

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF RICHLAND)	C/A No. 2024-CP-40-04885
)	
Eugene Jacobs,)	
)	
Plaintiff,)	
)	ORDER GRANTING
v.)	DEFENDANT'S
)	MOTION TO DISMISS COMPLAINT
William A. Barr,)	
)	
Defendant.)	
)	

(7321.472)

This matter came before the Court on March 6, 2025, for oral arguments on Defendant William A. Barr’s Motion to Dismiss Complaint (“Motion”). Charles S. Gwynne Jr., Esquire of Turner Padget Graham & Laney, P.A. appeared for Defendant Barr. John D. Clark, Esquire of Clark Law Firm, LLC appeared on behalf of Plaintiff Jacobs. Based on the reasons set out below, Defendant’s Motions is granted, and this action is hereby dismissed with prejudice.

1) On December 4, 2021, Plaintiff and Defendant were involved in a motor vehicle accident (“Accident”). On August 12, 2024, Plaintiff filed this lawsuit related to the Accident.

2) South Carolina Rule of Civil Procedure 3(a) provides:

A civil action is commenced when the summons and complaint are filed with the clerk of court if . . . (1) the summons and complaint are served within the statute of limitations in any manner prescribed by law; or (2) if not served within the statute of limitations, actual service must be accomplished not later than one hundred twenty days after filing.

Rule 3(a) thus requires that, after filing the summons and complaint, a plaintiff serve a defendant either within the statute of limitations or within 120 days after filing the complaint. If a plaintiff fails to serve a defendant within the statute of limitations or within 120 days after filing, then the plaintiff has failed to commence an action against the defendant.

3) The applicable statute of limitations for an action involving personal injury from a motor vehicle accident is three years. See S.C. Code § 15-3-530(5) (providing three years for “an action for . . . any injury to the person or rights of another, not arising on contract and not enumerated by law, . . .”).

4) In this case, Plaintiff filed her action 2 years, 8 months, and 8 days after the motor vehicle accident giving rise to Plaintiff’s actions for negligence against Defendant. In order to commence her action against Defendant, Plaintiff was required to serve Defendant with the Summons and Complaint by December 4, 2024, or December 10, 2024. To date, Defendant has not been served with this lawsuit.

5) Pursuant to SCRCP, Rule 12(b)(2), (4), and (5), the Court lacks jurisdiction over Defendant, due to insufficiency of process, and insufficiency of service of process.

For the reasons stated herein, the Court hereby grants Defendant’s Motion and this action is hereby dismissed with prejudice.

AND IT IS SO ORDERED.

Patrick C. Fant, III
Circuit Court Judge



Richland Common Pleas

Case Caption: Eugene Jacobs vs William A Barr

Case Number: 2024CP4004885

Type: Order/Dismissal

So Ordered

Patrick C. Fant, III

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