

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Honorable G.D. Morgan Jr.

Case No. 2023-CP-23-01388

RECEIVED

JAN 22 2024

SC Court of Appeals

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

Respondents,

v.

John Alexander, #194748,

Appellant.

RECORD ON APPEAL

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U2
Enoree, South Carolina 29335

William Glenn Yarborough III, Esquire
308 West Stone Avenue
Greenville, South Carolina 29609
Attorney for all Respondents

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CERTIFICATE OF COUNSEL

The undersigned hereby certify that the Record On Appeal contains all materials proposed to be included by the appellant and not any other

material.

Dated 1/17/2024.

Respectfully Submitted,

John Alexander

John Alexander, #194748

Tyger River Correctional Institution

200 Prison Road, U2

Enoree, South Carolina 29335

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

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

Re: Complaint

Dear Clerk:

Enclosed for filing is a Summons, Complaint, Proof of Service, Request / Motion For A Lien, Civil Action Coversheets, and Motion And Order Information Form And Coversheet. Also, cover letters to each Defendants. And a \$150.00 money order for filing fees.

Please do not hesitate to contact me at the above address if any additional information is needed.

Thank you.

Sincerely,
John Alexander

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

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

Re: Civil Complaint

Dear Mr. Yarborough:

Enclosed please find a Summons, Complaint, Proof Of Service, Civil Action Coversheet, and Motion And Order Information Form And Coversheet.

Additionally, because I do not know Ms. Lisa Cherry's physical address I am sending all the above mentioned to your office since she assisted you on my case.

Likewise, because I do not know the names and addresses of the Contract Attorney or paralegal you hired to assist you on my case; I am sending each of the above mentioned documents for them to your office as well.

Further, as the lawsuit proceed the Court may request

me to amend the actual names of the Contract Attorney and paralegal, as well as their addresses to my Complaint. As such, I ask at your very earliest convenience please, send me their names and addresses. I am also enclosing to each Defendant a Request For A Lien.

Thank you.

Sincerely,
John Alexander

✓

cc: The Court of Common Pleas, Greenville County

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023.

Lisa Cherry
308 West Stone Avenue
Greenville, South Carolina 29609

Re: Civil Complaint

Dear Ms. Cherry:

Enclosed please find a Summons, Complaint, Request / Motion
For A Lien, Proof of Service, Civil Action Coversheet, and Motion And
Order Information Form And Coversheet.

Thank you.

Sincerely,
John Alexander

cc: The Court of Common Pleas, Greenville County

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

John Doe, Contract Attorney
308 West Stone Avenue
Greenville, South Carolina 29609

Re: Civil Complaint

Dear Sir:

Enclosed please find a Summons, Complaint, Request / Motion
For A Lien, Proof of Service, Civil Action Coversheet, and Motion And
Order Form And Coversheet.

Thank you.

Sincerely,
John Alexander

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

John Doe, Paralegal
308 West Stone Avenue
Greenville, South Carolina 29609

Re: Civil Action / Complaint

Dear Sir:

Enclosed please find a Summons, Complaint, Request / Motion
For A Lien, Proof of Service, Civil Action Coversheet, and Motion And
Order Information Form And Coversheet.

Thank you.

Sincerely,
John Alexander

cc: The Court of Common Pleas, Greenville County

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLEJohn Douglas Alexander, pro se
Plaintiff(s)

vs.

William Glenn Yarborough, III
Defendant(s)Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP -

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☒ General (130)
☒ Breach of Contract (140)
☒ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20__-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299)
Administrative Law/Relief
☐ Reinstat Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
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☐ Other (899) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☒ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☒ Other (399) <u>Actual Injury</u>
Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
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☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
|--|---|---|---|

- Special/Complex /Other**
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of-State Depositions (650)
☐ Other (699) ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)

Submitting Party Signature: John D. AlexanderDate: 2/15/23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLEJohn Douglas Alexander, pro se
Plaintiff(s)

vs.

Lisa Cherry
Defendant(s)Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

_____-CP - ____-

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

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☐ Reinstate Drv. License (800)
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Submitting Party Signature: John D. AlexanderDate: 2/15/23

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLEJohn Douglas Alexander, pro se
Plaintiff(s)

vs.

John Doe, Contract Attorney
Defendant(s)Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

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- Submitting Party Signature: John D. Alexander Date: 2/15/23

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLEJohn Douglas Alexander, pro se
Plaintiff(s)

vs.

John Doe, Paralegal
Defendant(s)Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

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☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature:

John D. AlexanderDate: 2/15/23

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STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF GREENVILLE)

THIRTEENTH JUDICIAL CIRCUIT)

CASE NO.: _____-CP-_____-_____)

John D. Alexander, pro se)
Plaintiff,)**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

vs.)

John Doe, Paralegal)
Defendant.)Plaintiff's Attorney: John D. Alexander,
_____, Bar No. pro se
Address: 200 Prison Road, U6-17B
Enoree, S.C. 29335
Phone: _____ Fax _____
E-mail: _____ Other: _____Defendant's Attorney: John Doe, Paralegal
_____, Bar No. _____
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: _____ Fax _____
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 InformationNature of Motion: Request For A Lien

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.

John D. Alexander, pro se
Signature of Attorney for ☒ Plaintiff/ ☐ Defendant2/15/23
Date submitted**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, 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: _____ Date Filed: _____

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED – AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF GREENVILLE)

THIRTEENTH JUDICIAL CIRCUIT)

CASE NO.: _____-CP-_____-)

John D. Alexander, pro se)

Plaintiff,)

vs.)

John Doe, Contract Attorney)

Defendant.)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: <u>John D. Alexander,</u> _____, Bar No. <u>pro se</u> Address: <u>200 Prison Road, U6-17B</u> <u>Enoree, S.C. 29335</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>John Doe, Contract</u> _____, Bar No. <u>Attorney</u> Address: <u>308 West Stone Avenue</u> <u>Greenville, S.C. 29609</u> Phone: _____ Fax _____ 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: <u>Request For A Lien</u> 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. <u>John D. Alexander</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant <u>2/15/23</u> 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, 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 Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED – AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF GREENVILLE)

THIRTEENTH JUDICIAL CIRCUIT)

CASE NO.: _____-CP-_____)

John D. Alexander, pro se)

Plaintiff,)

vs.)

Lisa Cherry)

Defendant.)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: <u>John Douglas Alexander</u> , Bar No. <u>pro se</u> Address: <u>200 Prison Road, U6-17B</u> <u>Enoree, S.C. 29335</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Lisa Cherry</u> , Bar No. _____ Address: <u>308 West Stone Avenue</u> <u>Greenville, S.C. 29609</u> Phone: _____ Fax _____ 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: <u>Request For A Lien</u> 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.	
<u>John D. Alexander</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant <u>2/15/23</u> 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, 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	
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander

Plaintiff,

vs.

William Glen Yarborough, Esq.

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: ____-CP-____.

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: John D. Alexander,
____, Bar No. ____ pro se
Address: 200 Prison Road, U6-17
Enoree, S.C. 29335
Phone: ____ Fax ____
E-mail: ____ Other: ____

Defendant's Attorney: William G. Yarborough,
10271, Bar No. Esquire
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: ____ Fax ____
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: Request For A LienEstimated 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.

John D. Alexander, pro seSignature of Attorney for ☒ Plaintiff/ ☐ Defendant2/15/23

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: ____ Date Filed: ____

☐ MOTION FEE COLLECTED: \$ ____☐ CONTESTED - AMOUNT DUE: \$ ____

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

)
)
)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,

Plaintiff,

vs.

Civil Action No. _____

SUMMONS IN A CIVIL
ACTION

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

)
)
)
)
)
)
)

To: William Glenn Yarborough, III, Esquire

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk Of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. _____

SUMMONS IN A CIVIL
ACTION

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

To: Lisa Cherry

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

If you fail to respond, judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

John Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough, III,

Esquire; Lisa Cherry; John

Doe, Contract Attorney;

John Doe, Paralegal,

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action No. _____

SUMMONS IN A CIVIL
ACTION

To: John Doe, Contract Attorney

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748

Tyger River Correctional Institution

200 Prison Road, U6-4A

Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,

Civil Action No. _____

vs.

SUMMONS IN A CIVIL
ACTION

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

To: John Doe, Paralegal

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk Of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,

Civil Action No. _____

vs.

COMPLAINT

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

COMES, John Alexander, #194748, the Plaintiff above a State prisoner residing at the Tyger River Correctional Institution, 200 Prison Road, Unit 6-4A, Enoree, South Carolina 29335, with a Complaint pursuant to The South Carolina Tort Claims Act (SCTCA), S.C. Code Ann. Section 15 (1976). As well as all other applicable State and Federal Rules, Constitutions, Statutes, and Laws against the above named Defendants requesting a Trial By A Jury.

II. PARTIES

Plaintiff/s: John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, Unit 6-4A
Enoree, South Carolina 29335

Defendant/s: William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

Lisa Cherry (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Contract Attorney
(Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Paralegal (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

III. STATEMENT OF THE CASE

During October 1, 2020 the Plaintiff retained Mr. William Glenn Yarborough, III., Esquire, Defendant (hereinafter "Mr. Yarborough") to represent him in its pro se Post-Conviction Relief Procedure currently pending before The Court of Common Pleas, Seventh Judicial Circuit, Spartanburg County.

Subsequent, on March 31, 2021, "Mr. Yarborough" abruptly terminated representation, failing to provide expressed contracted legal services, and declined to return unearned fees.

IV. FIRST CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton engaged in conduct involving deceit, and dishonesty to defraud the Plaintiff of \$2,800.00;

SECOND CAUSE OF ACTION:

That, Lisa Cherry, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to commit a Civil Conspiracy to defraud the Plaintiff of \$2,800.00;

THIRD CAUSE OF ACTION:

That, John Doe, Contract Attorney, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00.

FOURTH CAUSE OF ACTION:

That, John Doe, Paralegal, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00;

FIFTH CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton breeched an expressed contract to perform specific and concised duties on the Plaintiff's behalf in his Post-Conviction Relief Procedure.

V. RELIEF

That this Honorable Court so Order the Defendants pay the Plaintiff in the sum of (\$2,800.⁰⁰) in Actual Damages, (\$5,000.⁰⁰) in Punitive Damages, (5,000.⁰⁰) in Undue Great Emotional and Psychological Distress Damages, and all Court Costs.

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

Signed this 15 day of February, 2023.

Respectfully Submitted,

John Alexander

Plaintiff

pro se

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,)
)
Plaintiff,)

Civil Action No. _____

VS.)
)
)

MOTION FOR DEFAULT
JUDGMENT

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

COMES, John Alexander, Plaintiff above pursuant to Rule 55, SCRPC with a Motion For Default Judgment against the Defendants and will show:

On February 15, 2023, the plaintiff filed its Summons, Complaint, Request / Motion For A Lien, Civil Action Coversheets, and Motion And Order Information Form And Coversheet against the defendants seeking \$2,800.00 in Actual Damages, \$5,000.00 in Punitive Damages, \$5,000.00 in Undue Great Emotional and Psychological Distress Damages, and all Court Costs.

Now comes the plaintiff asserting he is entitled to a default judgment against the defendants for the following causes:

- 1) The plaintiff has stated a claim for civil conspiracy;
- 2) The defendants did not refute or deny any of the three elements of civil conspiracy were committed; and
- 3) The defendants failed to make a prima facie showing of a meritorious defense within thirty (30) days.

Wherefore, it is prayed that the Court grant the Motion For Default Judgment. And award plaintiff the Relief sought in the Complaint.

Dated 3/30/23.

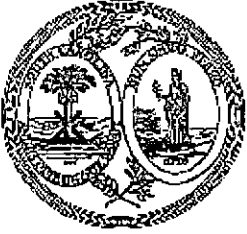
Respectfully Submitted,

John Alexander

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

April 27, 2023



Motion "MOTION - Motion/For A Lien" for Case: 2023CP2301388 - John Alexander vs. William Glenn Yarborough III , defendant, et al has been added to the following Motions Roster:

357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan, Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30 AM.

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

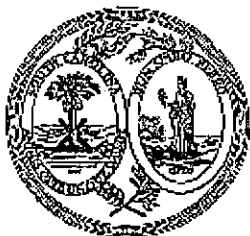
(864)467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

NOTICE OF MOTION SCHEDULING

April 27, 2023



**Motion "MOTION - Motion For Default Judgement" for Case:
2023CP2301388 - John Alexander vs. William Glenn Yarborough III ,
defendant, et al has been added to the following Motions Roster:**

**357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan,
Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30
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Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

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MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE
PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing
counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864)467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

NOTICE OF MOTION SCHEDULING

May 05, 2023



Motion "MDISMS - Def's/Motion to Dismiss For Failure of Service of Process" for Case: 2023CP2301388 - John Alexander vs. William Glenn Yarborough III, defendant, et al has been added to the following Motions Roster:

357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan, Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30 AM.

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864) 467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

NOTICE OF MOTION SCHEDULING

May 05, 2023



Motion "MDISMS - Def's/Motion to Dismiss For Failure to State Facts"
for Case: 2023CP2301388 - John Alexander vs. William Glenn
Yarborough III , defendant, et al has been added to the following
Motions Roster:

357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan,
Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30
AM.

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX
SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE
PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing
counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864) 467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,

vs.

