, John Alexander, was also present and appeared on his own behalf. The Court took the matter under advisement.

Having considered the pleadings and arguments by both parties, this Court concludes dismissal of the Plaintiff's action to be appropriate.

This Court finds that the Plaintiff failed to serve the Summons and Complaint filed on March 21, 2023 on Defendants and the Complaint's Proof of Service fails to comply with Rule 4 and 5, SCRCF. *See* Rule 4(d)(8) (permitting a plaintiff to serve a summons and complaint upon an individual defendant "by *registered or certified* mail, return receipt requested *and delivery restricted to the addressee.*"(italics added); Rule 5(d), SCRCF ("[A] summons and complaint shall be filed before service. Proof of service shall be filed within ten ... days after service of the summons and complaint"). *See also Christian v. Healy*, 435 S.C. 507, 511, 868 S.E.2d 403, 405 (Ct. App. 2021).

This Court views the pleadings in the light most favorable to the Plaintiff and with every doubt resolved in his behalf, and liberally construes the pleadings to the extent appropriate when

considering the filings submitted by a pro se party. *E.g., Robinson v. Code*, 384 S.C. 582, 585, 682 S.E.2d 495, 496 (Ct. App. 2009) (“Where a pleading is attacked for an alleged failure to state a cause of action, the pleading must be liberally construed in favor of the pleader and sustained if the facts and reasonable inferences to be drawn therefrom entitle the pleader to relief on any theory of the case.”). Under this view, this Court further finds that the facts and inferences reasonably deducible therefrom as alleged by the Plaintiff fail to constitute as any valid claim that would entitle him to relief on any theory. *See Spence v. Spence*, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006); Rule 12(b)(6), SCRCPP. The Plaintiff has stated no supporting facts for any cause of action and instead asserts only general, circular legal conclusions against each Defendant. The Complaint likewise fails to assert sufficient facts to establish the damages sought and also fails to conform to even the minimum requirements set forth in Rule 8(a) and (e) and Rule 9(b), SCRCPP. Rule 8(a) and (e), SCRCPP; Rule 9(b), SCRCPP. *See also Hackworth v. Greywood at Hammett, LLC*, 385 S.C. 110, 682 S.E.2d 871 (Ct. App. 2009)

The Court further finds any attempt by Plaintiff to remedy the failure of service of process or the insufficiency on the face of the Complaint inconsequential as any amendment would be futile or result in material prejudicial to the Defendants. Rule 4(i), SCRCPP. *See also* Rule 15(a), SCRCPP; *e.g., Skydive Myrtle Beach, Inc. v. Horry Cnty*, 426 S.C. 175, 826 S.E.2d 585 (2019) (summarizing precedent on dismissal with prejudice and denial of request to amend if futile); *Alternata Tax Asset Group, LLC v. York County*, 434 S.C. 328, 863 S.E.2d 465 (Ct. App. 2021) (holding trial court's dismissal of alleged purchaser's claims with prejudice without allowing amendment was warranted, where any amendment to alleged purchaser's complaint would have been futile).

In light of the foregoing, this Court further finds the Plaintiff's Motion for Default Judgment and Motion for a Lien inoperative and moot.

THEREFORE, In light of the foregoing, this Court hereby GRANTS Defendants' motions and this action is therefore dismissed with prejudice.

This Court hereby DENIES Plaintiff's Motion for a Lien and Motion for Default Judgment.
IT IS SO ORDERED.

s/ _____

The Honorable G. D. Morgan, Jr.
Circuit Court Judge

_____, 2023



Greenville Common Pleas

Case Caption: John Alexander vs. William Glenn Yarborough III , defendant, et al

Case Number: 2023CP2301388

Type: Order/Dismissal

So Ordered

G.D. Morgan Jr.

Exhibit D

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough III,
et al,

Defendants.

Civil Action No. 2023-CP-23-01388

AMENDMENT TO MOTION TO ALTER
OR AMEND JUDGMENT RULE 59(e),
SCRPC

This matter comes before the Court by way of a Motion To Alter or Amend Judgment Rule 59(e), SCRPC filed on 8 August 2023. In that motion the plaintiff reserved the right to amend pending receipt of defendant's proposed order requested by Honorable G.D. Morgan Jr.

