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MAR 17 2025
SC Court of Appeals

2) APPEAL / BRIEF

SYSTEMATIC DESCRIPTION

1) **whether or not res judicata applies if the case is Dismissed Without prejudice?**

2) **Yes, Your Honor , You know it . it - - I mean , I agree**

---

2) VERBATIM REPORT OF PROCEEDING
DEFENDANT MOTION TO DISMISS
BEFORE THE HONORABLE WILLIAM MCGEE III
12/5/2024

1) In such a report, is there no specific description between the motion to dismiss with prejudice and any associated case.

2) The motion with prejudice is fraudulent and therefore prohibited under Article 15.36.10 Frivolous Civil Proceeding pursuant to SCRCP under RULE 11.

3) No - res judicata does not apply when the case has been dismissed without prejudice

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Mar 17, 2025

RECEIVED
MAR 17 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2024CP4005272

The Honorable McGee, Thomas William III

Federico Castro----------Appellant

Vs.

Driver Records Manager of Scdmv----------Respondent.

APPEAL / BRIEF

APPELLANT/PLAINTIFF: presents the following legal arguments before this Honorable Court of Appeals for review. Based on the descriptions found in the procedure report and which have been certified by the transcriber Tom Marcman and which in his time and space establishes the date February 26, 2025 it consists of the following:

(12/5/2024) On p. 14 #-22-23-24 it is faithfully cited and p. 15 #-6-7

22 23 24	**THE COURT: - - what do you have to say about the - - about whether or no res judicata applies if the case is dismissed Without prejudice ?**

6 7	**MR HUTCHINSON: Yes, Your Honor . You know . it - - I mean , I agree**

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A/13

THE STATE SOUTH CAROLINA
CIRCUIT COURT 5
COUNTY OF RICHLAND

FEDERICO CASTRO, Plaintiff, v. SOUTH CAROLINA DEPARTMENT OF LICENSING DRIVER'S RECORDS MANAGER, Defendant.	No. 2024-CP-40-05272

VERBATIM REPORT OF PROCEEDINGS

DEFENDANT MOTION TO DISMISS

BEFORE THE HONORABLE WILLIAM MCGEE III

12/5/2024

APPEARANCES

For Plaintiff:

Pro Se

For Defendant:

Curtis Hutchison
S.C. Department of Motor Vehicles
PO Box 1498
Blythewood, SC 29016

Transcribed by Tom Marshman

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1. Defendant Motion to Dismiss..... 5

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BEGIN PROCEEDINGS FOR 12/5/2024

THE COURT: All right. Next is Castro v. South Carolina Department of Motor Vehicle Driver's Records Manager.

And do I have the parties and/or lawyers here on that matter?

MR. HUTCHINSON: Your Honor, Curtis Hutchinson representing the South Carolina Department of Motor Vehicles.

THE COURT: All right. Good to see you, Mr. Hutchinson.

MR. HUTCHINSON: You as well, sir.

THE COURT: All right.

And, Mr. Castro?

MR. CASTRO: Yes, I am. But I can't -- I don't know how put my -- I don't know how put it on my camera.

THE COURT: There's usually something at the bottom that says start or stop video or, you know, something like that. But if you don't have it, that's -- that's okay.

MR. CASTRO: Okay. I can't see. I can see the letters over there but I can't see -- oh, let me see. My goodness.

THE COURT: Well, that's okay. If you found it -- if you found it, that's great. But it's -- it's not entirely necessary if you can't --

MR. CASTRO: Oh, start video -- start video, I guess it is. Okay.

THE COURT: All right. Oh, there you go.

MR. CASTRO: Thank you.

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THE COURT: Good to see you, Mr. Castro.

MR. CASTRO: Hi.

THE COURT: Sir. All right, Mr. Castro, just as I have mentioned to some other folks here today, I see that you've filed this pro se and that you're here. You do not have current legal counsel; is that right?

MR. CASTRO: That's right, Your Honor.

THE COURT: Okay. And -- and you have an absolute right to represent yourself in -- in this matter. You also have an absolute right to get counsel if you want.

Have you made that decision at this point?

MR. CASTRO: I want to represent myself.

THE COURT: Okay. All right.

MR. CASTRO: [INAUDIBLE].

THE COURT: Yes, sir. Okay. And in this case, again, just to kind of give you an overview, Mr. Hutchinson has filed a -- a motion -- where is this, here? Let's see -- a motion to dismiss. And so what -- since he argued -- since it's his motion, I will hear from him first.

Please rest assured that I will hear from you, as well. And so sometimes people that are representing themselves think that I'm going to make a decision based on one side of it. I'm not going to do that. I'll certainly hear you out and hearing anything that you have to say before I make any decision, okay?

MR. CASTRO: Okay. Thank you.

THE COURT: All right. Sure.

Mr. Hutchinson, your motion. Happy to hear from you, sir.

MR. HUTCHINSON: Thank you, Your Honor. As an initial matter, I'll let the Court know that Brandi Duncan, our former general counsel, is the one that did file the motion. She's no longer with the agency, so I'm here representing the South Carolina Department of Motor Vehicles.

We -- we did file this motion on three different grounds. First, we are filing under 12(b)(6). Of course, as Your Honor knows, we may move to dismiss this complaint based on [INAUDIBLE] facts sufficient to constitute a cause of action.

Your Honor, we think even viewed in the light most favorable to the plaintiff that this should be dismissed. If Your Honor has the Complaint in front of you, while I understand the difficulties of someone representing themselves, the complaint, itself, fails to raise any causes of action.

It's just quotes from an email that our former general counsel, Brandi Duncan, sent Mr. Castro. And also, I guess, snapshots of different notices. The email and the notices were also included as exhibits as part of -- of our motion.

Just to back up so Your Honor has the full kind of background as far as where that came from, Mr. Castro did bring suit against the South Carolina Department of Motor Vehicles in a case that was decided in 2019. Judge Casey Manning did hear that

case.

Your Honor, originally that case -- the complaint stated in full your records on 2/14/2015 are wrong and requested correction never existed. That was the totality of the complaint. It was -- and I say that to Your Honor because that one was dismissed based on failure to -- the 12(b)(6) motion as well, Your Honor.

Also there were issues with service.

THE COURT: Is that -- let me -- sorry to interrupt, Mr. Hutchinson -- but is that the same -- are those the same reports on the plaintiff's driving -- driver -- driving record that he's complaining about in this case?

MR. HUTCHINSON: Yes, Your Honor. You know, it is kind of difficult to discern some things. Everything mentioned is the same matter that was addressed before. And as part of that, Judge Manning put in the Form 4 -- we -- we put the order in our motion, as well -- he stated that, It's grant without prejudice. Defendant attorney to help Plaintiff with matters, formal order to formal. And there was a formal order.

So Ms. Duncan followed up with that email outlining what Mr. Castro has to do to get his license reinstated.

Now, these matters, so that Your Honor has the full context, we received several indications from New Jersey that there were failure to pay traffic tickets for Mr. Castro. Accordingly, we put that on his South Carolina driving record.

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And, also, with conviction for driving under the influence.

He took care of the matters as far as in New Jersey, but there's still several reinstatement fees here for the failure to pays. And, also, he needs to enroll and complete ADSAP for the DUI here in South Carolina.

So, that's what Ms. Duncan outlined to him in that email that we have attached to our motion. His complaint just kind of takes snippets from that. And, again, I understand Mr. Castro's working pro se, but it's difficult to follow any, I guess, sensible arguments as to what he's complaining about.

That kind of --

THE COURT: Okay. That -- the -- the steps --

MR. HUTCHINSON: -- brings me --

THE COURT: -- the steps that were -- that were given to Mr. Castro in the order last time that he needed to complete, so you're telling me that he -- did he satisfy the fees or fines in New Jersey but has not completed the rest of the steps here?

MR. HUTCHINSON: Correct, Your Honor. He has $700 in reinstatement fees for all the failure to pays and for the DUI and also he needs to enroll in and complete ADSAP.

THE COURT: Okay.

MR. HUTCHINSON: And --

THE COURT: So those are the same things -- so those are the same list of things that he -- that he could complete today that he had -- that he was advised that he needed to complete

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previously?

MR. HUTCHINSON: Yes, Your Honor. And that brings me to my next reason for this motion to dismiss is res judicata.

Your Honor, this is the exact same matter that he brought a few years ago. And while I understand it was dismissed without prejudice, of course Your Honor knows also in the statute of limitations if we -- when we bring that into play, that does not extend the statute of limitations.

Your Honor, in bringing suit against a government entity in the State of South Carolina in accordance with the Tort Claims Act, the limitation is either two -- or at most three years -- depending on the circumstance.

Everything here happened before -- at 2 -- 2019 or before. Most of it happened in 2015 when the matters were originally put on his record. So this is well beyond any sort of statute of limitations to bring this matter and it's a matter that's already brought again.

THE COURT: Okay.

MR. HUTCHINSON: So those are other parts of our motion to dismiss.

Your Honor, I will bring to the Court's attention, you know, in looking on the public index, Mr. Castro has filed multiple documents that are just mislabeled, some of the say affidavit of DMV employees or certain affidavits that are not affidavits.

Your Honor, I have never been one so suggest this but if Your Honor doesn't dismiss, we may need -- I would ask Your Honor to consider whether these are frivolous filings under 15.36.10 for him to continue to just file documents that are mislabeled and have no purpose to this. But --

THE COURT: Okay.

MR. HUTCHINSON: -- and, Your Honor, if you choose not to dismiss, I would just simply ask that Mr. Castro have to Rule 10 in his complaint as far as the specifics saying that all [INAUDIBLE] facts or cause of action or defense demands for relief should be made in consecutive numbered paragraphs, and -- and Your Honor knows as well as I do that they need to be concise and we need tab able to respond. It's just difficult at this part to do so.

THE COURT: Right. All right. Thank you, Mr. Hutchinson.

Mr. Castro, as I've -- as I've indicated, I'm happy to hear from you. And -- and you heard what Mr. Hutchinson has to say about this that, number one, that because you brought this before and it was dismissed that you're -- you're precluded from bringing it again. And then, also, that there's a statute of limitations, which means that under South Carolina law each claim that can be brought has a specific time limit that it has to be brought in.

And then Mr. Hutchinson argues that the statute of limitations has not been complied with here and so those are --

those are the -- the legal grounds. And there's some other grounds that he had, as well, but -- but I'm -- I'm wanting to give you a full and fair opportunity to tell me anything that you want me to consider in ruling on Mr. Hutchinson's motion.

MR. CASTRO: Thank you for the opportunity. And I've got various strong actions, and I tried to explain myself. If you don't understand me or the other lawyer, please let me and I try to --

THE COURT: No, I can -- you -- you speak excellent English. I'm -- I've got you.

MR. CASTRO: Thank you.

First of all, it was electronically filed on 2024, November 20, at 1:29 p.m. that entry of that Thomas H. Eller III, South Carolina Bar No. 75802 who is the handle now from the --

THE COURT: Right.

MR. CASTRO: -- Ms. Brandi Duncan, number one.

Number two, what I want to point out is Ms. Duncan never send me that motion. I have to look at into the portal of the South Carolina judicial system and that's the reason how I answer the -- the motion, number two.

THE COURT: Okay.

MR. CASTRO: Number three, it is what I put in my opposition in reply, it is -- there's impossible, absolutely out of this earth any argument from New Jersey or South Carolina because I never been pulled over. I never had any issue when they try to put it

out, this is a fraud. A --

THE COURT: No, I -- I get all that. But -- but this motion focuses on -- on the pleading, itself. I'm not here to decide who's right and who's wrong on that issue today.

What I've got to determine is whether or not your claim is barred because you already brought a lawsuit over it or, number two, whether it is barred by the statute of limitations, which means that you didn't bring it quickly enough under South Carolina law.

And so you understand you brought this case before and Judge Manning dismissed it. And in the order that he required be filed it had a list of items of things that you had to do. And it appears, at least based on Mr. Hutchinson's argument, that you did some of those, that you paid the fines or fees in New Jersey but that there are still have things that --

MR. CASTRO: I did not --

THE COURT: -- [INAUDIBLE].

MR. CASTRO: -- I did not pay any because I don't have to. It is --

THE COURT: Okay.

MR. CASTRO: -- not paid because it's not DUI. This is [INAUDIBLE] that they created the file for getting the $700. And I don't have any issue about the payment or whatever. What I'm trying to establish is the fraud they committed, right?

THE COURT: The New Jersey -- the people in New Jersey?

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MR. CASTRO: South Carolina and New Jersey, whatever it is who has started this thing. Nothing about this is true.

THE COURT: Well, it sounds -- it sounds like, at least based on your complaint, as well, that, you know, when -- when you move to another state that state says, Hey, we've got John Doe has moved here from --

MR. CASTRO: I -- I flow --

THE COURT: -- he moved here from New Jersey, he had a driver's license from another state. That state --

MR. CASTRO: This is the trick --

THE COURT: -- hold on, hold on, hold on -- South Carolina Department of Motor Vehicles doesn't know what happened in New Jersey. They have to go by whatever New Jersey tells them. And if they say that you got pulled and that you have fines outstanding or that you've got a DUI, they don't know whether that's true or not, they -- that's just what they're told.

And so I -- I think what -- what Mr. Hutchinson, at least in the motion to dismiss and in the prior pleadings, says is, you know, if -- if those are false claims or fraudulent claims, you have to go fix that with New Jersey and so New Jersey can report it to South Carolina and then they don't have any problem here.

MR. CASTRO: New Jersey no have nothing to do with it. This is South Carolina problem. They don't know how they make this kind of -- they [INAUDIBLE] or whatever they do. They simply don't

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[INAUDIBLE]. And I'm going to take the legal [INAUDIBLE] to them, too, is they are [INAUDIBLE] something.

In 2019 Judge Manning dismissed the case without prejudice --

THE COURT: Umm-hmm.

MR. CASTRO: -- so res judicata don't apply with a medical -- with -- of the -- the judgment of Judge Manning. Instead Judge Manning denied the motion to dismiss with prejudice, and this is the same thing where they are arguing this morning. And it is barred with the res judicata doctrine and they already lost the opportunity because they never, never answered the complaint.

They -- they argued the complaint, it was drafted -- they don't understand, there's no [INAUDIBLE] of the title. So if they are outside of the complaint, that is going to summary judgment. It is applied that Rule 56, so both party have the opportunity to -- to -- to present the -- the version of their sides, each other.

So [INAUDIBLE] issue with it is abdicated. So Judge Manning dismissed with prejudice -- without prejudice. So they are barred with the res judicata. They don't have a statute of limitations, right? Because they -- they say you have to pay $700 for reinstatement fee. But in order to pay that reinstatement fee I have to present some kind of ticket and when the -- when the ticket was paid, how it was paid, what date it was paid in order to pay that reinstatement fee.

