

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Case No: 2012-212896

Charles Taylor,

Appellant,

v.

Thomas Davis and
State Farm Mutual Automobile Insurance Company, Respondents,

Appellant's Reply to Respondent State Farm Motions of 8-16-13 to:

- (1) STRIKE APPELLANT'S RECORD ON APPEAL AND
(2) MOTION TO DISMISS APPEAL**
-

Appellant reply to the above motions as follows:

RECEIVED

SEP 13 2013

SC Court of Appeals

(1). Appellant denies that the final amended record on appeal filed-fails to comply with Rule 210(c) SCACR as alleged by Respondent State Farm—and thus would implore the Court to examine the final amended record on appeal filed by Appellant and to see for itself-----also;

(1)

(2). Appellant had mailed both respondents copies of 4 letters attach--exhibit A1-A4---& after receiving Respondent State Farm motions; then Appellant inquired—exhibit B attach---to the Respondents, if such Appellant letters were received with the indicated enclosures; and that Respondent Davis indicated-yes--exhibit C attach--Respondent State Farm didn't reply---also;

(3). Appellant would note that some things on the subject documents complained of by the Respondent were on there going way-far back as this case is now in its 6 (sixth) year—also;

(4). Other things thereon such documents—for example: R.p.63 on bottom with arrows pointing upward; was put there either by Respondent State Farm or their attorney--apparently--to try and paint appellant in a bad light-because remember-Respondent Davis said same was on his copy to when it first came to him from Respondent State Farm Attorney. Appellant do not wish to make a big deal of that fact (because it's irrelevant re the issues on appeal) but since it was Respondent State Farm who filed the subject motions, Appellant felt compelled to point out that fact-----also;

(5).As for another example: R.p.44 at top-hand writing thereon; due to somewhere along the line Respondent later attempted to deny that Appellant originally even had any coverage, forgetting or not realizing the subject letter had been sent, and when it was found, Appellant wrote that on top then, and sent it; which they then change their story to something else; and that's how that got there on top-that page-if that's what Respondent is belatedly complaining about--apparently fishing for something with which to get this appeal dismissed on; and/or-a time extension to file their, *final brief*; as something or another caused them to forget or whatever else & missed the deadline; and/or--if their motions are denied, there'll be time enough to hunt for something else and maybe file another or whatever else they have in mind for such extension, if granted----thus;

(6). Beyond all the above--if--Respondent State Farm could be more specific as to what exactly and in what spots on the subject page-s it's complaining about and what's the harm-to whom, Appellant will, if necessary and the Court orders, be happy to remove-explain-reply further to such then; if it is indeed the fault of Appellant; and submit yet another record on appeal; that will still likely not satisfy this Respondent--because he wants the appeal dismissed---also;

(7). Specifically, in regards to the 2 pages attached to Respondent State Farm's subject motion, claiming that those 2 pages are not in the final amended record on appeal filed by Appellant; but those 2 pages are in fact in the final amended record on appeal filed by appellant as p.62 & 63 & the latter again p.66 as they came from Respondent--**and**--thus Appellant alleges that the Respondent knows the subject pages are therein but claim such-so-to manufacture an excuse to attach the subject 2 pages out of context of the issues on appeal--the reason for the Respondent falsely claiming such, is not included, when he knows very well--that such claim is false!--also;

(8). It is clear and have been to this Appellant, that Respondent State Farm is determined to find something, anything, that will serve as a technicality to get Appellant's appeal dismiss, and the main reason--among many--is apparently because they must not feel good of their chances on the merits—why else would they be so desperate to get the case dismiss repeatedly on a technicality as in the instant case, even if it was true as they allege; such by appellant would have been, if for any reason, to clarify certain important items to make it easier for everyone, especially the Court, to see clearly and quickly the important evidence-issues applicable to the present appeal, rather than having to scan the whole page by page and read same to get what otherwise could have been

