

TO THE CLERK OF COURTS - APPELLATE COURT OF SOUTH CAROLINA
MOTION TO REINSTATE

IN THE ACTION OF 2024-000657

TIMOTHY MEYERS - APPELLANT

RECEIVED

Dec 27 2024

SC Court of Appeals

v

AFFORDABLE CONCRETE & MASONRY - RESPONDENT

MOTION TO REINSTATE

THE APPELLANT IN THE ABOVE-MENTIONED CASE, RESPECTFULLY ASKS THE APPELLATE COURT OF SOUTH CAROLINA TO REINSTATE CASE 2024-657 FOR THE FOLLOWING REASONS.

BACKGROUND INFORMATION

IN THE AFOREMENTIONED CASE, THE INITIAL BRIEF AND DESIGNATION OF MATTER WAS FILED NOV 29, 2024, AND THEREAFTER SUBSEQUENT FILINGS WERE MADE OF A DESIGNATION OF MATTER IN THIS SAME CASE. ON DECEMBER 19, 2024, THE APPELLANT WAS NOTIFIED THAT THE AFOREMENTIONED CASE WAS DISMISSED DUE TO AN IMPROPER DESIGNATION OF MATTER STILL NOT BEING FILED.

GROUND FOR DISMISSAL

NO SPECIFICITY AS TO WHAT THE FILED DESIGNATION OF MATTER LACKED WAS GIVEN ON DECEMBER 19, 2024, AND A COPY OF THAT DISMISSAL IS INCLUDED IN THIS FILING.

EXPLANATION OF DEFAULT

IT IS THE CONCLUSION OF THE APPELLANT THAT THERE WAS NO INCLUDED VERIFICATION OF FACT INCLUDED IN THE FINAL DESIGNATION OF MATTER, AS WHAT LED TO THE COURTS INEVITABLY DISMISSAL. IN DEFENSE OF THE APPELLANT, THE APPELLANT

WAS FAMILIAR WITH "DESIGNATION OF CONTENTS OF REPRODUCED RECORDS" IN THE STATE THAT HE HAILED FROM, BUT NOT FAMILIAR WITH THE DESIGNATION OF MATTER WHICH AFFECTED THE DECISION IN THIS MATTER. FURTHERMORE, THE APPELLANT MADE ERROR IN THE MATTER OF MERELY TYPING HIS SIGNATURE IN CLOSING IN THE DESIGNATION OF MATTER INSTEAD OF CREATING A VERIFICATION THAT THE SUPPLIED CONTENT WAS FACTUAL IN NATURE. ALL OF THESE ISSUES HAVE BEEN ADDRESSED AND WILL BE CORRECTED WITH A NEW FILING.

MERITS OF THE APPEAL

THE APPELLANT FEELS STONGLY THAT HE HAS NEVER HAD HIS DAY IN COURT IN THIS MATTER, AS SO MUCH AS THE INITIAL MAGISTRATE TRIAL IN THIS MATTER WASN'T HELD IN A TIMELY MATTER. THE INITIAL HEARING IN THIS MATTER, A MAGISTRATE HEARING IN HORRY COUNTY COURTHOUSE, CONWAY SC 29526, WAS SCHEDULED FOR 10AM ON THE DATE OF THE HEARING. THE APPELLANT ARRIVED AT THE COURTHOUSE THAT DAY AT 920AM AND CHECKED IN WITH THE ATTENDING CLERK. AT 10AM, NEITHER THE CURRENT RESPONDENT WAS IN COURT, NOR WAS THE PRESIDING JUDGE, AND NO INFORMATION OF THE STANDING OF THE HEARING WAS EVER CONVEYED TO THE APPELLANT. AT APPROX. 1015AM, THE APPELLANT AGAIN APPROACHED THE ACTUAL MAGISTRATES OFFICE "SEPARATE FROM THE CLERKS OFFICE" AND ASKED TIMEFRAME RULES OF THE MAGISTRATES COURT, AND WAS MADE AWARE THAT IN CASES OF BEING THE ONLY HEARING OF THE DAY SCHEDULED, THAT ALL CASES WOULD BE DISMISSED IN FAVOR OF THE PARTY THAT SHOWED UP ON TIME, AND A RULING AGAINST THE PARTY THAT DIDN'T SHOW UP FOR THE SCHEDULED HEARING. NOT UNTIL 1038 AM DID THE REPENDENT SHOW UP FOR THIS HEARING, AND SUBSEQUENTLY THE JUDGE ARRIVED WITHIN MINUTES OF THE RESPONDENT, AS THE APPELLANT IN THIS MATTER, ACTUALLY RODE THE ELEVATOR FROM THE FIRST TO THE SECOND FLOOR WITH THE JUDGE HEARING THIS VERY CASE. DUE TO THE TIMEFRAME RULE, THIS CASE SHOULD HAVE BEEN FOUND FOR THE APPELLANT AND AGAINST THE RESPONDENT AT THAT VERY TIME. SUBSEQUENTLY, THE CASE WAS HEARD AND THE APPELLANT APPEALED THE DECISION TO THE COMON PLEAS LEVEL OF COURT IN HORRY COUNTY PA, AND THE APPELLANT WAS THEN NEVER NOTIFIED OF A COURT DATE TO HAPPEN IN THIS MATTER. COURT RECORDS WILL SHOW THAT THE COURTS HAVE NO PROOF OF SERVICE ON THE APPELLANT FROM THE COMMON PLEAS IN THIS MATTER, WHICH THEN LED TO THIS VERY APPEAL IN THIS MATTER.

