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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

Case No. 2021-CP-39-00329
Court of Appeals Case No. 2025-001327

Michael and Mary Smith,

Appellants,

v.

King Asphalt, Inc.

Respondents,

**MOTION FOR APPOINTMENT OF COUNSEL
AND REMAND TO REPAIR THE RECORD**

Michael and Mary Smith
Appellants, pro se
220 Stancil Street
Easley, SC 29640
MichaelDSmith@housemail.com

Opposing Counsel of Record:
Catharine Garbee Griffin Esq.
Baker, Ravenel & Bender LLC
3710 Landmark Drive, Suite 400
Columbia, S.C. 29204
CGriffin@brblegal.com

**MOTION FOR APPOINTMENT OF COUNSEL
AND REMAND TO REPAIR THE RECORD**

I. INTRODUCTION

Appellants Michael Smith and Mary Smith, appearing pro se, respectfully move this Court for an Order appointing qualified appellate counsel and remanding this case to the trial court to correct a materially defective record. This request is made pursuant to Rule 608, SCACR; Rule 210, SCACR; Article I, § 9 of the South Carolina Constitution; the Court’s inherent equitable authority recognized in *Ex parte Dibble*, 279 S.C. 592, 310 S.E.2d 440 (Ct. App. 1983) and *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995); and all relevant case law. These circumstances make this one of the “few cases in which it is reasonably necessary to do justice” under Rule 608(b), SCACR.

As a practical matter, this appeal cannot be meaningfully prosecuted without counsel. Appellants are pro se and functionally unable to navigate the South Carolina Appellate Court Rules, repair a materially defective record, and prepare a compliant appellate brief with accurate record citations on a compressed deadline. Where the record itself is objectively illegible in substantial part and critical materials are missing or unusable, unrepresented litigants cannot realistically preserve issues, assemble a usable record, and present the case in the form required for appellate review.

If counsel is not appointed (and the case not remanded for record repair), the likely outcome is not a decision on the merits but a loss by procedural default—missed or unenforceable briefing requirements, inability to cite the record, and inability to cure record defects in time. Denial of counsel under these circumstances would therefore be effectively dispositive, terminating the

appeal in substance not because the issues lack merit, but because Appellants lack the capacity to present them in a manner that permits appellate review.

As noted in the Court's letter dated January 14, 2026 (Exhibit K), Appellants previously expressed their intent to seek counsel, and this formal Motion now places that request, and the evidence of substantial record corruption, before the Court for adjudication. This motion is an appeal to this Court to intervene and restore the fair administration of justice, which has been fundamentally compromised by the extraordinary circumstances of this case. Without the assistance of appointed counsel and a remand to repair the record, Appellants will be effectively denied their fundamental constitutional right to due process, as they are unable to meet the 30-day briefing deadline due to the objective illegibility of the trial materials and their functional illiteracy.

II. FINANCIAL EXHAUSTION AND SEVEN-YEAR DURATION

The underlying accident in this case occurred in March 2019. For nearly seven years, Appellants have diligently sought a resolution on the merits. Appellants have demonstrated the utmost good faith by paying the \$250 statutory filing fee and approximately \$500 for hearing transcripts to satisfy Rule 207, SCACR. This expenditure has exhausted their limited resources. Appellants remain indigent under the factors set forth in Rule 608(b)(4), SCACR, as their current income, substantial debts, and lack of liquid assets leave them unable to afford private appellate counsel.

III. EXTRAORDINARY AND COMPOUNDING CIRCUMSTANCES

A. Functional Illiteracy and Health Limitations

Michael Smith is functionally illiterate, and both Appellants suffer from health and cognitive limitations that prevent effective self-representation. Requiring a functionally illiterate litigant to prepare a Record on Appeal from a defective volume of 830 pages of exhibits, of which approximately 300 are currently illegible, creates a manifest risk of denying justice. On March 25, 2024, Appellants filed a handwritten petition for a "Next Friend," the physical composition of which serves as primary evidence of the literacy and communication barriers that preclude Appellants from navigating the complex appellate process without assistance (Exhibit I). The document provides a visual record of the necessity for court intervention.

B. Procedural Ambush at Summary Judgment

At the hearing on January 27, 2025, Appellants were ambushed with a 212-page memorandum from defense counsel (Tr Hearing January 27, 2025, p.13,14, ll. 25-2) (Exhibit D), filed that same morning at 8:38 AM. This document completely reframed the long-standing negligence per se claim into one of ordinary negligence, arguing for the first time that an expert witness was required. The Court acknowledged receipt of the unread document, stating, "it will take me some time to read through this this afternoon" (Tr. Jan. 27, 2025, p. 3, ll. 8-13) (Exhibit D). This eleventh-hour shift in legal theory deprived Appellants of notice and any meaningful opportunity to respond.

C. Impairment and Contemporaneous Notice to Counsel

On January 17, 2024, Appellants notified defense counsel via email at 10:27 AM (prior to an 11:30 hearing) that Mr. Smith was "on scripshun narcoticks" and would be unable to participate effectively without counsel (Exhibit F). Despite this written notice and subsequent verbal advisement to the Court that his "mind's real cloudy," proceedings

moved forward without counsel present to protect his rights (Tr. Jan. 17, 2024, p. 6, ll. 8–14) (Exhibit C).

D. Objectively Defective Record and Representative Sampling

The public record is unusable for review. On March 4, 2025, Deputy Clerk Michelle Broom explicitly admitted that court scanners "only scan in black and white," "flip pages," and "unfortunately with larger filings... will flip pages" (Exhibit E). This equipment failure rendered approximately 300 of the 830 exhibit pages illegible.

Appellants informed the Court of this and received no response. (Exhibit P)

Rather than burden the Court with the full volume of defective materials, Appellants attach as (Exhibit L) a curated set of 52 representative pages, a 20% sampling, illustrating the nature and severity of the record corruption. These pages include absolute black blocks where photographs were intended, blurred pages, pages sideways and upside down, and pages where text has been sheared off due to scanner misalignment.

Furthermore, critical digital evidence properly submitted on a USB drive remains unreviewed and omitted from the record (Exhibit J). This digital data includes:

- S CHP dashcam video and audio evidence;
- Audio of 911 calls;
- Defendant's insurance audio interview;
- Recorded audio statements by the S CHP Trooper.

The omission of these materials constitutes a structural defect in the record. *See State v. Brown*, 411 S.C. 332 (2014); Rule 210, SCACR.

E. Judicial and Respondent Recognition of Need for Counsel

During a hearing, Judge Gravely recognized the Appellants' need for an attorney "The Smiths need help getting a lawyer. THE COURT: Well, there's no question about that." (Tr. Mar. 7, 2024, p. 44, ll. 11,12) (Exhibit B) Subsequently in its order the trial court found that "As in most complicated legal matters, the Plaintiffs need representation by an attorney licensed to practice law in South Carolina. Due to the Plaintiffs' health condition and other limitations, it is even more important that they not proceed as unrepresented litigants...All of this clearly warrants that Plaintiffs have counsel. " (Order, Mar. 19, 2024, p. 4) (Exhibit A). The extraordinary nature of these proceedings is confirmed by the mandatory recusal of the prior presiding judge, who Judge Gravely noted: "is recused from any further participation in this case" due to "various filings in this matter"(Order, Mar. 19, 2024, p. 4) (Exhibit A). Additionally, the Respondent itself previously petitioned the court for the appointment of a third party to "protect the Smiths" (Tr. Mar. 7, 2024, p. 30, ll. 7-16) (Exhibit B), admitting the Appellants lack the capacity to navigate this alone.

F. Documented Pattern of Denied Procedural Relief (Rule 40(j))

Request 1: April 25, 2023 Requesting Party: Michael D. Smith Response: Attorney Still: "There will be no continuance." Defense refused to respond to written 40(j) inquiry (Exhibit H). Outcome: Denied.

Request 2: May 19, 2023 Requesting Party: Mary A. Smith Response: Mary Smith: "May I, please, get a 40 (j)?" Atty Davis: "No, sir." Atty Griffin: "We do not." (Tr. May 19, 2023, p. 6-8) (Exhibit N). Outcome: Denied.

Request 3: October 30, 2023 Requesting Party: Mary A. Smith Response: Mary Smith filed a written motion for Rule 40(j) relief to allow for replacement of counsel. Outcome: Denied (Respondent withheld consent). Outcome: Denied.

Request 4: January 17, 2024 Requesting Party: Michael D. Smith Response: M. Smith: "I need a 40-J." Atty Griffin: "We are not consenting to 40-J the case." (Tr. Jan. 17, 2024, p. 3,4) (Exhibit M). Outcome: Denied.

IV. PRESERVED LEGAL ISSUES OF PUBLIC IMPORTANCE

This appeal raises significant legal questions that warrant professional appellate advocacy, including:

1. **The 1-Inch vs. 2-Inch Rule:** Whether the trial court erred in applying a 2-inch height differential standard when the SCDOT contract and the South Carolina Work Zone Safety Guidelines prohibited a height differential exceeding 1 inch for milled surfaces reopened to traffic.
2. **Expert Witness Requirement:** Whether a trial court may impose a mandatory expert witness requirement in a negligence per se action based on statutory violations, and whether doing so at the Summary Judgment stage without prior notice constitutes reversible error.
3. **Work Zone Definition:** Whether the Court erred in its legal interpretation of a "highway work zone" under **S.C. Code § 56-5-1535(F)(1)**, which fundamentally impacted the standard of care applied to the Respondent.

V. PRAYER FOR RELIEF

WHEREFORE, Appellants respectfully request that this Court:

1. **APPOINT** qualified appellate counsel for the remainder of this appeal;
2. **REMAND** this matter to the trial court to oversee repairs to the record, including re-scanning the approximately 300 illegible pages and including the digital data on the submitted USB drive (SCHP dashcam, 911 calls, insurance interview, and Trooper audio statements);
3. **STAY** all appellate briefing deadlines, specifically the 30-day deadline triggered by the Court's letter of January 14, 2026 (Exhibit K), until the record is certified as complete and legible and Appellants have had a meaningful opportunity to review the corrected record with counsel.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

/s/ Michael D. Smith
Michael D. Smith, Appellants (pro se)

/s/ Mary A. Smith
Mary A. Smith, Appellants (pro se)
220 Stancil Street, Easley, SC 29640
MichaelDSmith@housemail.com

February 9, 2026

RECEIVED
Feb 09 2026
SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that a copy of the

1. MOTION FOR APPOINTMENT OF COUNSEL AND REMAND TO REPAIR THE RECORD
2. Certificate of Service
3. Exhibits A-P

in Smith v. King Asphalt, Inc., Court of Appeals Case No. 2025-001327 was served upon the following counsel of record:

Catharine Garbee Griffin, Esq.
Baker, Ravenel & Bender, LLP
3710 Landmark Drive, Suite 400
Columbia, SC 29204

The document was served via the following methods:

By Email to: CGriffin@brblegal.com
Date of email service: February 9, 2026

Respectfully submitted,

<u>/s/ Michael Smith</u>	<u>February 9, 2026</u>
Michael Smith	Date
Pro Se Appellant	
220 Stancil Street	
Easley, S.C. 29640	
MichaelDSmith@housemail.com	

INDEX OF EXHIBITS

Exhibit A – Order of Judge Perry H. Gravely (Mar. 19, 2024)

Trial court order in 2021-CP-39-00329 finding that “the Plaintiffs need representation” and that “all of this clearly warrants that Plaintiffs have counsel,” and noting that the prior presiding judge “is recused from any further participation in this case due to various filings in this matter.”

