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SC Court of Appeals

TO THE APPELLATE COURT OF SOUTH CAROLINA

IN THE ACTION OF 2024-000657

Timothy Meyers, Appellant,

v.

Affordable Concrete and Masonry, Respondent.

DESIGNATION OF MATTER

In the action 2024-000657 in the Appellate Court of South Carolina, the Appellant has concerns that at the magistrate level, other than the time for the hearing, the fact there was a hearing and a decision, there are no transcripts per se as far as TESTIMONY in this matter. The appellant was present at the initial Magistrate hearing in which for a 10am hearing the Appellant arrived at approx. 9:40am. In ANY Magistrate hearing the Appellant has ever been a part of, strict timeframes were adhered to regarding times for hearings, and all parties involved adhering to set timeframes. In this case, when the RESPONDENT was not present at 10am as scheduled and notified to be present, the clock should have begun regarding timeframes to appear for the hearing they called. At approx. 10:16am, the Appellant approached the Magistrates Secretary regarding the 15-minute rule, and she affirmed that all hearings are to abide by the rule in which if one or either party isn't present it's a default judgment in favor of who was present. At approx. 10:38, a substitute Judge arrived for a 10am hearing, and the RESPONDENT was still not present. The Respondent I believe was called by the courts to alert the Respondent to their day in court, and eventually the wife of the claiming party showed up for the hearing, a person in her that knew nothing about the case or had never visited the worksite. Clearly at 10:15 the case should have been awarded a default judgment for the APPELLANT. I believe prior relationship status between the courts and the Respondent allowed this atrocity to carry on.

SC Law is very clear on one or either party not showing up for the trial....In this matter, it's the belief of the APPELLANT that favors were made to benefit the RESPONDENT whether they be personal or political. SC Law clearly states that if a party doesn't show up for the

hearing, a default is awarded, and it was affirmed by an employee of the court that a 15-minute time limit for appearance was standard. Clearly that timeframe was abused by the courts in this matter, and had that timeframe been adhered to, none of us would be dealing with this matter at this moment. Favors were in place of the Respondent in My Opinion. We aren't dealing with an undisclosed timeframe, or a benefit of the doubt. One party was present for the hearing at the scheduled time and was made to wait for an hour past the scheduled hearing time, to proceed. Abuses like this shouldn't be tolerated. At what point in having a party wait for the opposition does the court draw the line. The rule of 15 minutes was affirmed by court staff, but it is of the belief to the perceived relationship the Respondent had with the courts and the Magistrate in particular, the courts would have waited the entire day for the Respondent to show up. This issue needs to be considered by the courts as grounds for dismissal.

The APPELLANT then appealed against what he believed was a fraudulent and invalid judgment, and the APPELLANT was then never served with a court date or time for the appeal to be held in Common Pleas Court. The Courts have ZERO PROOF of service of a court time or date, and factually, at this same time, the Appellant had his mailbox entered 3 times by people not known to him, and these actions were reported to the CONWAY SC USPS Office to then Postmaster Letha Anderson, and it was never followed up on, on her part. Documents in court will show this. Additionally, Ms. Anderson was relieved of her duties as Postmaster due in part to her lack of follow thru in this matter. If this Appellate court believes that the Magistrate decision was just, and then the common pleas lack to notify the APPELLANT was just, all material presented at the Magistrate hearing, and what would have then been presented at the Common Pleas level, should be in play, and this should be sent back to the Common Pleas level to be heard. If this Court believes that timeframes were abused in both prior hearings, this case should be dismissed without prejudice. Material that should be re-represented would include pictures and videos presented at the Magistrate level that rebuked the Respondents testimony in which he perjured himself on several occasions. Stories of temperatures in the hundreds, when it was documented to be low nineties that day, to stories of four-foot-tall lawn that they had to work in, were proven to be false in court but the Respondent was never warned of his behavior. All prior transcripts in the Magistrate case should be allowed, as should what transcripts had been derived from not having a hearing at the Common Pleas Level.

Additionally, the Magistrate then mandated that we go onsite where the work had been performed, and at that moment I questioned the liability of people leaving a secure court hearing arranged for such proceedings and questioned how we would limit ex-parte conversations whether these were discussions the judge was having with court staff, or conversations the Magistrate potentially could have with the Respondent. And as sure as anything, conversations were had on at least two occasions in which the Magistrate had conversations with the Respondent when nobody else was present, this would be in addition to the Magistrate taking court staff to the site in his own personal vehicle. It was as if all rules of this proceeding were out the window, and there was no regard for the integrity of testimony or integrity of the hearing itself. The Appellant apprised the courts of physical

limitations the Appellant had at the time of the hearing in that of a broken back, and the Magistrate failed to recognize the sanctity of not having private conversations in which all parties could potentially dispute claims or offers of testimony at those very moments. Ive been part of dozens of bill collections proceedings in small claims courts, of work that was performed and part or all the work wasn't paid for, and never one time did a Magistrate suggest we go out of the court room to follow up, then just leave the onsite location as if that had fulfilled the factual nature of the case. The shoddy work done by the Respondent has now been substantiated by 6 other contractors, 2 of which had given me proposals to replace/repair this work that had been done and was presented in court. The fact the Magistrate allowed ex-parte communications, should be grounds for dismissal of the case in favor of the Appellant. It is the belief of the Appellant that the Appellant was prejudiced in this matter.

Additionally, It's the belief of the Appellant that all prior decisions should be rendered null, and void as clearly rules of SC Court were not followed at the Magistrate level, and then again at the Common Pleas level. If the SC Appellate Court feels the need to proceed with this matter, all parts of any transcripts in this matter should be taken into consideration except for the judgement in the Magistrates case in which he found that the amount the Respondent was seeking to not pay and to then be awarded an amount to repair the work be granted. The Magistrate felt the Appellant was trying to get two times the amount, when factually the Appellant was merely trying to not pay for shoddy work and be awarded an amount to repair said shoddy work.

This Appeal is based on the fact that rules of Law were not followed at the Magistrate level in accordance with litigants showing up for court on time, again at the Common Pleas Level no notification of the time or date of the hearing was made upon the Appellant, and lastly, the fact the Magistrate held multiple ex-parte conversations with the Respondent during the course of the hearing should be grounds for dismissal in favor of the Appellant.

All assertions made herein are known as fact by the Appellant and known to be true. No assertions herein are known as false and have been testified to in court. The Appellant agrees that knowingly providing false testimony to any public servant or court in South Carolina can result in penalties under SC Law.

Timothy Meyers
7712 Hunting Swamp Rd
Conway Sc 29527


Timothy Meyers – Appellant


Date