Civil Action No. 2023-CP-23-01388

REQUEST FOR DISCOVERY

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

COMES, John Alexander, above Plaintiff pursuant to the provisions of Rule 26, SCRPC with a Request For Discovery and will show:

The plaintiff asserts under Rule 26, SCRPC it is entitled to have the defendants produce to him a "True" and "Complete" copy of the Post-Conviction Relief Procedure File to include but not limited to:

(A) The name and mailing address of John Doe, Contract Attorney hired by the Office of William Glenn Yarborough, III. to assist it in the Post-Conviction Relief case of the plaintiff;

(B) Any and all document /s, video/s or audio/s taped recordings, etc. submitted by John Doe, Contract Attorney

to the Law Office of William Glenn Yarborough, III. in connection with the plaintiff's post-conviction relief case;

(C) The nature and specifics why the Office of William Glenn Yarborough, III hired John Doe, Contract Attorney in connection with plaintiff's post-conviction relief case;

(D) The name and mailing address of John Doe, Paralegal hired by the Office of William Glenn Yarborough, III to assist it in the post-conviction relief case of the plaintiff; and

(E) Any and all documents, notes, etc. submitted by John Doe, Paralegal to the Law Office of William Glenn Yarborough, III in connection to the plaintiff's post-conviction relief case.

The plaintiff contends that each of the above Requests For Discovery are material to the instant civil action. Are not privileged or protected by the attorney-client clause where the plaintiff was the client who retained William Glenn Yarborough, III, Esquire to assist him in his post-conviction relief proceeding. And, that the above Requests are not made merely to delay the civil process.

Dated 4/24/2023.

Respectfully Submitted,
John Alexander pro se

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough, III.,

Esquire, Lisa Cherry; John

Doe, Contract Attorney;

John Doe, Paralegal;

Defendant.

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action No. 2023-CP-23-01388

PROOF OF SERVICE

I, John Alexander, certify that on this 24 day of April, 2023, I sent the Request For Discovery United States Postal Services, prepaid, to:

William Glenn Yarborough, III.

308 West Stone Avenue

Greenville, South Carolina 29609;

Lisa Cherry

Law Office of William G. Yarborough, III., Esq.

308 West Stone Avenue;

Greenville, South Carolina 29609;

John Doe, Contract Attorney
Law Office of William G. Yarbrough, III., Esq.
308 West Stone Avenue
Greenville, South Carolina 29609; and

John Doe, Paralegal
Law Office of William G. Yarbrough, III., Esq.
308 West Stone Avenue
Greenville, South Carolina 29609

Respectfully Submitted,

John Alexander

Sworn and Subscribed
this 24th day of April, 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 Alexander, #194748,)
Plaintiff,)

Civil Action No. 2023-CP-23-01388

vs.)

REQUEST FOR DISCOVERY

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

COMES, John Alexander, above Plaintiff pursuant to the provisions of Rule 26, SCRPC with a Request For Discovery and will show:

The plaintiff asserts under Rule 26, SCRPC it is entitled to have the defendants produce to him a "True" and "Complete" copy of the Post-Conviction Relief Procedure File to include but not limited to:

(A) The name and mailing address of John Doe, Contract Attorney hired by the Office of William Glenn Yarborough, III. to assist it in the Post-Conviction Relief case of the plaintiff;

(B) Any and all document /s, video/s or audio/s taped recordings, etc. submitted by John Doe, Contract Attorney

to the Law Office of William Glenn Yarborough, III. in connection with the plaintiff's post-conviction relief case;

(C) The nature and specifics why the Office of William Glenn Yarborough, III hired John Doe, Contract Attorney in connection with plaintiff's post-conviction relief case;

(D) The name and mailing address of John Doe, Paralegal hired by the Office of William Glenn Yarborough, III to assist it in the post-conviction relief case of the plaintiff; and

(E) Any and all documents, notes, etc. submitted by John Doe, Paralegal to the Law Office of William Glenn Yarborough, III in connection to the plaintiff's post-conviction relief case.

The plaintiff contends that each of the above Requests For Discovery are material to the instant civil action. Are not privileged or protected by the attorney-client clause where the plaintiff was the client who retained William Glenn Yarborough, III, Esquire to assist him in his post-conviction relief proceeding. And, that the above Requests are not made merely to delay the civil process.

Dated 4/24/2023.

Respectfully Submitted,
John Alexander pro se

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

John Alexander, #194748,
Plaintiff,
vs.

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

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

Civil Action No. 2023-CP-23-01388

PROOF OF SERVICE

I, John Alexander, certify that on this 24 day of April, 2023, I sent the Request For Discovery United States Postal Services, prepaid, to:

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

Lisa Cherry
Law Office of William G. Yarborough, III., Esq.
308 West Stone Avenue
Greenville, South Carolina 29609;

143-70
John Doe, Contract Attorney
Law Office of William G. Yarborough, III, Esq.
308 West Stone Avenue
Greenville, South Carolina 29609; and

John Doe, Paralegal
Law Office of William G. Yarborough, III, Esq.
308 West Stone Avenue
Greenville, South Carolina 29609

Respectfully Submitted,

John Alexander

Sworn and Subscribed
this 24th day of April, 2023

[Signature]
Notary Public For South Carolina

My Commission Expires 2/3/2026



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

²
Date: March 2, 2023

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

Mr. Alexander,

We are returning your Summons and Complaint and check for the following reasons: 1. you must sign the Summons. 2. The motion has a \$25.00 filing fee.

Thank You For Your Attention In This Matter.

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

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

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

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 Wickensimer CJC 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

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLEJohn Douglas Alexander, pro se
Plaintiff(s)

vs.

William Glenn Yarborough, III
Defendant(s)Submitted By: John D. AlexanderAddress: 200 Prison Road, U6-17BEnoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2023-CP-23-0138823 MAR 21 AM 9:17
Paul Wickens@clerk.coc.gvl.sc

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☒ Breach of Contract (140)
☒ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-NI_____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☒ Other (399) <u>Actual Injury</u> | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Administrative Law/Relief
☐ Reinstatement Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) | |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |
- Submitting Party Signature: John D. Alexander Date: 2/15/23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, #194748

Plaintiff,

vs.

William G. Yarborough, III, Esq., et al

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUITCASE NO.: 2023-CP-23 - 01388MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

ENTERED COMPUTER

23 APR 27 AM 10:06
Paul Wickens/CMR DCC BUL ST

Plaintiff's Attorney: John Alexander, pro se
 Bar No. Tyger River Corr. Inst.
 Address: 200 Prison Road
 Phone: Enoree, SC 29335
 E-mail: Other:

Defendant's Attorney: William G. Yarborough, Esq.
 Bar No. 308 W. Stone Avenue
 Address: Greenville, SC 29609
 Phone: Other:
 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: Default JudgmentEstimated Time Needed: 30 min.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.

John AlexanderSignature of Attorney for ☒ Plaintiff / ☐ Defendant3/30/23
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, 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

Collected by: QWDate Filed: 4-27-23☒ MOTION FEE COLLECTED: \$ 25.00☐ CONTESTED - AMOUNT DUE: \$ _____CH # 932012

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

John D. Alexander, pro se)

Plaintiff,)

vs.)

John Doe, Paralegal)

Defendant.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2023-CP-231-01388

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

FILED IN 274-20-005
JUL 13 2023
CLERK OF COURT
JUL 13 2023

Plaintiff's Attorney: John D. Alexander,
_____, Bar No. pro se
Address 200 Prison Road, U6-17B
Enoree, S.C., 29335
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney: John Doe, Paralegal
_____, Bar No. _____
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: _____ Fax _____
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: Request For Alien

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.

John D. Alexander, pro se
Signature of Attorney for ☒ Plaintiff / ☐ Defendant

2/15/23
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, 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

Collected by: SW Date Filed: 4-27-23
☒ MOTION FEE COLLECTED: \$ 25.00
☐ CONTESTED - AMOUNT DUE: \$ _____

CK# 932912

Exhibit #2

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. ~~2023-CP-23-~~ 01388

SUMMONS IN A CIVIL
ACTION

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

29 MAR 21 AM 9:17
Paul Wickenslawer COO BUL SC

To: William Glenn Yarborough, III, Esquire

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk Of Court

Dated: March 7, 2023
John Douglas Alexander
Plaintiff pro se

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF GREENVILLE)
)
)

IN THE COURT OF COMMON PLEAS
 THIRTEENTH CIRCUIT

John Alexander, #194748,
 Plaintiff,
 vs.

Civil Action No. 2023-CP-23-01388

COMPLAINT

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

23 APR 21 AM 9:17
 Paul W. Henshaw, COC GUL SC

COMES, John Alexander, #194748, the Plaintiff above a State prisoner residing at the Tyger River Correctional Institution, 200 Prison Road, Unit 6-4A, Enoree, South Carolina 29335, with a Complaint pursuant to The South Carolina Tort Claims Act (SCTCA), S.C. Code Ann. Section 15 (1976). As well as all other applicable State and Federal Rules, Constitutions, Statutes, and Laws against the above named Defendants requesting a Trial By A Jury.

II. PARTIES

Plaintiff/s: John Alexander, #194748
 Tyger River Correctional Institution
 200 Prison Road, Unit 6-4A
 Enoree, South Carolina 29335

Defendant/s: William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

Lisa Cherry (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Contract Attorney
(Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Paralegal (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

III. STATEMENT OF THE CASE

During October 1, 2020 the Plaintiff retained Mr. William Glenn Yarborough, III., Esquire, Defendant (hereinafter "Mr. Yarborough") to represent him in its pro se Post-Conviction Relief Procedure currently pending before The Court of Common Pleas, Seventh Judicial Circuit, Spartanburg County.

Subsequent, on March 31, 2021, "Mr. Yarborough" abruptly terminated representation, failing to provide expressed contracted legal services, and declined to return unearned fees.

IV. FIRST CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton engaged in conduct involving deceit, and dishonesty to defraud the Plaintiff of \$2,800.00;

SECOND CAUSE OF ACTION:

That, Lisa Cherry, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to commit a Civil Conspiracy to defraud the Plaintiff of \$2,800.00;

THIRD CAUSE OF ACTION:

That, John Doe, Contract Attorney, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00

FOURTH CAUSE OF ACTION:

That, John Doe, Paralegal, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00;

FIFTH CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton breeched an expressed contract to perform specific and concised duties on the Plaintiff's behalf in his Post-Conviction Relief Procedure.

V. RELIEF

That this Honorable Court so Order the Defendants pay the Plaintiff in the sum of (\$2,800.⁰⁰) in Actual Damages, (\$5,000.⁰⁰) in Punitive Damages, (5,000.⁰⁰) in Undue Great Emotional and Psychological Distress Damages, and all Court Costs.

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

Signed this 15 day of February, 2023.

Respectfully Submitted,

John Alexander

Plaintiff

pro se

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

THIRTEENTH CIRCUIT

John Alexander, #194748,)

Civil Action **2023-CP-23-01388**

Plaintiff,)

vs.)

REQUEST / MOTION FOR

A LIEN

William Glenn Yarborough, III,)

Esquire; Lisa Cherry; John)

Doe, Contract Attorney;)

John Doe, Paralegal;)

Defendants.)

COMES, John Alexander, Plaintiff above before the Honorable Court with a Request / Motion For A Lien and will show:

That this Court of Common Pleas, Thirteenth Judicial Circuit having competent Jurisdiction over the above captioned case can and should find the Complaint pleads facts sufficient to constitute a cause of action having substantive plausibility.

Consequently, a Lien against the Defendant's William Glenn Yarborough, III, Esquire, Lisa Cherry, John Doe, Contract Attorney, John Doe, Paralegal Trust Account/s, Escrow Account/s, Operating Account/s, Real and Personal Property to include but not limited to house/s, car/s, motor vehicle/s, business

Page 54

assets, live stock, etc. is justified and warranted pending the result of the Complaint and all appeals relating to the Complaint to secure the cost of the awards sought.

Wherefore, it is prayed that this Court of Common Pleas grant the Request / Motion For A Lien.

Dated 2/15/23.

Respectfully Submitted
John Alexander

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
M E M O R A N D U M

TO: Warden Nance
Tyger River Correctional Institution

FROM: Regina Lane/Jonathan Eckstrom
Office of General Counsel

RE: **REQUEST FOR SERVICE OF LEGAL PLEADINGS**
JOHN DOUGLAS ALEXANDER (00194748)
Inmate / SCDC Inmate Number

DATE: May 15, 2023

Pursuant to the above referenced subject, please follow the below procedures for *Service of Legal Pleadings* on inmate JOHN DOUGLAS ALEXANDER (00194748).

1. **Serve (*Pleadings 2023-CP-23-1388*) on inmate JOHN DOUGLAS ALEXANDER (00194748).**
2. **Complete the *AFFIDAVIT OF SERVICE* (sign/date/notarize) acknowledging that the Legal Pleading(s) were served on inmate JOHN DOUGLAS ALEXANDER (00194748).**
3. **Please note that if the Inmate chooses 'not' to physically accept the Legal documents from you (Server), the Inmate is considered '**Served**' once he/she has been properly identified.**
4. **Therefore, please proceed with service process by placing the Legal document(s) under the Inmate's cell door.**
5. **Please indicate on the ORIGINAL AFFIDAVIT OF SERVICE the following:
*'Inmate refused to accept service'.***
6. **Make a COPY of the AFFIDAVIT OF SERVICE for the Inmate for his/her record.**
7. **Return the completed 'ORIGINAL' AFFIDAVIT OF SERVICE ONLY back to the Office of General Counsel (H.Q.)**

If you should have any questions, please call Regina Lane at (803) 896-9726 or Jonathan Eckstrom at (803) 896-4513.

Attachment(s)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

John Alexander, SCDC Inmate #194748,
Plaintiff,

Case No. 2023-CP-23-01388

v.