But surprisingly, when I go to South Carolina Division of Motor Vehicle the manager look at it [INAUDIBLE] what I tell them and I say that only what you have to do is go to the Court and sue her -- sue the driver record manager, sue South Carolina Division of Motor Vehicle and get the order in order to leave. We [INAUDIBLE].

We -- we know what [INAUDIBLE] right here that if no court order at issue, we going to complete that fraud. Well, [INAUDIBLE] so I'm going to continue to get the [INAUDIBLE] for the money they -- they have stolen because it is illegally frowned on.

THE COURT: All right.

MR. CASTRO: I don't know if I answered your question or something so --

THE COURT: Okay. Anything else, Mr. Castro?

MR. CASTRO: Well, that's -- that's what I say with a simple -- with simplicity.

THE COURT: Yes, sir.

MR. CASTRO: Everything is there. Everything is there.

THE COURT: Mr. Hutchinson --

MR. CASTRO: They know it.

THE COURT: -- what do you have to say about the -- about whether or not res judicata applies if the case is dismissed without prejudice?

MR. HUTCHINSON: Uh, Your Honor --

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MR. CASTRO: Res judicata without prejudice --

THE COURT: Hold on, hold on, hold on, I'm asking Mr. Hutchinson that question. You -- you raised that issue. I want to hear what he has to say about that.

MR. CASTRO: I'm sorry.

MR. HUTCHINSON: Yes, Your Honor. You know, it -- I mean, I agree it could be an argument of circumstance. But typically in those cases without prejudice there needs to be some further step to bring it back up.

And then, of course nothing was done within the last several years until we are here before the Court today. I mean, if -- if Your Honor believes that without prejudice bars res judicata, I think that we're still within the statute of limitations -- or not within the statute of limitations and that would bar this claim.

Your Honor, I will just reply to a couple of other things that he said, if I could, just briefly. We did file a certificate of service in efilings that Ms. Duncan, mail versus certified mail this motion on September 11, 2024. And, also, just for Mr. Castro's benefit, Mr. Eller is an attorney with South Carolina Department of Motor Vehicles.

THE COURT: All right.

Mr. Castro, any last words you have, sir? And I'm going to take this matter under advisement so I can look over a couple things, so I'm not going to make a ruling right now. But

if there's I go else you want to say, sir, I'm happy to hear it.

MR. CASTRO: Huh -- I try desperately to do my best for get a license. It is not for the invasion of my civil right all the damage they cause probably never, ah, going to be the same. Ah, I want to get a normal life, see my children, grandchildren, just looking for help. That's all.

THE COURT: Yes, sir.

MR. CASTRO: [INAUDIBLE] and I believe in the law. I really believe. And that's what I do.

THE COURT: Yes, sir. I appreciate that, Mr. Castro, and I'm going to look at some of the -- some of the cases and some of the arguments that you've presented here. I need to -- I don't want to make a decision without looking into those and, also, the matters that Mr. Hutchinson has -- has raised, as well.

So I will look at some of those matters that y'all have discussed and I will let both of you know what my ruling is within the next few days.

MR. CASTRO: Thank you, Your Honor.

THE COURT: Thank you, sir. Good luck to you, Mr. --

MR. HUTCHINSON: Thank you, Your Honor.

THE COURT: -- Castro. Thank you, Mr. Hutchinson.

I'm going to take a -- we've got one more matter for the 9:30. I'm going to take one quick break for just two minutes. I'll be right back.

END PROCEEDINGS 10/18/2024

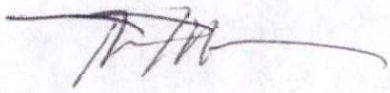
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C E R T I F I C A T E

I, THOMAS MARSHMAN, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court 5, Richland County, South Carolina, on the 26th day of February, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 26, 2025.



Thomas Marshman

AAERT Certified #CET-688

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

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SC Court of Appeals

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2024CP4005272

The Honorable McGee, Thomas William III

Federico Castro----------Appellant

Vs.

Driver Records Manager of Scdmv----------Respondent.

APPEAL / BRIEF

APPELLANT/PLAINTIFF: presents the following legal arguments before this Honorable Court of Appeals for review. Based on the descriptions found in the procedure report and which have been certified by the transcriber Tom Marcman and which in his time and space establishes the date February 26, 2025 it consists of the following:

(12/5/2024) On p. 14 #-22-23-24 it is faithfully cited and p. 15 #-6-7

22	**THE COURT: - - what do you have to say about the - - about**
23	***whether or no res judicata applies if the case is dismissed***
24	**Without prejudice ?**

6	**MR HUTCHINSON: Yes, Your Honor . You know . it - - I mean , I**
7	**agree**

PLAINTIFF / APPELLANT ARGUMENTS

"The defendants/respondents face the application of RES JUDICATA against them"

The following reasonable bases and literally quoting the February 26, 2025 report of proceeding it is presented as follows:

(12/5/2024) On p. 8 # -2-3-4-5-6-

2	**MR . HUTCHINSON : Yes , Your Honor . And that brings me to my next**
3	***reason for this motion to dismiss is res judicata***
4	**Your Honor , this is the exact same matter that he**
5	**brought a few years ago . And while I understand it was dismissed**
6	**without prejudice ,**

"The Defendant's have lost the case under RES JUDICATA DOCTRINE"

The plaintiff/appellant, under a deductive argument, is raised as follows:

(12/5/2024) p. 13 # -6-7-8-9-10-11

6	**MR . CASTRO : - - so res judicata don't apply with a medical - -**
7	**with - - of the - - the judgment of Judge Manning . Instead Judge**
8	**Manning denied the motion to dismiss with prejudice , and this is**
9	**the same thing where they are arguing this morning . And it is**
10	**barred with res judicata doctrine and they already lost the**
11	**opportunity because they never, never answered the complaint .**

RES JUDICATA DOES NOT APPLY TO THE PLAINTIFF/APPELLANT

1) **The origin case was DISMISSED WITHOUT PREJUDICE**
2) **The initial action does not involve a DECISION BASED ON THE MERIT**
3) **Lack of SUBJECT MATTER**

RES JUDICATA APPLIES TO THE DEFENDANTS'/RESPONDENT

1) **Barred the Defendants'/Respondent MOTION WITH PREJUDICE**
2) **THE SUBJECT MATTER, "DISMISS WITH PREJUDICE"**
3) **The defendants'/Respondent issue immediately trigger "MATTER JUDGE"**

ATTACHED REFERENCE:

NOTICE OF ACTION RES JUDICATA REVERSE & EXHIBIT	**RICHLAND COUNTY FILED 2024 DEC - 3 PM 2:58 JEANETTE W. McBRIDE**
EXHIBIT "F" - (12/05/2024.A)	**RICHLAND COUNTY FILED 2025 FEB 14 - PM 2:54**

THEREFORE DEFENDANTS/RESPONDENTS HAVE LOST THE CASE UNDER RES JUDICATA DOCTRINE AND STATUTES OF LIMITATIONS PROHIBIT THEM FROM BRINGING THE CASE AGAIN.

The Plaintiff/Appellant, using a logical and deductive argument, takes the following references found in the procedural report and which have been certified on February 26, 2025, thus stating:

(12/5/2024) On p. -10-#-22-23-24-25- / p. 11-#-1-2-3-4-5-6

22	**MR . CASTRO : Number three , it is what I put in my opposition in**
26	**reply , it is - - there's impossible , absolutely out of this earth**
24	**any argument from New Jersey or South Carolina because I never**
25	**been pulled over . I never had any issue when they try to put it**

1	**out , this is a fraud . A - -**
2	***THE COURT : No , I - - get all that . But - - but this motion***
3	**focuses on - - on the pleading , itself . I' m not here to decide**
4	**who's right and who's wrong on the issue today .**
5	**What I' ve got to determinate is whether or not your claim**
6	**is barred**

ATTACHED REFERENCE: *(Civil Action No.: 2024CP4005272)*

OPPOSITION TO NOTICE MOTION BY THE DEFENDANT	**REPLY TO MOTION**
RICHLAND COUNTY FILED *2024 SEP 26 AM 8:39* JEANETTE W. McBRIDE	**RICHLAND COUNTY FILED *2024 SEP 26 AM 8:39* JEANETTE W. McBRIDE**
(p.6-FITH/#3-4-5) cannot be challenged	**FRAUD**

"PLAINTIFF/APPELLANT SUBMITS FORMS 4 FOR REVIEW"

Statement of Judgement 2024 Dec 05 12:24 PM 2024CP4005272

Defendant's Motion to Dismiss was heard on 12/5/24. After hearing from counsel of record and reviewing all filing and other evidence properly before the Court. Defendant's Motion was taken under advisement by Judge McGee.

State of Judgement 2025 Jan 07 12:10 PM 2024CP4005272

Defendant's Motion to Dismiss was heard on 12/5/24. After hearing from counsel of Record and reviewing all filling and other evidence properly before the Court. Defendant's Motion is granted. Defense counsel has 10 days in which to file a *proposed order.*

Brief Summary of the Facts and chronology of the procedure

1) **On "other evidence properly before the Court.", Appellant has requested:**

a. Request for "other evidence'
submitted on December 5, 2024
JUDGE McGEE, THOMAS WILLIAM III

b. CERTIFICATE OF EVIDENCE
February 26, 2025

"APPELLANT / BRIEF DESCRIPTION 0N (12/5/2024) - (01/7/2025)"

(12/5/2024), - - [Defendant's Motion was taken under advisement]

10	**THE COURT : Yes , sir . I appreciate that , Mr . Castro , and I'm**
11	**going to look at some of the - - some of the cases and some of the**
12	**arguments that you've presented here . I need to - - I don't want**
13	**to make a decision without looking into those and, also, the**
14	**matters that Mr . Hutchinson has - - has raised, as well .**
15	**So I will look at some of those matters that y'all have**
16	**discussed and I will both of you know what my ruling is**
17	**within the next few days .**

(01/7/2025), - - [Defendant's Motion is granted. Defense counsel has 10 days in which to file a proposed order].

PLAINTIFF/APPELLANT POINTS OUT

a. **"Defendant's Motion is granted", against Defendant's rectifying the RES JUDICATA DOCTRINE where the case is previously decided, adjudicated and ordered. The doctrine previously grants the motion with prejudice against defendant's , as this is the main basis of the subject matter.**

b. **RES JUDICATA DOCTRINE, will make any other Order impossible.**

NOTE: None of the above has to do with justice because the Defendant's have no legal basis; on the contrary, it refers to defrauding the plaintiff by testing him using low techniques such as misrepresentation, misinterpretation, defamation, manipulation, etc. as established in legal procedures to commit fraud. Recently, on 12/5/2024, you will find evidence of events that never occurred because they were fraudulent. In addition, I consider it a malicious meeting with bad faith that discovers a series of inconsistencies that reveal fraud, a characterization summarized in a few words "EGO", the worst evil of every human being, did not allow a simple solution.

THE STATE SOUTH CAROLINA
CIRCUIT COURT 5
COUNTY OF RICHLAND

FEDERICO CASTRO, Plaintiff, v. SOUTH CAROLINA DEPARTMENT OF LICENSING DRIVER'S RECORDS MANAGER, Defendant.	)	No. 2024-CP-40-05272

VERBATIM REPORT OF PROCEEDINGS

DEFENDANT MOTION TO DISMISS

BEFORE THE HONORABLE WILLIAM MCGEE III

12/5/2024

APPEARANCES

For Plaintiff:

Pro Se

For Defendant:

Curtis Hutchison
S.C. Department of Motor Vehicles
PO Box 1498
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Transcribed by Tom Marshman

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BEGIN PROCEEDINGS FOR 12/5/2024

THE COURT: All right. Next is Castro v. South Carolina Department of Motor Vehicle Driver's Records Manager.

And do I have the parties and/or lawyers here on that matter?

MR. HUTCHINSON: Your Honor, Curtis Hutchinson representing the South Carolina Department of Motor Vehicles.

THE COURT: All right. Good to see you, Mr. Hutchinson.

MR. HUTCHINSON: You as well, sir.

THE COURT: All right.

And, Mr. Castro?

MR. CASTRO: Yes, I am. But I can't -- I don't know how put my -- I don't know how put it on my camera.

THE COURT: There's usually something at the bottom that says start or stop video or, you know, something like that. But if you don't have it, that's -- that's okay.

MR. CASTRO: Okay. I can't see. I can see the letters over there but I can't see -- oh, let me see. My goodness.

THE COURT: Well, that's okay. If you found it -- if you found it, that's great. But it's -- it's not entirely necessary if you can't --

MR. CASTRO: Oh, start video -- start video, I guess it is. Okay.

THE COURT: All right. Oh, there you go.

MR. CASTRO: Thank you.

THE COURT: Good to see you, Mr. Castro.

MR. CASTRO: Hi.

THE COURT: Sir. All right, Mr. Castro, just as I have mentioned to some other folks here today, I see that you've filed this pro se and that you're here. You do not have current legal counsel; is that right?

MR. CASTRO: That's right, Your Honor.

THE COURT: Okay. And -- and you have an absolute right to represent yourself in -- in this matter. You also have an absolute right to get counsel if you want.

Have you made that decision at this point?

MR. CASTRO: I want to represent myself.

THE COURT: Okay. All right.

MR. CASTRO: [INAUDIBLE].

THE COURT: Yes, sir. Okay. And in this case, again, just to kind of give you an overview, Mr. Hutchinson has filed a -- a motion -- where is this, here? Let's see -- a motion to dismiss. And so what -- since he argued -- since it's his motion, I will hear from him first.

Please rest assured that I will hear from you, as well. And so sometimes people that are representing themselves think that I'm going to make a decision based on one side of it. I'm not going to do that. I'll certainly hear you out and hearing anything that you have to say before I make any decision, okay?

MR. CASTRO: Okay. Thank you.

THE COURT: All right. Sure.

Mr. Hutchinson, your motion. Happy to hear from you, sir.

MR. HUTCHINSON: Thank you, Your Honor. As an initial matter, I'll let the Court know that Brandi Duncan, our former general counsel, is the one that did file the motion. She's no longer with the agency, so I'm here representing the South Carolina Department of Motor Vehicles.

We -- we did file this motion on three different grounds. First, we are filing under 12(b)(6). Of course, as Your Honor knows, we may move to dismiss this complaint based on [INAUDIBLE] facts sufficient to constitute a cause of action.

Your Honor, we think even viewed in the light most favorable to the plaintiff that this should be dismissed. If Your Honor has the Complaint in front of you, while I understand the difficulties of someone representing themselves, the complaint, itself, fails to raise any causes of action.

It's just quotes from an email that our former general counsel, Brandi Duncan, sent Mr. Castro. And also, I guess, snapshots of different notices. The email and the notices were also included as exhibits as part of -- of our motion.

Just to back up so Your Honor has the full kind of background as far as where that came from, Mr. Castro did bring suit against the South Carolina Department of Motor Vehicles in a case that was decided in 2019. Judge Casey Manning did hear that

case.

