

August 13, 2013

State of South Carolina
County of Richland
2013-CP-40-0082

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AUG 19 2013

SC Court of Appeals

MOTION AND ORDER OF DEFAULT

The Honorable Judge James Barber

Defendant Marcel D. Garduno, 101 Brookfield Heights RD Columbia, SC 29223 was never served with summons & Complaint, he no longer lived at that residence, his address was change at the DMV on November 28, 2012. The defendant does not speak English, he was under the assumption that once you change your address at the DMV it would have taken care of the change of address.

The Defendant claims when the Richland County Sheriff 's Department came to his old address, Mrs. Esmeralda Laura Residence sign for Summon not knowing English she was scared and did not forward summon until Defendant came by the house after working outer town

Page2
August 13, 2013
2013-CP-400082

Motion and order of Default

Defendant was not aware of his court date. The Defendant stated that at the time of the collision he was insured with Progressive Auto policy number -56352911-2 (outline of coverage \$25,000 each person/\$50,000 each accident), He doesn't understand why he's in court. PROGRESSIVE auto Insurance claims they took care of everything.

The Defendant is clueless of what going on Because, of his language barrier and would like an Appeal.

2013-CP-40-00082

Ethel M. Barber - Plaintiff

Marcelo D. Garduna - Defendant.

To whom it may Concern; My name
is Marcelo Daniel Perez Garduna.
My new address is 101 Brookfield Heights Rd.
Columbia, SC 29223

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SC Court of Appeals

RICHLAND COUNTY
FILED
2013 AUG 12 AM 9:43
JEANETTE W. MCGRIDE
C.C.P. & G.S.

Marcelo D Perez
~~912-272-578~~

Cell- 912-272-7578

Speak spanish only.



13-CP-40-0082
Richland County Sheriff's Dept.

JAN 14 2013

AFFIDAVIT OF SERVICE
or NON-SERVICE

Date Entered:	01/11/2013
File Number:	C201300262
DSS Number:	0
Foreign Case #:	
Court Date:	01/01/1900

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Date 1-18-13
812 AM

Plaintiff Attorney: Stevens B. Elliott, 1417 Bull St PO Box 6922 Columbia, SC 29260
 Phone: Work:
 Plaintiff: Ethel M. Barber, 0
 Phone: Work:
 Defendant(s): Marcelo D. Garduna, 2928 Alpine Rd Lot 69 Columbia, SC 29223
 Phone: Work:

PERSONALLY APPEARED Before Me B. Jones 260, duty sworn says that he/she served, or attempted to serve, the following civil paper(s):

Summons & Complaint

FILED
 2013 MAR 27 AM 11:24
 CLERK OF COURT
 C.C.P. & G.S.

on the defendant, Marcelo D. Garduna, as follows:

- () By personally handing the process to the defendant at _____, SC on _____, (Date/Time) _____ (Street)
- () By handing the process to _____ at _____, SC on _____, a person of suitable age and discretion then residing in the defendant's usual place of abode. (Name of Person Served/Relationship) (Street) (City) (Date/Time)
- () By handing the process to _____, the registered corporate agent or officer of the company at _____, SC on _____ and leaving him/her a copy. (Name of Person Served/Company Name) (Street) (City) (Date/Time)

WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address. THE PROCESS IS RETURNED UNEXECUTED.

COMMENTS: Esmeralda Lara residence

Deponent knows the person served to be the defendant and Deponent is not a party to the action. SWORN TO Before me this

18 day of January 2013.

B. Jones 260
Deputy Sheriff, Richland County

Kenneth Coleman
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES My Commission Expires August 11, 2014
P.O. Box 143 Columbia, SC 29202
Office: (803) 576-3151 Fax: (803) 576-1898

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SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Ethel M. Barber

vs.

Marcelo D. Garduno

(Please Print)

Submitted By: Stevens B. Elliott

Address: P.O. Box 6922

Columbia, SC 29260

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiff(s)

Defendant(s)

2013 CP4000082

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SC Bar #: 1874

Telephone #: 803-254-7080

Fax #: 803-254-7130

Other:

E-mail: stevenselliott@bellsouth.net

Court of Appeals

NOTE: The cover sheet 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. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

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), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20-CP-, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
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), Other (799)
Administrative Law/Relief: Reinstate Driver's License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
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 Commission (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (510)

Submitting Party Signature:

[Handwritten Signature]

Date: 12-18-12

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.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