AFFIDAVIT OF SERVICE

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

PERSONALLY appeared before me, 1st J. B. Baker, the

undersigned affiant, who being duly sworn, served the following documents:

- Motion to Dismiss for Failure of Service of Process and Insufficient Process
- Exhibit # 1
- Exhibit # 2
- Motion to Dismiss for Failure to State Facts Sufficient to Constitute a Cause of Action
- Defendants' Answer to Complaint

on: John Alexander, SCDC Inmate #194748

by delivery to: John Alexander, SCDC Inmate #194748

at: Tyger River Correctional Institution 200 Prison Road Enoree, SC 29335-9308

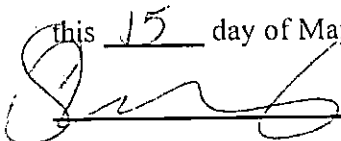
on such date and time: May 15, 2023 at 1:20

The person served is the above-named Plaintiff.

Off. Kilpatrick - 194748

Sworn to and subscribed to me

this 15 day of May, 2023



Notary Public for South Carolina

My Commission Expires: 4/14/24

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	ANSWER TO COMPLAINT BY ALL
	)	DEFENDANTS: WILLIAM G.
v.	)	YARBOROUGH III; LISA CHERRY,
	)	JOHN DOE, CONTRACT ATTORNEY;
	)	AND JOHN DOE, PARALEGAL
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	

TO: PLAINTIFF JOHN ALEXANDER, SCDC INMATE #194748

All Defendants, answering the Complaint of the Plaintiff, would respectfully show unto this Court:

FOR A FIRST DEFENSE
(General Denial)

1. Each and every allegation of the Plaintiff's Complaint not specifically admitted herein is denied and strict proof is demanded thereof.
2. In regard to the first paragraph under "III. Statement of the Case", Defendant William G. Yarborough admits he was retained for the purposes of seeking post-conviction relief in Spartanburg County Court of Common Pleas on Plaintiff's behalf. Defendant Yarborough denies he agreed to represent the Plaintiff in his then pending *pro se* post-conviction relief application specifically.

3. In regard to the second paragraph under "III. Statement of the Case", Defendant Yarborough denies the allegation that he failed to provide expressed contracted legal services and denies wrongfully declining to return unearned fees.

4. The allegations contained in the sections titled "IV. First Cause of Action, Second Cause of Action, Third Cause of Action, and Fourth Cause of Action and Fifth Cause of Action", each constitute legal assertions or conclusions to which no response is required. To the extent a response is still necessary, these allegations are denied and it is denied that the Plaintiff is entitled to recover against any of the Defendants.

5. The allegations contained in the section titled "V. Relief", constitute legal assertions or conclusions to which no response is required. To the extent a response is still necessary, these allegations are denied and it is denied that the Plaintiff is entitled to recover against any of the Defendants.

FOR A SECOND DEFENSE

(Failure of Service of Process and Insufficiency of Process)

6. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

7. The Plaintiff never served the Summons and Complaint, filed on March 21, 2023, on any of the Defendants.

8. The Proof of Service, also filed on March 21, 2023, certifies that the Defendants were served by mail on February 15, 2023, which was weeks before the Summons and Complaint were filed with the Court of Common Pleas.

9. The Summons fails to conform to the requirements provided in Rule 4, SCRCp.

10. The Summons and Complaint should therefore be dismissed pursuant to Rule 12(b)(4) and (5), SCRCP.

FOR A THIRD DEFENSE

(Failure to State Facts Sufficient to Constitute a Cause of Action)

11. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

12. The Plaintiff's Complaint states no supporting facts for any cause of action and instead asserts only legal conclusions against each Defendant.

13. The Plaintiff's Complaint fails to conform to even the minimum requirements set forth in Rule 8(a) and (e) and Rule 9(b), SCRCP.

14. The Defendants would show that the Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action and therefore should be dismissed with prejudice pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

FOR A FOURTH DEFENSE

(Equitable Defenses)

15. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

16. Upon termination of the representation agreement, Plaintiff agreed to a partial refund in the amount of \$3,900.00 out of the \$6,700.00 total fees paid. Plaintiff thereafter accepted deposited/cashed the refund check for \$3,900.00.

17. Plaintiff's claims and recovery are therefore barred in whole or in part by all equitable doctrines available and applicable to the Defendants, including, but not limited to: estoppel, waiver, consent, detrimental reliance, and laches.

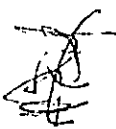
FOR A FIFTH DEFENSE

(Accord and Satisfaction, Release, and Payment)

- 
18. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.
19. Upon termination of the representation agreement, Plaintiff agreed to a partial refund in the amount of \$3,900.00 out of the \$6,700.00 total fees paid. Plaintiff thereafter accepted and deposited/cashed the refund check for \$3,900.00.
20. Plaintiff's claims and recovery are therefore barred in whole or in part by the defenses of accord and satisfaction, release, and payment.

FOR A SIXTH DEFENSE

(Res judicata and Collateral Estoppel)

- 
21. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.
22. Plaintiff previously brought a fee dispute against Defendant Yarborough, in which he sought to obtain the remaining \$2,800.00 of fees paid that were not refunded to him.
23. The Fee Dispute Board ruled against Plaintiff in June 2022.
24. Plaintiff's claims and recovery are therefore barred in whole or in part by res judicata and collateral estoppel.

FOR A SEVENTH DEFENSE

(Statute of Frauds)

25. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

26. The specific contractual terms Plaintiff alleges in his Complaint that were agreed to and ultimately violated were not reduced to in a writing, and are thus non-binding and cannot be enforced against any of the Defendants.

27. Plaintiff's claims and recovery are therefore barred in whole or in part by the statute of frauds.

FOR AN EIGHTH DEFENSE
(Dismissal of Improper Claims for Damages)

28. This Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

29. The Plaintiff is not entitled to \$2800.00 in actual damages, for which he alleges account for unearned legal fees wrongfully retained by Defendant Yarborough. Upon termination of the representation agreement, Plaintiff agreed to a partial refund in the amount of \$3,900.00 out of the \$6,700.00 total legal fees paid. Plaintiff thereafter accepted and deposited/cashed the refund check for \$3,900.00.

30. The Plaintiff is not entitled to punitive damages or "Undue Great Emotional and Psychological [sic] Distress Damages"; Plaintiff's claims are not applicable or cognizable for such damages.

31. Plaintiff's claims for such damages are not sufficiently pleaded.

32. The allegations that Defendants' conduct warrant the type and amount of damages Plaintiff requests in the Complaint are devoid of any support or evidence.

FOR A NINTH DEFENSE
(Incorporation and Reservation of Defenses)

28. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

29. Any and all inconsistent material is pled herein in the alternative pursuant to Rule 8 of the South Carolina Rules of Civil Procedure and any such other law as is applicable. To the extent material appearing in one defense is applicable to another defense and not inconsistent with the other defense, the material is deemed incorporated into the other defense.

30. The Defendants hereby gives notice that they intend to rely upon such other affirmative defenses as may become available or apparent in the future, and thus reserves the right to amend this Answer to assert any such defenses.

WHEREFORE, the Defendants having answered the Complaint of the Plaintiff, pray that the Plaintiff's Complaint be dismissed with prejudice, with costs incurred defending this frivolous matter, including attorney's fees, costs, and such other and further relief this Court deems just and proper.

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 DEFENDANTS

Greenville, South Carolina

May 5, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION TO
	)	DISMISS FOR FAILURE OF SERVICE
v.	)	OF PROCESS AND FOR INSUFFICIENT
	)	PROCESS ON BEHALF OF ALL
	)	DEFENDANTS
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	

TO: PLAINTIFF JOHN ALEXANDER, SCDC INMATE #194748

YOU WILL PLEASE TAKE NOTICE that William G. Yarborough, Esq., self-represented and Counsel for all Defendants, will move before the Presiding Judge of the Thirteenth Judicial Circuit at the Greenville County Courthouse in Greenville, South Carolina, at such time and place as may be set by the Court, for an Order granting this Motion to Dismiss for failure of service of process and for insufficiency of process pursuant to SCRCF Rule 12(b)(2)(4) and (5), based upon the following:

1. The Summons and Complaint in this action were filed on March 21, 2023.
2. The Plaintiff never served the Summons and Complaint on any of the Defendants.

The affidavit of the Undersigned and Defendant Lisa Cherry are attached hereto as "Exhibit #1" and "Exhibit #2" and incorporated herein by reference.

3. Despite Plaintiff's failure to serve the Defendants, Plaintiff filed a Proof of Service along with the Summons and Complaint on March 21, 2023. This document is invalid and ineffective pursuant to Rules 4 and 5, SCRCP. In the Proof of Service, Plaintiff certified that he served the Defendants by mail "on this 15 day of February, 2023." The purported date of service being weeks before the Summons and Complaint were filed and clocked further demonstrates that the Plaintiff failed to serve Defendants.

4. The Summons and service thereof also fail to conform to the requirements provided by Rule 4, SCRCP.

5. The Summons and Complaint should be dismissed against all Defendants with prejudice because any amendment by the Plaintiff would be futile.

6. Therefore, pursuant to Rule 12(b)(4) and (5), Plaintiff's Summons and Complaint should be dismissed with prejudice against all Defendants.

Counsel respectfully submits that the grounds for dismissal for failure of service of process and for insufficiency of process are proven by and readily apparent from the face of the Plaintiff's filed pleadings as well as by the foregoing and attached affidavits, and thus a hearing in Counsel's view, is unnecessary. However, Counsel will defer to the Court's discretion on whether the issue warrants a hearing. Should the Court find a hearing on the motion necessary, this motion will be further supported by (in addition to the attached affidavits), any exhibits, arguments of counsel, applicable statutory law and case law, and any memoranda that may be submitted at or prior to the hearing on this motion.

WHEREFORE Undersigned Counsel hereby moves this Court for an Order dismissing Plaintiff's Summons and Complaint against all Defendants with prejudice, and award costs incurred

defending this frivolous matter, including attorney's fees, costs, and such other and further relief this Court deems just and proper.

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 DEFENDANTS

Greenville, South Carolina
May 5, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	
	)	
v.	)	AFFIDAVIT OF DEFENDANT WILLIAM
	)	G. YARBOROUGH, ESQUIRE
	)	
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	

COMES NOW the Affiant, William G. Yarborough, who after first being duly sworn, deposes and states as follows:

1. I am over the age of twenty-one, am competent and have specific, personal knowledge of the facts set forth herein. My business address is 308 West Stone Avenue, Greenville South Carolina, 29609.
2. To date, I have not been served with the pleadings filed by Plaintiff on March 21, 2023 in this matter pursuant to law.
3. The Summons and Complaint filed March 21, 2023 were not delivered or served by mail to 308 West Stone Avenue Greenville SC 29609, as alleged by the Plaintiff in the Proof of Service that was filed along with the Summons and Complaint on March 21, 2023.

FURTHER AFFIANT SAYETH NOT.

(Signature and notarization on the following page)

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, SCDC Inmate #194748,

Plaintiff,

v.

William G. Yarborough III, Esquire;

Lisa Cherry;

John Doe, Contract Attorney;

and John Doe, Paralegal,

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

Case No. 2023-CP-23-01388

AFFIDAVIT OF DEFENDANT LISA CHERRY

COMES NOW the Affiant, Lisa Cherry, who after first being duly sworn, deposes and states as follows:

1. I am over the age of twenty-one, am competent and have specific, personal knowledge of the facts set forth herein. My business address is 308 West Stone Avenue, Greenville South Carolina, 29609.
2. To date, I have not been served with the pleadings filed by Plaintiff on March 21, 2023 in this matter pursuant to law.
3. The Summons and Complaint filed March 21, 2023 were not delivered or served by mail to 308 West Stone Avenue Greenville SC 29609, as alleged by the Plaintiff in the Proof of Service that was filed along with the Summons and Complaint on March 21, 2023.

FURTHER AFFIANT SAYETH NOT.

(Signature and notarization on the following page)

Sworn to before me this

1 day of May, 2023

Risa Choate
Notary Public for the State of South Carolina

My Commission Expires: 4-22-29

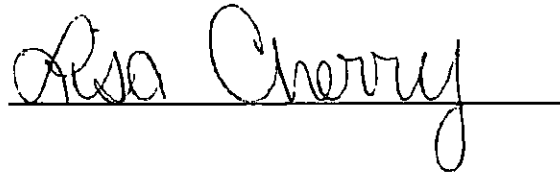
W. J. Cole

Sworn to before me this

3 day of May, 2023


Notary Public for the State of South Carolina

My Commission Expires: 8-24-2030



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION TO
	)	DISMISS FOR FAILURE TO STATE
v.	)	FACTS SUFFICIENT TO CONSTITUTE
	)	A CAUSE OF ACTION ON BEHALF OF
	)	ALL DEFENDANTS
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	
_____	)	

TO: PLAINTIFF JOHN ALEXANDER, SCDC INMATE #194748

YOU WILL PLEASE TAKE NOTICE that William G. Yarborough, Esq., self-represented and Counsel for all Defendants, will move before the Presiding Judge of the Thirteenth Judicial Circuit at the Greenville County Courthouse in Greenville, South Carolina, at such time and place as may be set by the Court, for an Order granting this Motion to Dismiss for failure to state facts sufficient to constitute a cause of action pursuant to SCRCP Rule 12(b)(6) and (9), based upon the following:

1. The Summons and Complaint in this action were filed on March 21, 2023.
2. The Plaintiff's Complaint states no supporting facts for any cause of action and instead asserts only legal conclusions against each Defendant.
3. The Plaintiff's Complaint also fails to conform to even the minimum requirements set forth in Rule 8(a) and (e) and Rule 9(b), SCRCP.

4. The Plaintiff's Summons and Complaint must therefore be dismissed against all Defendants with prejudice for failing to state facts sufficient to constitute a cause of action.

5. The Summons and Complaint should be dismissed against all Defendants with prejudice because any amendment by the Plaintiff would be futile.