Your Honor, originally that case -- the complaint stated in full your records on 2/14/2015 are wrong and requested correction never existed. That was the totality of the complaint. It was -- and I say that to Your Honor because that one was dismissed based on failure to -- the 12(b)(6) motion as well, Your Honor.

Also there were issues with service.

THE COURT: Is that -- let me -- sorry to interrupt, Mr. Hutchinson -- but is that the same -- are those the same reports on the plaintiff's driving -- driver -- driving record that he's complaining about in this case?

MR. HUTCHINSON: Yes, Your Honor. You know, it is kind of difficult to discern some things. Everything mentioned is the same matter that was addressed before. And as part of that, Judge Manning put in the Form 4 -- we -- we put the order in our motion, as well -- he stated that, It's grant without prejudice. Defendant attorney to help Plaintiff with matters, formal order to formal. And there was a formal order.

So Ms. Duncan followed up with that email outlining what Mr. Castro has to do to get his license reinstated.

Now, these matters, so that Your Honor has the full context, we received several indications from New Jersey that there were failure to pay traffic tickets for Mr. Castro. Accordingly, we put that on his South Carolina driving record.

And, also, with conviction for driving under the influence.

He took care of the matters as far as in New Jersey, but there's still several reinstatement fees here for the failure to pays. And, also, he needs to enroll and complete ADSAP for the DUI here in South Carolina.

So, that's what Ms. Duncan outlined to him in that email that we have attached to our motion. His complaint just kind of takes snippets from that. And, again, I understand Mr. Castro's working pro se, but it's difficult to follow any, I guess, sensible arguments as to what he's complaining about.

That kind of --

THE COURT: Okay. That -- the -- the steps --

MR. HUTCHINSON: -- brings me --

THE COURT: -- the steps that were -- that were given to Mr. Castro in the order last time that he needed to complete, so you're telling me that he -- did he satisfy the fees or fines in New Jersey but has not completed the rest of the steps here?

MR. HUTCHINSON: Correct, Your Honor. He has $700 in reinstatement fees for all the failure to pays and for the DUI and also he needs to enroll in and complete ADSAP.

THE COURT: Okay.

MR. HUTCHINSON: And --

THE COURT: So those are the same things -- so those are the same list of things that he -- that he could complete today that he had -- that he was advised that he needed to complete

previously?

MR. HUTCHINSON: Yes, Your Honor. And that brings me to my next reason for this motion to dismiss is res judicata.

Your Honor, this is the exact same matter that he brought a few years ago. And while I understand it was dismissed without prejudice, of course Your Honor knows also in the statute of limitations if we -- when we bring that into play, that does not extend the statute of limitations.

Your Honor, in bringing suit against a government entity in the State of South Carolina in accordance with the Tort Claims Act, the limitation is either two -- or at most three years -- depending on the circumstance.

Everything here happened before -- at 2 -- 2019 or before. Most of it happened in 2015 when the matters were originally put on his record. So this is well beyond any sort of statute of limitations to bring this matter and it's a matter that's already brought again.

THE COURT: Okay.

MR. HUTCHINSON: So those are other parts of our motion to dismiss.

Your Honor, I will bring to the Court's attention, you know, in looking on the public index, Mr. Castro has filed multiple documents that are just mislabeled, some of the say affidavit of DMV employees or certain affidavits that are not affidavits.

Your Honor, I have never been one so suggest this but if Your Honor doesn't dismiss, we may need -- I would ask Your Honor to consider whether these are frivolous filings under 15.36.10 for him to continue to just file documents that are mislabeled and have no purpose to this. But --

THE COURT: Okay.

MR. HUTCHINSON: -- and, Your Honor, if you choose not to dismiss, I would just simply ask that Mr. Castro have to Rule 10 in his complaint as far as the specifics saying that all [INAUDIBLE] facts or cause of action or defense demands for relief should be made in consecutive numbered paragraphs, and -- and Your Honor knows as well as I do that they need to be concise and we need tab able to respond. It's just difficult at this part to do so.

THE COURT: Right. All right. Thank you, Mr. Hutchinson.

Mr. Castro, as I've -- as I've indicated, I'm happy to hear from you. And -- and you heard what Mr. Hutchinson has to say about this that, number one, that because you brought this before and it was dismissed that you're -- you're precluded from bringing it again. And then, also, that there's a statute of limitations, which means that under South Carolina law each claim that can be brought has a specific time limit that it has to be brought in.

And then Mr. Hutchinson argues that the statute of limitations has not been complied with here and so those are --

those are the -- the legal grounds. And there's some other grounds that he had, as well, but -- but I'm -- I'm wanting to give you a full and fair opportunity to tell me anything that you want me to consider in ruling on Mr. Hutchinson's motion.

MR. CASTRO: Thank you for the opportunity. And I've got various strong actions, and I tried to explain myself. If you don't understand me or the other lawyer, please let me and I try to --

THE COURT: No, I can -- you -- you speak excellent English. I'm -- I've got you.

MR. CASTRO: Thank you.

First of all, it was electronically filed on 2024, November 20, at 1:29 p.m. that entry of that Thomas H. Eller III, South Carolina Bar No. 75802 who is the handle now from the --

THE COURT: Right.

MR. CASTRO: -- Ms. Brandi Duncan, number one.

Number two, what I want to point out is Ms. Duncan never send me that motion. I have to look at into the portal of the South Carolina judicial system and that's the reason how I answer the -- the motion, number two.

THE COURT: Okay.

MR. CASTRO: Number three, it is what I put in my opposition in reply, it is -- there's impossible, absolutely out of this earth any argument from New Jersey or South Carolina because I never been pulled over. I never had any issue when they try to put it

out, this is a fraud. A --

THE COURT: No, I -- I get all that. But -- but this motion focuses on -- on the pleading, itself. I'm not here to decide who's right and who's wrong on that issue today.

What I've got to determine is whether or not your claim is barred because you already brought a lawsuit over it or, number two, whether it is barred by the statute of limitations, which means that you didn't bring it quickly enough under South Carolina law.

And so you understand you brought this case before and Judge Manning dismissed it. And in the order that he required be filed it had a list of items of things that you had to do. And it appears, at least based on Mr. Hutchinson's argument, that you did some of those, that you paid the fines or fees in New Jersey but that there are still have things that --

MR. CASTRO: I did not --

THE COURT: -- [INAUDIBLE].

MR. CASTRO: -- I did not pay any because I don't have to. It is --

THE COURT: Okay.

MR. CASTRO: -- not paid because it's not DUI. This is [INAUDIBLE] that they created the file for getting the $700. And I don't have any issue about the payment or whatever. What I'm trying to establish is the fraud they committed, right?

THE COURT: The New Jersey -- the people in New Jersey?

MR. CASTRO: South Carolina and New Jersey, whatever it is who has started this thing. Nothing about this is true.

THE COURT: Well, it sounds -- it sounds like, at least based on your complaint, as well, that, you know, when -- when you move to another state that state says, Hey, we've got John Doe has moved here from --

MR. CASTRO: I -- I flow --

THE COURT: -- he moved here from New Jersey, he had a driver's license from another state. That state --

MR. CASTRO: This is the trick --

THE COURT: -- hold on, hold on, hold on -- South Carolina Department of Motor Vehicles doesn't know what happened in New Jersey. They have to go by whatever New Jersey tells them. And if they say that you got pulled and that you have fines outstanding or that you've got a DUI, they don't know whether that's true or not, they -- that's just what they're told.

And so I -- I think what -- what Mr. Hutchinson, at least in the motion to dismiss and in the prior pleadings, says is, you know, if -- if those are false claims or fraudulent claims, you have to go fix that with New Jersey and so New Jersey can report it to South Carolina and then they don't have any problem here.

MR. CASTRO: New Jersey no have nothing to do with it. This is South Carolina problem. They don't know how they make this kind of -- they [INAUDIBLE] or whatever they do. They simply don't

[INAUDIBLE]. And I'm going to take the legal [INAUDIBLE] to them, too, is they are [INAUDIBLE] something.

In 2019 Judge Manning dismissed the case without prejudice --

THE COURT: Umm-hmm.

MR. CASTRO: -- so res judicata don't apply with a medical -- with -- of the -- the judgment of Judge Manning. Instead Judge Manning denied the motion to dismiss with prejudice, and this is the same thing where they are arguing this morning. And it is barred with the res judicata doctrine and they already lost the opportunity because they never, never answered the complaint.

They -- they argued the complaint, it was drafted -- they don't understand, there's no [INAUDIBLE] of the title. So if they are outside of the complaint, that is going to summary judgment. It is applied that Rule 56, so both party have the opportunity to -- to -- to present the -- the version of their sides, each other.

So [INAUDIBLE] issue with it is abdicated. So Judge Manning dismissed with prejudice -- without prejudice. So they are barred with the res judicata. They don't have a statute of limitations, right? Because they -- they say you have to pay $700 for reinstatement fee. But in order to pay that reinstatement fee I have to present some kind of ticket and when the -- when the ticket was paid, how it was paid, what date it was paid in order to pay that reinstatement fee.

But surprisingly, when I go to South Carolina Division of Motor Vehicle the manager look at it [INAUDIBLE] what I tell them and I say that only what you have to do is go to the Court and sue her -- sue the driver record manager, sue South Carolina Division of Motor Vehicle and get the order in order to leave. We [INAUDIBLE].

We -- we know what [INAUDIBLE] right here that if no court order at issue, we going to complete that fraud. Well, [INAUDIBLE] so I'm going to continue to get the [INAUDIBLE] for the money they -- they have stolen because it is illegally frowned on.

THE COURT: All right.

MR. CASTRO: I don't know if I answered your question or something so --

THE COURT: Okay. Anything else, Mr. Castro?

MR. CASTRO: Well, that's -- that's what I say with a simple -- with simplicity.

THE COURT: Yes, sir.

MR. CASTRO: Everything is there. Everything is there.

THE COURT: Mr. Hutchinson --

MR. CASTRO: They know it.

THE COURT: -- what do you have to say about the -- about whether or not res judicata applies if the case is dismissed without prejudice?

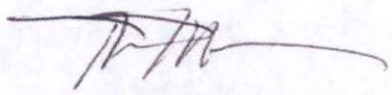
MR. HUTCHINSON: Uh, Your Honor --

C E R T I F I C A T E

I, THOMAS MARSHMAN, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court 5, Richland County, South Carolina, on the 26th day of February, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 26, 2025.



Thomas Marshman

AAERT Certified #CET-688

6) PLAINTIFF/APPELLANT SUBMIT FORM 4 FOR REVIEW

RECEIVED
MAR 17 2025
SC Court of Appeals

SYSTEMATIC DESCRIPTION

1* "other evidence properly before the court.

2* Defendant's Motion to dismiss with prejudice taken under advisement

3* Defense counsel has 10 days in which to file a proposed order.

---

1) APPELLANT/REQUESTED

a . Request for "other evidence" submitted on December 5, 2024

BRANDY A. DUNCAN SC Bar#72052 General Counsel

CURTIS HUTCHINSON, SC Bar #76634 General Counsel

---

2) CERTIFICATE OF EVIDENCE

b . Frivolous motion to dismiss with prejudice - - 15.36.10

Mar 17, 2025

"PLAINTIFF/APPELLANT SUBMITS FORMS 4 FOR REVIEW"

RECEIVED
MAR 17 2025
SC Court of Appeals

Statement of Judgement 2024 Dec 05 12:24 PM 2024CP4005272

Defendant's Motion to Dismiss was heard on 12/5/24. After hearing from counsel of record and reviewing all filing and other evidence properly before the Court. Defendant's Motion was taken under advisement by Judge McGee.

State of Judgement 2025 Jan 07 12:10 PM 2024CP4005272

Defendant's Motion to Dismiss was heard on 12/5/24. After hearing from counsel of Record and reviewing all filling and other evidence properly before the Court. Defendant's Motion is granted. Defense counsel has 10 days in which to file a *proposed order.*

Brief Summary of the Facts and chronology of the procedure

1) On "other evidence properly before the Court.", Appellant has requested:

a. Request for "other evidence'
submitted on December 5, 2024
JUDGE McGEE, THOMAS WILLIAM III

b. CERTIFICATE OF EVIDENCE
February 26, 2025

FC- F4
1

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP4005272

Federico Castro
PLAINTIFF(S)

Scdmv Driver Records Manager et al
DEFENDANT(S)

RECEIVED
MAR 17 2025
SC Court of Appeals

ELECTRONICALLY FILED - 2025 Jan 07 12:10 PM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

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:

Defendant's Motion to Dismiss was heard on 12/5/24. After hearing from counsel of record and reviewing all filings and other evidence properly before the Court, Defendant's Motion is granted. Defense counsel has 10 days in which to file a proposed order.

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 01/06/2025 .

Federico Castro for Federico Castro
Federico Castro for Federico Castro

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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2

Court Reporter:

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Richland Common Pleas

Case Caption: Federico Castro vs Scdmv Driver Records Manager , defendant, et al

Case Number: 2024CP4005272

Type: Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

FC- F4
4

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP4005272

Federico Castro
PLAINTIFF(S)

Scdmv Driver Records Manager et al
DEFENDANT(S)

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Federico Castro for Federico Castro
Federico Castro for Federico Castro

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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.

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ELECTRONICALLY FILED - 2024 Dec 05 12:24 PM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

Richland Common Pleas

Case Caption: Federico Castro vs Scdmv Driver Records Manager , defendant, et al

Case Number: 2024CP4005272

Type: Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

FC-F4
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ELECTRONICALLY FILED - 2025 Feb 19 10:24 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	**Civil Action No.: 2024CP4005272**
Federico Castro	**Request for "other evidence"**
PALINTIFF/APPELLANT	**submitted on December 5, 2024**
Vs.	**JUDGE McGEE, THOMAS WILLIAM III**
Driver Records Manager of Scdmv	
DEFENDANT'S/RESPONDENT'S	

TO THE HONORABLE COURT: The undersigned appellant/plaintiff is requesting a true and legitimate copy of the evidence that was submitted at the hearing that took place before Judge McGEE on Thursday, December 5, 2024 and which in the description is determined as "AND OTHER EVIDENCE PROPERLY BEFORE THE COURT", attached as a reference you will find FORM 4 -JUDGEMENT IN A CIVIL CASE-CASE NO. 2024CP4005272 as well as a copy of the notice of motion to dismiss with prejudice, as you can see in said motion the names in reference to the legally defendants do not appear, on the contrary, the acronyms in reference ("SCDMV") determine a universal concept without any descriptive limit and refers to an intangible name. For his part, the appellant/plaintiff does not recognize and lacks any indescribable legitimacy.