However, on 9 September 2023, the plaintiff received an Order Granting Defendant's Motion To Dismiss. NOW, the plaintiff submits the below Amendment:

(1) The plaintiff resubmits the evidence, facts and arguments submitted within the Motion to Alter or Amend Judgment;

(2) The Court erroneously concluded the plaintiff stated no facts for a cause of action. The plaintiff clearly stated that he paid the defendants specifically to represent him in his pro se

filed Post-Conviction Relief application. That the defendants never took any actions on plaintiff's PCR applications in breach of our agreement. That the defendants did not and could not produce to the Court or plaintiff at his motion hearing a shred of evidence establishing any work performed on plaintiff behalf. And, plaintiff stated he had been defrauded the monies paid to the defendants where they refused to promptly return the funds so he could find and retain competent counsel within twenty (20) days to prevent the PCR application from being summarily dismissed.

Plus, the plaintiff had suffered undue anxiety and distress because the defendants refused to refund plaintiff resulting in his not being able to retain counsel of choice;

(3) The plaintiff submitted the above facts in his Amended Complaint in excess of thirty (30) days prior to the motion hearing which would have cured any defects;

(4) At the motion hearing the defendants conceded along with the plaintiff that they received "actual and timely Notice of the Summons and Complaint;"

(5). At the motion hearing the defendants conceded along with the plaintiff that they were not unduly prejudiced by any Rule 4 and 5, SCRPC deficiencies made by the plaintiff; and

(6) Had this Court viewed the above facts and evidence in the light most favorable to the plaintiff and with every

doubt resolved in his behalf, and liberally construed those pleadings to the extent reasonable or appropriate when considering the Summons, Complaint and Proof of Service submitted to the Prison Postal Service Director at the Prison Mailroom on 15 February 2023 by the prose plaintiff it must find the plaintiff has stated supporting facts constituting a cause of action, sufficient facts constituting a valid claim entitling him to relief on the theories, and asserted sufficient facts to establish the damages sought and conform to the minimum requirements set forth in Rules 4 and 5, SCRCF, as well as Rules 8(a) and (e) and 9(b), SCRCF.

Wherefore, it is prayed the Order electronically Filed - 2023 September 5 is Reversed. The Motion to Alter or Amend Judgment is Granted. And a Trial by Jury is scheduled.

Dated 10/2/2023.

Respectfully Submitted,
John D. Alexander

RECEIVED

Jan 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County Court of Common Pleas
The Honorable G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2023-001839

John Alexander,.....Appellant

v.

William G. Yarborough, III, Esquire;
Lisa Cherry;
John Doe, Contract Attorney;
John Doe, Paralegal.....Respondents

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Motion to Dismiss and Exhibits were served upon
Appellant via USPS mail, pre-paid postage attached, to the following address:

John Douglas Alexander, #00194748
Tyger River Correctional Institution
Dorm-Room-Bunk: 2B-0128-B
200 Prison Road,
Enoree, SC 29335-9308

This day, the 5th of January, 2024.

s/ William G. Yarborough, III
William G. Yarborough, III
South Carolina Bar #10271

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,)
)
Plaintiff,)

Civil Action No. 2023CP23-01388

vs.)

PROOF OF SERVICE

William Glenn Yarborough III,)
)
et al,)
)
Defendants.)

I, John Alexander, certify this 2 day of October, 2023 that I sent the Amendment to Motion to Alter or Amend Judgment Rule 59 (e), SCRPC United States Postal Services, prepaid, to Law Office of William Glenn Yarborough III, William Glenn Yarborough III, 308 West Stone Avenue, Greenville, South Carolina 29609.

Respectfully Submitted
John Alexander

Sworn and Subscribed
this 2 day of October, 2023
Paul Dennis Crider

Notary Public For South Carolina
My Commission Expires 08/09/2024.

Exhibit E



Office of the Clerk of Court

Brice Garrett
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

ENTERED COMPUTER

²
Date: October 5, 2023

John D Alexander 194748
Tyger River Correctional Institute
200 Prison Rd
Enoree SC 29335

2023-CP-23- 11398

RE: Returned Motion

Mr. Alexander,

All motions filed in this office have a \$25.00 filing fee and must have the required Motion/order coversheet. You may wish to provide a recent Cooper Trust Fund Account Certificate.