Exhibit B – Transcript Excerpt (Mar. 7, 2024 – Judge Gravely)

Hearing transcript where the court states that “The Smiths need help getting a lawyer... no question about that,” and where the following additional exchange occurs:

- THE COURT: “First of all, I don't think that they've requested a guardian be appointed.”
- MR. PRESSLY: “Yes, they did.”
- MS. GRIFFIN: “Your Honor, in the initial joint petition, we did as an alternative ground, somebody to protect the Smiths...”

This exhibit shows both the court and Respondent acknowledging that the Smiths needed protection and assistance.

Exhibit C – Transcript Excerpt (Jan. 17, 2024 – Judge Morgan, narcotics / 40(j))

Hearing transcript where Mr. Smith tells the court he is on prescription narcotics, that his “mind’s real cloudy,” and states “I need me a lawyer. I need a 40-J,” while defense counsel refuses to consent to Rule 40(j) and the proceedings continue.

Exhibit D – Transcript Excerpt (Jan. 27, 2025 – Summary Judgment memorandum)

Summary Judgment hearing transcript showing that, at the start of the hearing, the court states it has just been handed the defendant’s memorandum in support of its motion and opposition to the Smiths’ cross-motion and says that it “will take me some time to read through this this afternoon,” documenting the late delivery of a lengthy memorandum on the day of the hearing. Ambushing pro se Appellants.

Exhibit E – Email from Deputy Clerk Michelle Broom (Mar. 4, 2025)

Email in which the Deputy Clerk explains that the clerk’s scanners only scan in black and white, flip pages, and that larger filings “will flip pages,” confirming that scanning equipment problems caused pages to become blacked out, flipped, or misaligned in the record.

Exhibit F – Email Regarding Prescription Narcotics and Hearing Participation (Jan. 17, 2024)

Written notice sent on the morning of the January 17, 2024 hearing stating that Mr. Smith was on “scripshun narcoticks” for a hernia and would not be able to participate effectively without counsel, documenting contemporaneous notice of impairment to opposing counsel.

Exhibit G – Verified Statement of Michael D. Smith (Jan. 2026)

Sworn statement detailing: (1) seven-year duration since the March 2019 accident; (2) more than twenty-five unsuccessful attempts to obtain counsel; (3) functional illiteracy and health limitations; (4) repeated but denied Rule 40(j) requests; and (5) indigency and inability to pay for appellate counsel.

Exhibit H – Email communication dated April 25, 2023, filed in the circuit court record as Exhibit H to the Amended Petition for Rule to Show Cause (electronically filed Feb. 23, 2024) by Respondents

Written email communication to defense counsel stating: “The Smith's have conferred with the following attorneys regarding the taking of this case as substitute counsel. They all agree that given the complexity and large amount of discovery in this case and due to the backlog of COVID they cannot just drop all their other clients to take up a contingency case with ten days to prepare. To a man, they have all suggested requesting a 40(j) removal from the docket to permit finding substitute counsel and giving them time to prepare and position the case as they see fit.” This exhibit shows multiple attorneys independently recommending Rule 40(j) removal as the realistic way to obtain substitute counsel. On the last page, conversation includes “there will be no continuance.”

Exhibit I – Handwritten Petition for Next Friend (Mar. 25, 2024)

Handwritten petition stating “We can’t read and write... we need help... we are both very sick,” serving as physical evidence of Appellants’ functional illiteracy and health limitations and their plea for court-appointed assistance.

Exhibit J – Digital Exhibits on USB Drive (SCHP Dashcam, 911 Calls, Insurance Interview, Trooper Audio)

Filing documenting submission of a USB flash drive containing SCHP patrol car dashcam video, 911 audio, the defendants’ insurance interview, and audio statements by the SCHP Trooper, which evidence was submitted but not incorporated into the certified record. Digital evidence not considered by the circuit court and ineligible for the record on appeal.

Exhibit K – Court of Appeals Correspondence (Jan. 15, 2026)

Letter from the South Carolina Court of Appeals referencing or setting the 30-day appellate briefing deadline, underscoring the urgency of appointing counsel and repairing the record before briefing is required.

Exhibit L – Representative Sample of Corrupted Record Pages (Approx. 20% of 300)

Curated sample of roughly 52 pages (of over 300) from the 830-page exhibits show blacked-out images, flipped pages, sheared text, and other scanner-induced defects, illustrating the nature and severity of the record’s illegibility.

Exhibit M – Transcript Excerpt (Jan. 17, 2024 – Additional Narcotics / Impairment Passages)

Additional pages from the January 17, 2024 hearing highlighting Mr. Smith’s statements about

prescribed narcotics and impaired mental clarity at the time a settlement and other critical matters were addressed. Mr. Smith requested a 40(j). Denied

Exhibit N – Transcript Excerpt (May 19, 2023 – Motion to Relieve Counsel and Rule 40(j) Request)

Hearing transcript where prior attorney representation is terminated and Ms. Mary Smith states, “May I, please, get a 40(j)?,” the court confirms, “You want a -- a 40(j), Rule 40(j)?,” and defense counsel responds, “Yes, Your Honor. We would object to it,” resulting in denial of 40(j) relief while the Smiths are directed to try to obtain new counsel. Denied

Exhibit O – March 26, 2025 Letter from Michael and Mary Smith to Judge Salvini

Letter clarifying that Appellants’ theory is negligence per se based on specific SCDOT statutes and regulations, explaining that Mr. Smith was interrupted when attempting to read his prepared negligence-per-se statement into the record at the January 27, 2025 Summary Judgment hearing, and describing procedural unfairness, including the late-filed memorandum and an unusable record.

Exhibit P – Email to Judge Salvini Regarding Corrupted Exhibits (Mar. 3, 2025)

Email advising the trial court that many exhibits in the public record are “messed up,” out of order, blacked out, or illegible, and requesting that the record be repaired before appeal, showing contemporaneous notice of record defects.

**MOTION FOR APPOINTMENT OF COUNSEL
AND REMAND TO REPAIR THE RECORD**

Exhibits A-P

Smith v. King Asphalt, Inc.

Appellate No. 225-001327

Exhibit A – March 19, 2024 Order (Gravely)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Order of Judge Perry H. Gravely, filed March 19, 2024, Pickens County Court of Common Pleas, Case No. 2021-CP-39-00329.

Key Language:

The court finds that “the Plaintiffs need representation by an attorney licensed to practice law in South Carolina” and that “all of this clearly warrants that Plaintiffs have counsel.”

Purpose:

Shows the trial court’s express recognition that Appellants need counsel, supporting appointment of appellate counsel under Rule 608 and a remand to repair the record.

Submitted by:

Michael D. Smith and Mary A. Smith,
Appellants, pro se
220 Stancil Street,
Easley, SC 29640
MichaelDSmith@housemail.com

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

Michael and Mary Smith,

Plaintiffs,

vs.

King Asphalt, Inc.,

Defendant/Petitioner,

IN RE:

FRANCIS HUNTER PRESSLY,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEENTH JUDICIAL
CIRCUIT

Case No: 2021CP3900329

ORDER

This matter came before the Court upon Defendant King Asphalt, Inc.'s Amended Petition for Rule to Show Cause relating to a 3rd party: Francis Hunter Pressly. The hearing was held on March 8, 2024 and Kathryn Griffin appeared on behalf of Defendant and Mr. Pressly appeared on his own behalf. The Plaintiffs, who are unrepresented at this time, did not appear, but had sent an email to the Court prior to the hearing stating that they would not be present.

The case is an action against the Defendant for personal injuries sustained by the Plaintiffs in an automobile accident. Initially, the case was brought against this defendant and Defendant Themistoklis Economo, but the case against Defendant Economo has been resolved. The issue raised by the Amended Petition is whether Mr. Pressly's action in this matter constitute the unauthorized practice of law and what sanctions should be imposed if he has. The lawsuit was originally filed by attorney Donald Smith of the Anderson County Bar and by Order of Judge G.D. Morgan, Jr. issued May 19, 2023, Donald Smith was relieved as counsel and the Plaintiffs were afforded 90 days to retain substitute counsel. Throughout this litigation, Mr.

6) Various other incidents set forth in Defendant's Amended Petition.

Even though the Court cannot impose sanctions, the Court would advise Mr. Pressly that if he continues with these actions or similar actions, he does so at his own peril. Further, the Court would Order that the Clerk's office not accept for filing any pleadings or documents submitted by Mr. Pressly on behalf of the Plaintiffs without approval by the Acting Chief Administrative Judge.

As in most complicated legal matters, the Plaintiffs need representation by an attorney licensed to practice law in South Carolina. Due to the Plaintiffs' health condition and other limitations, it is even more important that they not proceed as unrepresented litigants, but Mr. Pressly, as their Attorney-in-Fact, is not a viable substitute for an attorney. In the future, the Court may need to hear Motions for Summary Judgment by Defendant and other Pre-trial Motions. If the matter goes forward, the parties may need to submit to additional mediation and if not resolved, proceed to trial. All of this clearly warrants that Plaintiffs have counsel. Mr. Pressly advises that he has been assisting the Plaintiffs in trying to obtain substitute counsel, but has been unable to do so due to the time constraints in this case. The accident at issue is 5 years old and the case is 3 years old, so the Court must carefully craft a remedy which protects the interests of the Plaintiffs, but also does not unnecessarily delay the resolution of the case for the Defendant. The Plaintiffs need sufficient time to retain counsel and a dismissal under Rule 40(j), South Carolina Rules of Civil Procedure, would give them the time needed for this, but it would require the consent of the Defendant. In the event that the Defendant does not consent to a dismissal under Rule 40(j), which is within its right, then the Court orders that the matter be stayed for a period of 5 months for the Plaintiffs to secure substitute counsel. In the event that



Pickens Common Pleas

Case Caption: Michael Smith , plaintiff, et al VS Themistoklis Economo , defendant,
et al
Case Number: 2021CP3900329
Type: Order/Judgment For Relief

So Ordered

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2024-03-19 09:45:35 page 6 of 6

Exhibit B – March 7, 2024 Transcript Excerpt (Judge Gravely)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Certified transcript, hearing of March 7, 2024, before Judge Perry H. Gravely, Pickens County Court of Common Pleas, Case No. 2021-CP-39-00329 (Certificate dated March 31, 2024).

Key Language (p. 30, 44):

Hearing transcript @p. 44 “The Smiths need help getting a lawyer... no question about that,” and where the following exchange @ p. 30 occurs regarding appointment of a guardian/third party:

- THE COURT: “First of all, I don't think that they've requested a guardian be appointed.”
- MR. PRESSLY: “Yes, they did.”
- MS. GRIFFIN: “Your Honor, in the initial joint petition, we did as an alternative ground, somebody to protect the Smiths...”

Purpose:

Confirms on the record that the trial court agreed the Smiths “need help getting a lawyer,” supporting the request for appointment of appellate counsel.