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SC Court of Appeals

SC USA DRIVER'S LICENSE DL

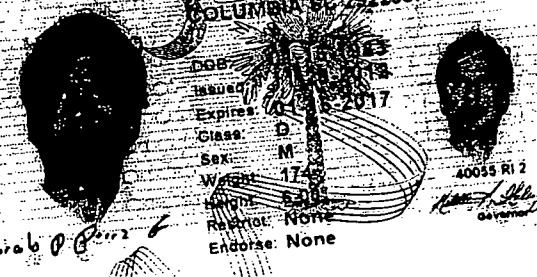
South Carolina

DL#: 102367099 PEREZ-GARDUÑO MARCELO DANIEL
40 BROOKFIELD HEIGHTS RD
COLUMBIA SC 292233770

DOB: 03/18/1983
Issued: 01/16/2013
Expires: 01/16/2017
Class: D
Sex: M
Weight: 175
Height: 5'08"
Restrict: None
Endorse: None

40055 RI 2

Robert P. Perry



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AUG 19 2013

Policy Number: 56352911-2

MARCELO D PEREZ GARDUNO

Page 2 of 2

SC Court of Appeals

2001 Chevrolet Venture
VIN: 1GNDU03E81D160285
Garaging ZIP Code: 30601
Primary use of the vehicle: Pleasure

	Limits	Deductible	Premium
Liability To Others			\$174
Bodily Injury Liability	\$25,000 each person/\$50,000 each accident		
Property Damage Liability	\$25,000 each accident		
Uninsured Motorist - Added On			42
Uninsured Motorist Bodily Injury	\$25,000 each person/\$50,000 each accident		
Uninsured Motorist Property Damage	\$25,000 each accident	\$250	
Total premium for 2001 Chevrolet			\$216

2002 Jeep Liberty
VIN: 1J4GK58KX2W181906
Garaging ZIP Code: 30601
Primary use of the vehicle: Commute

	Limits	Deductible	Premium
Liability To Others			\$349
Bodily Injury Liability	\$25,000 each person/\$50,000 each accident		
Property Damage Liability	\$25,000 each accident		
Uninsured Motorist - Added On			48
Uninsured Motorist Bodily Injury	\$25,000 each person/\$50,000 each accident		
Uninsured Motorist Property Damage	\$25,000 each accident	\$250	
Total premium for 2002 Jeep			\$397

Total 6 month policy premium			\$857.00
Discount if paid in full			-146.00
Total 6 month policy premium if paid in full			\$711.00

Premium discounts

Policy	
56352911-2	Paperless, Mobile Home Owner, Multi-Car and Continuous Insurance: Gold

Company officers



Secretary

For company use only

Year	Make	Model	VIN	Make	Model	Style	Auxiliary
1995	Honda	Accord	JHMCD5651SC050875	HD	AC	44	XX
2001	Chevrolet	Venture	1GNDU03E81D160285	CH	VE	V6	XX
2002	Jeep	Liberty	1J4GK58KX2W181906	JP	LB	56	XX

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SC Court of Appeals

Your ID Cards

Keep these cards handy--in your glove compartment or wallet. And contact us anytime you have a question or need to report a claim.

If you have a claim, we'll get you back on the road as soon as possible. And while you'll always have a choice where to repair your vehicle, when you use a shop in our preapproved network, we'll guarantee your repair for as long as you own or lease your vehicle.

Thank you for choosing Progressive.

Marcelo D Perez Garduno
Gold Membership
Valued Customer Since 2011



Form A022 GA (03/11)

IF YOU'RE IN AN ACCIDENT

1. Remain at the scene. Don't admit fault.
2. Find a safe location, call the police, and exchange driver information.
3. Call Progressive right away.

TO REPORT A CLAIM

Call 1-800-274-4499 or go to claims.progressive.com.

PROGRESSIVE

KEEP THIS CARD IN YOUR VEHICLE WHILE IN OPERATION.

GEORGIA INSURANCE POLICY INFORMATION CARD

Policy Number: 56352911-2 NAIC Number: 35190
Original Issue Date: 07/22/2012 Expiration Date: 01/22/2013
Insurer: Progressive Mountain Insurance Co 1-800-876-5581
PO Box 6807 Cleveland, OH 44101

Named Insured(s):

Marcelo D Perez Garduno

Your Agent:

Classic City Svcs In 1-706-354-8686

121 Rowe Rd

Athens, GA 30601

Year Make Model

1995 Honda Accord

2001 Chevr Venture

2002 Jeep Liberty

VIN

JHMCD5651SC050875

1GNDU03E81D160285

1J4GKS8KX2W181906

The current status of actual motor vehicle liability insurance coverage is maintained by the Georgia Department of Motor Vehicle Safety and is accessible to law enforcement agencies upon a check of the vehicle registration.

Keep this card in your motor vehicle while in operation.

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SC Court of Appeals

CLASSIC CITY SVCS IN
121 ROWE RD
ATHENS, GA 30601

PROGRESSIVE
DRIVE[®] Insurance

Policy Number: 56352911-2

Underwritten by:
Progressive Mountain Insurance Co
June 15, 2012
Policy Period: Jul 22, 2012 - Jan 22, 2013
Page 1 of 2

MARCELO D PEREZ GARDUNO
1465 HWY 29N LOT L3
ATHENS, GA 30601

1-706-354-8686

CLASSIC CITY SVCS IN
Contact your agent for personalized service.

progressiveagent.com

Online Service
Make payments, check billing activity, update
policy information or check status of a claim.