Thank You For Your Attention In This Matter.

*Greenville County Clerk of Court Office.
Civil Records
305 East North St.
Greenville SC 29601*

Exhibit F



2023CP2301388 : John Alexander vs. William Glenn Yarborough
III , defendant, et al
Common Pleas

Case Number 2023CP2301388
Case Subtype Breach of Cont 140
Filed Date 03-21-2023
Status Dismissed

Plaintiff John Alexander
Defendant William Glenn Yarborough, III et al
Assigned Judge Clerk Of Court C P, G S, And Family Court
File Type Jury

[Show/Hide Participants](#)

Name	Description	Type	File Date
John Alexander	Notice of Appeal	Filing	12-20-2023 04:41:37 PM
William Glenn Yarborough, III	NEF(10-27-2023 03:02:09 PM) Order/Electronic Form 4	Filing	10-27-2023 03:02:26 PM
William Glenn Yarborough, III	Order/Electronic Form 4-Plt's Motion Alter/Amend Denied	Order	10-27-2023 03:02:09 PM
John Alexander	ADR/Alternative Dispute Resolution (Workflow)	Action	10-17-2023 09:14:55 AM
John Alexander	Clerks Response To Returned Motion	Filing	10-05-2023 09:15:53 AM
William Glenn Yarborough, III	NEF(09-05-2023 10:41:11 AM) Order/Dismissal	Filing	09-05-2023 10:41:25 AM
William Glenn Yarborough, III	Order/Dismissal	Order	09-05-2023 10:41:11 AM
John Alexander	Motion/Fact Finding/Conclusion of Law Rule 52(b)	Motion	08-28-2023 08:41:50 AM
John Alexander	Motion/Rule 59(e)/Alter or Amend	Motion	08-28-2023 08:41:08 AM
John Alexander	Items placed in the file but not marked as Exhibits	Filing	08-03-2023 11:21:58 AM
William Glenn Yarborough, III	NEF(07-27-2023 09:57:40 AM) Order/Electronic Form 4	Filing	07-27-2023 09:57:50 AM
William Glenn Yarborough, III	Order/Electronic Form 4-Def's Motions to Dismiss Granted	Order	07-27-2023 09:57:40 AM
John Alexander	ORDER OF TRANSPORT	Filing	06-20-2023 04:48:19 PM
John Alexander	Response to Def's Motion to Dismiss	Filing	06-19-2023 02:56:11 PM
John Alexander	Amended Complaint	Filing	06-19-2023 02:55:51 PM
William Glenn Yarborough, III	NEF(05-22-2023 12:04:59 PM) Service/Certificate Of Hand ...	Filing	05-22-2023 01:03:08 PM
William Glenn Yarborough, III	Service/Certificate Of Hand Delivery	Filing	05-22-2023 12:04:59 PM
John Alexander	ORDER OF TRANSPORT	Filing	05-18-2023 04:20:21 PM

John Alexander	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	05-05-2023 10:31:24 AM
William G. Yarborough, III	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	05-05-2023 10:31:24 AM
John Alexander	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	05-05-2023 10:29:52 AM
William G. Yarborough, III	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	05-05-2023 10:29:52 AM
William Glenn Yarborough, III	NEF(05-05-2023 04:22:24 AM) Answer/Answer	Filing	05-05-2023 09:58:12 AM
William Glenn Yarborough, III	NEF(05-05-2023 04:18:42 AM) Motion/Dismiss	Filing	05-05-2023 09:17:46 AM
William Glenn Yarborough, III	NEF(05-05-2023 04:13:49 AM) Motion/Dismiss	Filing	05-05-2023 09:15:25 AM
William Glenn Yarborough, III	Answer/Answer	Filing	05-05-2023 04:22:24 AM
William Glenn Yarborough, III	Def's/Motion to Dismiss For Failure to State Facts	Motion	05-05-2023 04:18:42 AM
William Glenn Yarborough, III	Def's/Motion to Dismiss For Failure of Service of Process	Motion	05-05-2023 04:13:49 AM
William Glenn Yarborough, III	Def's/Motion to Dismiss For Failure of Service of Process-EX	Motion	05-05-2023 04:13:49 AM
William Glenn Yarborough, III	Notice/Notice of Appearance	Filing	05-05-2023 04:10:26 AM
John Alexander	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	04-27-2023 11:30:01 AM
John Alexander	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	04-27-2023 11:08:31 AM
John Alexander	Motion For Default Judgement	Motion	04-27-2023 10:08:20 AM
John Alexander	Motion/For A Lien	Motion	04-27-2023 10:07:50 AM
John Alexander	Request/Request For Discovery/Service	Filing	04-27-2023 09:47:09 AM
John Alexander	Summons & Complaint	Filing	03-21-2023 09:12:14 AM