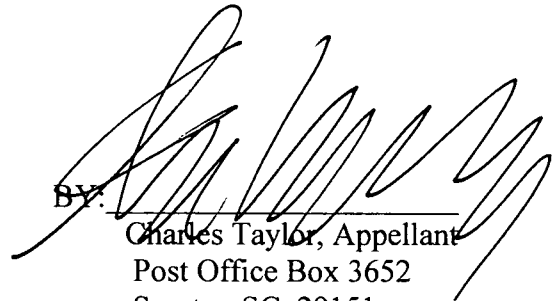
easily spotted at first glance—kind of---see right to the corn without all the shucks-if you will; as for example: R.p.2 @ very bottom spot on left side; and R.p.5 same position on that page; in as much as one of the supreme issues per this appeal is that: Respondent State Farm failed to timely and properly file at the end of the first appeal for the relief it then appealed for a year later--after the fact--for the relief it was granted; which Appellant believe was done without authority &/or in err; and thus the reason for those items on those pages just mention above is because; if that fact--as to Respondent State Farm's-very-late appealing--is seen and clearly understood from the beginning, Appellant believes all else per this appeal may be irrelevant—a moot point---and it's possible **this** Appeal could end right there without further wasting a whole lot of time needlessly once the court begin deciding **this** appeal. That was appellant's thinking for the subject notations just above stated. But it's obvious, by their motion, Respondent State Farm don't want things made so obviously clear, simple and easy, and seen so right of way--once the proceedings gets underway, or else it may end right there for them and they don't want that. They prefer & want just the opposite of all the above----also;

(9). Appellant believes that the subject motions by Respondent State Farm were interposed for delay, as per its other—another motion---filed for an extension of time to file its *Final Brief*; which in any case-could & should have been filed before **now**; because the record on appeal are number consecutively, p.1 thru p.69 regardless, and they could refer to any lines, spots, or paragraphs-thereon any pages; & note that in their motions they did not allege anything to the contrary-as to why they couldn't timely file their *final brief*--certainly before **now** in any case;

(10). Finally, Respondent State Farm motion-on its second--last page-in the latter part of the last paragraph, complains about Appellant causing delay etc.; **however;** they failed to mention that; had they not been untruthful; claiming effectively-until 2-15-13; that they could not be a named party defendant-respondent--exhibit D attach--[but for that]-their name would have already been on the present, \$1,735,000.00 Judgment, they caused and this whole appeal would not have been necessary. Also--they further failed to mention that only in the subject order from this Court of February 15, 2013; was their name properly added as a proper Defendant---Respondent per the present caption of this case—If their name is already on the case, Appellant believes it should already to--be on the existing, \$1,735,000.0 Judgment--already existing in the case--which itself wasn't appealed; So--now Appellant wish to complain about all the unnecessary troubles and expenses--Respondent untruths has caused him. What about all that? Again see exhibit D attach;

(11). And Lastly-for good measure, Appellant makes mention to the Court of the uniqueness of this appeal as it-no doubt will make new law as Appellant couldn't find one like it-which to cite; and accordingly, Appellant believe such might give the Court some added interest, if that was needed, not to dismiss, even if ordinarily it was justified-which Appellant obviously deny here; and therefore-if in the unlikely event an instance or so is found, (as for example again: R.p.2&5 bottom left on both pages---it seems what Respondent most fears and complains of because it's the facts)--in the final amended record on appeal---and---no real harm is caused thereby to the respondents---Appellant then---asks the Court to construe such for no more than what it was intended; a simple effort, to make everything a little bit more clearer, for everyone; including especially for the Court & therefore “no harm--no foul” & thus why the big fuss by Respondent?

Accordingly-for all the foregoing reasons-Appellant believe Respondent motions, if not frivolous ones / interpose for delay--Appellant believes both--are then ones without sufficient merit, if any at all, and thus they all should be summarily denied, so the proceedings can--more timely move forward-towards a final resolution of this now 6 years old case.

BY: 
Charles Taylor, Appellant
Post Office Box 3652
Sumter, SC. 29151
803-883-7005

September 11, 2013

Sumter, South Carolina

NOTE:---With great interest---attached exhibit A-1 in particular--of August 1, 2013, wherein Respondents were asked specifically; “In the interest of time, and no further delay, please promptly let me know if--and--why you are not satisfied with this one--final amended record on appeal”; & **no one responded or complained until this Respondent-fifteen days later on August 16, 2013; the very day they received-notice via letter-from Appellant, that 15 copies had been filed to the Court---exhibit A-4 attached; *It appear respondent trying to create an “I GOT YA NOW-TECHNICALITY-TO GET THE APPEAL DISMISSED”* Hence: their motions that abruptly followed--then filing no--*Final Brief* by Respondent.**

August 1, 2013

Mr. Thomas Davis
PO Box 773
Manning, S.C 29105

EXHIBIT
A-1

Mr. James B. Lybrand, Jr.
Attorney at Law
PO Box 58
Columbia, S. C. 29202

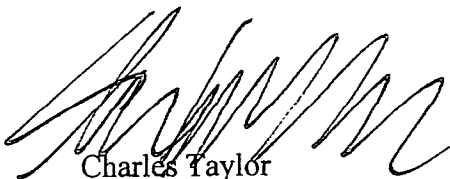
Charles Taylor
PO Box 3652
Sumter, S. C. 29151

RE: Appellate Case No: 2012-212896
Appellant Taylor v. Respondents Davis & State Farm

Dear Respondents:

Please find enclosed, per the last court order of 7-1-13, the amended Record on Appeal. In the interest of time and no further undue delay, promptly let me know if and why you are not satisfied with this one; otherwise 15 copies will be filed to the court in due time; on the road to a decision of the: Narrow-Question(s) on Appeal.