Submitted by: Submitted by:
Michael D. Smith and Mary A. Smith,
Appellants, pro se
220 Stancil Street,
Easley, SC 29640
MichaelDSmith@housemail.com

1 that this is proper to hear this, and I ---

2 MR. PRESSLY: So you are inferring personal
3 jurisdiction.

4 THE COURT: I feel like -- yeah. I feel like there
5 is ---

6 MR. PRESSLY: All right. Well, that being said, I
7 would ask the Court then the way that we can resolve all
8 this is for you to appoint a guardian as they have asked and
9 also the Smith's have asked. And ---

10 THE COURT: First of all, I don't think that they've
11 requested a guardian be appointed.

12 MR. PRESSLY: Yes, they did.

13 MS. GRIFFIN: Your Honor, in the initial joint
14 petition, we did as an alternative ground, somebody to
15 protect the Smiths from Mr. Pressly's unauthorized practice
16 of law. In the amended petition on the rule to show cause,
17 we did not ask for that.

18 THE COURT: Okay. I guess I just read that. All
19 right. Go ahead.

20 MR. PRESSLY: Changing oars in the middle of the
21 stream, I mean, they had already asked for that and that's
22 what I was referring to.

23 THE COURT: Okay.

24 MR. PRESSLY: They did not specify as they said to
25 protect them from me. They just asked that a guardian be

1 matter will be on that April -- I thought I saw -- was it
2 April the 8th? Is that when you have it? That's what it's
3 set for now.

4 MR. PRESSLY: Judge Kinlaw.

5 THE COURT: Right. But again, that's something as
6 chief administrative judge now, I'll be the chief
7 administrative judge for purposes of anything dealing with
8 this case. So anything that needs to be addressed to the
9 chief administrative judge, then that would be sent to me.

10 MS. GRIFFIN: Thank you, Your Honor.

11 MR. PRESSLY: The Smiths need help getting a lawyer.

12 THE COURT: Well, there's no question about that.

13 MR. PRESSLY: And I appreciate that. Thank you, Your
14 Honor, for hearing me and giving me the opportunity to
15 defend myself. Thank you so much.

16 THE COURT: All right. Go deliver your mail.

17 MR. PRESSLY: Yes, sir.

18 MS. GRIFFIN: Your Honor, just with respect to the
19 motion for summary judgment, we ask that that be heard
20 before the case is set for trial to see if there's an
21 opportunity to have the case ---

22 THE COURT: Let me look at -- what I will do is I'll
23 look at it and I will ---

24 MR. PRESSLY: Your Honor?

25 THE COURT: Yes.

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, 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 Court of Common Pleas for Pickens County, South Carolina, on the 7th day of March, 2024.

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

March 31, 2024

Cheryl A. Smith

Cheryl A. Smith, CVR-M

Court Reporter

Exhibit C – January 17, 2024 Transcript Excerpt (40(j) / Impairment)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Certified transcript, hearing of January 17, 2024, *Michael and Mary Smith v. Themistoklis Economo, King Asphalt, Inc., and SCDOT*, before Judge G.D. Morgan, Jr., Case No. 2021-CP-39-00329 (Certificate dated February 2, 2024).

Key Language (p. 3):

MR. SMITH: “I’m on a prescription narcotic. I don’t wish to talk today. I need me a lawyer. I need a 40-J.”

Purpose:

Shows Mr. Smith’s contemporaneous notice of impairment and his request for both counsel and Rule 40(j) relief, supporting the showing of incapacity and denied procedural relief.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

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INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 1:14 PM.)

THE COURT: All right. The first matter this afternoon is Michael Smith vs. Themistoklis Economo -- I don't know if I'm pronouncing that right -- 2021-CP-39-00329.

All right. On the roster it has a motion for a status conference and a rule to show cause, but I understand maybe it's not going forward with -- or you're not going forward with the rule to show cause; is that right?

MR. STILL: Correct, Your Honor.

MS. GRIFFIN: Yes, Your Honor.

THE COURT: All right. Yes, sir. Now, are you Mr. Smith?

MR. SMITH: Yes, sir.

THE COURT: All right. And you and your wife are representing yourselves; is that correct?

MR. SMITH: I'm on a prescription narcotic. I don't wish to talk today. I need me a lawyer. I need a 40-J.

THE COURT: You need a 40-J? Is that what you said?

MR. SMITH: Yes, sir.

THE COURT: Okay. Let me just hear from lawyers right now.

So we've got a motion for a status conference, and

1 the rule to show cause is not going forward, correct?

2 MS. GRIFFIN: Yes, Your Honor. Catherine Griffin for
3 King Asphalt.

4 So my understanding is the claim that Mr. and Mrs.
5 Smith have against Mr. Economo has been resolved. But
6 Mr. Still can speak to that.

7 So I am the remaining defendant. And Your Honor
8 allowed Don Smith to withdraw as counsel back in May of
9 last year and gave the plaintiffs 90 days to hire counsel.
10 And we are well past that now. We're eight months after
11 that hearing. And so we asked for a status conference in
12 order to set this case for trial because we are not
13 consenting to 40-J the case. We need to dispose of the
14 case by trying the case as soon as the Court can set it
15 for trial.

16 THE COURT: Mr. Still, anything?

17 MR. STILL: Yes, Your Honor. We were able to reach a
18 settlement with Mr. Smith. We had previously, before
19 attorney Don Smith was relieved of counsel, we reached a
20 settlement with Mrs. Smith, and we reached a settlement
21 with Mr. Smith yesterday. And if you don't mind, Your
22 Honor, if I could put that on the record here today.

23 But we were able to reach a settlement in the amount
24 of \$35,000. The settlement, Your Honor, was on a covenant
25 not to execute, not a release, because we could not agree

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, 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 Court of Common Pleas for Pickens County, South Carolina, on the 17th day of January, 2024.

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

February 2, 2024

Cheryl A. Smith

Cheryl A. Smith, CVR-M

Court Reporter

Exhibit D – January 27, 2025 Transcript Excerpt (SJ 212-Page Memorandum)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Certified transcript, summary-judgment hearing of January 27, 2025, before Judge Jessica Ann Salvini, Pickens County Court of Common Pleas, Case No. 2021-CP-39-00329 (Certificate dated February 20, 2025).

Key Language (p. 3):

THE COURT: "...this is on the court's docket for plaintiffs' motion for summary judgment... and I've been handed up the defendant's memorandum in support of their motion and in opposition to the Smiths. So I think what I'd like to do is let's start with some argument, because it will take me some time to read through this this afternoon."

Purpose:

Documents that defense counsel's lengthy memorandum was handed to the Court at the start of the hearing, supporting the claim of procedural ambush at summary judgment and the need for appointed counsel.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

Certificate of Electronic Notification

Recipients

Catharine Griffin - Notification transmitted on 01-27-2025 08:39:06 AM.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP3900329

Official File Stamp: 01-27-2025 08:38:49 AM

Court: CIRCUIT COURT

Common Pleas

Pickens

Case Caption: Michael Smith , plaintiff, et al VS Themistoklis
Economo , defendant, et al

Document(s) Submitted: Memo/Memo in Support

- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits

Filed by or on behalf of: Catharine Garbee Griffin

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Catharine Garbee Griffin for King Asphalt Inc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary Ann Smith for Mary Ann Smith

Mary Ann Smith for Mary Ann Smith

Michael Smith for Michael Smith
Michael Smith for Michael Smith

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

) IN THE COURT OF COMMON PLEAS
)
) THIRTEENTH JUDICIAL CIRCUIT

MICHAEL and MARY SMITH
VS.
THEMISTOKLIS ECONOMOU, et al

) NO. 2021-CP-39-00329
)
) TRANSCRIPT OF RECORD
)
) Motions

B E F O R E:

THE HONORABLE JESSICA ANN SALVINI, JUDGE

DATE: Monday, January 27, 2025
Pickens, South Carolina

A P P E A R A N C E S:

MICHAEL SMITH, PLAINTIFF

Pro Se

CATHARINE GARBEE GRIFFIN, ESQUIRE

Attorney for the Defendant King Asphalt, Inc.

Reported by: Cathy J. Provost, RMR, Official Court Reporter

-- P R O C E E D I N G S --

1
2 THE COURT: We are here in the matter of Michael Smith and
3 Mary Ann Smith versus King Asphalt, Inc., et al. This is Case
4 No. 2021-CP-39-00329. I have plaintiff, Mr. Smith, present.
5 He's self-represented. I have defense counsel present.

6 This is on the court's docket for plaintiffs' motion for
7 summary judgment, the Smiths' opposition and their motion for
8 summary judgment, and I've been handed up the defendant's
9 memorandum in support of their motion and in opposition to the
10 Smiths.

11 So I think what I'd like to do is let's start with some
12 argument, because it will take me some time to read through this
13 this afternoon. So I am happy to hear from you. Let's start
14 with your motion since it was docketed first.

15 ATTORNEY GRIFFIN: Yes, Your Honor. Catharine Griffin for
16 King Asphalt, Inc., the only remaining defendant in this case.

17 THE COURT: I saw that.

18 ATTORNEY GRIFFIN: Yes. So first I want to point out,
19 because this is the second or third time it's happened, that
20 Mrs. Smith is not here today. Since these plaintiffs are
21 representing themselves, Mrs. Smith has failed to appear and so I
22 think for that reason, that her motion for cross-motion for
23 summary judgment should be denied, and also the motion that I had
24 filed seeking summary judgment on behalf of King Asphalt should
25 be granted as to Mrs. Smith because she has failed to appear at

1 THE PLAINTIFF: Yes, ma'am.

2 THE COURT: Okay. What I'm asking you is is to tell me your
3 position. Their position, King Asphalt's position, is that you
4 all have completed deposition testimony, they pulled the SCDOT
5 guidelines, the district construction manager -- and I hope I'm
6 saying his position correctly -- indicates that King Asphalt
7 followed all of SCDOT's guidelines when they were milling the
8 road, and how they did their signage, that they found no defect
9 in what they did.

10 And so their position then is you're claiming that they
11 didn't follow those guidelines, or that they did something that
12 wasn't in accordance with the standards required to mill a road
13 and to do the construction that they were doing and so,
14 therefore, you would need an expert to come into this court and
15 say they made a mistake somewhere because you allege that, as a
16 result of what they did, that they didn't follow the guidelines
17 and, therefore, somehow that proximately caused the injury to you
18 and Mrs. Smith.

19 And I'm asking you to tell me your position. And you can
20 tell me that you don't have any argument, you just want to rely
21 on your brief. I have it. She's correct, it's over 400 pages if
22 I take into consideration the exhibits. If you're just relying
23 on that, that's okay, but we are here for argument. So is there
24 anything you want to tell me?

25 I'm a judge that reads everything. She handed up her

1 memorandum. I haven't had a chance to read it because she just
2 handed it to me, so I am going to take it under advisement and
3 now look at everything together, but is there anything that you
4 think you need to tell me?