1-800-274-4499

To report a claim.

Auto Insurance Coverage Summary

This is your Renewal Declarations Page

The coverages, limits and policy period shown apply only if you pay for this policy to renew.

Your coverage begins on July 22, 2012 at 12:01 a.m. This policy expires on January 22, 2013 at 12:01 a.m.

Your insurance policy and any policy endorsements contain a full explanation of your coverage. The policy limits shown for a vehicle may not be combined with the limits for the same coverage on another vehicle. The policy contract is form 9610A GA (08/05). The contract is modified by form Z445 GA (01/09).

Drivers and household residents

	Age	Gender	Marital Status
MARCELO D PEREZ GARDUNO	29	Male	Single
Additional Information:	Named insured		

Outline of coverage

1995 Honda Accord
VIN: **JHMCD5651SC050875**
Garaging ZIP Code: 30601
Primary use of the vehicle: Pleasure

	Limits	Deductible	Premium
Liability To Others			\$197
Bodily Injury Liability	\$25,000 each person/\$50,000 each accident		
Property Damage Liability	\$25,000 each accident		
Uninsured Motorist - Added On			47
Uninsured Motorist Bodily Injury	\$25,000 each person/\$50,000 each accident		
Uninsured Motorist Property Damage	\$25,000 each accident	\$250	
Total premium for 1995 Honda			\$244

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AUG 19 2013

Classic City Services, INC.
706-354-8686
Policy #: 56352911-2
07/22/2012 - 01/22/2013
Gold Membership

PROGRESSIVE

SC Court of Appeals

[Your Policy >](#)


Policy Summary

Policy Number: 56352911-2
Policy Term: 07/22/2012 to 01/22/2013
Policy Last Updated: 07/22/2012

 [Your Declarations Page](#)

[Agent Information](#)

 [Provide feedback about this page](#)

 [Print this page](#)

Address & Telephone Information

Mailing Address
Marcelo D Perez Garduno
1465 Hwy 29n Lot L3
Athens, GA 30601

Telephone Number(s)
Home: (912) 272-7578

[»Change Address/Telephone](#)
[»Change E-mail](#)

[»Change Telephone Only](#)

Driver Information

Driver(s)	Sex	Marital Status	Date of Birth	Driver Type	License Number	State	SNI Filings
Marcelo D Perez Garduno	M	Single	**/**/1983	Rated Driver	XXXXXXXXXX5192	GA	N/A No

[»Add a Driver](#)
[»Remove a Driver](#)
[»Update Driver Information](#)

[»View Driving History](#)

Vehicle Information

Year, Make, & Model	VIN	Vehicle Use	Loan/Leasing Company
1995 Honda Accord	JHMCD5651SC050875	Pleasure	
2001 Chevr Venture	1GNDU03E81D160285	Pleasure	
2002 Jeep Liberty	1J4GK58KX2W181906	Commute	

[»Add a Vehicle](#)
[»Replace a Vehicle](#)
[»Remove a Vehicle](#)
[»Update Vehicle Information](#)

[»Update Loan/Lease Information](#)
[»Add Loan/Lease Information](#)
[»Remove Loan/Lease Information](#)
[»Change Coverage](#)

»If you already have four vehicles on your policy and need to add another, please contact your [agent or broker](#)

Coverage & Premium Information

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AUG 19 2013

SC Court of Appeals

107/12

Your Policy

BI \$25,000 EACH PERSON - \$50,000 EACH
ACCIDENT
PROPERTY DAMAGE LIABILITY - \$25,000 EACH
ACCIDENT

UNINSURED MOTORIST - ADDED ON \$35.00 \$31.00 \$34.00
\$25,000 EACH PERSON - \$50,000 EACH ACCIDENT
UM PROPERTY DAMAGE \$25,000 LESS \$250
DEDUCTIBLE

Premium by Vehicle \$202.00 \$179.00 \$330.00
Total Policy Premium \$711.00

» Change Coverage

For a *complete description* of the terms and limits of the coverages, refer to the policy contract, attachments and applicable endorsements sent to you.

Premium Discounts

The following discount(s) are listed on this policy:

Policy Level

Policy **Discounts**

56352911 Multi-Car, Paid in Full, Continuous Insurance: Gold, Mobile Home, Paperless

Driver Level

Driver **Discounts**

None

Vehicle Level

Vehicle **Discounts**

None

This policy is underwritten by **Progressive Mountain Insurance Co**
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U.S. Patents 7,124,088 and 7,877,269 apply to portions of this website. All Rights Reserved.