Greenville County 13th Judicial Circuit Public Index



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Switch View					
John Alexander vs. William Glenn Yarborough III , defendant, et al					
Case Number:	2023CP2301388	Court Agency:	Greenville County Common Pleas	Filed Date:	03/21/2023
Case Type:	Common Pleas	Case Sub Type:	Breach of Cont 140	File Type:	Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	07/27/2023	Disposition Judge:	Morgan, G. D. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties							
Click the <input checked="" type="checkbox"/> icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Alexander, John	Tyger River Correctonal Institute 200 Prison Rd Enoree SC 29335				Plaintiff Pro Se		03/21/2023
<input checked="" type="checkbox"/> Alexander, John	Tyger River Correctonal Institute 200 Prison Rd Enoree SC 29335				Plaintiff		08/28/2023
<input checked="" type="checkbox"/> Cherry, Lisa					Defendant		03/21/2023
<input checked="" type="checkbox"/> Doe, John					Defendant		03/21/2023
<input checked="" type="checkbox"/> Doe, John					Defendant		03/21/2023
<input checked="" type="checkbox"/> Yarborough, William G. III	308 W. Stone Ave. Greenville SC 29609				Defendant Attorney		05/05/2023
<input checked="" type="checkbox"/> Yarborough, William Glenn III					Defendant		05/05/2023

Actions						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Alexander, John	Notice of Appeal	Filing		12/20/2023-16:41		
Yarborough, William Glenn III	NEF(10-27-2023 03:02:09 PM) Order/Electronic Form 4	Filing		10/27/2023-15:02		
Yarborough, William Glenn III	Order/Electronic Form 4-Plt's Motion Alter/Amend Denied	Order		10/27/2023-15:02		
Alexander, John	ADR/Alternative Dispute Resolution (Workflow)	Action		10/17/2023-09:14	07/27/2023-09:14	
Alexander,	Clerks Response To Returned	Filing		10/05/2023-		

John	Motion			09:15		
Yarborough, William Glenn III	NEF(09-05-2023 10:41:11 AM) Order/Dismissal	Filing		09/05/2023-10:41		
Yarborough, William Glenn III	Order/Dismissal	Order		09/05/2023-10:41		
Alexander, John	Motion/Fact Finding/Conclusion of Law Rule 52(b)	Motion		08/28/2023-08:41		
Alexander, John	Motion/Rule 59(e)/Alter or Amend	Motion		08/28/2023-08:41		
Alexander, John	Items placed in the file but not marked as Exhibits	Filing		08/03/2023-11:21		
Yarborough, William Glenn III	NEF(07-27-2023 09:57:40 AM) Order/Electronic Form 4	Filing		07/27/2023-09:57		
Yarborough, William Glenn III	Order/Electronic Form 4-Def's Motions to Dismiss Granted	Order		07/27/2023-09:57	07/27/2023-09:57	
Alexander, John	ORDER OF TRANSPORT	Filing		06/20/2023-16:48	07/27/2023-16:48	
Alexander, John	Response to Def's Motion to Dismiss	Filing		06/19/2023-14:56	07/27/2023-14:56	
Alexander, John	Amended Complaint	Filing		06/19/2023-14:55	07/27/2023-14:55	
Yarborough, William Glenn III	NEF(05-22-2023 12:04:59 PM) Service/Certificate Of Hand ...	Filing		05/22/2023-13:03	07/27/2023-13:03	
Yarborough, William Glenn III	Service/Certificate Of Hand Delivery	Filing		05/22/2023-12:04	07/27/2023-12:04	
Alexander, John	ORDER OF TRANSPORT	Filing		05/18/2023-16:20	07/27/2023-16:20	
Alexander, John	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/05/2023-10:31	07/27/2023-10:31	
Yarborough, William G. III	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/05/2023-10:31	07/27/2023-10:31	
Alexander, John	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/05/2023-10:29	07/27/2023-10:29	
Yarborough, William G. III	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/05/2023-10:29	07/27/2023-10:29	
Yarborough, William Glenn III	NEF(05-05-2023 04:22:24 AM) Answer/Answer	Filing		05/05/2023-09:58	07/27/2023-09:58	
Yarborough, William Glenn III	NEF(05-05-2023 04:18:42 AM) Motion/Dismiss	Filing		05/05/2023-09:17	07/27/2023-09:17	
Yarborough, William Glenn III	NEF(05-05-2023 04:13:49 AM) Motion/Dismiss	Filing		05/05/2023-09:15	07/27/2023-09:15	
Yarborough, William Glenn III	Answer/Answer	Filing		05/05/2023-04:22	07/27/2023-04:22	
Yarborough, William Glenn III	Def's/Motion to Dismiss For Failure to State Facts	Motion		05/05/2023-04:18	07/25/2023-04:18	
Yarborough, William	Def's/Motion to Dismiss For Failure of Service of Process	Motion		05/05/2023-04:13	07/25/2023-04:13	