REQUEST FOR REINSTATEMENT

THE APPELLANT PLEADS WITH THE SOUTH CAROLINA COURTS TO REINSTATE THIS CASE DUE TO THE AFOREMENTIONED REASONS PARTICULARLY AS TO THE APPELLANT READING THE DESIGNATION OF MATTER RULE BUT NOT GIVEN ANY DEFINITIVE REASON THAT THE INITIAL BRIEF AND DESIGNATION OF MATTER WERE DISMISSED. THIS ALONG WITH THE FACT THAT THE APPELLANT FEELS THE RULE OF LAW WAS NOT FOLLOWED IN THIS CASE AT THE MAGISTRATE LEVEL IN REGARD TO COURT TIMEFRAMES, AND AGAIN AT

THE COMMON PLEAS LEVEL WITH NO PROOF OF SERVICE, MAKES THIS CASE A CASE THAT SHOULD BE REINSTATED AND SENT BACK TO THE COMMON PLEAS LEVEL TO BE HEARD. LASTLY, THE INITIAL TIMEFRAME FROM FILING AT THE MAGISTRATE UNTIL THE CASE WAS HEARD, WAS APPROX. 6 MONTHS.

RELIEF SOUGHT

THE APPELLANT IS SEEKING REINSTATEMENT OF THE AFOREMENTIONED MATTER OF 2024-657, FIRST AND FOREMOST FOR THE FACT THE APPELLANT NOT HAVING A COMPLETE UNDERSTANDING OF THE RULE OF THE DESIGNATION OF MATTER IN RESPECT TO VERIFYING THAT THE FILING WAS FACTUALLY TO THE BEST OF MY KNOWLEDGE. IN THE DISMISSAL OF DEC 19, 2024, THERE WAS NOTHING DEFINITIVE TO ENABLE THE APPELLANT TO CORRECT THE FILING THAT HAD BEEN MADE. THE APPELLANT AGREES THAT HE WASN'T COMPLETELY FAMILIAR WITH EVER PRODUCING A DESIGNATION OF MATTER IN ANY CASE, BUT TO NOT BE GIVEN ANY GUIDANCE ESPECIALLY WHEN THE COURT UNDERSTANDS THIS IS A PRO SE FILING AND REQUESTS THAT LATITUDE SHOULD BE GIVEN IMMENSE CONSIDERATION IN THIS MATTER IS EGREGIOUS TO THE APPELLANT AS FAR AS THE COURTS SEEKING THE TRUTH IN THIS MATTER, AND THE RULE OF LAW TO PREVAIL. BEING DISMISSED ON A SIMPLE TECHNICALITY SHOULDN'T BE RELEVANT IN THIS MATTER. THE APPELLANT IS ASKING AS A MATTER OF RELIEF, AND ESPECIALLY WITH THE HOLIDAY SEASON UPON US, TO HAVE 10 DAYS TO FILE AN AMENDED AND PROPER BRIEF THAT WOULD SATISFY THE COURTS IN THIS MATTER, AND TO PROCEED WITH THE APPEAL PROCESS AS SCHEDULED. YOUR COOPERATION IN THIS MATTER WOULD BE GREATLY APPRECIATED.

RECEIVED

Dec 27 2024

CERTIFICATE OF SERVICE

SC Court of Appeals

I TIMOTHY MEYERS, APPELLANT IN THIS MATTER DO HEREBY CERTIFY THAT A COPY OF THIS MOTION HAS BEEN SERVED ON ALL RELEVANT PARTIES BY MAIL, ON 12-26-2024 INCLUDING A COPY SENT TO AFFORDABLE CONCRETE AND MASONRY, 6491 HWY 701 N, CONWAY, SC 29526-5768. ALL FACETS OF THIS BRIEF, AND ALL CONTENT OF THIS BRIEF ARE FACTUAL IN NATURE TO THE BEST OF MY KNOWLEDGE.



TIMOTHY MEYERS APPELLANT

12-26-24
DATE

The South Carolina Court of Appeals

Timothy Meyers, Appellant,

v.

Affordable Concrete and Masonry, Respondent.

Appellate Case No. 2024-000657

The Honorable Benjamin H. Culbertson
Horry County
Trial Court Case No. 2024CP2600231

ORDER

Appellant has failed to file a corrected designation of matter, as required by Rule 209 of the South Carolina Appellate Court Rules and this Court's letter dated November 25, 2024. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT
BY *Catherine Annisa*, deputy
CLERK

Columbia, South Carolina

cc:
Timothy Meyers
Affordable Concrete and Masonry

FILED
Dec 19 2024