5 THE PLAINTIFF: I [indiscernible].

6 THE COURT: Say it again.

7 THE PLAINTIFF: I can bring up this statement here.

8 THE COURT: Is this something that's new that you haven't
9 filed yet?

10 THE PLAINTIFF: Yeah. No, ma'am, I don't really know.

11 THE COURT: Was that filed?

12 THE PLAINTIFF: I think it was in my, in my documents sent
13 to her to show it to the --

14 THE COURT: Okay. Well, let's show it to counsel, and let's
15 see what her position is. You don't need to hand it my court
16 reporter yet. I want counsel for King Asphalt to look at it
17 first. If there's something more you want her to take a look at,
18 I want to see what her position is.

19 ATTORNEY GRIFFIN: Okay. Your Honor, this is not part of
20 this filing.

21 THE COURT: Okay.

22 ATTORNEY GRIFFIN: But I think he was intending to read it
23 to you out loud.

24 THE COURT: Is that correct, Mr. Smith, --

25 THE PLAINTIFF: I'm going to try --

Exhibit E – Deputy Clerk Email re Illegible Exhibits

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Email from Deputy Clerk Michelle Broom, Pickens County Clerk of Court, dated March 4, 2025, regarding scanning and image quality of exhibits in Case No. 2021-CP-39-00329.

Key Language (paraphrased):

Advises that the court’s scanners “only scan in black and white,” “flip pages,” and that “unfortunately with larger filings... will flip pages,” acknowledging problems that produce “messed up,” out-of-order, and unreadable exhibit pages.

Purpose:

Confirms that scanning equipment used to create the public record causes flipping and degradation of exhibit pages, supporting Appellants’ showing that approximately 300 of the 830 exhibit pages are illegible and that a remand is needed to repair the record.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,
Appellants, pro se
220 Stancil Street,
Easley, SC 29640
MichaelDSmith@housemail.com

Re: Smith v Economou 39-00329

From: "Michelle H. Broom" <michelleb@pickenscountysc.gov>
To: "Michael Smith" <MichaelDSmith@housemail.com>, "Pat Welborn" <pwelborn@pickenscountysc.gov>
Date: Mar 4, 2025 10:47:04 AM

Mr. Smith,

The E-filing portal is only for SC licensed attorney's to E-File and the only option we have is scanning to our system with a desk scanner with pro se filings. Our scanners only scan in black and white and unfortunately with larger filings to scan, the scanner program will flip pages. If anyone reviewing the online file has any issues with scanned filings, they can come into our office and look at the original hard copy filing. With you supplying the Judge and other counsel with your filings, they shouldn't have to view the online copies, but if there is a problem they will reach out to our office.

Thank you,

Michelle Broom



From: Michael Smith <MichaelDSmith@housemail.com>
Sent: Tuesday, March 4, 2025 9:23 AM
To: Michelle H. Broom <michelleb@pickenscountysc.gov>; Pat Welborn <pwelborn@pickenscountysc.gov>
Subject: Smith v Economou 39-00329

ms michel

i am concernd about if filings can be red
we haf send hard copys to judge salvini an ms cathren by hand
but othr lawyurs who wan 2 reed it cant reed
the zibits ar flipt round th pages mixt up and pics r all blak
i no u don't haf pro se filing alot
i wuz wandring if it wood hep to file this th sam way lawyers do
threw th digtal portul
i haf tached 2 pdf fils of the filngs that r clockt
the firs is motion an letters wit COS
th secun is zibits
they r same zackly as wut u haf postd
i wuz thnkng u cood use thes fils to uplode to th pubic record
so other lawyers an peopl can reed th filngs
thank u 4 ur hep

MDS
MAS

Attachments

- Outlook-cca2e3xt.png

Exhibit F – Email to Defense Counsel re Narcotics Impairment

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Email from Michael D. Smith to defense counsel, sent January 17, 2024, at approximately 10:27 a.m.

Key Point:

Advises that Mr. Smith is “on prescription narcotics” for a hernia and will be unable to participate effectively without counsel.

Purpose:

Shows contemporaneous written notice to defense counsel of Mr. Smith’s narcotic impairment on the day of the January 17, 2024 hearing, supporting the impairment/due-process argument.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com



Re: setlmunt chk

From: "Griffin, Catharine G." <CGriffin@brblegal.com>
To: "Michael Smith" <MichaelDSmith@housemail.com>, "Trey Still" <trey@cslaw.com>
Date: Jan 17, 2024 11:32:27 AM

Good morning,
The court still is having the status conference as scheduled at 1. It is important that you attend.
Catharine Griffin

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Michael Smith <MichaelDSmith@housemail.com>
Sent: Wednesday, January 17, 2024 10:27:50 AM
To: Trey Still <trey@cslaw.com>; Griffin, Catharine G. <CGriffin@brblegal.com>
Subject: Re: RE: RE: RE: RE: setlmunt chk

they stil haf show case skedoold
wif in hosptul **an i on scripshun narcoticks**
i wil b ther but witout lyer i ain talkn 2 nobody
we dun sind setlemunt ten day go
if u woan gif us 40j 2 git lyer
nuthng mor 2 tel judg
on pills ain guna talk noway witout lyer
i tole u i jes copy ole stats confruns
doan no wut nun tht meen

Sent: Wednesday, January 17, 2024 at 9:22 AM
From: "Trey Still" <trey@cslaw.com>
To: "Michael Smith" <MichaelDSmith@housemail.com>, "Griffin, Catharine G." <CGriffin@brblegal.com>
Cc: "Team Still" <TeamStill@cslaw.com>
Subject: RE: RE: RE: RE: setlmunt chk

I'm sorry you feel that way. I've done everything I can to be transparent and patient with this entire process.

Catharine signed the stipulation last night so I will try to get it filed this morning.

As for today, I am hoping that the check will be delivered to my office this morning. I will attend the status conference, so that I can hand deliver your check and officially end my involvement in this case.

Thank you.

Patrick "Trey" Still, III
CLAWSON and STAUBES, LLC
Licensed in SC
864-331-8940

This e-mail and the information transmitted contains PRIVILEGED and CONFIDENTIAL information and is the property of the sender. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are notified that any dissemination or copying of this information, or the taking of any action in reliance on the content of this information, is strictly prohibited. If you have received this e-mail in error, immediately contact Trey Still with CLAWSON & STAUBES at (864) 331-8940 and delete the original transmittal of this information.

From: Michael Smith <MichaelDSmith@housemail.com>
Sent: January 16, 2024 8:08 PM
To: Trey Still <trey@cslaw.com>; Griffin, Catharine G. <CGriffin@brblegal.com>
Subject: Re: RE: RE: RE: setlmunt chk

i c so wut u sayn is

SMITHvKING ASPHALT_2025-001327_000044

Exhibit G – Verified Statement of Michael D. Smith

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Verified Statement of Michael D. Smith, executed January 27, 2026.

Key Points:

Sets out: (1) contact with more than 25 attorneys and legal aid entities who declined representation; (2) the seven-year duration since the March 2019 accident; (3) functional illiteracy and health limitations; (4) repeated, unsuccessful efforts to obtain Rule 40(j) relief; and (5) current financial indigency.

Purpose:

Provides sworn evidence of diligent but unsuccessful efforts to obtain counsel, longstanding barriers, and indigency, directly supporting appointment of appellate counsel under Rule 608(b), SCACR.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

**Appeal from Pickens County Court of Common Pleas C/A
No. 2021-CP-39-00329 Appellate Case No. 2025-001327**

Michael Smith and Mary Smith, *Appellants,*

vs.

King Asphalt, Inc., *Respondent.*

VERIFIED STATEMENT OF MICHAEL D. SMITH

I, Michael D. Smith, declare under penalty of perjury pursuant to the laws of the State of South Carolina that the following is true and correct:

1. I am an Appellant in this matter, 72 years of age.
2. I have contacted more than 25 individual attorneys, all of whom declined representation.
3. As we approach the seven-year anniversary of the March 2019 accident, the passage of time and the 830-page exhibit volume (with 300 corrupted/illegible pages) make it functionally impossible to secure counsel without court intervention.
4. As documented in (Exhibit I), I previously petitioned the court for assistance, providing a handwritten record of the literacy barriers that prevent effective self-representation.
5. I remain indigent and unable to afford private appellate counsel.

Executed on: February 8, 2026

/s/ Michael D. Smith

Exhibit H – Email communication dated April 25, 2023, filed in the circuit court record as Exhibit H to the Amended Petition for Rule to Show Cause (electronically filed Feb. 23, 2024)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Document dated April 25, 2023, containing a list of attorneys purportedly contacted or available, produced by Defendants/defense counsel.

Key Point:

Reflects defense identification of multiple attorneys in connection with this matter, showing both the difficulty Plaintiffs faced in obtaining counsel and Defendants’ awareness of that difficulty. Conveys that all attorneys require a 40(j) to have sufficient time to unpack case or fear malpractice. “There will be no continuance” Last page of exhibit.

Purpose:

Corroborates Appellants’ account that many attorneys were contacted and did not take the case, supporting the showing that they are not reasonably able to secure counsel on their own despite diligence.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,
Appellants, pro se
220 Stancil Street,
Easley, SC 29640
MichaelDSmith@housemail.com

Darby A. Davis

From: Trey Still
Sent: April 25, 2023 11:42 AM
To: attorneydonaldsmith@gmail.com
Cc: Griffin, Catharine G.
Subject: FW: I don't believe you have not noticed

Don, please see below. I do not plan on responding to him because you have not been relieved as counsel.

Thanks.

Patrick "Trey" Still, III
CLAWSON and STAUBES, LLC
 Licensed in SC
 864-331-8940

This e-mail and the information transmitted contains PRIVILEGED and CONFIDENTIAL information and is the property of the sender. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are notified that any dissemination or copying of this information, or the taking of any action in reliance on the content of this information, is strictly prohibited. If you have received this e-mail in error, immediately contact Trey Still with CLAWSON & STAUBES at (864) 331-8940 and delete the original transmittal of this information.

From: Frank Pressly <fpressly@yahoo.com>
Sent: April 25, 2023 9:56 AM
To: Trey Still <trey@cslaw.com>; Catharine G. Griffin <cgriffin@brblegal.com>
Subject: I don't believe you have not noticed

As you are both aware Donald Smith (bar#6699) has informed his clients Michael and Maryann Smith that he is withdrawing from representing them in Smith v. Economou. of which you are opposing counsel. Don filed a motion to be removed some time ago; but, as you are also aware a conflict resulted in that being continued. Mr. and Mrs. Smith have been asking Attorney Smith to withdraw since September 8, 2022 (date of ADR). He has drug his feet and drug his feet and made every effort to chill any substitute counsel taking this case and now puts the Smith's in an eleventh hour position with a trial coming in a few weeks and not having an attorney to represent them. The hearing for Attorney Smith's removal is set for May 19, 2023 9:30am before Judge Morgan. Ten days before trial.

The Smith's have conferred with the following attorneys regarding the taking of this case as substitute counsel. They all agree that given the complexity and large amount of discovery in this case and due to the backlog of COVID they cannot just drop all their other clients to take up a contingency case with ten days to prepare. To a man, they have all suggested requestng a 40j removal from the docket to permit finding substitute counsel and giving them time to prepare and position the case as they see fit.