Sincerely,



Charles Taylor
Appellant

August 1, 2013

Mr. Thomas Davis
PO Box 773
Manning, S.C 29105

Mr. James B. Lybrand, Jr.
Attorney at Law
PO Box 58
Columbia, S. C. 29202

Charles Taylor
PO Box 3652
Sumter, S. C. 29151

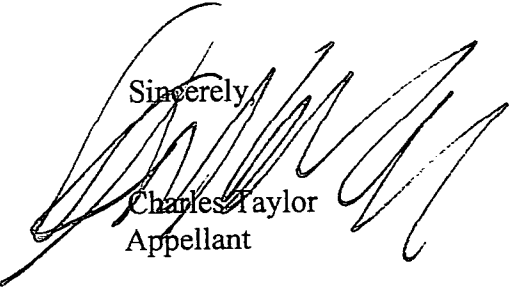
EXHIBIT
A-2

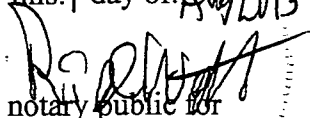
RE: Appellate Case No: 2012-212896
Appellant Taylor v. Respondents Davis & State Farm

Dear Respondents:

Please find an extra copy enclosed, I believe per the rules if I am not mistaken. Also the other may contain errors since I couldn't tell as yours was sealed in plastic to prevent hand soiling before it reached you. If so you can disregard-discard that one for the error free one enclosed herewith. If you need another for any reason, please just let me know, I have some more. Thanks.
Note: That I will affidavit this one as proof. Thanks Again.

Sincerely,


Charles Taylor
Appellant

sworn to before me
this: 1 day of: Aug 2013

notary public for
South Carolina
my commission
expires: 9-3-15

August 1, 2013

The Honorable:
Jenny Abbott Kitchings
Clerk of the South Carolina
Court of Appeals
1015 Sumter Street
Columbia, S. C. 29201

Charles Taylor
P O Box 3652
Sumter, S. C. 29151

EXHIBIT
A-3

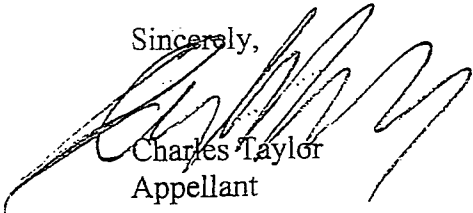
REF: Charles Taylor, Appellant
v. Thomas Davis and State Farm
Mutual Automobile Insurance
Company, Respondents;
Appellate Case No: 2012-212896

Dear Mrs. Kitchings:

This indicates service upon the respondents of the amended Record on Appeal. The Court copies will be filed in due time per SCACR 210-211.

Please clock and return the extra copy to me in the SASE. By copy of this letter to the parties listed below, they are being served the same; along with the amended Record on Appeal, as indicated. Thanks very Much!. Please let me know of any question. Thanks Again!!!!!!!!!!!!!!!!!!!!

Sincerely,


Charles Taylor
Appellant

Cc:

Respondent
Thomas Davis

Respondent, State Farm Mutual
Automobile Insurance Company
c/o: James B. Lybrand, Jr., Esq.

August 15, 2013

The Honorable:
Jenny Abbott Kitchings
Clerk of the South Carolina
Court of Appeals
1015 Sumter Street
Columbia, S. C. 29201

Charles Taylor
P O Box 3652
Sumter, S. C. 29151

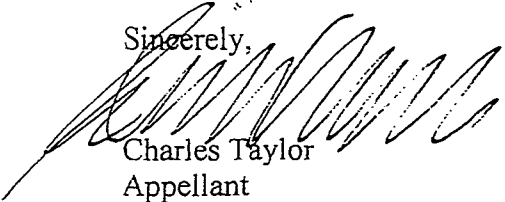
EXHIBIT
A-4

REF: Charles Taylor, Appellant
v. Thomas Davis and State Farm
Mutual Automobile Insurance
Company, Respondents:
Appellate Case No: 2012-212896

Dear Mrs. Kitchings:

Please find enclosed an original (1) & (14) copies of the, Amended Record on Appeal, for the Court. If more is needed just let me know. Please if you will, clock and return the extra copy to me in the self addressed stamped envelope. I am copying the other parties with a copy of this letter as they have on August 1, 2013 been already served a copy of the Amended Record on Appeal.