Counsel respectfully submits that the grounds for dismissal for failing to state facts sufficient to constitute a cause of action are proven by and apparent from the face of the Plaintiff's filed pleadings and thus a hearing in Counsel's view, is unnecessary. However, Counsel will defer to the Court's discretion on whether the issue warrants a hearing. Should the Court find a hearing on this motion necessary, this motion will be supported by any exhibits, arguments of counsel, applicable statutory law and case law, and any memoranda that may be submitted at or prior to the hearing on this motion.

WHEREFORE Undersigned Counsel hereby moves this Court for an Order dismissing Plaintiff's Complaint against all Defendants with prejudice, with costs incurred defending this frivolous matter, including attorney's fees, costs, and such other and further relief this Court deems just and proper.

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 DEFENDANTS

Greenville, South Carolina
May 5, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,)

Civil Action No. 2023CP2301388

Plaintiff,)

vs.)

REPLY

William Glenn Yarborough III,)

Esquire; Lisa Cherry; John)

Doe, Contract Attorney;)

John Doe, Paralegal,)

Defendants.)

COMES, John Alexander, plaintiff above pursuant to Rule 7 SCRCF with a Reply to the defendant's Notice Of Motion And Motion To Dismiss For Failure To State Facts Sufficient To Constitute A Cause Of Action and Notice Of Motion And Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process On Behalf Of All Defendants and will show:

That pursuant to the "Prison Mailbox Rule" upon the plaintiff's inserting legal mail into the United States Postal Service Mailbox or, the plaintiff hand delivering legal mail to the Tyger River Corrections Institution Mailroom Postal Director, his legal document/s are deem filed with the court /s.

As such, on 15 February 2023, where the plaintiff submitted its Summons, Complaint, Proof of Service, Request / Motion For A Lien, Civil Action Coversheet /s, Motion And Order Information Form And Coversheet /s, and Cover Letter /s before the United States Postal Director at Tyger River Corrections Mailroom all the above is considere filed with the Greenville County Clerk of Court Office.

Incidental, on 16 March 2023, the Clerk returned to plaintiff its Summons and Complaint directing him to sign the Summons as well as to pay a \$25.⁰⁰ motion filing fee. See Exhibit #1
So on 17 March 2023, the plaintiff signed the Summons, enclosed the \$25.⁰⁰ filing fee, and resubmitted it to the Clerk of Court Office. Accordingly, on 21 March 2023, the Clerk "officially" filed the Summons and Complaint with the Clerk of Court Office.

Important, the Honorable Court can and should agree along with the plaintiff that but for the stamped, clock, date and action numbers the Summons and Complaint it received on or about February 17 through 21, 2023, is (the same), identical, indistinguishable and verbatim to the Summons and Complaint it filed on March 21, 2023.
Significant, the defendants has ~~not~~ denied it received the unstamped, unclock and undated [by the Clerk of Court], Summons and Complaint. Or, that any material difference is evident.

Likewise, the defendants has not and cannot establish in any manner how they were unduly prejudiced by not receiving the 21 March 2023, clock, date and stamped Summons and Complaint. To the contrary, the defendants has demonstrated how it has had ample

time to research, prepare and file its Answer To Complaint, Motion To Dismiss For Failure To State Facts To Constitute A Cause Of Action, and Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process.

Never the less, to the extent the pleadings are defective in that the defendants were not served with the 21 March 2023 Summons and Complaint pursuant to Rule 12 (b)(2)(4) and (5) and Rule 4 and (5), SCRPC, on the below date the plaintiff will effect service by serving the Summons and Complaint upon the defendant as prescribed by the "Prison Mailbox Rule." See Exhibit #2

Wherefore, it is prayed the Honorable Court deny the defendant's Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process 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."

Final, it is clear the plaintiff's claims are cognizable under the South Carolina Tort Claims Act ("SCTCA"). That plaintiff's Complaint set forth a cause of action where relief can be granted. And, it is clear that there exists a genuine issue of material fact requiring the matter to go forward. Plus, in his Amenment To Complaint the plaintiff has stated facts sufficient to constitute a cause of action and demonstrates he is likely to succeed on the merits.

Wherefore, for all the foregoing reasons it is also prayed that

the Honorable Court deny the defendant's Motion To Dismiss For Failure To State Facts Sufficient To Constitute A Cause Of Action.

Dated 6 / 9 / 2023.

Respectfully Submitted,

John Alexander

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. 2023CP2301388

AMENDMENT TO COMPLAINT

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

COMES, John Alexander, #194748, plaintiff above pursuant to Rule 15,
SCRCP with an Amendment To Complaint and will show:

PROCEDURAL HISTORY

On 15 February 2023, the plaintiff submitted a Summons and Complaint before the Greenville County Clerk of Court Office for filing. After several technical defects were required to be corrected, the Summons and Complaint was filed on 21 March 2023. The Complaint claimed:

(1) That William Glenn Yarborough III, Esquire (Hereinafter 'Mr. Yarborough,') defendant knowing, willing and wanton engaged in conduct involving deceit and dishonesty to defraud the plaintiff of \$2,800.00;

(2) That Lisa Cherry (hereinafter "Ms. Cherry"), defendant

knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough," defendant to commit a Civil Conspiracy to defraud the plaintiff of \$2,800.00;

(3) That John Doe, Contract Attorney, defendant knowing, willing, and wanton aided, abetted and conspired along with "Mr. Yarborough," defendant to commit a Civil Conspiracy to defraud the plaintiff of \$2,800.00;

(4) That John Doe, Paralegal, defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough," defendant to commit a Civil Conspiracy to defraud the plaintiff of \$2,800.00; and

(5) That "Mr. Yarborough," defendant knowing, willing and wanton breached an expressed contract to perform specific and concised duties on the plaintiff's behalf in his Post-Conviction Relief Procedure.

Subsequent, on 5 May 2023, "Mr. Yarborough," defendant filed an Answer To Complaint, Motion To Dismiss For Failure To State Facts Sufficient To Constitute A Cause Of Action On Behalf Of All Defendants and Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process On Behalf Of All Defendants. The plaintiff omitted several motions because they are neither material or pertinent to the below Amendment.

AMENDMENT

PLAINTIFF MOVES THE COURT to Amend the Complaint and bring the Complaint into proper form and compliance with Rule 12(b)(6), SCRPC.

Here, in detail plaintiff specifically states the facts sufficient to constitute a cause of action. Particular, on 1 October 2020, the plaintiff call "Mr. Yarborough," defendant by telephone and explained that on 14 September 2018 he filed a pro se Post-Conviction Relief (hereinafter "PCR") application with the Spartanburg County Clerk of Court Office. That the PCR application was pending.

Further, plaintiff explained that on 4 August 2020, the State, respondent filed its Return and Motion To Dismiss and Conditional Order of Dismissal to Honorable R. Keith Kelly, Chief Administrative Judge. And, that on 16 September 2020, Judge Kelly signed the Conditional Order of Dismissal, and granted the plaintiff (20) days to provide specific reasons, factual or legal, why the application should not be dismissed in its entirety.

Ultimately, in no uncertain or ambiguous terms "Mr. Yarborough," defendant assured the plaintiff that his law firm could and would provide the PCR Court with specific reasons, factual or legal, why the application should not be dismissed summarily and with prejudice. And, agreed to pursue post-conviction relief on plaintiff's behalf for a set fee of \$12,000.00

So, on 6 October 2020, Rena Huskey (hereinafter "Ms. Huskey"), Witness No. 1, drove from Spartanburg County to "Mr. Yarborough's", defendant office in Greenville County where she confirmed the verbal contractual agreement between the defendant and plaintiff because she would be plaintiff's chief financial supporter. Only after "Mr. Yarborough," defendant verify by oath that he would assist plaintiff competently did "Ms. Huskey" pay an \$3,500.00 initial

retainer down payment to represent plaintiff in his pro se PCR application. Thereto, Geoffrey Werts, Witness No. 2 participated in several third party telephone calls and witnessed "Mr. Yarborough", defendant agree to represent the plaintiff in his pro se PCR application. And, Francene Jackson, Witness No. 3, who road with "Ms. Huskey" to "Mr. Yarborough's", defendant office was also present and witnessed the defendant state that he would represent plaintiff in his pro se application.

Incidental, to the plaintiff's detriment, without first obtaining plaintiff's arrest warrants, indictments, trial transcript, Direct Appeal Records, 1st PCR application and transcript. "Mr. Yarborough," defendant erroneously filed a third partially completed PCR application on the plaintiff's behalf on 10 October 2020. "No" actions were ever taken on plaintiff's pro se 2018 pro se PCP application. In fact, "Mr. Yarborough," defendant took no other actions or efforts towards the October 10, 2020 PCR application that he filed on plaintiff's behalf. And, later conceded along with the plaintiff that the October 10, 2020 PCR application contained incorrect, meritless and frivolous content that should never been put before the Court on the plaintiff's behalf. See Attachment No. 1, 2 and 3

In sum, "Mr. Yarborough," defendant sent the plaintiff a copy of the March 30, 2021 Return and Motion To Dismiss the 10 October 2020 application. Within (24) hours "Mr. Yarborough," defendant determined to withdraw representation rather than protect and defend applicant

... I M C + L B - 1 - ... tested the ... concept of ENO.⁹⁰ For

In closing, the plaintiff contacted "Mr. Yarborough," defendant by telephone to remind him that he had not honored his original contract, to represent plaintiff in the pro se application, had filed the frivolous application on plaintiff's behalf, and was now abandoning plaintiff altogether leaving him in a worse predicament than before defendant was retained. The defendant agreed on returning all plaintiff monies. Nonetheless, "Mr. Yarborough," defendant sent plaintiff only \$3,900.00 and ceased any other communication. After, "Mr. Yarborough," defended his actions by alleging to Mr. Craig H. Allen, P.A., one of the investigating members of the Fee Disputes Board that he spent (30) hours on research, contracted John Doe, Contract Attorney, defendant to work on the case, and John Doe, Paralegal, defendant spent numerous hour of research on the case.

Despite diligent efforts such as letters to Mr. Allen, P.A., as well as a Request For Discovery Motion the plaintiff has not been able to obtain a shredd of evidence to substantiate any contract attorney work on plaintiff case, that "Mr. Yarborough," defendant spent (30) hours on research or, that John Doe, Paralegal, defendant and Lisa Cherry, defendant spent any hours on plaintiff behalf.

Final, the abrupt choice of "Mr. Yarborough," defendant to terminate representation in the heat of the case certainly placed an "Undue Great Emotional and Psychological Distress" upon the plaintiff to find, consult and retain other counsel under short notice of the PCR Court's Order to Dismiss plaintiff's pro se application within (20) days summarily with prejudice. The above State of Facts entitle the plaintiff to maintain its action in the Court.

Dated 6/9/2023.

Respectfully Submitted,
N. M. Alexander

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREEVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

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

Civil Action No. 2023CP2301388

PROOF OF SERVICE

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

RECEIVED

JAN 22 2024

SC Court of Appeals

I, John Alexander, #194748, certify this 9 day of June, 2023 I sent the Amendment To Complaint and Reply United States Postal Services, prepaid, to William Glenn Yarborough III., Esquire, self-represented and Counsel for all Defendants, Office of William G. Yarborough, 308 West Stone Avenue, Greenville, South Carolina 29609.

Respectfully Submitted,

John Alexander

Sworn and Subscribed

this 9th day of June, 2023

Randolph E. Thomas

Notary Public for South Carolina

My Commission Expires May 14, 2025.

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2301388

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.

Electronically signed on 2023-07-27 09:46:57 page 3 of 3



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.

Electronically signed on 2023-09-01 15:19:26 page 5 of 5

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,

Plaintiff,

vs.

Civil Action No. 2023C42301388

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,

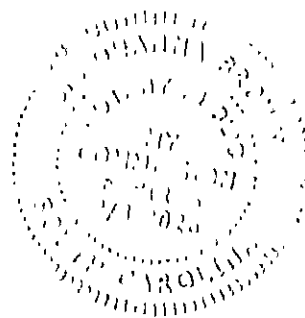
John Alexander

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

William Glenn Yarbrough, III }
et al, }
Defendants. }

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

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. Yarbrough 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

, Page 96

: 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

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,

Plaintiff,

vs.

Civil Action No. 2023CP 2301388

MOTION FOR FACT FINDING AND

CONCLUSION OF LAW RULE 52 (b), SCRPC

William Glenn Yarborough III,
et al,

Defendants.

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 8/8/2023.

Respectfully Submitted,
John Alexander

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,

Civil Action No. 2023-CP-23-01388

Plaintiff,

vs.

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

William Glenn Yarborough III,
et al,

Defendants.

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, SCRPC, as well as Rules 8(a) and (e) and 9(b), SCRPC.

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

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John D. Alexander, #194748,)
Plaintiff,)
vs.)
Civil Action No. 2023CP23-01388

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

PROOF OF SERVICE

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 Cruse
Notary Public For South Carolina
My Commission Expires Dec. 10, 2024.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
	)	
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	ORDER GRANTING DEFENDANTS'
	)	MOTION TO DISMISS
v.	)	
	)	
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	

This matter comes before the Court by way of several motions to dismiss by the above-named Defendants.

Plaintiff, proceeding pro se, filed the Summons and Complaint in this action on March 21, 2023. The Complaint alleges fraud and breach of contract against Defendant Yarborough and civil conspiracy against the remaining Defendants. The Plaintiff sought \$2800.00 in actual damages, \$5000.00 in punitive damages, and \$5000.00 in “undue great emotional and psychological [sic] distress damages”, as well as court costs.

