

Exhibit A

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JAN 27 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Claude Helton,)
)
Plaintiff,)
)
v.)
)
Sumter County Sheriff's Department,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

C/A #: 2023-CP-43-01088

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

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This matter came before the Court on September 22, 2025, on the defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. For the reasons set forth below, this Court finds that the plaintiff filed the Summons and Complaint outside the applicable statute of limitations and, therefore, dismisses the plaintiff's Complaint.

Plaintiff filed his initial Complaint on July 11, 2023, and an Amended Complaint¹ on August 17, 2023, seeking damages for a personal injury claim arising from a June 30, 2021, motor vehicle accident. Plaintiff alleges a single cause of action for negligence, asserting that defendant's employee, Earl Fulwood, Jr., while acting in the course and scope of his duties as a Deputy of the Sumter County Sheriff's Department, failed to yield the right of way, causing the plaintiff to collide with defendant's vehicle.

The applicable statute of limitations for bringing a claim pursuant to the South Carolina Tort Claims Act against a governmental entity, including the Sumter County Sheriff's Office, is two (2) years. S.C. Code Ann. § 15-78-110 ("[A]ny action brought pursuant to this

¹ Given that both the Complaint and Amended Complaint were filed after expiration of the Statute of Limitations, the Court need not address any distinction between the two filings.

chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered.”).

The motor vehicle accident occurred on June 30, 2021. However, Plaintiff asserts that the statute did not begin to run on the date of the accident but, instead, began to run months later when he discovered additional evidence supporting a claim of negligence against the defendant. However, the “statute of limitations ... beg[ins] to run when the plaintiff should know that he might have a potential claim against another person, not when the plaintiff develops a full-blown theory of recovery.” *Tanyel v. Osborne*, 312 S.C. 473, 475, 441 S.E.2d 329, 330 (Ct. App. 1994). Similarly, the he South Carolina Supreme Court has explained that a plaintiff should know that he or she has a claim and “upon the date of discovery of the injury, not the date of discovery of the wrongdoer.” *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994). For motor vehicle accidents, therefore, the statute of limitations begins to run on the date of the accident. *See id.* (affirming and holding that the statute of limitations began to run on the date of the motor vehicle accident not at the time plaintiff “was actually able to investigate her case, discover a cause of action existed, and determine who or what caused her injury”); *see also, Tanyel*, 312 S.C. at 476, 441 S.E.2d at 331 (holding that plaintiff “witnessed the physical involvement of the bus in the accident. This fact, standing alone, gave him notice that he might have a potential claim against the bus driver. This notice triggered the statute of limitations, rather than the discovery of evidence actually supporting the potential claim.”).

The motor vehicle accident at issue in the present matter occurred on June 30, 2021. Therefore, this Court finds that plaintiff had notice of a potential claim on June 30, 2021, and the statute of limitations began to run on June 30, 2021. Plaintiff filed the Complaint on July 11, 2023.

Therefore, this Court finds that the plaintiff failed to file his Complaint within the applicable statute of limitation pursuant to S.C. Code Ann. § 15-78-110.

For the reasons set forth herein, the Complaint in the above-entitled action is dismissed.

AND IT IS SO ORDERED.

The Honorable R. Kirk Griffin
Third Judicial Circuit

Sumter, South Carolina

October __, 2025

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Sumter Common Pleas

Case Caption: Claude Helton VS Earl Fulwood Jr , defendant, et al

Case Number: 2023CP4301088

Type: Order/Dismissal

So Ordered

s/ R. Kirk Griffin 2768