Bruce Byrholdt

David Standeffer

Christopher Pracht

Thomas A. Pendarvis

Christopher W. Lempesis, Jr

Steven Krause

David Price

C. Nicholas Lavery

David Stoddard

Patrick E. Knie

Kyle White

Drew Bradshaw

Chad Pye

W. Trey Merck

L. Lee Plumblee

Scott Monge

Ric Davis

The both of you could hardly have overlooked missed/late filings and other misconduct of Donald Loren Smith . You were sent electronic notifications when every misstep occurred. Missing the statue of limitations in the filing against SCDOT and their subsequent dismissal from the case as a defendant. Oversight/Failure to serve Summons and Complaint to Economou until five months after filing the Complaint. The misfiling of the Status Report to another case (and then late filing to this case). Witnessing the snoozing/sleeping of attorney Smith at Maryann Smith's deposition. His performance/behavior at ADR. His inability at times, to communicate verbally or by typed medium in an intelligible fashion. His circuitous legal reasoning and nonsensical carrying out of depositions. His allowing/not disputing you (Trey) making disingenuous statements concerning contacting your client Themistoklis Economou and not disputing the facts of the case at ADR as presented by (Catherine). His allowing you to negotiate in bad faith by making unreasonable offers of settlement. His not sending a demand letter to King Asphalt's insurance company. Failing to file a status report regarding King Asphalt. Surely you have observed something amiss? The fact that you (Trey) wanted him to conduct ALL FUTURE communications in writing tells me you did sense something that needed that protection.

Anyone can make a mistake; but, a pattern makes it a clear behavioral/misconduct issue.

REPORTING PROFESSIONAL MISCONDUCT

8.3 (c) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

But, you have chosen to remain silent because a weak plaintiff's counsel works to your advantage/benefit.

Trey, I know you previously said "there will be no continuance"; however, in the interest of justice and the extenuating circumstances I would hope that you agree it should be done the form of a 40j.

The rules required consent of all parties, so I ask for your thoughts.

Frank Pressly
864-276-1867

Exhibit I – Petition for Next Friend (March 25, 2024)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Handwritten Petition for “Next Friend” filed March 25, 2024, by Michael and Mary Smith.

Key Language:

States that “we can’t read and write... we need help... we are both very sick,” and requests appointment of a Next Friend to assist.

Purpose:

Serves as physical evidence of Appellants’ functional illiteracy and health limitations, supporting the argument that they cannot meaningfully navigate the appellate process or repair the record without appointed counsel.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

STATE of South Carolina
County of Pickens

Michael and Mary Ann Smith

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

In the Court of General Pleas
for the thirteenth Judicial

2024 MAR 25 P 2:09

Circuit

PLAINTIFFS

CASE NO. 2021-LP-29-03329

vs

Themistoklis Economou &
Kings Asphalt Inc.

REK WES 2 Relief From
Judgment

DEFENDANTS

RESPECT SIR

My wife and I want to ask you please appoint Mr Frank Presley
as our new friend
we need help cuz we are old n were sick
we cant keep track of them on days
we doan read an rite 2 sud
we no Mr Frank is not a lyer but
he is th only one st peopl in ths suit case
without Mr Frank help we cant live nother 1 yr
an hat 2 drop suit case
we no ths Ms. Gathrow wan but ths not justice 4 us

Thank you

Michael D. Smith 03/25/2024
MICHAEL D. SMITH

Mary Ann Smith 03/25/2024
Mary Ann Smith
220 S. Main Street
Easley SC 29640

Michael D Smith @houseman...
SMITHVKNB ASPHALT_2025-001327_000052

Exhibit J – Digital Exhibits on USB Drive

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Filing describing submission of a USB flash drive in the trial court record, identified in Plaintiffs' Cross-Motion for Summary Judgment and related filings.

Contents Described:

SCHP patrol car dashcam video; 911 call audio; Defendant's insurance audio interview; and audio statements by the SCHP Trooper.

Purpose:

Shows that critical digital evidence was properly submitted on a USB drive but omitted from the record considered by the circuit court and thereby precluded from the record on appeal, supporting the request for a remand to include these materials under Rule 210, SCACR.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

Michael and Mary Smith,
Plaintiffs,

vs.

Themistoklis Economou and King
Asphalt Inc.,
Defendants.

2024 DEC 13 A

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEENTH JUDICIAL
CIRCUIT

CASE NO.: 2021-CP-39-00329

**PLAINTIFFS' OPPOSITION TO
DEFENDANT KING ASPHALT,
INC.'S MOTION FOR SUMMARY
JUDGMENT, CROSS-MOTION FOR
SUMMARY JUDGMENT, AND
PRAYER FOR ALTERNATIVE
RELIEF**

**PLAINTIFFS' OPPOSITION TO DEFENDANT KING ASPHALT, INC.'S
MOTION FOR SUMMARY JUDGMENT, CROSS-MOTION FOR SUMMARY
JUDGMENT, AND PRAYER FOR ALTERNATIVE RELIEF**

INTRODUCTION

Plaintiffs Michael and MaryAnn Smith respectfully oppose Defendant King Asphalt, Inc.'s motion for summary judgment and submit their own cross-motion for summary judgment. Plaintiffs contend that King Asphalt's violations of statutory, regulatory, and contractual obligations, as well as its acts of negligence per se, negligent entrustment, fraudulent misrepresentation, and obstructive litigation tactics, collectively entitle Plaintiffs to summary judgment. Defendant's failure to raise any genuine material issues of fact in their motion for summary judgment further underscores the appropriateness of granting summary judgment in favor of Plaintiffs.

Plaintiffs' claims are supported by uncontroverted evidence of Defendant's failure to comply with South Carolina Code Section 56-5-1535(F)(1), South Carolina Department of Transportation (SCDOT) Division 600 Regulations, the SCDOT Standard Specifications for Highway Construction and contract-specific provisions. Defendant King Asphalt's actions and omissions directly created hazardous conditions that proximately caused Plaintiffs' injuries, rendering

3 Smith v. King Asphalt Inc. (2021CP39000329) 000006

them liable as a matter of law. [Exhibit B] - Rayfield v. SC Dept. of Corrections, 297 S.C. 13, 374 S.E.2d 910 (1988).

Defendant's assertion that expert testimony is required to establish negligence is misplaced. The facts and violations in this case are well within the understanding of a layperson and do not necessitate expert analysis. As detailed in this motion, the documented evidence, statutory violations, and admissions by Defendant clearly establish liability without the need for expert interpretation.

This submission incorporates all referenced Exhibits A-Z and also aa-zz, the Bibliographic Appendix, and digital exhibits (video/audio) contained on the accompanying USB flash drive. Each Exhibit has a cover page with highlights/excerpts of the attached documents relevant portions.

Given that the Court and its clerks operate under significant time constraints and may not be intimately familiar with every nuance of this case, it is crucial to present the facts and arguments with clarity, precision, and sufficient context. As many of the same facts are foundational to multiple claims and elements, a degree of repetition is unavoidable. This is not meant to be verbose, but rather a deliberate effort to ensure that each claim is fully supported and articulated in the context of the legal framework it addresses. Plaintiffs respectfully apologize for any perception of repetitiveness, as this approach is necessary to avoid ambiguity and to meet the high standards of thoroughness and specificity required in these proceedings. Accordingly, Plaintiffs move for summary judgment under Rule 56 of the South Carolina Rules of Civil Procedure, as the overwhelming evidence establishes that no genuine issues of material fact remain for trial.

Case Overview

Factual Background

1. Accident Site Location

This case involves a segment of Highway 8 (Gentry Memorial Highway) in Easley, SC, specifically the Eastbound lanes between Owen Lane and Old Easley Pickens Highway ("the Accident Site"), defined as distance markers 36+00 to 31+53. This site was part of a larger SCDOT road project. [Exhibit kk] - Google Maps current day pictures of accident scene and King Asphalt Inc 2019 photographs

2. Contract Award

On July 3, 2018, King Asphalt, Inc. of Liberty, SC, was awarded two projects (P037242 and P037243, Contract No. 17352, SC File No.

4 Smith v. King Asphalt Inc. (2021CP39000329) 000007

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

Michael and Mary Smith,
Plaintiffs,

vs.

Themistoklis Economou and King
Asphalt Inc.,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEENTH JUDICIAL
CIRCUIT

CASE NO.: 2021-CP-39-00329

CERTIFICATE OF SERVICE

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA
2024 DEC 13 A 9:22

CERTIFICATE OF SERVICE

I, Michael D. Smith, hereby certify that I have this day served the following documents:

**PLAINTIFFS' OPPOSITION TO DEFENDANT KING ASPHALT, INC.'S
MOTION FOR SUMMARY JUDGMENT, CROSS-MOTION FOR SUMMARY
JUDGMENT, AND PRAYER FOR ALTERNATIVE RELIEF**

along with all attached exhibits and digital exhibits on USB drive/and by email attachment.

The aforementioned documents were served upon the following counsel of record:

Catharine Garbee Griffin, Esq.
Baker, Ravenel & Bender, LLP
3710 Landmark Drive, Suite 400
Columbia, SC 29204
CGriffin@brblegal.com

The documents were served via the following methods:

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Certified Mail Number: USPS 70210950000135867958
Date of Mailing: 12/13/2024

81 **Smith v. King Asphalt Inc. (2021CP39000329) 000084**

I further certify that a copy of this Certificate of Service was also included with the documents sent by U.S. Mail and email.

Respectfully submitted,

Michael D. Smith

12-12-2024

Michael D. Smith
220 Stancil Street
Easley, SC 29640
MichaelDSmith@housemail.com

Date

NOTARY ACKNOWLEDGEMENT
STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

I, Kendra Taylor, the undersigned Notary Public, do hereby certify that Michael D. Smith, personally appeared before me this day and acknowledged the due execution of the foregoing Certificate of Service.

Sworn to and subscribed before me this 12 day of December, 2024.

Kendra Taylor
Notary Public, State of South Carolina
My Commission Expires: 07/07/2032



Exhibit K – Court of Appeals Letter (Jan. 15, 2026)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Letter from the South Carolina Court of Appeals dated January 15, 2026, in Appellate Case No. 2025-001327.

Key Point:

Acknowledges filing status and sets or references the 30-day briefing deadline for Appellants' initial brief.

Purpose:

Establishes the procedural posture and briefing timetable, showing that Appellants face imminent deadlines they cannot meet without counsel and a repaired record.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 14, 2026

Michael Smith
220 Stancil Street
Easley SC 29640

Mary Smith
220 Stancil Street
Easley SC 29640

Re: Michael and Mary Smith v. King Asphalt, Inc.
Appellate Case No. 2025-001327

Dear Mr. and Ms. Smith:

We are in receipt of a copy of the transcript filed on January 2, 2026. No further action will be taken on this transcript as it has been filed prematurely. Furthermore, your email dated January 2, 2026, states that you wish to file a motion to appoint counsel, however, our records do not reflect such a motion has been served and filed. Accordingly, the appellants' initial brief and designation of matter are due to be served and filed within thirty (30) days of the date of this letter.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

cc: Catharine Garbee Griffin, Esquire

Exhibit L – Sample of 52 Corrupted Exhibit Pages (Approx. 20% of 300)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Compilation of 52 representative pages drawn from the approximately 300 corrupted/illegible pages in the 830-page exhibit volume.