On April 27, 2023, the Plaintiff filed a Motion for Lien and Motion for Default Judgment against the Defendants. On May 5, 2023, the Defendants, represented by William G. Yarborough III, filed an Answer which raised numerous procedural and substantive defenses, as well as filed motions to dismiss for failure of service of process pursuant to Rule 12(b)(4) and (5), SCRPC and for failure to state facts sufficient to constitute a cause of action pursuant to Rule 12(b)(6). Attached to the motion to dismiss for failure of service of process were affidavits of Defendant Yarborough

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), SCRCF. 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), SCRCF. Rule 8(a) and (e), SCRCF; Rule 9(b), SCRCF. *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), SCRCF. *See also* Rule 15(a), SCRCF; *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); *Alterna 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

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2301388

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.

Electronically signed on 2023-10-27 13:18:07 page 3 of 3

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Honorable G.D. Morgan

Case No. 2023-CP-23-01388

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

Respondents,

v.

John Alexander, #194748,

Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Letter
2. Letter
3. Letter
4. Letter
5. Civil Action Coversheet
6. Civil Action Coversheet
7. Civil Action Coversheet
8. Civil Action Coversheet
9. Motion And Order Information Form And Coversheet

10. Motion And Order Information Form And Coversheet
11. Motion And Order Information Form And Coversheet
12. Motion And Order Information Form And Coversheet
13. Summons
14. Summons
15. Summons
16. Summons
17. Complaint
18. Motion For Default Judgment Apr
19. Notice of Motion Scheduling April 27, 2023
20. Notice of Motion Scheduling April 27, 2023
21. Notice of Motion Scheduling May 5, 2023
22. Notice of Motion Scheduling May 5, 2023
23. Request For Discovery
24. Request For Discovery
25. Letter
26. Proof of Service
27. Civil Action Coversheet
28. Motion And Order Information Form And Coversheet
29. Motion And Order Information Form And Coversheet
30. Summons
31. Complaint
32. Request / Motion For A Lien
33. Memorandum
34. Answer to Complaint
35. Notice And Motion to Dismiss
36. Defendant's Exhibit # 1
37. Defendant's Exhibit # 2

38. Notice of Motion And Motion to Dismiss
39. Reply
40. Amendment to Complaint
41. Order Form 4 July 27, 2023
42. Proof of Service
43. Motion to Alter or Amend Judgment
44. Motion For Fact Finding and Conclusions of Law
45. Amendment to Motion to Alter or Amend Judgment
46. Order Granting Defendant's Motion to Dismiss
47. Order Form 4 October 27, 2023

I certify that this designation contains no matter which is irrelevant to the appeal.

Dated 1/17/2024.

John Alexander
John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U2
Enoree, South Carolina 29335

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

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

Re: Complaint

Dear Clerk:

Enclosed for filing is a Summons, Complaint, Proof of Service, Request / Motion For A Lien, Civil Action Coversheets, and Motion And Order Information Form And Coversheet. Also, cover letters to each Defendants. And a \$150.00 money order for filing fees.

Please do not hesitate to contact me at the above address if any additional information is needed.

Thank you.

Sincerely,
John Alexander

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

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

Re: Civil Complaint

Dear Mr. Yarborough:

Enclosed please find a Summons, Complaint, Proof Of Service, Civil Action Coversheet, and Motion And Order Information Form And Coversheet.

Additionally, because I do not know Ms. Lisa Cherry's physical address I am sending all the above mentioned to your office since she assisted you on my case.

Likewise, because I do not know the names and addresses of the Contract Attorney or paralegal you hired to assist you on my case; I am sending each of the above mentioned documents for them to your office as well.

Further, as the lawsuit proceed the Court may request

Page 3

me to amend the actual names of the Contract Attorney and paralegal, as well as their addresses to my Complaint. As such, I ask at your very earliest convenience please, send me their names and addresses. I am also enclosing to each Defendant a Request For A Lien.

Thank you.

Sincerely,
John Alexander

cc: The Court of Common Pleas, Greenville County

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

Lisa Cherry
308 West Stone Avenue
Greenville, South Carolina 29609

Re: Civil Complaint

Dear Ms. Cherry:

Enclosed please find a Summons, Complaint, Request / Motion
For A Lien, Proof of Service, Civil Action Coversheet, and Motion And
Order Information Form And Coversheet.

Thank you.

Sincerely,
John Alexander

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

John Doe, Contract Attorney
308 West Stone Avenue
Greenville, South Carolina 29609

Re: Civil Complaint

Dear Sir:

Enclosed please find a Summons, Complaint, Request / Motion
For A Lien, Proof of Service, Civil Action Coversheet, and Motion And
Order Form And Coversheet.

Thank you.

Sincerely,
John Alexander

John Alexander, #194748
Tyger River Correctional Inst.
200 Prison Road, U6-4A
Enoree, South Carolina 29335

February 15, 2023

John Doe, Paralegal
308 West Stone Avenue
Greenville, South Carolina 29609

Re: Civil Action / Complaint

Dear Sir:

Enclosed please find a Summons, Complaint, Request / Motion
For A Lien, Proof of Service, Civil Action Coversheet, and Motion And
Order Information Form And Coversheet.

Thank you.

Sincerely,
John Alexander

cc: The Court of Common Pleas, Greenville County

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLEJohn Douglas Alexander, pro se
Plaintiff(s)

vs.

William Gleason Yarborough, III
Defendant(s)Submitted By: John D. Alexander
Address: 260 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP - -

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☒ Breach of Contract (140)
☒ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____ -
☐ Notice/ File Med Mal (230)
☐ Other (299)
Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Torts - Personal Injury
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☒ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☒ Slander/Libel (380)
☒ Other (399) Actual Injury | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
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☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |

Submitting Party Signature:

John D. AlexanderDate: 2/15/23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Douglas Alexander, pro se
Plaintiff(s)

vs.

Lisa Cherry
Defendant(s)

Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

_____-CP - ____-

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

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Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torts - Professional Malpractice
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☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____
Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☒ Products Liability (340)
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☐ Assault/Battery (370)
☐ Slander/Libel (380)
☒ Other (399) <u>Actual Injury</u> | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____
Judgments/Settlements
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Submitting Party Signature:

John D. Alexander

Date: 2/15/23

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Douglas Alexander, pro se
Plaintiff(s)

vs.

John Doe, Contract Attorney
Defendant(s)

Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

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☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
|---|--|--|---|
- Special/Complex /Other**
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of State Depositions (650)
☐ Other (699) _____ ☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)
- Submitting Party Signature: John D. Alexander Date: 2/15/23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Douglas Alexander, pro se
Plaintiff(s)

vs.

John Doe, Paralegal
Defendant(s)

Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

_____-CP - ____-

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☒ Breach of Contract (140)
☒ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____
Administrative Law/Relief
☐ Reinstate Drv License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☒ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☒ Other (399) <u>Actual Injury</u>
Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Incapacitated Adult
Settlement (790)
☐ Other (799) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
|---|--|--|---|
- Special/Complex /Other**
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of State Depositions (650)
☐ Other (699) _____ ☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)

Submitting Party Signature: John D. Alexander

Date: 2/15/23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act. S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander, pro se
Plaintiff,

vs.

John Doe, Paralegal
Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: _____-CP-_____-_____

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: John D. Alexander,
_____, Bar No. pro se
Address: 200 Prison Road, U6-17B
Enoree, S.C. 29335
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney: John Doe, Paralegal
_____, Bar No. _____
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: _____ Fax _____
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: Request For A Lien

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.

John D. Alexander, pro se
Signature of Attorney for ☒ Plaintiff / ☐ Defendant

2/15/23
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, 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

Collected by: _____ Date Filed: _____

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED – AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander, pro se

Plaintiff,

vs.

John Doe, Contract Attorney

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: _____-CP-_____

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: <u>John D. Alexander,</u> _____, Bar No. <u>pro se</u> Address: <u>200 Prison Road, U6-17B</u> <u>Enoree, S.C. 29335</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>John Doe, Contract</u> _____, Bar No. <u>Attorney</u> Address: <u>308 West Stone Avenue</u> <u>Greenville, S.C. 29609</u> Phone: _____ Fax _____ 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: <u>Request For A Lien</u> 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. <u>John D. Alexander</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant <u>2/15/23</u> 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, 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 Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED – AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander, pro se

Plaintiff,

vs.

Lisa Cherry

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: _____-CP-_____

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: John Douglas Alexander,
_____, Bar No. pro se
Address: 200 Prison Road, U6-17 B
Enoree, S.C. 29335
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney: Lisa Cherry
_____, Bar No. _____
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: _____ Fax _____
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: Request For A Lien

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.

John D. Alexander
Signature of Attorney for ☒ Plaintiff / ☐ Defendant

2/15/23
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, 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

Collected by: _____ Date Filed: _____

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander

Plaintiff,

vs.

William Glen Yarborough, Esq.

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: _____-CP-_____

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: John D. Alexander,
_____, Bar No. _____ pro se
Address: 200 Prison Road, U6-17
Endree, S.C. 29335
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney: William G. Yarborough,
10271, Bar No. Esquire
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: _____ Fax _____
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: Request For A Lien

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.

John D. Alexander, pro se

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

2/15/23

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: _____ Date Filed: _____

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. _____

SUMMONS IN A CIVIL
ACTION

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

To: William Glenn Yarborough, III, Esquire

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

IF you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough, III,

Esquire; Lisa Cherry; John

Doe, Contract Attorney;

John Doe, Paralegal,

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action No. _____

SUMMONS IN A CIVIL

ACTION

To: Lisa Cherry

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748

Tyger River Correctional Institution

200 Prison Road, U6-4A

Enoree, South Carolina 29335

If you fail to respond, judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

John Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough, III,

Esquire; Lisa Cherry; John

Doe, Contract Attorney;

John Doe, Paralegal,

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action No. _____

SUMMONS IN A CIVIL
ACTION

To: John Doe, Contract Attorney

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748

Tyger River Correctional Institution

200 Prison Road, U6-4A

Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,

Civil Action No. _____

vs.

SUMMONS IN A CIVIL
ACTION

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

To: John Doe, Paralegal

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk Of Court

Dated:

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. _____

COMPLAINT

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

COMES, John Alexander, #194748, the Plaintiff above a State prisoner residing at the Tyger River Correctional Institution, 200 Prison Road, Unit 6-4A, Enoree, South Carolina 29335, with a Complaint pursuant to The South Carolina Tort Claims Act (SCTCA), S.C. Code Ann. Section 15 (1976). As well as all other applicable State and Federal Rules, Constitutions, Statutes, and Laws against the above named Defendants requesting a Trial By A Jury.

II. PARTIES

Plaintiff/s: John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, Unit 6-4A
Enoree, South Carolina 29335

Defendant/s: William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

Lisa Cherry (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Contract Attorney
(Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Paralegal (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

III. STATEMENT OF THE CASE

During October 1, 2020 the Plaintiff retained Mr. William Glenn Yarborough, III., Esquire, Defendant (hereinafter "Mr. Yarborough") to represent him in its pro se Post-Conviction Relief Procedure currently pending before The Court of Common Pleas, Seventh Judicial Circuit, Spartanburg County.

Subsequent, on March 31, 2021, "Mr. Yarborough" abruptly terminated representation, failing to provide expressed contracted legal services, and declined to return unearned fees.

IV. FIRST CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton engaged in conduct involving deceit, and dishonesty to defraud the Plaintiff of \$2,800.00;

SECOND CAUSE OF ACTION:

That, Lisa Cherry, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to commit a Civil Conspiracy to defraud the Plaintiff of \$2,800.00;

THIRD CAUSE OF ACTION:

That, John Doe, Contract Attorney, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00.

FOURTH CAUSE OF ACTION:

That, John Doe, Paralegal, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00;

FIFTH CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton breeched an expressed contract to perform specific and concised duties on the Plaintiff's behalf in his Post-Conviction Relief Procedure.

V. RELIEF

That this Honorable Court so Order the Defendants pay the Plaintiff in the sum of (\$2,800.⁰⁰) in Actual Damages, (\$5,000.⁰⁰) in Punitive Damages, (5,000.⁰⁰) in Undue Great Emotional and Psychological Distress Damages, and all Court Costs.

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

Signed this 15 day of February, 2023.

Respectfully Submitted,

John Alexander

Plaintiff

pro se

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,)
)
Plaintiff,)

Civil Action No. _____

VS.)

MOTION FOR DEFAULT
JUDGMENT

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

COMES, John Alexander, Plaintiff above pursuant to Rule 55, SCRPC with a Motion For Default Judgment against the Defendants and will show:

On February 15, 2023, the plaintiff filed its Summons, Complaint, Request / Motion For A Lien, Civil Action Coversheets, and Motion And Order Information Form And Coversheet against the defendants seeking \$2,800.00 in Actual Damages, \$5,000.00 in Punitive Damages, \$5,000.00 in Undue Great Emotional and Psychological Distress Damages, and all Court Costs.

Now comes the plaintiff asserting he is entitled to a default judgment against the defendants for the following causes:

- 1) The plaintiff has stated a claim for civil conspiracy;
- 2) The defendants did not refute or deny any of the three elements of civil conspiracy were committed; and
- 3) The defendants failed to make a prima facie showing of a meritorious defense within thirty (30) days.

Wherefore, it is prayed that the Court grant the Motion For Default Judgment. And award plaintiff the Relief sought in the Complaint.

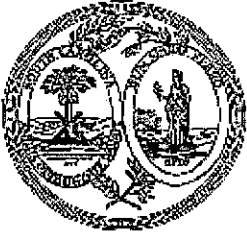
Dated 3/30/23.

Respectfully Submitted,

John Alexander

NOTICE OF MOTION SCHEDULING

April 27, 2023



Motion "MOTION - Motion/For A Lien" for Case: 2023CP2301388 - John Alexander vs. William Glenn Yarborough III , defendant, et al has been added to the following Motions Roster:

357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan, Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30 AM.