Sincerely,



Charles Taylor
Appellant

Cc:

Respondent
Thomas Davis

Respondent, State Farm Mutual
Automobile Insurance Company
c/o: James B. Lybrand, Jr., Esq.

August 28, 2013

Mr. Thomas Davis
PO Box 773
Manning, S.C 29105

Mr. James B. Lybrand, Jr.
Attorney at Law
PO Box 58
Columbia, S. C. 29202

EXHIBIT
B

Charles Taylor
PO Box 3652
Sumter, S. C. 29151

RE: Appellate Case No: 2012-212896
Appellant Taylor v. Respondents Davis & State Farm

Dear Respondents:

This letter is to inquire-verify that you received my mailing; 2 dated August 1, 2013 with copies of the amended record on appeal sealed in plastic; and 1 copy-letter only dated August 1, 2013 to the Clerk of Court; and another copy-letter dated August 15, 2013 to the Clerk of Court? If you did or didn't receive these please indicate in a reply-again-just to verify. It will be greatly appreciated.

Sincerely,



Charles Taylor
Appellant

8/30/2013

To: Mr. Charles Taylor
Appellant
PO Box 3652
Sumter, SC. 29153

and

Mr. James Lybrand
Insurance Company Attorney
PO Box 58
Columbia, sc. 29202

EXHIBIT
C

From: Thomas Davis
Respondent
P O Box 773
Manning, S. C. 29105

Case: Charles Taylor, Appellant v. Thomas Davis and State Farm Mutual Automobile Insurance
Company, Respondents; c/a no: 2007-cp-40-8423--Appeal case number: 2012-212896

Dear Sir:

Answering your letter of 8/28/2013 to me; yes I did received all of the items you indicated in
your letter the way you indicated.

Thank You,



Thomas Davis
Respondent

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2007-CP-40-8423

Charles Taylor,)
)
Plaintiff,)
)
vs.)
)
Thomas Davis,)
)
Defendant.)

RESPONSES TO PLAINTIFF'S
REQUESTS FOR ADMISSIONS
DIRECTED TO STATE FARM

EXHIBIT
D

TO: CHARLES TAYLOR, PLAINTIFF:

Pursuant to Rule 26(b) and Rule 36 SCRPC, the following responses are hereby submitted to Plaintiff:

The undersigned objects to Request for Admissions directed to State Farm which is not a party defendant to this action. Pursuant to Rule 36 SCRPC request for admissions may only be directed to a "party" to a civil action. State Farm is not a named party and therefore would not be required to respond to Plaintiff's Request for Admission. Accordingly, objection is made to Request for Admissions 1 through 7 as directed to State Farm.

McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, L.L.P.
POST OFFICE BOX 58
1704 MAIN STREET, 2nd FLOOR
COLUMBIA, SOUTH CAROLINA 29202
(803) 252-0500

BY:


JAMES B. LYBRAND, JR.

Columbia, South Carolina
November 10, 2010

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Appellate Case No: 2012-212896

Charles Taylor,

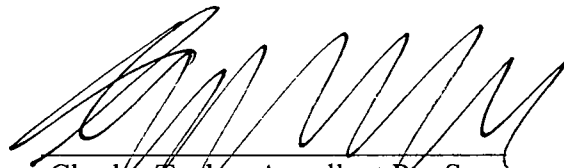
Appellant,

v.

Thomas Davis and
State Farm Mutual Automobile Insurance Company, Respondents,

PROOF OF SERVICE

I hereby certify that a copy of: Appellant's Reply to Respondent State Farm Motions of 8-16-13 to: (1). Strike Appellant's Record on Appeal and; (2). Motion to Dismiss Appeal; was served upon Respondents Thomas Davis & State Farm Mutual Automobile Insurance Company to its counsel below by depositing same in the U.S. Mail, from Sumter, SC. on the 11th day of September, 2013, w/1st class duly affixed postage & a return address indicated clearly thereon the envelope, addressed as follows:



Charles Taylor, Appellant Pro Se
Post Office Box 3652
Sumter, SC 29151/(803) 883-7005

Mr. Thomas Davis, Respondent
PO Box 773
Manning, S.C. 29105

State Farm Mutual Automobile
Insurance Company/Respondent
Mr. James B. Lybrand, Jr., Esq.
PO Box 58 / Columbia, S.C. 29202

RECEIVED

SEP 13 2013

SC Court of Appeals