Key Features:

Pages that are blacked out, blurred, flipped, or sheared, rendering text and images unreadable and demonstrating scanner-induced corruption.

Purpose:

Provides a 20% sampling illustrating the nature and severity of exhibit corruption, corroborating the need for a remand to rescan and repair the record.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

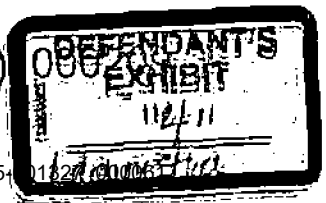
MichaelDSmith@housemail.com

Owen Ln



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 59 ft

Smith v. King Asphalt Inc. (2021CP3900329)







[Exhibit ee] - Accident site March 22 2019 Owens Lane Hwy8 Easley SC - SCHP dashcam screengrab (stills) picture – Have not met statutory and regulatory requirements prior to opening closed lane.

Temporary Pavement Markings (Sub-section 609.41)

On multilane primary and secondary roadways, apply and place temporary or permanent pavement markings as specified hereupon on the travel lanes prior to reopening a closed travel lane or traffic emphasis added. These pavement markings shall include: 1) inch wide solid lines utilized for edge lines and solid center lines and 1/2 inch wide by 10 centimeter broken lines with a 50 foot spacing of the lines and 1/2 inch lines unless otherwise specified. The center line pavement markings shall be either double yellow solid lines or an appropriate combination of yellow solid line and 1/2 inch wide by 10 centimeter yellow broken lines for two-way left turn median areas. The edge line pavement markings shall be white solid line and the center edge line shall be yellow solid line except in areas where the travel lanes separate to create a gore type situation and then the color schemes shall comply with SC DOT application practices for gore areas. The 1/2 inch lines between travel lanes shall be 1/2 inch wide by 10 centimeter white broken lines with a 50 foot spacing.

Within the limits of existing right-of-way on all roadways, apply and place white arrows at all locations where previous arrows have been obliterated by the work unless otherwise directed by the K&L. Apply and place white arrows within 72 hours of the application of the original pavement markings.

This is where King
Asphalt Inc 210TC was
stopped @ 5:08 PM at
Owen Lane bridge



Car Economou

Moped Smith



Lane Height

Differential 2.16"

Lane height berm

Owen Lane

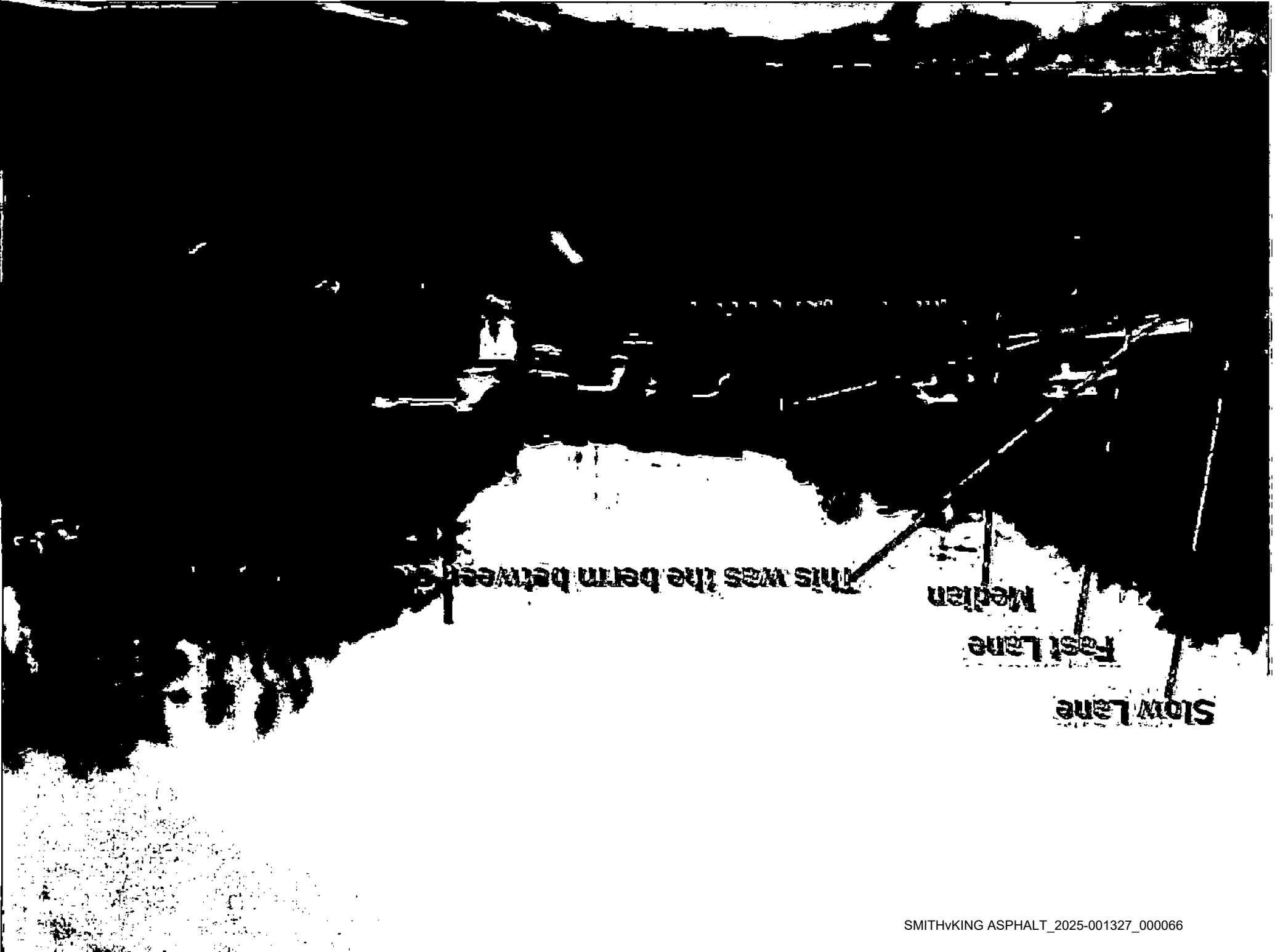
Paved LOS

Milled LSL

Milled Turn Lane

No Traffic Control

Smith v. King Asphalt Inc (2004) 101 Cal. App. 4th 101

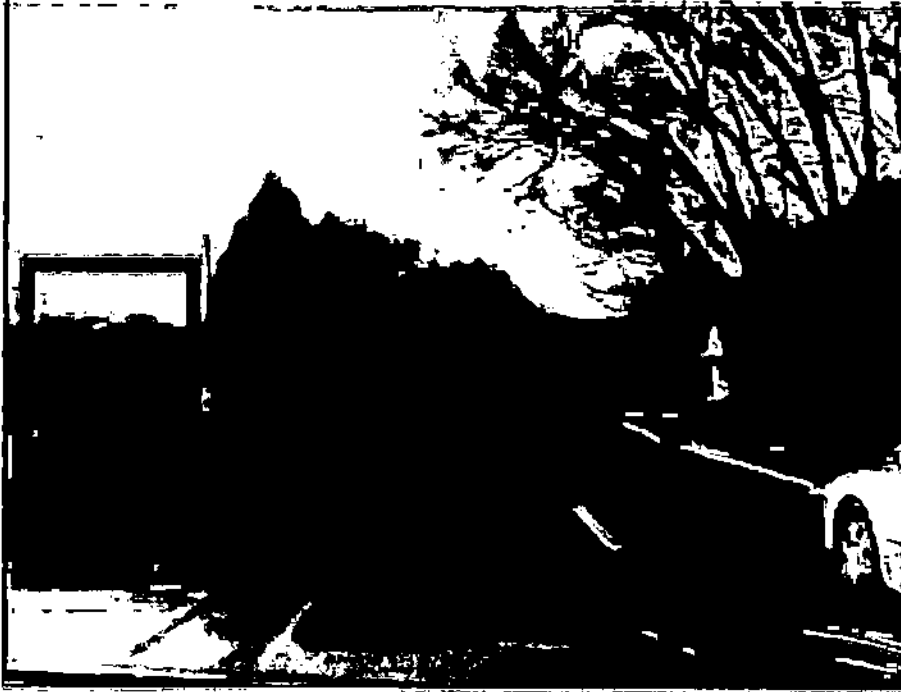


This was the berm between the

Median

Fast Lane

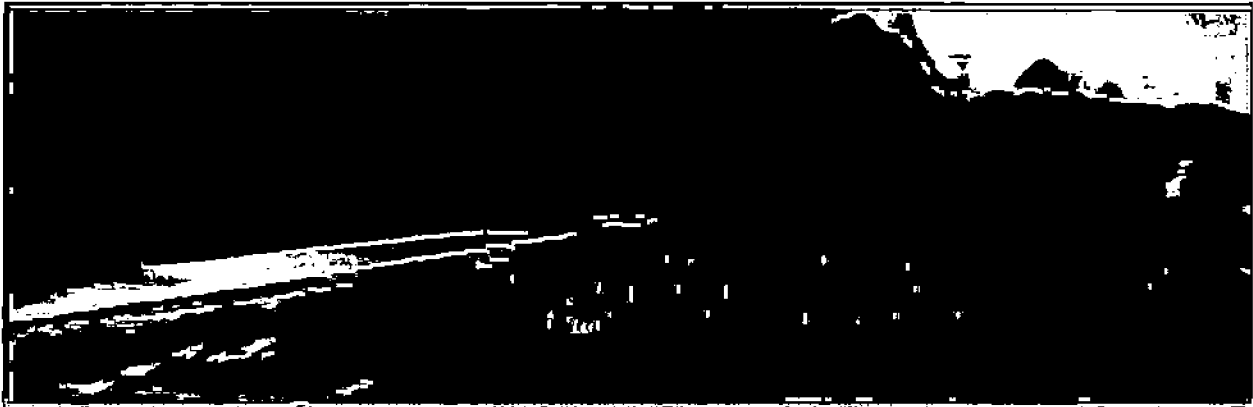
Slow Lane



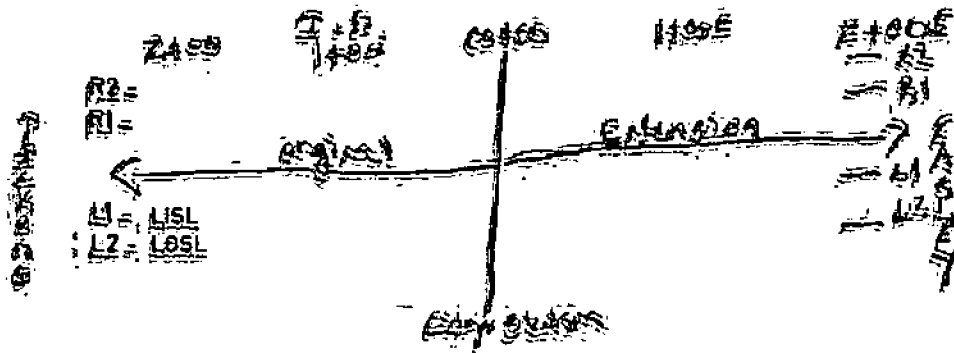
King Asphalt Inc. End of Work Zone sign HWY 8 Eastbound March 22, 2019