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/> CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864) 467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

NOTICE OF MOTION SCHEDULING

April 27, 2023



**Motion "MOTION - Motion For Default Judgement" for Case:
2023CP2301388 - John Alexander vs. William Glenn Yarborough III ,
defendant, et al has been added to the following Motions Roster:**

**357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan,
Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30
AM.**

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX
SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE
PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing
counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

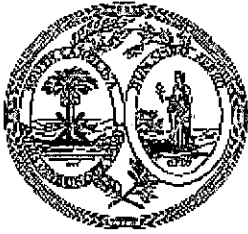
(864)467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

NOTICE OF MOTION SCHEDULING

May 05, 2023



Motion "MDISMS - Def's/Motion to Dismiss For Failure of Service of Process" for Case: 2023CP2301388 - John Alexander vs. William Glenn Yarborough III , defendant, et al has been added to the following Motions Roster:

357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan, Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30 AM.

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194148
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

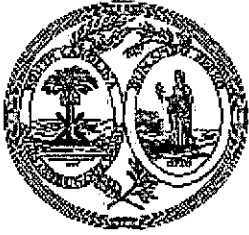
(864) 467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court
Clerk of Court

NOTICE OF MOTION SCHEDULING

May 05, 2023



Motion "MDISMS - Def's/Motion to Dismiss For Failure to State Facts" for Case: 2023CP2301388 - John Alexander vs. William Glenn Yarborough III, defendant, et al has been added to the following Motions Roster:

357 - NON-JURY MOTIONS - July 24-27, 2023 - Judge G.D. Morgan, Jr.
This hearing of this motion has been scheduled for 7/25/2023 at 11:30 AM.

An in-person hearing in this case is SCHEDULED - DATE & TIME on Subject line above-
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601

****NO COURT REPORTER WILL BE PRESENT. PLEASE NOTE THAT THE WEBEX SYSTEM WILL BE RECORDING IN PLACE OF THE COURT REPORTER. ****

MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE PARTIES. Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/> CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing counsel/party) to Non-Jury Coordinator at: kwatford@greenvillecounty.org

Mail Notice To:

John Alexander #00194748
Tyger River Correctional Institute
200 Prison Rd
Enoree, SC 29335

Court Info:

Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864)467-8551

Respectfully,

Paul B. Wickensimer Greenville County Clerk Of Court.
Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,

vs.

Civil Action No. 2023-CP-23-01388

REQUEST FOR DISCOVERY

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

COMES, John Alexander, above Plaintiff pursuant to the provisions of Rule 26, SCRPC with a Request For Discovery and will show:

The plaintiff asserts under Rule 26, SCRPC it is entitled to have the defendants produce to him a "True" and "Complete" copy of the Post-Conviction Relief Procedure File to include but not limited to:

(A) The name and mailing address of John Doe, Contract Attorney hired by the Office of William Glenn Yarborough, III. to assist it in the Post-Conviction Relief case of the plaintiff;

(B) Any and all document /s, video/s or audio/s taped recordings, etc. submitted by John Doe, Contract Attorney

to the Law Office of William Glenn Yarborough, III. in connection with the plaintiff's post-conviction relief case;

(C) The nature and specifics why the Office of William Glenn Yarborough, III hired John Doe, Contract Attorney in connection with plaintiff's post-conviction relief case;

(D) The name and mailing address of John Doe, Paralegal hired by the Office of William Glenn Yarborough, III to assist it in the post-conviction relief case of the plaintiff; and

(E) Any and all documents, notes, etc. submitted by John Doe, Paralegal to the Law Office of William Glenn Yarborough, III in connection to the plaintiff's post-conviction relief case.

The plaintiff contends that each of the above Requests For Discovery are material to the instant civil action. Are not privileged or protected by the attorney-client clause where the plaintiff was the client who retained William Glenn Yarborough, III, Esquire to assist him in his post-conviction relief proceeding. And, that the above Requests are not made merely to delay the civil process.

Dated 4/24/2023.

Respectfully Submitted,
John Alexander pro se

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, #194748,

Plaintiff,

vs.

William Glenn Yarborough, III.,

Esquire, Lisa Cherry; John

Doe, Contract Attorney;

John Doe, Paralegal;

Defendant.

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action No. 2023-CP-23-01388

PROOF OF SERVICE

I, John Alexander, certify that on this 24 day of April, 2023, I sent the Request For Discovery United States Postal Services, prepaid, to:

William Glenn Yarborough, III.

308 West Stone Avenue

Greenville, South Carolina 29609;

Lisa Cherry

Law Office of William G. Yarborough, III., Esq.

308 West Stone Avenue;

Greenville, South Carolina 29609;

John Doe, Contract Attorney
Law Office of William G. Yarbrough, III, Esq.
308 West Stone Avenue
Greenville, South Carolina 29609; and

John Doe, Paralegal
Law Office of William G. Yarbrough, III, Esq.
308 West Stone Avenue
Greenville, South Carolina 29609

Respectfully Submitted,

John Alexander

Sworn and Subscribed
this 24th day of April, 2023

[Signature]
Notary Public For South Carolina

My Commission Expires 2/3/2026



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

²
Date: March 2, 2023

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

Mr. Alexander,

We are returning your Summons and Complaint and check for the following reasons: 1. you must sign the Summons. 2. The motion has a \$25.00 filing fee.

Thank You For Your Attention In This Matter.

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

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

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

PROOF OF SERVICE

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

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.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Douglas Alexander, pro se
Plaintiff(s)

vs.

William Glenn Yarborough, III
Defendant(s)

Submitted By: John D. Alexander
Address: 200 Prison Road, U6-17B
Enoree, South Carolina 29335

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2023-CP-23-01388

23 MAR 21 AM 9:17
Paul Wickensimer COD BOL SC

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☒ Breach of Contract (140)
☒ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI- _____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____
Administrative Law/Relief
☐ Reinstatement Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☒ Other (399) <u>Actual Injury</u>
Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Incapacitated Adult
Settlement (790)
☐ Other (799) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
|---|--|---|---|
- Special/Complex /Other**
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670)
- Submitting Party Signature: John D. Alexander Date: 2/15/23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, #194748

vs.

William G. Yarborough, III, Esq., et al
Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2023-CP-23-01388

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

ENTERED COMPUTER

2023 APR 27 AM 10:06
FILED WITH CLERK OF COURT

Plaintiff's Attorney: John Alexander, pro se
Bar No. Tyger River Corr. Inst.
Address: 200 Prison Road
Phone: Enoree, SC 29335
Fax: Enoree, SC 29335
E-mail: Other:

Defendant's Attorney: William G. Yarborough, Esq.
Bar No. 308 W. Stone Avenue
Address: Greenville, SC 29609
Phone: Greenville, SC 29609
Fax: Greenville, SC 29609
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: Default Judgment

Estimated Time Needed: 30 min.

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.

John Alexander
Signature of Attorney for ☒ Plaintiff / ☐ Defendant

3/30/23
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, 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

Collected by: QW

Date Filed: 4-27-23

☒ MOTION FEE COLLECTED: \$ 25.00

☐ CONTESTED - AMOUNT DUE: \$ _____

OK # 932012

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John D. Alexander, pro se

Plaintiff,

vs.

John Doe, Paralegal

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2023-CP-231-01388

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

25 MAR 27 PM 2:00
JUL 12 2023 11:00 AM
JUL 12 2023 11:00 AM

Plaintiff's Attorney: John D. Alexander,
_____, Bar No. pro se
Address 200 Prison Road, U6-17B
Enoree, S.C., 29335
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney: John Doe, Paralegal
_____, Bar No. _____
Address: 308 West Stone Avenue
Greenville, S.C. 29609
Phone: _____ Fax _____
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: Request For A Lien

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.

John D. Alexander, pro se

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

2/15/23
Date submitted

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

Collected by: AW Date Filed: 4-27-23

- ☒ MOTION FEE COLLECTED: \$ 25.00
☐ CONTESTED - AMOUNT DUE: \$ _____

CH 932 912

Exhibit #2

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. ~~2023-CP-23-~~ 01388

SUMMONS IN A CIVIL
ACTION

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

23 MAR 21 AM 9:17
Paul Wickensimer COC.GIL SC

To: William Glenn Yarborough, III, Esquire

A lawsuit has been filed against you.

Within Thirty (30) days after service of this Summons on you, you must serve on the Plaintiff an Answer attached to the Complaint pursuant to Rule 12 Fed. R. Civ. P. The Answer must be served on the Plaintiff whose name and address are:

John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, U6-4A
Enoree, South Carolina 29335

If you fail to respond, Judgment by default will be entered against you for the Relief demanded in the Complaint. You must also file your Answer with the Court.

Clerk Of Court

Dated: March 7, 2023
John Douglas Alexander
Plaintiff pro se

Signature of Clerk or Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
vs.

Civil Action No. 2023-CP-23-01388

COMPLAINT

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

COMES, John Alexander, #194748, the Plaintiff above a State prisoner residing at the Tyger River Correctional Institution, 200 Prison Road, Unit 6-4A, Enoree, South Carolina 29335, with a Complaint pursuant to The South Carolina Tort Claims Act (SCTCA), S.C. Code Ann. Section 15 (1976). As well as all other applicable State and Federal Rules, Constitutions, Statutes, and Laws against the above named Defendants requesting a Trial By A Jury.

II. PARTIES

Plaintiff/s: John Alexander, #194748
Tyger River Correctional Institution
200 Prison Road, Unit 6-4A
Enoree, South Carolina 29335

23 APR 21 AM 9:17
Paul Wickensmeyer COC GIL SC

Defendant/s: William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

Lisa Cherry (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Contract Attorney
(Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

John Doe, Paralegal (Address Unknown)
% William Glenn Yarborough, III., Esquire
308 West Stone Avenue
Greenville, South Carolina 29609

III. STATEMENT OF THE CASE

During October 1, 2020 the Plaintiff retained Mr. William Glenn Yarborough, III., Esquire, Defendant (hereinafter "Mr. Yarborough") to represent him in its pro se Post-Conviction Relief Procedure currently pending before The Court of Common Pleas, Seventh Judicial Circuit, Spartanburg County.

Subsequent, on March 31, 2021, "Mr. Yarborough" abruptly terminated representation, failing to provide expressed contracted legal services, and declined to return unearned fees.

IV. FIRST CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton engaged in conduct involving deceit, and dishonesty to defraud the Plaintiff of \$2,800.00;

SECOND CAUSE OF ACTION:

That, Lisa Cherry, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to committ a Civil Conspiracy to defraud the Plaintiff of \$2,800.00;

THIRD CAUSE OF ACTION:

That, John Doe, Contract Attorney, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00

FOURTH CAUSE OF ACTION:

That, John Doe, Paralegal, Defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough" to defraud the Plaintiff of \$2,800.00;

FIFTH CAUSE OF ACTION:

That, William Glenn Yarborough, III., Esquire, Defendant knowing, willing and wanton breeched an expressed contract to perform specific and concised duties on the Plaintiff's behalf in his Post-Conviction Relief Procedure.

V. RELIEF

That this Honorable Court so Order the Defendants pay the Plaintiff in the sum of (\$2,800.⁰⁰) in Actual Damages, (\$5,000.⁰⁰) in Punitive Damages, (5,000.⁰⁰) in Undue Great Emotional and Psychological Distress Damages, and all Court Costs.

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

Signed this 15 day of February, 2023.

Respectfully Submitted,

John Alexander

Plaintiff

pro se

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

John Alexander, #194748,)

Plaintiff,)

vs.)

William Glenn Yarborough, III,)

Esquire; Lisa Cherry; John)

Doe, Contract Attorney;)

John Doe, Paralegal;)

Defendants.)

IN THE COURT OF COMMON PLEAS

THIRTEENTH CIRCUIT

Civil Action **2023-CP-23-01388**

REQUEST / MOTION FOR
A LIEN

COMES, John Alexander, Plaintiff above before the Honorable Court with a Request / Motion For A Lien and will show:

That this Court of Common Pleas, Thirteenth Judicial Circuit having competent Jurisdiction over the above captioned case can and should find the Complaint pleads facts sufficient to constitute a cause of action having substantive plausibility.

Consequently, a Lien against the Defendant's William Glenn Yarborough, III, Esquire, Lisa Cherry, John Doe, Contract Attorney, John Doe, Paralegal Trust Account/s, Escrow Account/s, Operating Account/s, Real and Personal Property to include but not limited to house/s, car/s, motor vehicle/s, business

assets, live stock, etc. is justified and warranted pending the result of the Complaint and all appeals relating to the Complaint to secure the cost of the awards sought.

Wherefore, it is prayed that this Court of Common Pleas grant the Request / Motion For A Lien.

Dated 2/15/23.

Respectfully Submitted
John Alexander

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
M E M O R A N D U M**

TO: Warden Nance
Tyger River Correctional Institution

FROM: Regina Lane/Jonathan Eckstrom
Office of General Counsel

RE: **REQUEST FOR SERVICE OF LEGAL PLEADINGS**
JOHN DOUGLAS ALEXANDER (00194748)
Inmate / SCDC Inmate Number

DATE: May 15, 2023

Pursuant to the above referenced subject, please follow the below procedures for *Service of Legal Pleadings* on inmate JOHN DOUGLAS ALEXANDER (00194748).