This request is based on the requirement of facts of the jurisdiction that takes part and that is the jurisdiction of the Court of Appeals, therefore because the appellant/plaintiff was not provided the right to such evidence either before or after by the apparent representatives of the intangible acronyms ("SCDMV") and that without any legal basis and legal recognition they requested that case 20204CP4005272 be dismissed with prejudice and they say they are:

BRANDY A. DUNCAN, SC Bar #72052 General Counsel

CURTIS HUTCHINSON, SC Bar # 76634 General Counsel

PLEASE NOTE: Case investigations show Mr. Thomas H. Eller, III as inactive.Thanking you for your consideration in this matter, cordially and respectfully, with nothing more to add, I am.

JAN 17,2025

Federico Castro

01/17/25

FC-F4
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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP4005272

Federico Castro
PLAINTIFF(S)

Scdmv Driver Records Manager et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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☐ **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

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IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

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ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

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Federico Castro for Federico Castro
Federico Castro for Federico Castro

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ELECTRONICALLY FILED - 2024 Dec 05 12:24 PM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

Richland Common Pleas

Case Caption: Federico Castro vs Scdmv Driver Records Manager , defendant, et al

Case Number: 2024CP4005272

Type: Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

FC-F4
10

Court Reporter:

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ELECTRONICALLY FILED - 2024-Sep-19 10:16:31 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Federico Castro Plaintiff, v. South Carolina Department of Motor Vehicles Driver Records Manager, Defendant.	IN THE COURT OF COMMON PLEAS Civil Action No. 24-CP-40-05272 **NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO RULE 12(b)(4) and (6), SCRCP AND DUE TO RES JUDICATA**

TO: FEDERICO CASTRO, Plaintiff, PLEASE TAKE NOTICE that the South Carolina Department of Motor Vehicles ("SCDMV"), by and through undersigned counsel, will move before the Court ten (10) days from the date of this Notice of Motion and Motion to Dismiss for dismissal of this action pursuant to Rule 12(b)(4) and (6), SCRCP, res judicata, and failure to file a claim with the statute of limitations.[1] The grounds for this motion are more fully set forth below.

a. Rules 12(b)(4) and (6), SCRCP

Standard of Review for Motion to Dismiss Under Rule 12(b)(6)

Under Rule 12(b)(6), SCRCP, a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action. In considering such a motion, the trial court must base its ruling solely on the allegations set forth in the complaint. If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. *Bergstrom v. Palmetto Health Alliance,* 358 S. C. 388, 596 S. E. 2d 42, *reh. den.* (2004); *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999).

[1] In filing this *Motion to Dismiss*, the SCDMV specifically reserves its rights to assert any and applicable defenses in this action, including, but not limited to any defenses properly raised under the South Carolina Tort Claims Act and any affirmative defenses, should the *Motion to Dismiss* be denied for any reason,

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ELECTRONICALLY FILED - 2024 Sep 19 10:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4006272

A motion to dismiss for failure to state a cause of action must be granted if, viewing the evidence in favor of the plaintiff, the facts reasonably deducible therefrom do not entitle the plaintiff to relief on any theory. *Brown v. Theos*, 338 S. C. 305, 526 S. E. 2d 232, *reh. den.* (Ct. App. 1999).

Allegations of the Plaintiff

The Plaintiff's allegations never identify any cause of action by name. In fact, the Plaintiff's allegations appear to be quotes taken from an October 8, 2019, e-mail from the undersigned to Plaintiff in which the undersigned informed Plaintiff of the steps he needed to take, as of that date, to clear his driver's license suspensions (Exhibit A). The Plaintiff's allegations also appear to be non-sensical, argumentative statements made between various quotes from the e-mail contained at Exhibit A, as a well as various notices of suspension that have been mailed from SCDMV to the Plaintiff. Further, because of the formatting throughout Plaintiff's allegations and a lack of headings or titles, it is extremely difficult to identify where Plaintiff's allegations/arguments begin and end relative to the quotes from the e-mail contained at Exhibit A and the various suspension letters issued to Plaintiff.

In fact, the only parts of Plaintiff's Complaint that appear to state anything with any clarity are: 1) the section titled "Resolution of the Complaints;" and 2) a paragraph at the bottom of page 10 of the Complaint. In the section titled "Resolution of the Complaints" Plaintiff states that he demands "that each and every one of the above mentioned files be removed, deleted, expungement AND my driver's license be restored immediately." Because of the lack of clarity in the rest of the Complaint, however, it is unclear which "files" Plaintiff is asking to have removed, deleted, and expunged from his driving record. In the paragraph at the bottom of page 10 of the Complaint, Plaintiff is clear that he believes he has suffered $1,760,000.00 in damages and that he should be

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compensated for that amount. In making this demand, however, Plaintiff does not set forth how SCDMV has caused these alleged damages or why SCDMV should pay this amount to Plaintiff.

Due to the numerous issues with how this Complaint is drafted, SCDMV asserts this case should be dismissed due to failure to state a claim and insufficiency of process. Alternatively, if this case is not dismissed for failure to state a claim and/or insufficiency of process, Plaintiff should be required to redraft his Complaint in a format consistent with the requirements of Rules 8 and 10, SCRCP, including the requirement that pleadings be concise and direct. In short, if this case is to continue, SCDMV and the Court should be able to tell from the Complaint what the legal claims are against SCDMV and not have to guess or assume what the legal claims are, particularly since the Plaintiff is asking for more than $1.7 million dollars in damages.

b. Res Judicata & Claim Has Been Filed Outside the Statute of Limitations

Plaintiff has previously sued the SCDMV related to suspensions on his driving record. See 2019-CP-40-03207, dismissed on October 9, 2019, by Judge Casey Manning. A copy of the final order from that case is attached as Exhibit B to this motion. To the extent Plaintiff may attempting to litigate the same issues raised in the 2019 case he brought against SCDMV again, SCDMV asserts that Plaintiff's claims are untimely and constitute res judicata. See *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009) ("Appellant may not seek relief from the prior unappealed order of the circuit court because the order has become the law of the case."); see also *Buckner v. Preferred Mut. Ins. Co.*, 255 S .C. 159, 160–61, 177 S.E.2d 544, 544 (1970) (holding an unappealed ruling, right or wrong, is the law of the case). Under the doctrine of res judicata, "[a] litigant is barred from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit." *Hilton Head Center of South Carolina, Inc. v. Public Service Comm'n of South Carolina*, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987). To establish

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ELECTRONICALLY FILED - 2024-Sep-19 10:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

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res judicata, the defendant must prove the following three elements: (1) identity of the parties; (2) identity of the subject matter; and (3) adjudication of the issue in the former suit. *Riedman Corp. v. Greenville Steel Structures, Inc.*, 308 S.C. 467, 419 S.E.2d 217 (1992); *Sealy v. Dodge*, 289 S.C. 543, 347 S.E.2d 504 (1986). In this case, the parties appear to be the same as in the prior case: Plaintiff and the SCDMV. In this case, based on the drafting of the Complaint, it appears the subject matter of the litigation is also the same: whether SCDMV properly applied suspensions to Plaintiff's driving record. Finally, in this case, the issue regarding whether SCDMV properly applied suspensions to Plaintiff's driving record was dismissed due to the Plaintiff's prior failure to state a clear claim against the SCDMV (as well as for other reasons). As noted in footnote 1 of Judge Manning's final order in the 2019-CP-40-03207 case involving Plaintiff and SCDMV, Judge Manning specifically noted that Plaintiff would provide the undersigned with his driver's license number so that the undersigned could provide Plaintiff with the information needed to resolve his suspension issues (indicating the prior litigation involved Plaintiff's suspension issues). As demonstrated by the e-mail sent from the undersigned to Plaintiff on October 8, 2019, the Plaintiff provided his driver's license number to the undersigned and the undersigned advised the Plaintiff of how he could resolve his suspension issues with the SCDMV. As of October 8, 2019, Plaintiff was suspended for Driving Under the Influence and six Failure to Pay Traffic Ticket offenses that occurred in New Jersey and were transmitted to SCDMV pursuant to the Nonresident Traffic Violator Compact ("NRVC"), S.C. Code §56-25-10 et seq. As of October 8, 2019, and continuing as of the filing of this motion, to clear these suspensions, Plaintiff must do the following, in this recommended order:

1) Enroll in and complete ADSAP; and

2) Pay $700 in reinstatement fees to SCDMV.

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Once Plaintiff completes both of these items, he will be eligible to apply for a South Carolina driver's license again. Since Plaintiff quotes the October 9, 2019, e-mail extensively in his Complaint, it appears that this current action is essentially about the same issues raised in case 2019-CP-40-03207, which was dismissed by Judge Manning. For these reasons, this case constitutes res judicata.

Further, because Plaintiff previously filed litigation against SCDMV regarding what appear to be the same exact suspension issues, Plaintiff's current claims are untimely filed and must be dismissed. Claims against a South Carolina government agency generally must be brought within two years after the loss was or should have been discovered. S.C. Code §15-78-100(a). That two-year period of time may be extended to three years if a verified claim for damages is filed and disallowed or rejected. *Id*. With the understanding and belief that the suspension issues raised by Plaintiff in the 2019-CP-40-03207 case against SCDMV are the same issues Plaintiff is attempting to litigate in this case, Plaintiff's claims in this case are well past the two and three year deadlines and, for that reason, this case should be dismissed with prejudice.

Conclusion

For the reasons stated above, SCDMV asserts this action should be dismissed with prejudice due to: 1) failure to state facts sufficient to constitute a cause of action; 2) res judicata; and 3) failing to file a claim within the statute of limitations.

s/Brandy A. Duncan
BRANDY A. DUNCAN, SC Bar # 72052
General Counsel
CURTIS HUTCHINSON, SC Bar # 76634
General Counsel
South Carolina Department of Motor Vehicles
Post Office Box 1498
Blythewood, South Carolina 29016-0020
Telephone: 803.896.9900
Email: hearingsprocessingunit@scdmv.net

September 11, 2024
Blythewood, South Carolina

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ELECTRONICALLY FILED - 2024 Sep 11 9:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
RIDGLAND COUNTY	Civil Action: 2024CP4005272
Federico Castro Plaintiff/Appellant **Vs.** **Driver Records Manager of Scdmv** Defendant's/Respondent	**CERTIFICATE OF EVIDENCE** **February 26, 2025**

RICHLAND COUNTY
FILED
2025 MAR 11 AM 11:50
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

TO THE HONORABLE CLERK OF COURT: ***Janette w. McBride***

The undersigned Plaintiff/Appellant hereby request that the attached documents described below be filed and sealed in a timely manner:

- **VERBATIM REPORT OF PROCEEDINGS**

DEFENDANT MOTION TO DISMISS

BEFORE THE HONORABLE WILLIAM MCGEE III

12/5/2024

- **Request for Evidence entered on December 5, 2024 found on page 17 on lines 4 and 5 of Thomas Marshman certificate and verified on the date described as February 26, 2025**
- **Clarification of the word "trial" spelled out on page 17 on line 5 of the Thomas Marshman AAERT Certified #CET-688 certification**

I sincerely appreciate your time and that of your team for paying attention to this matter, at the same time I would respectfully ask you to bring any questions or concerns to my attention as soon as possible.

Federico 03-3-25

P. 1

Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936
gchome19@gmail.com

March 3, 2025

THE HONORABLE
Janette W. McBride
Richland County Clerk Of Court
1701 Main St. #205 Columbia, SC 29201

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Thomas Marshman
AAERT Certified # CET-688

Velvet Mills
Transcript Manager |
Legal Eagle

M (864) 325-5486 | P (864)
467-1373
E
vmills@legaleagleinc.com

107 LeGrand Blvd.,
Greenville, SC 29607
www.LegalEagleInc.com

RE: Federico Castro v. SOUTH CAROLINA DEPARTMENT OF LICENSING DRIVER'S RECORDS MANAGER DEFENDANT'S.

VERBATIM REPORT OF PROCEEDING
DEFENDANT MOTION TO DISMISS
BEFORE THE HONORABLE WILLIAM MCGEE III
12/5/2024

- **Request for Evidence entered on December 5, 2024 found on page 17 on lines 4 and 5 of Thomas Marshman certificate and verified on the date described as February 26, 2025**

I will begin by thanking you for the service provided while requesting a copy of the evidence introduced on 12/5/2024 at the hearing held on the motion to dismiss with prejudice by the defendants, as you can see it was not filed before the hearing or after the hearing.

The reason for this request is based on the collection of documents for a review before the Honorable Court of Appeals of the State of South Carolina in Richland County.

Thank you for the attention paid to this matter, let me know the amount of said management and I will await your response at the end of the reading.

Sincerely

March 3, 2025

s/Federico Castro

Federico 03/3/25

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CLARIFICATION OF THE WORD "trial'

Clarification of the word "trial" spelled out on page 17 on line 5 of the Thomas Marshman AAERT Certified #CET-688 certificate on February 26, 2025.

VERBATIM REPORT OF PROCEEDING
DEFENDANT MOTION TO DISMISS
BEFORE THE HONORABLE WILLIAMS MCGEE III
12/5/2024

The undersigned Plaintiff/Appellant proceeds to clarify the word "trial" under the following bases found in the same transcript of the record and cited below:

1) **As described at the top of this document and I quote verbatim**
DEFENDANT MOTION TO DISMISS

NOTICE MOTION SCHEDULING September 26, 2024 for case: 2024CP4005272
2268- MOTION ROSTER DECEMBER 5, 2024 VIA WEBEX JUDGE MCGEE

CLARIFICATION

"MOTION HEARING REGARDING MOTION TO DISMISS WITH PREJUDICE BY THE DEFENDANT'S"

a. The motion to dismiss with prejudice was not called under any numerical case and is so certified under the proceeding dated 02/26/2025
b. The arguments presented by the defense on 12/5/2024 do not specify which case it refers to, nor does it categorically refer to which case the motion to dismiss with prejudice is numerically associated with.
c. In the meeting held on December 5, 2024 via webex around 11:45 AM for the motion to dismiss with prejudice to the defendants', no reference to any case is found in its entire content.

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2) On page number 4 and lines 15-16-17-18-19 of the certificate 02/26/2025 the following is accurately described:

15 THE COURT: Yes , sir. Okay. And in this case , again , just to
16 kind of give you an overview , Mr . Hutchinson has filed a – a
17 motion – where is this , here ? Let's see – a motion to dismiss .
18 And so what – since he argued – since it's his motion , I will
19 hear from him first .

3) On page number 5 and lines 1-2-3-4-5-6-/9-10/20-21- of the certificate 02/26/2025 the following is accurately described:

1 THE COURT : All right . sure
2 Mr. Hutchinson, your motion . Happy to hear from you,
3 sir .
4 Mr. HUTCHINSON : Thank you , Your Honor . As an initial matter ,
5 I'll let the Court know that Brandi Duncan , our former general
6 counsel , is the one that did file the motion .

9 We – did file this motion on three different
10 grounds .

20 The email and the notices were
21 also included as exhibits as part of – of our motion .

4) On page number 10 and lines 4/16-17-18-19-20/ of the certificate 02/26/2025 the following is accurately described:

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4	want me to consider in ruling on Mr. Hutchinson's motion .