Glenn III					
Yarborough, William Glenn III	Notice/Notice of Appearance	Filing		05/05/2023-04:10	07/27/2023-04:10
Alexander, John	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		04/27/2023-11:30	07/27/2023-11:30
Alexander, John	7/24/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		04/27/2023-11:08	07/27/2023-11:08
Alexander, John	Motion For Default Judgement	Motion		04/27/2023-10:08	07/25/2023-10:08
Alexander, John	Motion/For A Lien	Motion		04/27/2023-10:07	07/25/2023-10:07
Alexander, John	Request/Request For Discovery/Service	Filing		04/27/2023-09:47	07/27/2023-09:47
Alexander, John	Summons & Complaint	Filing		03/21/2023-09:12	07/27/2023-09:12

Financials

Summary

Fine/Costs:	\$300.00	Total Paid for fine/costs:	\$250.00	Balance Due:	\$50.00
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Costs

Description	Cost Code	Amount	Charge Action	Disbursed Amount
Greenville County Bar	GCB	\$1.00		\$1.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$0.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$0.00
SCJD Filing Fee Proviso \$50 / \$25	SCJDPV	\$50.00		\$50.00
Civil Filing Fee County 44%/100%	CVFFCN	\$43.00		\$43.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00
Civil Filing Fee State 56%	CVFFST	\$56.00		\$56.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00

Payments

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
05/05/2023	430563	lhanks	PY	\$25.00
05/05/2023	430564	lhanks	PY	\$25.00
04/27/2023	430197	taylortr	PY	\$50.00
03/21/2023	428717	WilliamsG	PY	\$150.00

Exhibit G

John Alexander
PLAINTIFF(S)

William Glenn Yarborough, III et al
DEFENDANT(S)

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. Nonsuit); 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
- STAYED DUE TO BANKRUPTCY**
- 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:

Please see page two below.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/27/2023 .

John Alexander for John Alexander
John Alexander for John Alexander

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter is before the Court on Plaintiff's Motion To Alter Or Amend Judgment Rule 59(e), SCRCP and Plaintiff's Motion For Fact Finding And Conclusion Of Law Rule 52(b), SCRCP. Based on a review of the file and submissions of the parties, Plaintiff's Motion To Alter Or Amend Judgment Rule 59(e) is hereby DENIED.

As to Plaintiff's Motion For Fact Finding And Conclusion Of Law Rule 52(b), SCRCP, Plaintiff's motion is hereby DENIED. The Court did make findings of fact and law and stated those findings in its Order Granting Defendants' Motion To Dismiss.

It is so ordered



Greenville Common Pleas

Case Caption: John Alexander vs. William Glenn Yarborough III , defendant, et al

Case Number: 2023CP2301388

Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.