1. **Serve (*Pleadings 2023-CP-23-1388*) on inmate JOHN DOUGLAS ALEXANDER (00194748).**
2. **Complete the *AFFIDAVIT OF SERVICE* (sign/date/notarize) acknowledging that the Legal Pleading(s) were served on inmate JOHN DOUGLAS ALEXANDER (00194748).**
3. **Please note that if the Inmate chooses 'not' to physically accept the Legal documents from you (Server), the Inmate is considered 'Served' once he/she has been properly identified.**
4. **Therefore, please proceed with service process by placing the Legal document(s) under the Inmate's cell door.**
5. **Please indicate on the ORIGINAL AFFIDAVIT OF SERVICE the following:
'Inmate refused to accept service'.**
6. **Make a COPY of the AFFIDAVIT OF SERVICE for the Inmate for his/her record.**
7. **Return the completed 'ORIGINAL' AFFIDAVIT OF SERVICE ONLY back to the Office of General Counsel (H.Q.)**

If you should have any questions, please call Regina Lane at (803) 896-9726 or Jonathan Eckstrom at (803) 896-4513.

Attachment(s)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

) IN THE COURT OF COMMON PLEAS
) THIRTEENTH JUDICIAL CIRCUIT
)
)

John Alexander, SCDC Inmate #194748,
Plaintiff,

) Case No. 2023-CP-23-01388
)

v.

) **AFFIDAVIT OF SERVICE**
)

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

PERSONALLY appeared before me, 14. 22. Bolic, the

undersigned affiant, who being duly sworn, served the following documents:

- Motion to Dismiss for Failure of Service of Process and Insufficient Process
- Exhibit # 1
- Exhibit # 2
- Motion to Dismiss for Failure to State Facts Sufficient to Constitute a Cause of Action
- Defendants' Answer to Complaint

on: John Alexander, SCDC Inmate #194748

by delivery to: John Alexander, SCDC Inmate #194748

at: Tyger River Correctional Institution 200 Prison Road Enoree, SC 29335-9308

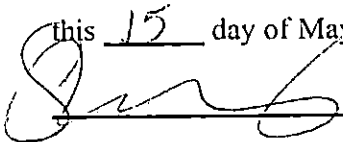
on such date and time: May 15, 2023 at 1:20

The person served is the above-named Plaintiff.

John Alexander - 194748

Sworn to and subscribed to me

this 15 day of May, 2023



Notary Public for South Carolina

My Commission Expires: 4/14/24

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	ANSWER TO COMPLAINT BY ALL
	)	DEFENDANTS: WILLIAM G.
v.	)	YARBOROUGH III; LISA CHERRY,
	)	JOHN DOE, CONTRACT ATTORNEY;
	)	AND JOHN DOE, PARALEGAL
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	

TO: PLAINTIFF JOHN ALEXANDER, SCDC INMATE #194748

All Defendants, answering the Complaint of the Plaintiff, would respectfully show unto this Court:

FOR A FIRST DEFENSE
(General Denial)

1. Each and every allegation of the Plaintiff's Complaint not specifically admitted herein is denied and strict proof is demanded thereof.
2. In regard to the first paragraph under "III. Statement of the Case", Defendant William G. Yarborough admits he was retained for the purposes of seeking post-conviction relief in Spartanburg County Court of Common Pleas on Plaintiff's behalf. Defendant Yarborough denies he agreed to represent the Plaintiff in his then pending *pro se* post-conviction relief application specifically.

3. In regard to the second paragraph under "III. Statement of the Case", Defendant Yarborough denies the allegation that he failed to provide expressed contracted legal services and denies wrongfully declining to return unearned fees.

4. The allegations contained in the sections titled "IV. First Cause of Action, Second Cause of Action, Third Cause of Action, and Fourth Cause of Action and Fifth Cause of Action", each constitute legal assertions or conclusions to which no response is required. To the extent a response is still necessary, these allegations are denied and it is denied that the Plaintiff is entitled to recover against any of the Defendants.

5. The allegations contained in the section titled "V. Relief", constitute legal assertions or conclusions to which no response is required. To the extent a response is still necessary, these allegations are denied and it is denied that the Plaintiff is entitled to recover against any of the Defendants.

FOR A SECOND DEFENSE

(Failure of Service of Process and Insufficiency of Process)

6. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

7. The Plaintiff never served the Summons and Complaint, filed on March 21, 2023, on any of the Defendants.

8. The Proof of Service, also filed on March 21, 2023, certifies that the Defendants were served by mail on February 15, 2023, which was weeks before the Summons and Complaint were filed with the Court of Common Pleas.

9. The Summons fails to conform to the requirements provided in Rule 4, SCRCP.



10. The Summons and Complaint should therefore be dismissed pursuant to Rule 12(b)(4) and (5), SCRPC.

FOR A THIRD DEFENSE

(Failure to State Facts Sufficient to Constitute a Cause of Action)

11. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

12. The Plaintiff's Complaint states no supporting facts for any cause of action and instead asserts only legal conclusions against each Defendant.

13. The Plaintiff's Complaint fails to conform to even the minimum requirements set forth in Rule 8(a) and (e) and Rule 9(b), SCRPC.

14. The Defendants would show that the Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action and therefore should be dismissed with prejudice pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

FOR A FOURTH DEFENSE

(Equitable Defenses)

15. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

 16. Upon termination of the representation agreement, Plaintiff agreed to a partial refund in the amount of \$3,900.00 out of the \$6,700.00 total fees paid. Plaintiff thereafter accepted deposited/cashed the refund check for \$3,900.00.

 17. Plaintiff's claims and recovery are therefore barred in whole or in part by all equitable doctrines available and applicable to the Defendants, including, but not limited to: estoppel, waiver, consent, detrimental reliance, and laches.

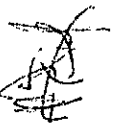
FOR A FIFTH DEFENSE

(Accord and Satisfaction, Release, and Payment)

- 
18. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.
19. Upon termination of the representation agreement, Plaintiff agreed to a partial refund in the amount of \$3,900.00 out of the \$6,700.00 total fees paid. Plaintiff thereafter accepted and deposited/cashed the refund check for \$3,900.00.
20. Plaintiff's claims and recovery are therefore barred in whole or in part by the defenses of accord and satisfaction, release, and payment.

FOR A SIXTH DEFENSE

(Res judicata and Collateral Estoppel)

- 
21. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.
22. Plaintiff previously brought a fee dispute against Defendant Yarborough, in which he sought to obtain the remaining \$2,800.00 of fees paid that were not refunded to him.
23. The Fee Dispute Board ruled against Plaintiff in June 2022.
24. Plaintiff's claims and recovery are therefore barred in whole or in part by res judicata and collateral estoppel.

FOR A SEVENTH DEFENSE

(Statute of Frauds)

25. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.



26. The specific contractual terms Plaintiff alleges in his Complaint that were agreed to and ultimately violated were not reduced to in a writing, and are thus non-binding and cannot be enforced against any of the Defendants.

27. Plaintiff's claims and recovery are therefore barred in whole or in part by the statute of frauds.

FOR AN EIGHTH DEFENSE
(Dismissal of Improper Claims for Damages)

28. This Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

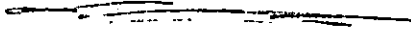
29. The Plaintiff is not entitled to \$2800.00 in actual damages, for which he alleges account for unearned legal fees wrongfully retained by Defendant Yarborough. Upon termination of the representation agreement, Plaintiff agreed to a partial refund in the amount of \$3,900.00 out of the \$6,700.00 total legal fees paid. Plaintiff thereafter accepted and deposited/cashed the refund check for \$3,900.00.



30. The Plaintiff is not entitled to punitive damages or "Undue Great Emotional and Psychological [sic] Distress Damages"; Plaintiff's claims are not applicable or cognizable for such damages.

31. Plaintiff's claims for such damages are not sufficiently pleaded.

32. The allegations that Defendants' conduct warrant the type and amount of damages Plaintiff requests in the Complaint are devoid of any support or evidence.



FOR A NINTH DEFENSE
(Incorporation and Reservation of Defenses)

28. The Defendants restate and reallege the preceding paragraphs as if set forth verbatim.

29. Any and all inconsistent material is pled herein in the alternative pursuant to Rule 8 of the South Carolina Rules of Civil Procedure and any such other law as is applicable. To the extent material appearing in one defense is applicable to another defense and not inconsistent with the other defense, the material is deemed incorporated into the other defense.

30. The Defendants hereby gives notice that they intend to rely upon such other affirmative defenses as may become available or apparent in the future, and thus reserves the right to amend this Answer to assert any such defenses.

WHEREFORE, the Defendants having answered the Complaint of the Plaintiff, pray that the Plaintiff's Complaint be dismissed with prejudice, with costs incurred defending this frivolous matter, including attorney's fees, costs, and such other and further relief this Court deems just and proper.

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 DEFENDANTS

Greenville, South Carolina

May 5, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION TO
	)	DISMISS FOR FAILURE OF SERVICE
v.	)	OF PROCESS AND FOR INSUFFICIENT
	)	PROCESS ON BEHALF OF ALL
	)	DEFENDANTS
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	
	)	

TO: PLAINTIFF JOHN ALEXANDER, SCDC INMATE #194748

YOU WILL PLEASE TAKE NOTICE that William G. Yarborough, Esq., self-represented and Counsel for all Defendants, will move before the Presiding Judge of the Thirteenth Judicial Circuit at the Greenville County Courthouse in Greenville, South Carolina, at such time and place as may be set by the Court, for an Order granting this Motion to Dismiss for failure of service of process and for insufficiency of process pursuant to SCRCP Rule 12(b)(2)(4) and (5), based upon the following:

1. The Summons and Complaint in this action were filed on March 21, 2023.
2. The Plaintiff never served the Summons and Complaint on any of the Defendants.

The affidavit of the Undersigned and Defendant Lisa Cherry are attached hereto as "Exhibit #1" and "Exhibit #2" and incorporated herein by reference.

3. Despite Plaintiff's failure to serve the Defendants, Plaintiff filed a Proof of Service along with the Summons and Complaint on March 21, 2023. This document is invalid and ineffective pursuant to Rules 4 and 5, SCRCP. In the Proof of Service, Plaintiff certified that he served the Defendants by mail "on this 15 day of February, 2023." The purported date of service being weeks before the Summons and Complaint were filed and clocked further demonstrates that the Plaintiff failed to serve Defendants.

4. The Summons and service thereof also fail to conform to the requirements provided by Rule 4, SCRCP.

5. The Summons and Complaint should be dismissed against all Defendants with prejudice because any amendment by the Plaintiff would be futile.

6. Therefore, pursuant to Rule 12(b)(4) and (5), Plaintiff's Summons and Complaint should be dismissed with prejudice against all Defendants.

Counsel respectfully submits that the grounds for dismissal for failure of service of process and for insufficiency of process are proven by and readily apparent from the face of the Plaintiff's filed pleadings as well as by the foregoing and attached affidavits, and thus a hearing in Counsel's view, is unnecessary. However, Counsel will defer to the Court's discretion on whether the issue warrants a hearing. Should the Court find a hearing on the motion necessary, this motion will be further supported by (in addition to the attached affidavits), any exhibits, arguments of counsel, applicable statutory law and case law, and any memoranda that may be submitted at or prior to the hearing on this motion.

WHEREFORE Undersigned Counsel hereby moves this Court for an Order dismissing Plaintiff's Summons and Complaint against all Defendants with prejudice, and award costs incurred

defending this frivolous matter, including attorney's fees, costs, and such other and further relief this Court deems just and proper.

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 DEFENDANTS

Greenville, South Carolina

May 5, 2022

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

John Alexander, SCDC Inmate #194748,)

Plaintiff,)

v.)

William G. Yarborough III, Esquire;)

Lisa Cherry;)

John Doe, Contract Attorney;)

and John Doe, Paralegal,)

Defendants.)
_____)IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2023-CP-23-01388

**AFFIDAVIT OF DEFENDANT WILLIAM
G. YARBOROUGH, ESQUIRE**

COMES NOW the Affiant, William G. Yarborough, who after first being duly sworn, deposes and states as follows:

1. I am over the age of twenty-one, am competent and have specific, personal knowledge of the facts set forth herein. My business address is 308 West Stone Avenue, Greenville South Carolina, 29609.
2. To date, I have not been served with the pleadings filed by Plaintiff on March 21, 2023 in this matter pursuant to law.
3. The Summons and Complaint filed March 21, 2023 were not delivered or served by mail to 308 West Stone Avenue Greenville SC 29609, as alleged by the Plaintiff in the Proof of Service that was filed along with the Summons and Complaint on March 21, 2023.

FURTHER AFFIANT SAYETH NOT.**(Signature and notarization on the following page)**

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Alexander, SCDC Inmate #194748,

Plaintiff,

v.

William G. Yarborough III, Esquire;

Lisa Cherry;

John Doe, Contract Attorney;

and John Doe, Paralegal,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2023-CP-23-01388

AFFIDAVIT OF DEFENDANT LISA CHERRY

COMES NOW the Affiant, Lisa Cherry, who after first being duly sworn, deposes and states as follows:

1. I am over the age of twenty-one, am competent and have specific, personal knowledge of the facts set forth herein. My business address is 308 West Stone Avenue, Greenville South Carolina, 29609.
2. To date, I have not been served with the pleadings filed by Plaintiff on March 21, 2023 in this matter pursuant to law.
3. The Summons and Complaint filed March 21, 2023 were not delivered or served by mail to 308 West Stone Avenue Greenville SC 29609, as alleged by the Plaintiff in the Proof of Service that was filed along with the Summons and Complaint on March 21, 2023.