16	MR. CASTRO : – Ms. Brandi Duncan , number one .
17	Number two, what I want to point out is Ms . Duncan
18	never send me the motion . I have to look at into the portal of
19	the South Carolina judicial system and that's the reason how I
20	answer the – the motion , number two

5) On page number 11 and lines 2-3-4-5-6- of the certificate 02/26/2025 the following is accurately described:

2	THE COURT: No , I – I get all that . But – but this motion
3	focuses on the pleading , itself . I'm not here to decide
4	Who's right and who's wrong on the issue today .
5	What I've got to determine is whether or not your claim
6	is barred

6) On page number 12 and lines -18- of the certificate 02/26/2025 the following is accurately described:

18	least in the motion to dismiss and in the prior pleading ,

THEREFORE, DEFENDANT'S/RESPONDENT FAILED TO ESTABLISH A STATEMENT IN THEIR TWO CONSECUTIVE MOTIONS TO DISMISS WITH PREJUDICE AS TO WHICH LEGAL ACTION SPECIFICALLY REFERS, CONSEQUENTLY IT IS IMPOSSIBLE TO DETERMINE IT FROM A LEGAL POINT IN THE ABSENCE OF A PARTICULAR DESCRIPTION.

s/Federico Castro | March 3, 2025

Federico 03-3-25

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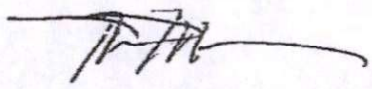
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C E R T I F I C A T E

I, THOMAS MARSHMAN, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court 5, Richland County, South Carolina, on the 26th day of February, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 26, 2025.



Thomas Marshman

AAERT Certified #CET-688

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"APPELLANT / BRIEF DESCRIPTION 0N (12/5/2024) - (01/7/2025)"

(12/5/2024), - - [Defendant's Motion was taken under advisement]

10	**THE COURT : Yes , sir . I appreciate that , Mr . Castro , and I'm**
11	**going to look at some of the - - some of the cases and some of the**
12	**arguments that you've presented here . I need to - - I don't want**
13	**to make a decision without looking into those and, also, the**
14	**matters that Mr . Hutchinson has - - has raised, as well .**
15	**So I will look at some of those matters that y'all have**
16	**discussed and I will both of you know what my ruling is**
17	**within the next few days .**

(01/7/2025), - - [Defendant's Motion is granted. Defense counsel has 10 days in which to file a proposed order].

PLAINTIFF/APPELLANT POINTS OUT

a. **"Defendant's Motion is granted", against Defendant's rectifying the RES JUDICATA DOCTRINE where the case is previously decided, adjudicated and ordered. The doctrine previously grants the motion with prejudice against defendant's , as this is the main basis of the subject matter.**

b. **RES JUDICATA DOCTRINE, will make any other Order impossible.**

NOTE: None of the above has to do with justice because the Defendant's have no legal basis; on the contrary, it refers to defrauding the plaintiff by testing him using low techniques such as misrepresentation, misinterpretation, defamation, manipulation, etc. as established in legal procedures to commit fraud. Recently, on 12/5/2024, you will find evidence of events that never occurred because they were fraudulent. In addition, I consider it a malicious meeting with bad faith that discovers a series of inconsistencies that reveal fraud, a characterization summarized in a few words "EGO", the worst evil of every human being, did not allow a simple solution.

3) PLAINTIFF / APPELLANT ARGUMENTS

RECEIVED
MAR 17 2025
SC Court of Appeals

SYSTEMATIC DESCRIPTION

1* [Dt's/Rt's] - - And while I understand it was dismissed without prejudice.

2* MR. CASTRO: (res judicata don't apply with a merit), (Instead Judge Manning denied the motion to dismiss with prejudice), (defendant's/respondent's arguing same subject matters against them as basic element of res judicata doctrine), (lost the opportunity because they never answer the complaint).

3* Defendant's/Respondent's losing the case under the Doctrine Res Judicata .

---

2) ORDER OF DISMISSAL WITHOUT PREJUDICE 3207

---

3) FORM 4 3207

---

4) MOTION TO DISMISS WITH PREJUDICE 5272

Mar 17, 2025

RECEIVED
MAR 17 2025
SC Court of Appeals

PLAINTIFF / APPELLANT ARGUMENTS

"The defendants/respondents face the application of RES JUDICATA against them"

The following reasonable bases and literally quoting the February 26, 2025 report of proceeding it is presented as follows:

(12/5/2024) On p. 8 # -2-3-4-5-6-

2	**MR . HUTCHINSON : Yes , Your Honor . And that brings me to my next**
3	**reason for this motion to dismiss is res judicata**
4	**Your Honor , this is the exact same matter that he**
5	**brought a few years ago . And while I understand it was dismissed**
6	**without prejudice ,**

"The Defendant's have lost the case under RES JUDICATA DOCTRINE"

The plaintiff/appellant, under a deductive argument, is raised as follows:

(12/5/2024) p. 13 # -6-7-8-9-10-11

6	**MR . CASTRO : - - so res judicata don't apply with a medical - -**
7	**with - - of the - - the judgment of Judge Manning . Instead Judge**
8	**Manning denied the motion to dismiss with prejudice , and this is**
9	**the same thing where they are arguing this morning . And it is**
10	**barred with res judicata doctrine and they already lost the**
11	**opportunity because they never, never answered the complaint .**

ELECTRONICALLY FILED - 2019 Oct 10 11:48 AM - RICHLAND - COMMON PLEAS - CASE#2019CP4003207

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	Civil Action No. 19-CP-40-03207
Federico Castro Plaintiff, v. South Carolina Department of Motor Vehicles, Defendant.	**ORDER OF DISMISSAL WITHOUT PREJUDICE**

On October 8, 2019, Plaintiff and Defendant, though Assistant General Counsel Brandy A. Duncan, appeared for a motion hearing regarding Defendant's motion to dismiss. Defendant's motion to dismiss was based on violations of Rules 12(b)(5) and (6), SCRCP. After hearing from the parties at the motion hearing and reviewing the pleadings in this matter, I find as follows:

The entirety of Plaintiff's Complaint states "Your records on 02/14/2015 are wrong and requested correction. Never existed." Plaintiff's allegations to do not specify which records he alleges are incorrect. Nor do Plaintiff's allegations specify which type of records maintained by the Defendant that the Plaintiff is referring to as being "wrong." Defendant states that it ran a query to determine how many transaction occurred on February 14, 2015 within the South Carolina Department of Motor Vehicles and that query indicated that nearly 6,000 transactions took place on that date. Defendant is not required to search all of these transactions to determine which one is complained of by Plaintiff. Rather, it is the Plaintiff's responsibility, as the one bringing this action, to state his complaint with sufficient specificity and detail to inform the Defendant and Court what the Plaintiff's action regards and what relief is sought.

Under Rule 12(b)(6), SCRCP, a complaint may be dismissed due to a failure to state facts sufficient to constitute a cause of action. In considering such a motion, the trial court must base its

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ruling solely on the allegations set forth in the complaint. If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. *Bergstrom v. Palmetto Health Alliance,* 358 S. C. 388, 596 S. E. 2d 42, *reh. den.* (2004); *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999).

In this case, because Plaintiff has failed to provide sufficient information to inform the Defendant and this Court as to which records Plaintiff asserts are incorrect, which records Plaintiff asserts need correction, and what relief Plaintiff is seeking, I have little option but to dismiss this action for failure to state facts sufficient to constitute a cause of action.[1]

Additionally, Plaintiff failed to properly serve his Summons and Complaint on SCDMV. Rule 4(d)(5), SCRCP requires a copy of the Summons and Complaint in any action filed against a State Agency to be delivered to the Agency and to be sent to the South Carolina Attorney General by registered or certified mail. In this case, Plaintiff mailed to SCDMV, via the U.S. Postal Service Priority 2-Day Mail, a copy of the Summons and Complaint. The SCDMV Office of General Counsel received that mailing on June 14, 2019. Plaintiff confirms this via his Affidavit of Service filed on June 24, 2019, his Certificate of Service filed on June 24, 2019, his Certificate of Mailing filed June 24, 2019, and his filing titled "September 2010 and Previous Filing Images filed on July

[1] I note that during the motion hearing I did make several inquiries in an attempt to ascertain the action that had been taken by the Defendant to cause the Plaintiff to file this action. Plaintiff claimed that Defendant had previously licensed him, did not provide him with any written notification regarding any adverse action against his driver's license, and now refused to renew Plaintiff's driver's license. Plaintiff was unable to articulate any reason for why Defendant refused to renew Plaintiff's driver's license. Plaintiff did state that he could provide Ms. Duncan with his driver's license number so that she could look into Plaintiff's situation and attempt to determine what had occurred, attempt to resolve the issue, and/or provide Plaintiff with the information needed so that he could resolve the issue. Ms. Duncan agreed to provide such assistance to Plaintiff.

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ELECTRONICALLY FILED - 2019 Oct 10 11:48 AM - RICHLAND - COMMON PLEAS - CASE#2019CP4003207

2, 2019. Under Rule 4(d)(5), SCRCP, mailing of a Summons and Complaint, even with tracking, does not constitute proper service against a State Agency. Rather, service must be made by hand delivery as set forth in Rule 4(c), SCRCP.

On June 24, 2019, Plaintiff also hand delivered a copy of the Summons and Complaint to SCDMV's Headquarters located at 10311 Wilson Boulevard, Blythewood, South Carolina 29016. Under Rule 4(c), SCRCP, however, a party to the action cannot be the person to deliver the Summons and Complaint. Since Plaintiff is the one that effected this hand delivery, the June 24, 2019 hand delivery also does not constitute proper service of this Summons and Complaint under Rule 4(c), SCRCP.

Thus, Plaintiff also failed to effect proper service of his Summons and Complaint on the SCDMV.

IT IS, THEREFORE, ORDER, ADJUDGED, AND DECREED, that this action is dismissed without prejudice due to Plaintiff's failure to state facts sufficient to constitute a cause of action and due to failure to properly serve the Summons and Complaint on the Defendant.

IT IS SO ORDERED.

s/ L. Casey Manning
L. Casey Manning
Circuit Court Judge

10-9-19

PC-A 4

ELECTRONICALLY FILED - 2019 Oct 10 11:48 AM - RICHLAND - COMMON PLEAS - CASE#2019CP4003207

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2019CP4003207

Federico Castro	**DMV South Carolina**
PLAINTIFF(S)	DEFENDANT(S)

Submitted by: _____ **Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

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 _Dismissed without prejudice_____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____

☐ **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:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : On 10/8/19 the motion to dismiss is hereby GRANTED WITHOUT PREJUDICE. Defendant attorney to help plaintiff with matters. Formal order to follow.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		$
		$
		$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ **Judge Code** 2061 **Date** 10-9-19

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20 _____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S) **ATTORNEY(S) FOR THE DEFENDANT(S)**

Court Reporter _____ **Clerk of Court** _____

SCRCP Form 4C (10/2011)

FC-5 A

ELECTRONICALLY FILED - 2019 Oct 10 1:30 PM - RICHLAND - COMMON PLEAS - CASE#2019CP4003207

ELECTRONICALLY FILED - 2024 Sep 11 8:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Federico Castro Plaintiff, v. South Carolina Department of Motor Vehicles Driver Records Manager, Defendant.	IN THE COURT OF COMMON PLEAS Civil Action No. 24-CP-40-05272 **NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO RULE 12(b)(4) and (6), SCRCP AND DUE TO RES JUDICATA**

TO: FEDERICO CASTRO, Plaintiff, PLEASE TAKE NOTICE that the South Carolina Department of Motor Vehicles ("SCDMV"), by and through undersigned counsel, will move before the Court ten (10) days from the date of this Notice of Motion and Motion to Dismiss for dismissal of this action pursuant to Rule 12(b)(4) and (6), SCRCP, res judicata, and failure to file a claim with the statute of limitations.[1] The grounds for this motion are more fully set forth below.

a. Rules 12(b)(4) and (6), SCRCP

Standard of Review for Motion to Dismiss Under Rule 12(b)(6)

Under Rule 12(b)(6), SCRCP, a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action. In considering such a motion, the trial court must base its ruling solely on the allegations set forth in the complaint. If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. *Bergstrom v. Palmetto Health Alliance,* 358 S. C. 388, 596 S. E. 2d 42, *reh. den.* (2004); *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999).

[1] In filing this *Motion to Dismiss*, the SCDMV specifically reserves its rights to assert any and applicable defenses in this action, including, but not limited to any defenses properly raised under the South Carolina Tort Claims Act and any affirmative defenses, should the *Motion to Dismiss* be denied for any reason,

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ELECTRONICALLY FILED - 2024 Sep 11 8:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

A motion to dismiss for failure to state a cause of action must be granted if, viewing the evidence in favor of the plaintiff, the facts reasonably deducible therefrom do not entitle the plaintiff to relief on any theory. *Brown v. Theos*, 338 S. C. 305, 526 S. E. 2d 232, *reh. den.* (Ct. App. 1999).

Allegations of the Plaintiff

The Plaintiff's allegations never identify any cause of action by name. In fact, the Plaintiff's allegations appear to be quotes taken from an October 8, 2019, e-mail from the undersigned to Plaintiff in which the undersigned informed Plaintiff of the steps he needed to take, as of that date, to clear his driver's license suspensions (Exhibit A). The Plaintiff's allegations also appear to be non-sensical, argumentative statements made between various quotes from the e-mail contained at Exhibit A, as a well as various notices of suspension that have been mailed from SCDMV to the Plaintiff. Further, because of the formatting throughout Plaintiff's allegations and a lack of headings or titles, it is extremely difficult to identify where Plaintiff's allegations/arguments begin and end relative to the quotes from the e-mail contained at Exhibit A and the various suspension letters issued to Plaintiff.

In fact, the only parts of Plaintiff's Complaint that appear to state anything with any clarity are: 1) the section titled "Resolution of the Complaints;" and 2) a paragraph at the bottom of page 10 of the Complaint. In the section titled "Resolution of the Complaints" Plaintiff states that he demands "that each and every one of the above mentioned files be removed, deleted, expungement AND my driver's license be restored immediately." Because of the lack of clarity in the rest of the Complaint, however, it is unclear which "files" Plaintiff is asking to have removed, deleted, and expunged from his driving record. In the paragraph at the bottom of page 10 of the Complaint, Plaintiff is clear that he believes he has suffered $1,760,000.00 in damages and that he should be

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ELECTRONICALLY FILED - 2024 Sep 11 8:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

compensated for that amount. In making this demand, however, Plaintiff does not set forth how SCDMV has caused these alleged damages or why SCDMV should pay this amount to Plaintiff.