Smith v. King Asphalt Inc. (2021CP3900329) 000332



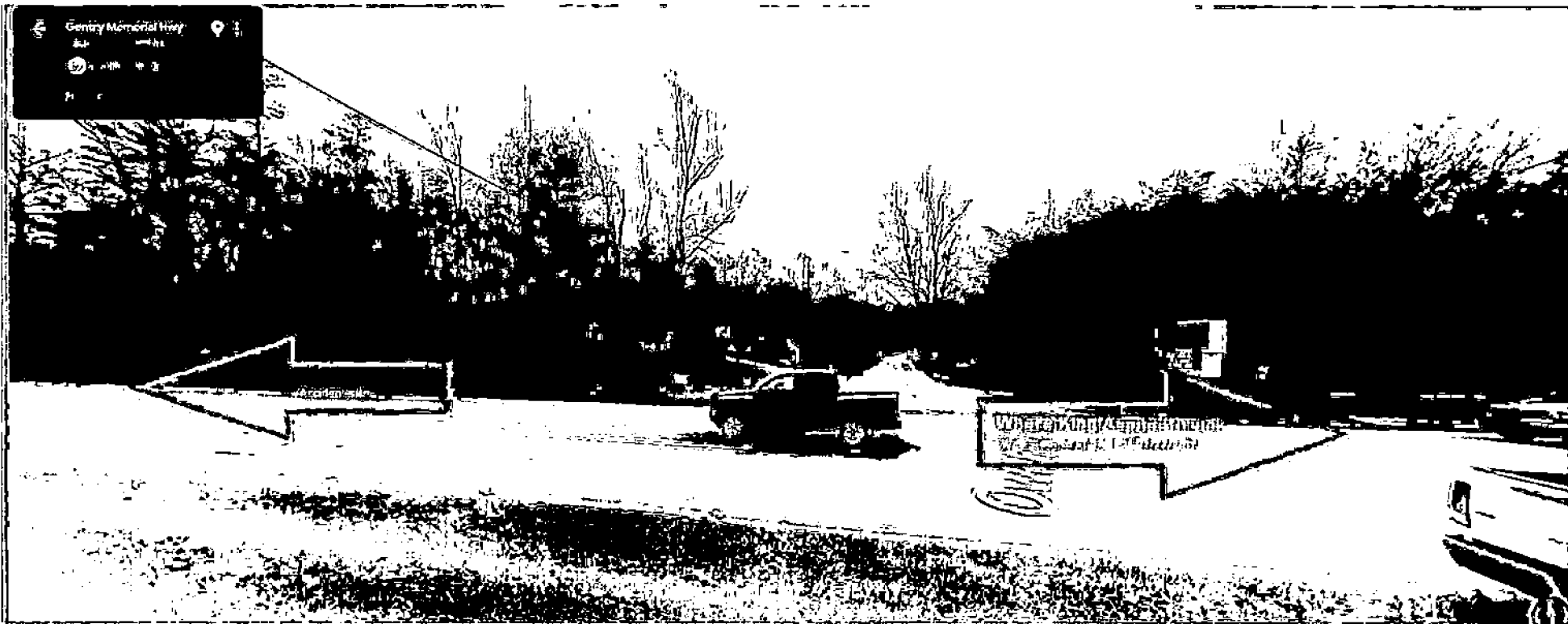
If the location was on the indicator,
 it represents the Extension to the project.
 The Extension is in Reverse numerically
 from the original





Smith v. King Asphalt Inc. (2021

29) 000334



Smith v. King Asphalt Inc. ((2021CP3900329)) 000336

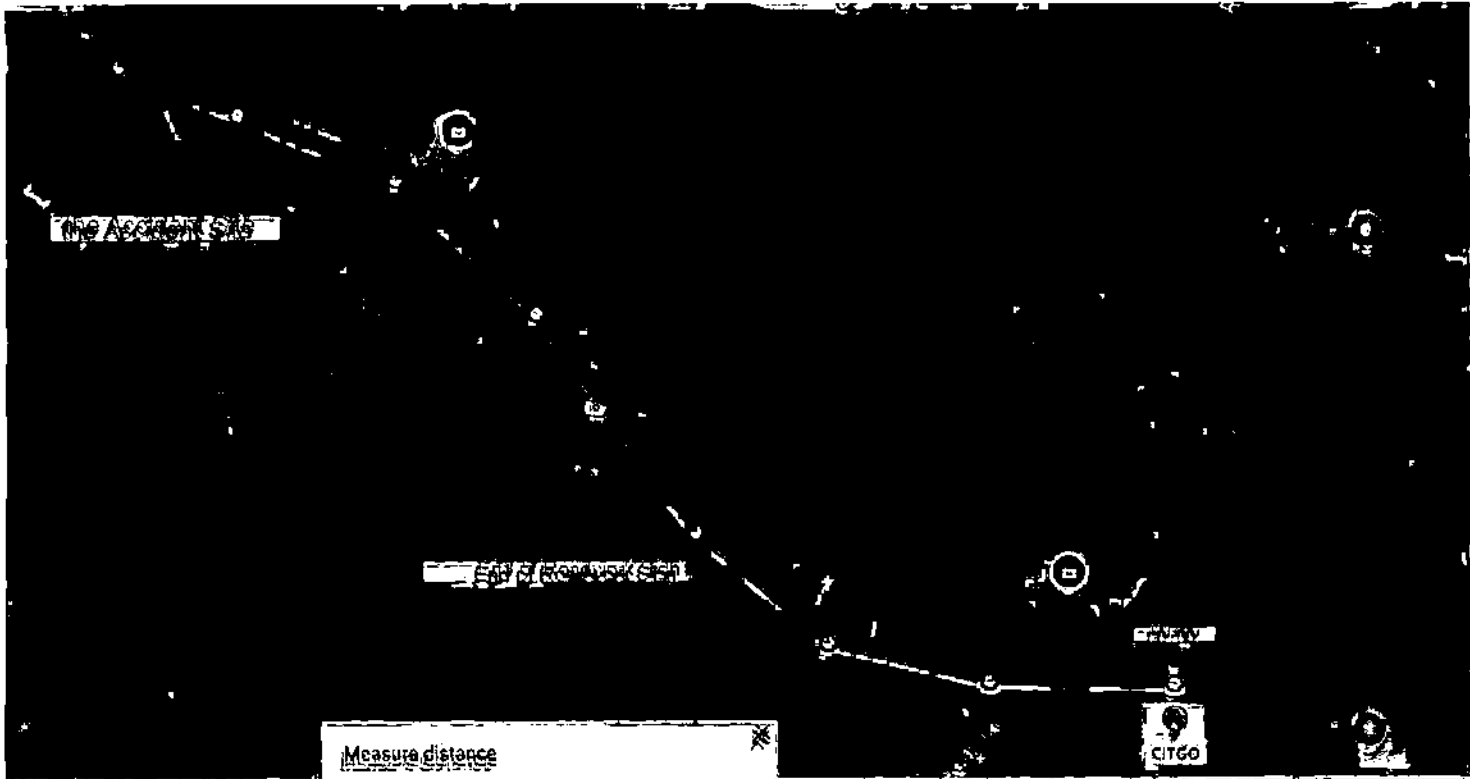
[Exhibit 00] – All traffic control shall be installed per plan and maintained until hazards are mitigated.

...the Contractor shall maintain the travel patterns as directed by the traffic control plans and shall execute construction schedules expeditiously. The Contractor shall provide the Resident Engineer with not less than a two-week prior notification of changes in traffic patterns...

...Within the limits of existing turn lanes on all roadways, apply and place white arrows in all locations where previous arrows have been eradicated by the work unless otherwise directed by the RCE. Apply and place white arrows within 72 hours of the eradication of the original pavement markings...

...the Contractor shall install all lane closures as directed by the Standard Specifications for Highway Construction (latest edition), the Standard Drawings for Road Construction, these special provisions, the M/C/G, and the Engineer. The Contractor shall close the travel lanes on two-lane two-way roadways by installing flagging operations. The Contractor shall close the travel lanes of multilane roadways as directed by the typical traffic control standard drawings designated for lane closures on primary routes...

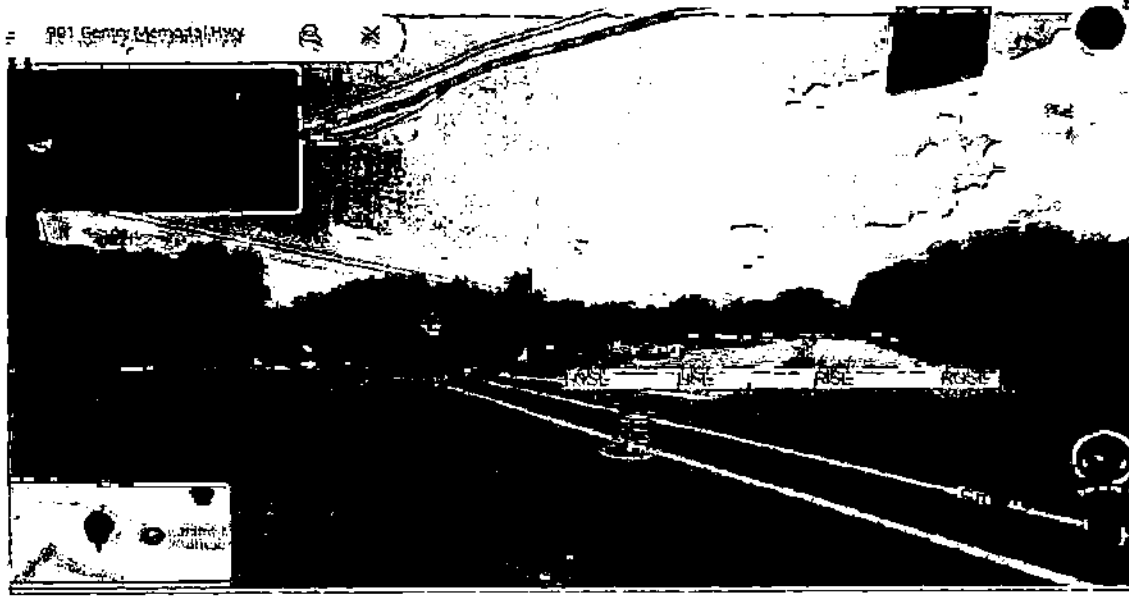
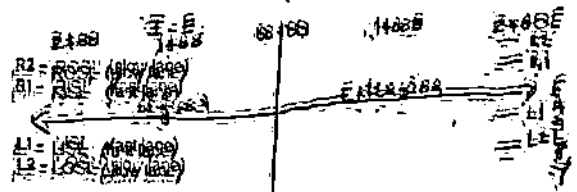
...On multilane primary and secondary roadways, apply and place temporary or permanent pavement markings, as specified hereupon, to the travel lanes prior to reopening a closed travel lane to traffic. These pavement markings shall include 4-inch wide solid lines, utilized for edge lines and solid center lines, and 4-inch wide by 10-foot long broken lines with a 30-foot gap, utilized for lane lines and turn lanes, unless otherwise specified. The centerline pavement markings shall be either double yellow solid lines or an appropriate combination of a yellow solid line and 4-inch wide by 10-foot long yellow broken lines for two-way left turn median areas. The right edge line pavement markings shall be a white solid line and the left edge line shall be a yellow solid line except in areas where the travel lanes separate to create a gore-type situation and then the color schemes shall comply with SCDOT application practices for gore areas. The lane lines between travel lanes and turn lanes shall be 4-inch wide by 10-foot long white broken lines with a 30-foot gap...