FURTHER AFFIANT SAYETH NOT.**(Signature and notarization on the following page)**

Sworn to before me this

1 day of May, 2023

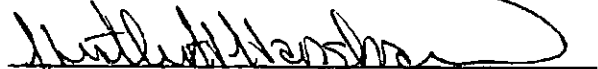
Lisa Cherry
Notary Public for the State of South Carolina

My Commission Expires: 4-22-29

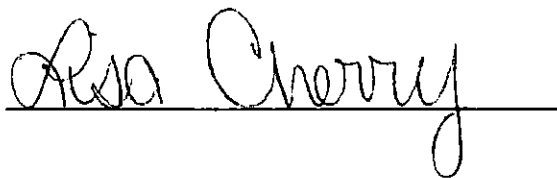
Wyle

Sworn to before me this

3 day of May, 2023


Notary Public for the State of South Carolina

My Commission Expires: 8-24-2030



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2023-CP-23-01388
	)	
John Alexander, SCDC Inmate #194748,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION TO
	)	DISMISS FOR FAILURE TO STATE
v.	)	FACTS SUFFICIENT TO CONSTITUTE
	)	A CAUSE OF ACTION ON BEHALF OF
	)	ALL DEFENDANTS
	)	
William G. Yarborough III, Esquire;	)	
Lisa Cherry;	)	
John Doe, Contract Attorney;	)	
and John Doe, Paralegal,	)	
Defendants.	)	
	)	

TO: PLAINTIFF JOHN ALEXANDER, SCDC INMATE #194748

YOU WILL PLEASE TAKE NOTICE that William G. Yarborough, Esq., self-represented and Counsel for all Defendants, will move before the Presiding Judge of the Thirteenth Judicial Circuit at the Greenville County Courthouse in Greenville, South Carolina, at such time and place as may be set by the Court, for an Order granting this Motion to Dismiss for failure to state facts sufficient to constitute a cause of action pursuant to SCRCP Rule 12(b)(6) and (9), based upon the following:

1. The Summons and Complaint in this action were filed on March 21, 2023.
2. The Plaintiff's Complaint states no supporting facts for any cause of action and instead asserts only legal conclusions against each Defendant.
3. The Plaintiff's Complaint also fails to conform to even the minimum requirements set forth in Rule 8(a) and (e) and Rule 9(b), SCRCP.

4. The Plaintiff's Summons and Complaint must therefore be dismissed against all Defendants with prejudice for failing to state facts sufficient to constitute a cause of action.

5. The Summons and Complaint should be dismissed against all Defendants with prejudice because any amendment by the Plaintiff would be futile.

Counsel respectfully submits that the grounds for dismissal for failing to state facts sufficient to constitute a cause of action are proven by and apparent from the face of the Plaintiff's filed pleadings and thus a hearing in Counsel's view, is unnecessary. However, Counsel will defer to the Court's discretion on whether the issue warrants a hearing. Should the Court find a hearing on this motion necessary, this motion will be supported by any exhibits, arguments of counsel, applicable statutory law and case law, and any memoranda that may be submitted at or prior to the hearing on this motion.

WHEREFORE Undersigned Counsel hereby moves this Court for an Order dismissing Plaintiff's Complaint against all Defendants with prejudice, with costs incurred defending this frivolous matter, including attorney's fees, costs, and such other and further relief this Court deems just and proper.

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 DEFENDANTS

Greenville, South Carolina
May 5, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

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

Civil Action No. 2023CP2301388

REPLY

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

COMES, John Alexander, plaintiff above pursuant to Rule 7 SCRCF with a Reply to the defendant's Notice Of Motion And Motion To Dismiss For Failure To State Facts Sufficient To Constitute A Cause Of Action and Notice Of Motion And Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process On Behalf Of All Defendants and will show:

That pursuant to the "Prison Mailbox Rule" upon the plaintiff's inserting legal mail into the United States Postal Service Mailbox or, the plaintiff hand delivering legal mail to the Tyger River Corrections Institution Mailroom Postal Director, his legal document/s are deem filed with the court /s.

As such, on 15 February 2023, where the plaintiff submitted its Summons, Complaint, Proof of Service, Request / Motion For A Lien, Civil Action Coversheet/s, Motion And Order Information Form And Coversheet/s, and Cover Letter/s before the United States Postal Director at Tyger River Corrections Mailroom all the above is considere filed with the Greenville County Clerk of Court Office.

Incidental, on 16 March 2023, the Clerk returned to plaintiff its Summons and Complaint directing him to sign the Summons as well as to pay a \$25.⁰⁰ motion filing fee. See Exhibit #1
So on 17 March 2023, the plaintiff signed the Summons, enclosed the \$25.⁰⁰ Filing fee, and resubmitted it to the Clerk of Court Office. Accordingly, on 21 March 2023, the Clerk "officially" filed the Summons and Complaint with the Clerk of Court Office.

Important, the Honorable Court can and should agree along with the plaintiff that but for the stamped, clock, date and action numbers the Summons and Complaint it received on or about February 17 through 21, 2023, is (the same), identical, indistinguishable and verbatim to the Summons and Complaint it filed on March 21, 2023.
Significant, the defendants has ~~not~~ denied it received the unstamped, unclock and undated [by the Clerk of Court], Summons and Complaint. Or, that any material difference is evident.

Likewise, the defendants has not and cannot establish in any manner how they were unduly prejudiced by not receiving the 21 March 2023, clock, date and stamped Summons and Complaint. To the contrary, the defendants has demonstrated how it has had ample

time to research, prepare and file its Answer To Complaint, Motion To Dismiss For Failure To State Facts To Constitute A Cause Of Action, and Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process.

Never the less, to the extent the pleadings are defective in that the defendants were not served with the 21 March 2023 Summons and Complaint pursuant to Rule 12 (b)(2)(4) and (5) and Rule 4 and (5), SCRPC, on the below date the plaintiff will effect service by serving the Summons and Complaint upon the defendant as prescribed by the "Prison Mailbox Rule." See Exhibit #2

Wherefore, it is prayed the Honorable Court deny the defendant's Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process 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."

Final, it is clear the plaintiff's claims are cognizable under the South Carolina Tort Claims Act ("SCTCA"). That plaintiff's Complaint set forth a cause of action where relief can be granted. And, it is clear that there exists a genuine issue of material fact requiring the matter to go forward. Plus, in his Amenment To Complaint the plaintiff has stated facts sufficient to constitute a cause of action and demonstrates he is likely to succeed on the merits.

Wherefore, for all the foregoing reasons it is also prayed that

the Honorable Court deny the defendant's Motion To Dismiss For Failure To State Facts Sufficient To Constitute A Cause Of Action.

Dated 6 / 9 / 2023.

Respectfully Submitted,

John Alexander

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,
Plaintiff,
VS.

Civil Action No. 2023CP2301388

AMENDMENT TO COMPLAINT

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

COMES, John Alexander, #194748, plaintiff above pursuant to Rule 15,
SCRCP with an Amendment To Complaint and will show:

PROCEDURAL HISTORY

On 15 February 2023, the plaintiff submitted a Summons and Complaint before the Greenville County Clerk of Court Office for filing. After several technical defects were required to be corrected, the Summons and Complaint was filed on 21 March 2023. The Complaint claimed:

(1) That William Glenn Yarborough III, Esquire (Hereinafter 'Mr. Yarborough,') defendant knowing, willing and wanton engaged in conduct involving deceit and dishonesty to defraud the plaintiff of \$2,800.00;

(2) That Lisa Cherry (hereinafter "Ms. Cherry"), defendant

knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough," defendant to commit a Civil Conspiracy to defraud the plaintiff of \$2,800.00;

(3) That John Doe, Contract Attorney, defendant knowing, willing, and wanton aided, abetted and conspired along with "Mr. Yarborough," defendant to commit a Civil Conspiracy to defraud the plaintiff of \$2,800.00;

(4) That John Doe, Paralegal, defendant knowing, willing and wanton aided, abetted and conspired along with "Mr. Yarborough," defendant to commit a Civil Conspiracy to defraud the plaintiff of \$2,800.00; and

(5) That "Mr. Yarborough," defendant knowing, willing and wanton breached an expressed contract to perform specific and concised duties on the plaintiff's behalf in his Post-Conviction Relief Procedure.

Subsequent, on 5 May 2023, "Mr. Yarborough," defendant filed an Answer To Complaint, Motion To Dismiss For Failure To State Facts Sufficient To Constitute A Cause Of Action On Behalf Of All Defendants and Motion To Dismiss For Failure Of Service Of Process And For Insufficient Process On Behalf Of All Defendants. The plaintiff omitted several motions because they are neither material or pertinent to the below Amendment.

AMENDMENT

PLAINTIFF MOVES THE COURT to Amend the Complaint and bring the Complaint into proper form and compliance with Rule 12(b)(6), SCRPC.

Here, in detail plaintiff specifically states the facts sufficient to constitute a cause of action. Particular, on 1 October 2020, the plaintiff call "Mr. Yarborough," defendant by telephone and explained that on 14 September 2018 he filed a pro se Post-Conviction Relief (hereinafter "PCR") application with the Spartanburg County Clerk of Court Office. That the PCR application was pending.

Further, plaintiff explained that on 4 August 2020, the State, respondent filed its Return and Motion To Dismiss and Conditional Order of Dismissal to Honorable R. Keith Kelly, Chief Administrative Judge. And, that on 16 September 2020, Judge Kelly signed the Conditional Order of Dismissal, and granted the plaintiff (20) days to provide specific reasons, factual or legal, why the application should not be dismissed in its entirety.

Ultimately, in no uncertain or ambiguous terms "Mr. Yarborough," defendant assured the plaintiff that his law firm could and would provide the PCR Court with specific reasons, factual or legal, why the application should not be dismissed summarily and with prejudice. And, agreed to pursue post-conviction relief on plaintiff's behalf for a set fee of \$12,000.00

So, on 6 October 2020, Rena Huskey (hereinafter "Ms. Huskey"), Witness No. 1, drove from Spartanburg County to "Mr. Yarborough's", defendant office in Greenville County where she confirmed the verbal contractual agreement between the defendant and plaintiff because she would be plaintiff's chief financial supporter. Only after "Mr. Yarborough," defendant verify by oath that he would assist plaintiff competently did "Ms. Huskey" pay an \$3,500.00 initial

retainer down payment to represent plaintiff in his pro se PCR application. Thereto, Geoffrey Werts, Witness No. 2 participated in several third party telephone calls and witnessed "Mr. Yarborough", defendant agree to represent the plaintiff in his pro se PCR application. And, Francene Jackson, Witness No. 3, who road with "Ms. Huskey" to "Ms. Yarborough's", defendant office was also present and witnessed the defendant state that he would represent plaintiff in his pro se application.

Incidental, to the plaintiff's detriment, without first obtaining plaintiff's arrest warrants, indictments, trial transcript, Direct Appeal Records, 1st PCR application and transcript. "Mr. Yarborough," defendant erroneously filed a third partially completed PCR application on the plaintiff's behalf on 10 October 2020. "No" actions were ever taken on plaintiff's pro se 2018 pro se PCP application. In fact, "Mr. Yarborough," defendant ~~took no~~ other actions or efforts towards the October 10, 2020 PCR application that he filed on plaintiff's behalf. And, later conceded along with the plaintiff that the October 10, 2020 PCR application contained incorrect, meritless and frivolous content that should never been put before the Court on the plaintiff's behalf. See Attachment No. 1, 2 and 3

In sum, "Mr. Yarborough," defendant sent the plaintiff a copy of the March 30, 2021 Return and Motion To Dismiss the 10 October 2020 application. Within (24) hours "Mr. Yarborough," defendant determined to withdraw representation rather than protect and defend applicant

1. I have collected the above concept as per the following

In closing, the plaintiff contacted "Mr. Yarborough," defendant by telephone to remind him that he had not honored his original contract, to represent plaintiff in the pro se application, had filed the frivolous application on plaintiff's behalf, and was now abandoning plaintiff altogether leaving him in a worse predicament than before defendant was retained. The defendant agreed on returning all plaintiff monies. Nonetheless, "Mr. Yarborough," defendant sent plaintiff only \$3,900.00 and ceased any other communication. After, "Mr. Yarborough," defended his actions by alleging to Mr. Craig H. Allen, P.A., one of the investigating members of the Fee Disputes Board that he spent (30) hours on research, contracted John Doe, Contract Attorney, defendant to work on the case, and John Doe, Paralegal, defendant spent numerous hour of research on the case.

Despite diligent efforts such as letters to Mr. Allen, P.A., as well as a Request For Discovery Motion the plaintiff has not been able to obtain a shredd of evidence to substantiate any contract attorney work on plaintiff case, that "Mr. Yarborough," defendant spent (30) hours on research or, that John Doe, Paralegal, defendant and Lisa Cherry, defendant spent any hours on plaintiff behalf.

Final, the abrupt choice of "Mr. Yarborough," defendant to terminate representation in the heat of the case certainly placed an "Undue Great Emotional and Psychological Distress" upon the plaintiff to find, consult and retain other counsel under short notice of the PCR Court's Order to Dismiss plaintiff's pro se application within (30) days summarily with prejudice. The above State of Facts entitle the plaintiff to maintain its action in the Court.

Dated 6/9/2023.

Respectfully Submitted,
O. R. Alexander

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREEVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH CIRCUIT

John Alexander, #194748,)
)
Plaintiff,)
)
vs.)
)
William Glenn Yarborough III,)
)
Esquire; Lisa Cherry; John)
)
Doe, Contract Attorney;)
)
John Doe, Paralegal,)
)
Defendants.)

Civil Action No. 2023CP2301388

PROOF OF SERVICE

I, John Alexander, #194748, certify this 9 day of June, 2023 I sent the Amendment To Complaint and Reply United States Postal Services, prepaid, to William Glenn Yarborough III., Esquire, self-represented and Counsel for all Defendants, Office of William G. Yarborough, 308 West Stone Avenue, Greenville, South Carolina 29609.

Respectfully Submitted,

John Alexander

Sworn and Subscribed
this 9th day of June, 2023
Jeremy E. Thomas
Notary Public For South Carolina

My Commission Expires May 14, 2025.

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2301388

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j), SCRCP; ☐ 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.



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.