Due to the numerous issues with how this Complaint is drafted, SCDMV asserts this case should be dismissed due to failure to state a claim and insufficiency of process. Alternatively, if this case is not dismissed for failure to state a claim and/or insufficiency of process, Plaintiff should be required to redraft his Complaint in a format consistent with the requirements of Rules 8 and 10, SCRCP, including the requirement that pleadings be concise and direct. In short, if this case is to continue, SCDMV and the Court should be able to tell from the Complaint what the legal claims are against SCDMV and not have to guess or assume what the legal claims are, particularly since the Plaintiff is asking for more than $1.7 million dollars in damages.

b. Res Judicata & Claim Has Been Filed Outside the Statute of Limitations

Plaintiff has previously sued the SCDMV related to suspensions on his driving record. See 2019-CP-40-03207, dismissed on October 9, 2019, by Judge Casey Manning. A copy of the final order from that case is attached as Exhibit B to this motion. To the extent Plaintiff may attempting to litigate the same issues raised in the 2019 case he brought against SCDMV again, SCDMV asserts that Plaintiff's claims are untimely and constitute res judicata. See *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009) ("Appellant may not seek relief from the prior unappealed order of the circuit court because the order has become the law of the case."); see also *Buckner v. Preferred Mut. Ins. Co.*, 255 S .C. 159, 160–61, 177 S.E.2d 544, 544 (1970) (holding an unappealed ruling, right or wrong, is the law of the case). Under the doctrine of res judicata, "[a] litigant is barred from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit." *Hilton Head Center of South Carolina, Inc. v. Public Service Comm'n of South Carolina*, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987). To establish

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res judicata, the defendant must prove the following three elements: (1) identity of the parties; (2) identity of the subject matter; and (3) adjudication of the issue in the former suit. *Riedman Corp. v. Greenville Steel Structures, Inc.*, 308 S.C. 467, 419 S.E.2d 217 (1992); *Sealy v. Dodge*, 289 S.C. 543, 347 S.E.2d 504 (1986). In this case, the parties appear to be the same as in the prior case: Plaintiff and the SCDMV. In this case, based on the drafting of the Complaint, it appears the subject matter of the litigation is also the same: whether SCDMV properly applied suspensions to Plaintiff's driving record. Finally, in this case, the issue regarding whether SCDMV properly applied suspensions to Plaintiff's driving record was dismissed due to the Plaintiff's prior failure to state a clear claim against the SCDMV (as well as for other reasons). As noted in footnote 1 of Judge Manning's final order in the 2019-CP-40-03207 case involving Plaintiff and SCDMV, Judge Manning specifically noted that Plaintiff would provide the undersigned with his driver's license number so that the undersigned could provide Plaintiff with the information needed to resolve his suspension issues (indicating the prior litigation involved Plaintiff's suspension issues). As demonstrated by the e-mail sent from the undersigned to Plaintiff on October 8, 2019, the Plaintiff provided his driver's license number to the undersigned and the undersigned advised the Plaintiff of how he could resolve his suspension issues with the SCDMV. As of October 8, 2019, Plaintiff was suspended for Driving Under the Influence and six Failure to Pay Traffic Ticket offenses that occurred in New Jersey and were transmitted to SCDMV pursuant to the Nonresident Traffic Violator Compact ("NRVC"), S.C. Code §56-25-10 et seq. As of October 8, 2019, and continuing as of the filing of this motion, to clear these suspensions, Plaintiff must do the following, in this recommended order:

1) Enroll in and complete ADSAP; and
2) Pay $700 in reinstatement fees to SCDMV.

PC-A

ELECTRONICALLY FILED - 2024 Sep 11 8:16 AM - RICHLAND - COMMON PLEAS - CASE#2024CP4005272

Once Plaintiff completes both of these items, he will be eligible to apply for a South Carolina driver's license again. Since Plaintiff quotes the October 9, 2019, e-mail extensively in his Complaint, it appears that this current action is essentially about the same issues raised in case 2019-CP-40-03207, which was dismissed by Judge Manning. For these reasons, this case constitutes res judicata.

Further, because Plaintiff previously filed litigation against SCDMV regarding what appear to be the same exact suspension issues, Plaintiff's current claims are untimely filed and must be dismissed. Claims against a South Carolina government agency generally must be brought within two years after the loss was or should have been discovered. S.C. Code §15-78-100(a). That two-year period of time may be extended to three years if a verified claim for damages is filed and disallowed or rejected. *Id*. With the understanding and belief that the suspension issues raised by Plaintiff in the 2019-CP-40-03207 case against SCDMV are the same issues Plaintiff is attempting to litigate in this case, Plaintiff's claims in this case are well past the two and three year deadlines and, for that reason, this case should be dismissed with prejudice.

Conclusion

For the reasons stated above, SCDMV asserts this action should be dismissed with prejudice due to: 1) failure to state facts sufficient to constitute a cause of action; 2) res judicata; and 3) failing to file a claim within the statute of limitations.

s/Brandy A. Duncan
BRANDY A. DUNCAN, SC Bar # 72052
General Counsel
CURTIS HUTCHINSON, SC Bar # 76634
General Counsel
South Carolina Department of Motor Vehicles
Post Office Box 1498
Blythewood, South Carolina 29016-0020
Telephone: 803.896.9900
Email: hearingsprocessingunit@scdmv.net

September 11, 2024
Blythewood, South Carolina

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STATE OF SOUTH CAROLINA	**COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	**Civil Case No.: 2024-CP-400-5272**
Federico Castro (Plaintiff)	**NOTICE OF ACTION RES JUDICATA**
Vs.	**REVERSES**
(SCDMV)-(DRM) (Defendant's)	

RICHLAND COUNTY FILED
2024 DEC -3 PM 2:58
JEANETTE W. McBRIDE

TO THE HONORABLE COURT: The Plaintiff, at this time and space of the preparation of this instrument, certifies the following as described below, on this date: Nov. 25, 2024

REVERSE EFFECT

Res judicata in this case exempts plaintiff because the origin case was dismissed without prejudice, which means that the action does not bar the plaintiff of res judicata because the initial action does not involve a decision based on the merits.

Therefore,res judicata does not apply to the plaintiff for lack of subject matter, but instead acts immediately against defendants' who declare the subject matter such as dismissal with prejudice.

RES JUDICATA DOCTRINE TAKES EFFECT IMMEDIATELY

Res Judicata barred the defendant's motion to dismiss with prejudice on 09/11/2024. This subject matter was found on both actions of dismissal with prejudice on case 3207 and 5272 respectively.
The defendants' issue immediately triggers the case being tried and automatically reverses it. The doctrine takes effect by barring the motion, so the defendants' have lost their opportunity, under res judicata doctrine plaintiff complaints' is GRANTED.

FC-A

"MATTER JUDGED"

The Honorable Judge L. Casey Manning has already decided the subject matter on the Defendants' found on second and first action, **"dismissal with prejudice."**

The ORDER of the circuit court Judge L. Casey Manning became the LAW of the case. Therefore and consequently; The Honorable judge decision becomes the final rule about defendants' motion to dismiss with prejudice. The defendants' did not appeal the judge's decision of the previous case.

"MOTION TO DISMISS WITH PREJUDICE WAS DENIED"

Pursuant to Order of the Honorable Judge L. Casey Manning signed 10/9/19 and filed with Richland County Clerk of Court Jeanete W. McBride on 10/10/19 at 11:48 AM. Therefore, the motion to dismiss with prejudice filed by the defendants' on July 3, 2019 is denied.

"MOTION TO DISMISS IS HEREBY GRANTED WITHOUT PREJUDICE"

Pursuant to FORM 4, JUDGMENT IN A CIVIL CASE; 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. On 10/8/19 the motion to dismiss is hereby GRANTED WITHOUT PREJUDICE. Circuit Court Judge L. Casey Manning Judge Judge code 2061 on the date describe 10-9-19 and has been ELECTRONICALLY FILED 2019 Oct 10 1:30 PM RICHLAND COMMON PLEAS CASE#2019CP4003207-

FC-A-12

"NOTICE OF MOTION TO DISMISS WITH PREJUDICE"

The defendants' filed a motion to dismiss with prejudice, ELECTRONICALLY FILED - 2024 Sep 11 8:16 AM - RICHLAND - COMMON PLEAS CASE#2024-CP-400-5272 -. This motion was not sent to the plaintiff via traditional mail or any other method, therefore the "certified mail" ELECTRONICALLY FILED - 2024 Sep 11 8:33 AM is unconscionable.
The plaintiff claims and assures that he did not receive such a motion, the reason he responded was because he downloaded it from the South Carolina Judicial Department website, otherwise nothing would have existed up to the very moment.

This action, at the time of filing, activates the Doctrine res judicata and instantly the case being judged and is effective at that moment, losing the case under the Doctrine res judicata. The defendants' will now have to pay damages to the plaintiff and erase the official notes that prohibit the plaintiff from exercising his civil and constitutional rights.

Federico 11/25/2024

Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936
gchome19@gnail.com

FC-A
13

4) RES JUDICATA DOES NOT APPLY TO APPELLANT

RECEIVED
MAR 17 2025
SC Court of Appeals

SYSTEMATIC DESCRIPTION

1* The origin case was dismissed without prejudice.

2* The initial action does not involve a decision based on the merit.

3* Lack of "subject matter'

---

2) NOTICE OF ACTION RES JUDICATA REVERSE

RICHLAND COUNTY

FILED

2025 DEC - 3 PM 2:58

JEANETTE W. McBRIDE

SYSTEMATIC DESCRIPTION

1) REVERSE EFFECT

2) RES JUDICATA DOCTRINE TAKES EFFECT IMMEDIATELLY

3) "MATTER JUDGE"

4) "MOTION TO DISMISS WITH PREJUDICE WAS DENIED"

5) "MOTION TO DISMISS IS HEREBY GRANTED WITHOUT PREJUDICE'

6) "NOTICE OF MOTION TO DISMISS WITH PREJUDICE'

Mar 17, 2025

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MAR 17 2025
SC Court of Appeals

RES JUDICATA DOES NOT APPLY TO THE PLAINTIFF/APPELLANT

1) **The origin case was DISMISSED WITHOUT PREJUDICE**
2) **The initial action does not involve a DECISION BASED ON THE MERIT**
3) **Lack of SUBJECT MATTER**

RES JUDICATA APPLIES TO THE DEFENDANTS'/RESPONDENT

1) **Barred the Defendants'/Respondent MOTION WITH PREJUDICE**
2) **THE SUBJECT MATTER, "DISMISS WITH PREJUDICE"**
3) **The defendants'/Respondent issue immediately trigger "MATTER JUDGE"**

ATTACHED REFERENCE:

NOTICE OF ACTION RES JUDICATA REVERSE & EXHIBIT	**RICHLAND COUNTY FILED 2024 DEC - 3 PM 2:58 JEANETTE W. McBRIDE**
EXHIBIT "F" - (12/05/2024.A)	**RICHLAND COUNTY FILED 2025 FEB 14 - PM 2:54**

THEREFORE DEFENDANTS/RESPONDENTS HAVE LOST THE CASE UNDER RES JUDICATA DOCTRINE AND STATUTES OF LIMITATIONS PROHIBIT THEM FROM BRINGING THE CASE AGAIN.

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MAR 17 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	**Civil Action No:. 2024-CP-400-5272**
Federico Castro	
(Plaintiff)	**NOTICE OF ACTION RES JUDICATA**
Vs.	**REVERSE**
(SCDMV)-(DRM)-(SRDS)-	
(Defendants')	

RICHLAND COUNTY
FILED
2024 DEC -3 PM 2:58
JEANETTE W. McBRIDE
CLERK OF COURT

TO THE HONORABLE CLERK OF COURT:

Jeanette W. McBride
Richland County Clerk of Court
1701 Main St. #205 Columbia, SC 29201

The undersigned Plaintiff requests that the aforementioned notice be stamped and filed to be part of records in the time and space required.

In the course of such action, if any doubt or concern arises, do not hesitate to contact me, thanking for the attention given to this matter and respectfully recognizing that without your work and that of your team, none of the above would be possible. Sincerely,

Federico 11/25/24

Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936
gchome19@gmail.com

Nov 25, 2024

FC-NOT/A
2

STATE OF SOUTH CAROLINA	**COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	**Civil Case No.: 2024-CP-400-5272**
Federico Castro (Plaintiff)	**NOTICE OF ACTION RES JUDICATA**
Vs.	**REVERSES**
(SCDMV)-(DRM) (Defendant's)	

RICHLAND COUNTY FILED
2024 DEC -3 PM 2:58
JEANETTE W. McBRIDE, C.C.P. & G.S.

TO THE HONORABLE COURT: The Plaintiff, at this time and space of the preparation of this instrument, certifies the following as described below, on this date: Nov. 25, 2024

REVERSE EFFECT

Res judicata in this case exempts plaintiff because the origin case was dismissed without prejudice, which means that the action does not bar the plaintiff of res judicata because the initial action does not involve a decision based on the merits.

Therefore,res judicata does not apply to the plaintiff for lack of subject matter, but instead acts immediately against defendants' who declare the subject matter such as dismissal with prejudice.

RES JUDICATA DOCTRINE TAKES EFFECT IMMEDIATELY

Res Judicata barred the defendant's motion to dismiss with prejudice on 09/11/2024. This subject matter was found on both actions of dismissal with prejudice on case 3207 and 5272 respectively.
The defendants' issue immediately triggers the case being tried and automatically reverses it. The doctrine takes effect by barring the motion, so the defendants' have lost their opportunity, under res judicata doctrine plaintiff complaints' is GRANTED.

Fc-NOT/A
3

"MATTER JUDGED"

The Honorable Judge L. Casey Manning has already decided the subject matter on the Defendants' found on second and first action, **"dismissal with prejudice."**

The ORDER of the circuit court Judge L. Casey Manning became the LAW of the case. Therefore and consequently; The Honorable judge decision becomes the final rule about defendants' motion to dismiss with prejudice. The defendants' did not appeal the judge's decision of the previous case.

"MOTION TO DISMISS WITH PREJUDICE WAS DENIED"

Pursuant to Order of the Honorable Judge L. Casey Manning signed 10/9/19 and filed with Richland County Clerk of Court Jeanete W. McBride on 10/10/19 at 11:48 AM. Therefore, the motion to dismiss with prejudice filed by the defendants' on July 3, 2019 is denied.

"MOTION TO DISMISS IS HEREBY GRANTED WITHOUT PREJUDICE"

Pursuant to FORM 4, JUDGMENT IN A CIVIL CASE; 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. On 10/8/19 the motion to dismiss is hereby GRANTED WITHOUT PREJUDICE. Circuit Court Judge L. Casey Manning Judge Judge code 2061 on the date describe 10-9-19 and has been ELECTRONICALLY FILED 2019 Oct 10 1:30 PM RICHLAND COMMON PLEAS CASE#2019CP4003207-

FC-NOT-A
4

"NOTICE OF MOTION TO DISMISS WITH PREJUDICE"

The defendants' filed a motion to dismiss with prejudice, ELECTRONICALLY FILED - 2024 Sep 11 8:16 AM - RICHLAND - COMMON PLEAS CASE#2024-CP-400-5272 -. This motion was not sent to the plaintiff via traditional mail or any other method, therefore the "certified mail" ELECTRONICALLY FILED - 2024 Sep 11 8:33 AM is unconscionable.
The plaintiff claims and assures that he did not receive such a motion, the reason he responded was because he downloaded it from the South Carolina Judicial Department website, otherwise nothing would have existed up to the very moment.

This action, at the time of filing, activates the Doctrine res judicata and instantly the case being judged and is effective at that moment, losing the case under the Doctrine res judicata. The defendants' will now have to pay damages to the plaintiff and erase the official notes that prohibit the plaintiff from exercising his civil and constitutional rights.

Federico 11/25/2024

Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936
gchome19@gnail.com

FC.DOT-A
5

"RES JUDICATA DOCTRINE PROHIBITS MOTION TO DISMISS W-P"

Defendants affirm and state by their declaration found on page 4 of 5 of the motion to dismiss with prejudice filed on September 11, 2024 that the Honorable Judge L. Casey Manning having affirmed and noted in the Order of dismissal without prejudice filed on October 10, 2019 at the bottom of the Order states categorically, exclusively and specifically the following:

Judge Manning specifically noted that Plaintiff would provide the undersigned with his driver's license number so that the undersigned could provide Plaintiff with the information needed to resolve his suspension issues (indicating the prior litigation involved Plaintiff's suspension issues).

RICHLAND COUNTY
FILED
2024 DEC -3 PM 2:09
JEANETTE W. McBRIDE
CLERK OF COURT

The Plaintiff State [res judicata is reversed to the defendants'].

There is no word "suspension" in the order of dismissal without prejudice.

Therefore, it is legally impossible to create subject matter without existence.

In this case, "based on the drafting of the Complaint", it appears the subject matter of the litigation is also the same: whether SCDMV properly applied suspension to Plaintiff's driving record was dismissed due to Plaintiff's prior failure to state a clear claim against SCDMV (as well as for other reason). As noted in footnote 1 of Judge Manning's final order in the 2019-CP-40-03207 case involving Plaintiff and SCDMV, Judge Manning "specifically noted" that Plaintiff would provide the undersigned with his driver's license number so that the undersigned could provide Plaintiff with the information needed to resolve his "suspension issues" (indicating the prior litigation involved Plaintiff's "suspension issues").

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2-ORDER OF DISMISSAL WITHOUT PREJUDICE * footnote 1

I note that during the motion hearing I did make several inquiries in an attempt to ascertain the action that had been taken by the Defendant to cause the Plaintiff to file this action. Plaintiff claimed that Defendant had previously licensed him, did not provide him with any written notification regarding any adverse action against his driver's license, and now refused to renew Plaintiff's driver's license. Plaintiff was unable to articulate any reason for why Defendant refused to renew Plaintiff's driver's license. Plaintiff did state that he could provide Ms. Duncan with his driver's license number so that she could look into Plaintiff's situation and attempt to determine what had occurred, attempt to resolve the issue, and/or provide Plaintiff with the information needed so that he could resolve the issue. Ms. Duncan agreed to provide such assistance to Plaintiff.

footnote 1	**Page 4 of 5**
I note that during the motion hearing I did make several inquiries in an attempt to ascertain the action that had been taken by the Defendant to "cause" the Plaintiff to file this "action". Plaintiff claimed that Defendant had previously licensed him, did not provide him with any written notification regarding any adverse action against his driver's license, and now refused to renew Plaintiff's driver's license. Plaintiff was unable to articulate any reason for why "Defendant refused to renew Plaintiff's driver's license". Plaintiff did state that he could provide Ms. Duncan with his driver's license number so that she could look into Plaintiff's situation and attempt to determine what had occurred, attempt to resolve the issue, and/or provide Plaintiff with the information needed so that he could	In this case, "based on the drafting of the Complaint", it appears the subject matter of the litigation is also the same: whether SCDMV properly applied suspension to Plaintiff's driving record was dismissed due to Plaintiff's prior failure to state a clear claim against SCDMV (as well as for other reason). As noted in footnote 1 of Judge Manning's final order in the 2019-CP-40-03207 case involving Plaintiff and SCDMV, Judge Manning specifically noted that Plaintiff would provide the undersigned with his driver's license number so that the undersigned could provide Plaintiff with the information needed to resolve his suspension issues (indicating the prior litigation involved Plaintiff's suspension issues).

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resolve the issue. Ms. Duncan agreed to provide such assistance to Plaintiff.	
Plaintiff did state that he could provide Ms. Duncan with his driver's license number so that she could look into Plaintiff's situation and attempt to determine what had occurred, attempt to resolve the issue, and/or provide Plaintiff with the information needed so that he could resolve the issue. Ms. Duncan agreed to provide such assistance to Plaintiff.	Judge Manning specifically noted that Plaintiff would provide the undersigned with his driver's license number so that the undersigned could provide Plaintiff with the information needed to resolve his suspension issues (indicating the prior litigation involved Plaintiff's suspension issues).
1. could provide 2. with his driver's license number so 3. Could 4. provide Plaintiff with the information needed so that he could resolve the issue. Ms. Duncan agreed to provide such assistance to Plaintiff.	1. would provide 2. with his driver's license number so 3. Could 4. provide Plaintiff with the information needed to resolve his suspension issues (indicating the prior litigation involved Plaintiff's suspension issues)

According to : NOTICE OF MOTION TO DISMISS PURSUANT TO RULE 12(b)(4) and (6), SCRCP AND DUE TO RES JUDICATA, **(pag 4 of 5)** will find implanted the text with the intention of making the plaintiff and whoever reads it believe that it is legitimate, correct and true, that just by reading it one can determine that it is a fraudulent implantation, just as Defendants' mentions an Honorable legal authority such as the distinguished Judge L Casey Manning; therefore, fraud was committed and he calls to appear for clarification of the illegal act.

FC-NOT/A
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to resolve his "suspension issues" (indicating the prior litigation involved Plaintiff's "suspension issues").

For the reasons presented above, said motion to dismiss with prejudice contains erroneous, false, maliciously, misrepresented, deceptive, fraudulent, and unlawful information and explicitly calls upon an authority who claims to have declared and verified such fact, the Honorable Judge L. Casey Manning, for which reason the plaintiff now demands that said statement be clarified and resolved.
The fact shows that the plaintiff was coerced, induced, forced, pressured, deceived and against his will, to present the driver's license number and that he still wonders why? Or for what? Therefore, this fact violates the plaintiff's civil rights, rights of privacy and reliability deposited in the management records department and the institution itself, this humiliation of outrage and morale on the ground, causing irreparable damage to his mental and physical state.

"Plaintiff did state that he could provide Ms. Duncan with his driver's license number so that she could look into Plaintiff's situation and attempt to determine what had occurred, attempt to resolve the issue, and/or provide Plaintiff with the information needed so that he could resolve the issue. Ms. Duncan agreed to provide such assistance to Plaintiff".

1) so that she could look into Plaintiff's situation
2) and attempt to determine what had occurred,
3) attempt to resolve the issue,
4) and/or provide Plaintiff with the information needed
5) so that he could resolve the issue.

Ms. Duncan agreed to provide such assistance to Plaintiff".

FC-NOTA
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5) (12/5/2024) -/- ATTACHED REFERENCE (2024CP4005272)

SYSTEMATIC DESCRIPTION

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MAR 17 2025
SC Court of Appeals

1* out , this is a fraud . A - -

2* I'm not here to decide who's right and who's wrong....

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2) OPPOSITION TO NOTICE MOTION BY THEDEFENDANT

RICHLAND COUNTY

FILED

2024 SEP 26 AM 8:39

JEANETTE W. McBRIDE

FIFTH: "GRANTED WITHOUT PREJUDICE' , cannot be challenged by res judicata because res judicata does not apply to decision made without prejudice .

---

3) REPLY TO MOTION

RICHLAND COUNTY

FILED

2024 SEP 26 AM 8:39

JEANETTE W. McBRIDE

1) FRAUD

Mar 17, 2025

RECEIVED
MAR 17 2025
SC Court of Appeals

The Plaintiff/Appellant, using a logical and deductive argument, takes the following references found in the procedural report and which have been certified on February 26, 2025, thus stating:

(12/5/2024) On p. -10-#-22-23-24-25- / p. 11-#-1-2-3-4-5-6

22	**MR . CASTRO : Number three , it is what I put in my opposition in**
26	**reply , it is - - there's impossible , absolutely out of this earth**
24	**any argument from New Jersey or South Carolina because I never**
25	**been pulled over . I never had any issue when they try to put it**

1	**out , this is a fraud . A - -**
2	**THE COURT : No , I - - get all that . But - - but this motion**
3	**focuses on - - on the pleading , itself . I' m not here to decide**
4	**who's right and who's wrong on the issue today .**
5	**What I' ve got to determinate is whether or not your claim**
6	**is barred**

ATTACHED REFERENCE: *(Civil Action No.: 2024CP4005272)*

OPPOSITION TO NOTICE MOTION BY THE DEFENDANT	**REPLY TO MOTION**
RICHLAND COUNTY FILED 2024 SEP 26 AM 8:39 JEANETTE W. McBRIDE	**RICHLAND COUNTY FILED 2024 SEP 26 AM 8:39 JEANETTE W. McBRIDE**
(p.6-FITH/#3-4-5) cannot be challenged	**FRAUD**

FC-O/R
1

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	Civil Action No.: 2024 **-CP-400-5272**
Federico Castro. Plaintiff.	**OPPOSITION TO NOTICE MOTION BY THE DEFENDANT**
V.	
South Carolina Department of Motor Vehicles Drivers Record Manager Defendant's	

RICHLAND COUNTY FILED 2024 SEP 26 AM 8:39 JEANETTE W. WALKER CLERK OF COURT

TO THE HONORABLE COURT OF RICHLAND: Respectfully, Plaintiff opposes the inconceivable notice or motion, On 09/18/2024 under following bases:

Under the title **Allegations of the Plaintiff**, affirms "[The Plaintiff's allegations never identify any cause of action by name]", Plaintiff claim on his complaint Fraudulent misrepresentation, misrepresentation of facts, this means by its own name Fraud, they are trying to scam me, they were negligent in conspiring and planning with advantages and treachery in coordination with other authorities to plant and create fraudulent and malicious files that for a long time, according to the scammers since 02/14/2015 making the plaintiff believe that they are true and legitimate, causing a spiral of lies and tricks that is directed at the plaintiff in this case considered abstractly by the defendant as ignorant, stupid, foolish or half-brained as a victim to be part of the unfounded game with false statements from the beginning and until this precise moment, alien to this entire chain of statements that lack legal basis, transgressing terms, dates, events, statute and everything in their legacy full of bad faith and inconsistency full of malice just because I have complained and refused to accept their false, illegal and corrupt conditions. Under any decision I am obliged to comply, I am just calling them by their name.

In the same complaint you will find the terms cited: Misrepresentation, Misrepresentation suppression, Misrepresentation omission, Misrepresentation of events, Misrepresentation of transposition, Misrepresentation of dates, Misrepresentation of manipulation, Misrepresentation of information, Misrepresentation of scenario, the FACTS of legally impossible in all these phases described and previously market, trying humanaly to make these descriptions as clear as possible, trying to convey the clearest possible detail to the reader. Please, I humbly ask The Honorable Court with great respect to inform the defendant that unfortunately his actions have made me complain that all those involved are pure fraud, especially those who first planned it and all

the criminals who did it, that is why I consider them to be of low quality, low and common, excuse me for calling them by their name. It is false that they had to assume what it is about and visited a number of branches throughout the state and the result is the same. They require a court order to be able to remove the warning nationwide.

The defendant's motion contains a misrepresentation of the facts when referring to the email informing the plaintiff of the steps he needs to take, as of that date, to clear his driver's license suspension. This is where the malicious and bad faith fraudulent action is found, making the plaintiff believe that it was a matter of complying with the order of Judge L. Casey Manning, where he is now "supposedly" ordered to help the plaintiff, who claims that what the hell is the use of them telling me what is going to be done, when his complaint is the opposite when he claims that they want to scam him and that they have already been scamming and harming him all this time. As a consequence, the defendants have to appear in court and face the complaints presented to them; furthermore, it proves that they did not comply with the judge's order because it is a fraud and this indicates that they do not want to appear before the courts. In light of this, I ask the Honorable Court to summon all parties to appear before the authorities to render accounts to everyone.

The Plaintiff was led to believe that the reason for the referral was in compliance with an order by Judge L. Casey Manning, but now it turns out to be information that the plaintiff does not care about and claims that it is to lift the suspension when the plaintiff complains that the suspension has never occurred and cannot occur without having committed anything of which he is accused, whatever the result requires that it legally come through the court, legally emphasizing and highlighting.

THEY FRAUDULENTLY MADE THE PLAINTIFF BELIEVE

FIRST: South Carolina Department of Motor Vehicles and Drivers Record Manager failed to comply with Judge L. Casey Many Order by immediately complying with said order "without the order being signed and filed". Therefore, technically and legally it is not valid action and is consequently against the law.

This is shown by date and of the events, S.C.D.M.V., On **July 3, 2019** asked the Honorable Court of Richland County to dismiss the case 2019CP4003207 **"WITH PREJUDICE"**. On 10/8/19 the motion to dismiss is hereby **"GRANTED WITHOUT PREJUDICE". Defendant attorney to help plaintiff with matter. Formal Order** to follow. **On Oct 8, 2019, 4:12 PM** Defendant attorney immediately comply with the Order, Brandy A. Duncan, via email <Brandy.Durcan@scdmv.net>, Federico Castro <gchome19@gmail.com> **"Before it is signed and filed with the County Clerk",** as shown: **ORDER OF DISMISSAL WITHOUT PREJUDICE**,signed by THE HONORABLE, L. Casey Manning, Circuit Court Judge **10-9-19** ELECTRONICALLY FILED - **2019 Oct 10 11:48 AM** RICHLAND COUNTY - COMMON PLEAS - AND **FORM 4 JUDGMENT IN A CIVIL CASE** 2019CP4003227 **2019 Oct 10 1:30 PM** . Summarizing, [MOTION TO DISMISS "WITH PREJUDICE" On July 3, 2019, GRANTED WITHOUT PREJUDICE On 10/8/19, Defendant attorney immediately compliance with the Order On Oct 8, 2019, 4:12 PM, ORDER SIGNED by THE HONORABLE L. Casey Manning On 10-9-19, ELECTRONICALLY FILED ORDER On 2019 Oct, 10 11:48 AM, FORM 4 JUDGMENT IN A CIVIL CASE On 2019 Oct 10 1:30 PM] For this reason, the action must be carried out before the Palace of Justice, which is the only instance and Judicial Power in this regard. Therefore, the cause that the Plaintiff refers to initiates the action, which is known as a cause of action, which must be determined by THE HONORABLE COURT of RICHLAND, in its full capacity. Therefore the case must go to trial.

SECOND: S.C.D.of M. V., Drivers Record Manager, through Defendant attorney immediately comply with the Order, **On Oct 8, 2019, 4:12 PM** The content of the immediately comply with the order **is contrary to the order issued** by THE HONORABLE JUDGE L. Casey Manning, who is ruling on what is considered law, acting above the authority and jurisdiction of The Honorable Court of Richland. The Order established the following requirement: **Defendant attorney to help plaintiff with matter. Formal Order** This entry of Defendant's is become illegal action

indicates that Defendant's, S.C.D. of M.V., D.R.M has defrauded the Order and is in opposition to it, awarding himself a power above the Court of Richland County, for this reason the plaintiff asserts that it is imperative that said action has to be resolved solely and exclusively by the Power of the Court as the only instance, the plaintiff asserts that this reason which is the cause of this action, known as cause of action, becomes proper for the aforementioned and proceed to trial to be resolved, in this context the process takes its course without being affected by any adverse basis, it is a fact that the statute of limitation does not apply; furthermore it is confirmed the **statutes of limitations have not been initiated** due to the defendant's breach, therefore the plaintiff asks the Honorable Court that the Defendant's be disciplined and pay for the damages caused. Instead of helping, S.C.D.M.V.-D.R.M. looked for a way to affect as shown in the email sent October 8, 2019 4:12 PM, which would be against the judge's disposition, thus violating the plaintiff's privacy and exercising jurisdiction that does not correspond to him. **Defamation causes** irreparable damage to the plaintiff.

I understand that attorney for S.C.D.M.V., which means that if attorney defendant's has the power to obtain a complete detailed and exhaustive subtraction of all the information that Driver Record Manager has, which is a violation of my rights and even worse without a court order, in that case that Court Ordered TO HELP PLAINTIFF. don't Order violate Mr. Castro's civil rights. The court did not authorize S.C.D.M.V.-D.R.M. to make inquiries about it by putting the Order in favor of procedure with greater repercussions inquiring in another state and perhaps a nationwide search.

The legal question is can S.C.D. of M.V. attorneys have unlimited access to all of Plaintiff files held by the Driver Records Manager and even make inquiries regarding them and even act as an Agent of this Department and establish communication with other agencies and courts?

THIRD: The Plaintiff claims that S.C.D.of M.V., D.R.M. statements are false, illegal and corrupt and that their origin comes from a scam and continues the attempt to defraud. That S.C.D of M.V., D.R.M. actions and irresponsibility

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intends to seek help before THE HONORABLE COURT OF RICHLAND, to intent defraud the Plaintiff, which would be impossible because S.C.D. of M.V., no has legal basis, which mean that without right S.C.D. of M.V., D.R.M., cannot ask for legal remedy. For all the above mentioned reasons, Defendant's directly or indirectly involved The Honorable Court, just by questioning the Order even with simple legal questions, all agencies of his own department because they can't remove any record without Court Order in the entire State and effect nationally, and The State itself and all its inhabitant under the precedent to be written. For all these reasons that the Plaintiff asserted his cause of this action in its equivalent cause of action, it is for the well being of all, that the case only and exclusively and absolutely resolved by the Court of Justice, more specifically The Honorable Court Richland County.

FOURT: The defendant never notified The Honorable Court of his action, in fact at this very moment of the reading, then the court at this very moment is not aware of the requirement to be fulfilled by the Defendant's; that is, the Defendant failed to inform the court of his proceeding, breaking all the rules established in reference to the service procedure stipulated in SCRCP. For this reason based on the aforementioned fact, the Plaintiff asserts that the cause of his action reflected in his complaint, known under the term cause of action, is proper and fulfills the elements required for the civil action in progress to proceed to trial and in this way the court order can be issued and the reason for being of this Honorable Court can take effect. However, consequently, said conduct of the Defendant's affected the Plaintiff.The only reason why the defendant sent such email is to comply with the court's requirement where is instructed to **help the plaintiff**, such fact shows the defendant's intention of his bad faith, trying to defraud the plaintiff and even the court, violating his rights of privacy and integrity, humiliating and defaming, putting his reputation and principles on the ground and causing irreparable damage to his morale, affecting his emotional and physical state and taking his economy to a point of misery and destitution.

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FIFTH: As shown The Honorable Court of Richland County by The Honorable Judge L. Casey Manning and accordance with the **FORM 4 JUDGMENT IN A CIVIL CASE** 2019CP4003227 **2019 Oct 10 1:30 PM** dismiss is hereby "**GRANTED WITHOUT PREJUDICE**", **cannot** be challenged by **res judicata** because **res judicata does not apply to decisions made without prejudice.** This is the reason for the many previous and subsequent reasons that **cause** the Plaintiff that the civil action presented in his complaint must continue the process to court as the sole, unique and preponderant action for all and now involved.

SIXTH: The defendant's email proves to be a deceptive tool full of false and malicious statements, in addition to having no legal merit and all its content is false, malicious and ill-intentioned, observing the lack of morals and respect towards the authorities and everyone in general where its credibility is totally null and void and instead of opposing the trial, it tries to hinder it to escape its responsibilities and face the law that is well known for being so powerful in comparison to the plaintiff and it is obvious that they want to crush him with all those barriers or underhanded techniques. The fact of sending it obeys only to make the plaintiff believe that he is legitimate to be able to commit fraud, however it was not possible because all SCDMV and its branches and the entire country require an order giving instructions of what should be done. So they were screwed.

SEVENTH: Why? The email sent on 10/08/2019 informs the plaintiff when the plaintiff complains 1- Plaintiff complains that no steps have been taken in this regard, because there is no reason to. 2- Plaintiff complains that there has never been such a suspension and there is no reason for it, because it never was. 3- Plaintiff complains that everything referred to is to make him believe under false statements with the intention of defrauding him in all aspects, (facts, procedures, processes, documents, dates, certifications, etc.) and all kinds of stipulations.I tell you, why? I have intentionally and deliberately blocked my exercise of my civil and constitutional rights and what is related to the so-called privilege. To simplify the fact, it is not even necessary to remove,

erase or expunge what they call files and I call them fraudulent and malicious files, for your better understanding and even to understand that it is only to digitally remove the electronic notice, (FTTT) that is presented throughout the system at the national, international and global level.

Therefore, the defendant misinterprets and misrepresents the fact that the plaintiff is not asking defendant's for any help because he cannot help himself, much less the plaintiff. Such help, whatever the outcome, must come from the court. The plaintiff strongly requests that a Court Order be issued. No matter what, please. Thank you.

Federico Castro (gchome19@gmail,com)

I'M JUST A SIMPLE CARPENTER

Next I will mention one of the many consequences that this situation has produced for me. I have to see a doctor and get some test done, among other things, I have not seen my grandchildren,I have not been able to spend time with my childrens, there have been a few occasions where I have been planning buses, taxis, Uber, lyft, bothering friends, I want to go to church,I have not been able to see my mother, I have wanted to visit aunts, I have wanted to go to several places, all this has affected me so much that I have not been able to work. I have not been able to take care of myself. I have not made money, there have been so many things that I have lost because I have been dying slowly, this situation has been killing me and it is a permanent sentence that I'm asking this honorable court with all the power that has been conferred upon it, wisdom, intelligence, good sanity, moral principles, humanity and above all things common sense. Apply the Law based on the facts, advocating for neutral and fair conditions. All of the above mentioned to the best of my ability and efforts to present the points, if for any reason, motive and/or circumstances you find something that must be fulfilled, please give me the opportunity to correct it from any point of view you want to take it, I only ask that you be fair and reasonable with me and that everything legally available be granted to both parties respectfully and cordially.

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STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	
COUNTY OF RICHLAND	)	
	)	Civil Action No.: 2024 **CP-400-5272**
Federico Castro Plaintiff.	)	
	)	
V.	)	**REPLY TO MOTION**
	)	
South Carolina Department of Motor Vehicles Drivers Record Manager Defendant's	)	

RICHLAND COUNTY FILED
2024 SEP 26 AM 8:39
JEANETTE W. McBRIDE

Respectfully and humbly, I address this Honorable Court to present to you essential points to be considered in the motion submitted by the Defendant's and I state on this 09/18/2024 the following:

The Plaintiff, through his complaint submitted on August 29, 2024 and which records show was filed and/or stamped at the time reflected 2024 AUG 29 AM 9:03 before the Honorable Jeanette McBride Richland County Clerk of Court, in said the aforementioned complaint you will read on the last page at the bottom of the same and I quote:

[(1)-I have to see a doctor and get some test done, among other things,(2)-I have been dying slowly,(3)-has been killing me, (4)-permanent sentence] "[(5)-I'm asking this honorable court with all the power that has been conferred upon it, wisdom, intelligence, good sanity, moral principles, humanity and above all things common sense. Apply the Law based on the facts, advocating for neutral and fair conditions.]"

Therefore it means the risk of not seeing the doctor and received medical assistance I am going to die, the Defendant's it slowing killing me and is trying to establish a permanent sentence to end my life in addition to defrauding me and helping the group of criminals, i/e criminal the defendant's knew about the fraud from the beginning and over time the defendants has made me believe that his statements are true, so defendants is going to kill me because of his negligence even though I tell defendants that I not committed any fauld before or after, not anywhere I have only been a victim of criminals disguised as corrupt officials who in the end are fighting over the distribution of money as I explained in the hallway to the lawyer Brendy, after the so-called hearing. In the end we are facing the last phase in what I consider an attempted intellectual murder, in my perspective serious to me but it seems that my life is not important, let me say this clearly I have not committed any fault and I do not owe the damn tickets it is all a trick of these common criminals, that's actually my complaint.

Additionally, in the aforementioned complaint mentioned at the top of this document, it is described and I quote:"['[1]'(fats)-Misrepresentation of facts,]"Plaintiff refer:

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Misrepresentation of fact defendant's is a false or misleading statement, while an omission, intentional and negligent. The Plaintiff, referring to misrepresentation of facts, emphasizes that the negligent defendant knew that the information was fraudulent and could only act with predetermined conditions, taking advantage and treachery with the intention of deceiving and pretending that said information was true without considering the damage that if would cause to the plaintiff. Consequently, the statute of limitations does not apply because misrepresentation in South Carolina is considered a crime and Yes, intent to commit fraud is a crime in South Carolina. Defendant's intent to collect $700.00 under a false statement making the Plaintiff believe what was stated is true, knowing that it is false, acting with the intention of defrauding, bringing to court a misrepresentation of fact, misrepresentation suppression, misrepresentation of omission, misrepresentation of event, misrepresentation of transposition, misrepresentation of dates. To make the plaintiff and the court and universally all those in between, specially all branches of SCDMV in the state, causing irreparable damage to the plaintiff.

Under the concept of facts described by the plaintiff "['[1]'(fats)]", described in his complaint, the reason embedded in his brain begins which in turn causes him to take civil action, known as a cause of action. <u>The fact is a misrepresentation of facts.</u>

Continuing with the complaint submitted by the plaintiff, note the following quote: "['[2]'(facts)-Misrepresentation, suppression, omission of events and transposition of dates.]" Plaintiff establishes <u>misrepresentation</u>, defendant's is a false and misleading statement and material omission which renders other statements misleading, with intent to deceive as known FRAUD. Misrepresentation <u>suppression,</u> defendant is a false and misleading statement while an omission is failure and deliberate lie and recklessness allow misles, causing irreparable damage to plaintiff. Misrepresentation <u>omission</u> defendant's is fails to disclose essential facts and continues fails to exercise reasonable care to obtain or communicate true information. Misrepresentation <u>of event,</u> defendant throughout his statement from other conduct and hypothetically circumstances assets false or erroneous, i.e., not in accordance with the facts. Misrepresentation of <u>transposition of date,</u> defendant's deceives by making the plaintiff believe that the dates and days are true and in accordance with the facts, the fallacy in transposing evidence of a predetermined plan with sufficient treachery and advantage to cause irreparable damage and prejudice already causes to the plaintiff, for so many years.

In the complaint filed by Plaintiff you will find complaining into effect which refers to the fact committed by the defendant's "<u>titled and underlined</u>", This fact led to the reason why the plaintiff had the cause to initiate an action in

the complement as well known call Civil Action base on the complaint that actually comes at the time. In the following subtraction: Manipulation of information and creating a scenario that does not exist: First, Not existential and tangible proof of the alleged report that indicates in its content the Order sent by the New Jersey Court, where it strictly refers to "Failure to Pay Traffic Ticket". Second, Not existential and tangible copy of the reports sent to SCDMV, from New Jersey Motor Vehicle Commission dated February 27, 2015- March 2, 2015 and March 4, 2015, these reports must exclusively refer to "Failure to Pay Traffic Ticket" on these days. Third, Not existential and tangible proof of the letters from New Jersey reflecting these violations/suspension as "Suspension letter for FTPTTs from New Jersey". These inconsistencies demonstrate a montage of events and a transposition of the date, thus creating a predetermined confusion.Therefore it is legally impossible to enforce a suspension/violation without it existing. '[3]'(FACT)-It is legally impossible for (S.C.D.of M.V),(D.R.M); send a notice of Conviction on February 24, 2015, which has never happened (how does it state above). Furthermore it is legally impossible to commit a traffic violation, be convicted and send the notice all at the same time.Therefore, all of the above mentioned never took place, failing which it is impossible to comply with any requirement arising from this.'[4]'(FACT)-(S.C.D. of M.V),(D.R.M); Posted and Sent a LETTER notifying (D.U.I), on March 11, 2015 and proceeding with the suspension from March 26, 2015 through September 26, 2015. SECTION OF LAW: 56-5-2930 wrongly applied.Therefore, all of the above mentioned never took place, failing which it is impossible to comply with any requirement arising from this.'[5]'(FACT)-Based on the evidence presented it is universally impossible to be convicted on July 31, 2018 specifically from the legal point of view. That is, I have been convicted and prosecuted before and after for the same thing, what is even worse is that I am not even aware of them, because the information has been manipulated, especially of events that never happened.

The presence of the terms found in the complaint of "Manipulation of information and creating a scenario that does not exist", Defendant's control and play unlawful information to take advantage of an ignorant or stuped plaintiff and knowing that is false, not true and illegal. Creating a scenario where the Plaintiff is just a clown in the face of manipulative games involving this information, causing serious damage to his mental, physical and spiritual health. In the Plaintiff complaint you will also find how the Defend's misapplied the law and put the terms and sections of the law in their own favor and benefit, trying to escape from the facts that are totally false and illegal, inconsistent and full of bad intentions and malice.

The real fact is that everything has already happened to me, what else can I do? I only ask that you decide and issue the Order, no matter how bad it is for me.