Lexman's explanation of topography:

This project consisted of two parts. The first running WEST of the Citgo station at 901 Hwy 8
 Entry Memorial Highway and the extension project running EAST. The demarcation point (00+
) is the Citgo Station. Lane descriptions and distances are all relative to the Citgo station. This
 lead to confusion as the flow of traffic is in reverse in the Eastbound L1SL (left inside shoulder,
 a - fast lane) and LOSL (left outside shoulder lane - slow lane). The accident occurred in L2 -
 SL (the slow lane of Eastbound traffic towards Eastley). In the SCMP Troopers dashcam video
 is leaving the Citgo station going West in the R1SL (fast lane). His camera is showing the entire
 roadway with the road condition of the L1SL and LOSL on the left of the screen as he approaches
 the accident. The dashcam video clearly shows the absence of any traffic control devices or road
 signs, despite the ongoing milling/paving roadwork described in the Daily Work and Inspection
 reports. His dashcam shows the entire roadway between the Citgo and the accident and pans the
 entire highway beyond, showing NO TRAFFIC CONTROL DEVICES WHATSOEVER.

IF the location was an "E" indicator,
 it applies to the extension to the project.
 The extension is in reverse direction
 to the original.



Lexman's Explanation of distance notations:

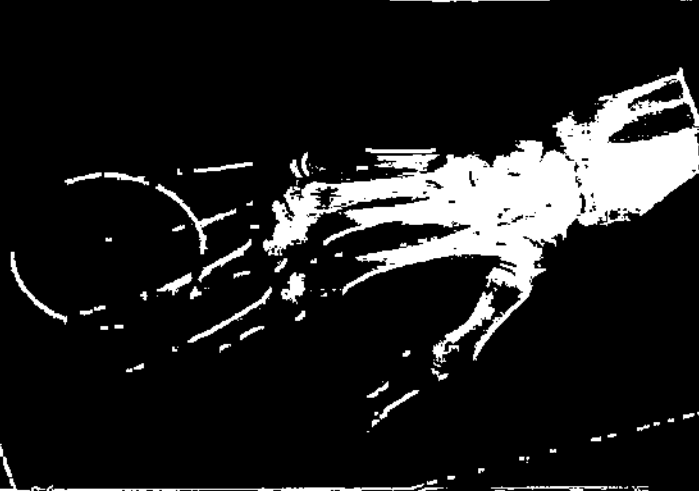
Throughout various reports by King Asphalt to SCDOT
 there are distance notations describing how far a point is
 from 00+00. These notations take the form:

- 00+00
- hundredth (increasing) of hundred
- 60
- 2+32 = 222 feet
- 5+80 = 566 feet
- 10+20 = 1020 feet
- 101+10 = 10110 feet

To calculate the distance between any two points you
 subtract the larger from the smaller: 9+80 - 2+32 = 3154

In this instance the numbers grow larger as you progress
 EAST and WEST from 00+00. Everything is relative to
 00+00 (the crosswalk at CITGO).

King Asphalt (2021 SP3900329) 800393



Form FR-1015 - SC Department of Motor Vehicles Office of Financial Responsibility (SOS) 898-5009 PO Box 1498, Blythewood, SC 29016-0009		SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES (FR-101) REV 02/2019 NOTICE OF REQUIREMENT		Submit Electronically: Agents or Company Representatives can submit your Insurance Information at WWW.SC.ALR.COM	
Date: 03-02-2019	File: 1117	County: 39	Collision Location (R/C #/Name): 6 54 / BREAZEALE RD	Miles: .85	City/Town of: EASLEY

Failure to return this form to the Department of Motor Vehicles within 15 days from the date of the collision could result in the suspension of your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.

R-516400	Driver's Full Name: CRAIG ROBERT	R-516754	Driver's Full Name: KATHY W LOUDERMILK
Unit # 01	Street: 187 MISTR LN	Unit # 02	Street: 104 WOODSTREAM LN
City, State, & Zip: PICKENS SC 296718487		City, State, & Zip: EASLEY SC 296406415	
Driver's License #: 100901501	Insurance Company: AN PROGRESSIVE	Driver's License #: 1681495	Insurance Company: B STATE FARM
Year: 2018	Body: FR	Year: 2014	Body: 4S
Vehicle Make: ANFL	VIN #: 3HT0TAPT02N322695	Vehicle Make: FORD	VIN #: 1FADP3F25EL157266
License Plate #: P660974	Owner's D.L. #: NONE	License Plate #: 118657W	Owner's D.L. #: 1681495
Driver's Full Name: CRAIG HAULING LLC		Driver's Full Name: KATHY W LOUDERMILK	
Street: 187 MISTR LN		Street: 104 WOODSTREAM LN	
Contributed to Collision: Yes	City, State, & Zip: PICKENS SC 296718487	Contributed to Collision: No	City, State, & Zip: EASLEY SC 296406415

Driver's Full Name: CRAIG ROBERT	State: SC	Year: 2018	License Plate #: P660974	Owner's D.L. #: NONE
Street: 187 MISTR LN	City, State, & Zip: PICKENS SC 296718487	Contributed to Collision: Yes		
Company Name: PROGRESSIVE	Area Code/Phone Number: 803-244-8	Policy Number: 05624144-8		

All Units Insurance Information
(to be completed by Investigating Officer)

Company Name: PROGRESSIVE	Area Code/Phone Number: 803-244-8	Policy Number: 05624144-8
Company Name: STATE FARM	Area Code/Phone Number: 405-268-999	Policy Number: 4055268999

Automobile Liability Insurance Information

Notice of Requirement Accepted: _____ Signature: _____

To Be Completed Below or Entered at WWW.SC.ALR.COM by Insurance Company Representative. This form should not be mailed to DMV if insurance information has been submitted electronically.

Reference to Unit #: _____ I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated insurance company on the date of the collision.

Insurance Company: _____ Policy #: _____ Signature: _____ Title: _____

Beginning Date: _____ Ending Date: _____ Policy Holder: _____

Notice: If liability insurance was not in effect for your vehicle involved in the collision, the Department of Motor Vehicles could suspend your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.

If any of the below are applicable, Disregard the above portion.

Check here if a Form FR-26, First policy of 25 or more vehicles is on file with the Department of Motor Vehicles covering the vehicle.	Check here if a certificate of self-insurance has been issued by the Department of Motor Vehicles covering the vehicle and indicate the certificate number: _____	Check here if liability insurance was not in effect to comply with South Carolina statutory requirements.					
<p>Smith v. King Asphalt Inc. (2021) CP3900329 000447</p> <p>Signature: _____ Date: _____</p>		<p>Form FR-10 Not Issued: Section 56-10-520</p> <p>No FR-10 issued to Operator/Owner of Unit # _____</p> <p>Signature: _____</p>					
Investigating Officer's Name: COBB - C. J.	Rank: F.F.S.	SCCA #: 0891-6065	Cap: H B 0 3	Plate: _____	Reviewer's Name: SMITHKING ASPHALT	Rank: _____	Agency Code: 2025000270000076

Michael and Maryann Smith vs. Themistoklis Economou, King Asphalt, Inc.

2021-CP-39-00329

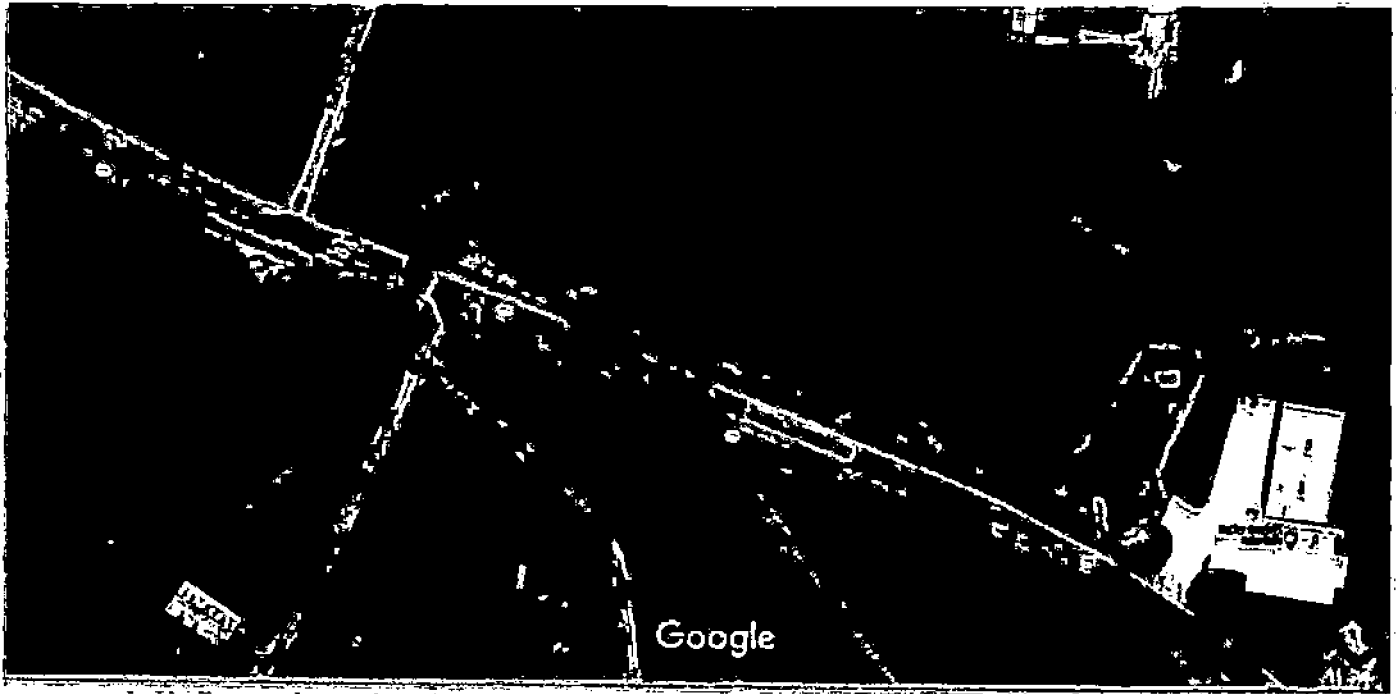
[Exhibit zz] - 2021CP3900329 Screenshot (stills) SChP Dashcam - Accident Scene March 22 2019

NOTE: These are stills from Trooper Laginestra's Dashcam as he approaches the Accident scene. Trooper Laginestra reports arriving on scene at 1720 hours (5:20PM). A PCSO vehicle is parked at the location the King Asphalt Inc. cone truck was stopped at 1708 hours (5:08PM). By the time of Trooper Laginestra's arrival all indications of Traffic Control from the direction he came and as far as the eye can see in this video all Traffic Control has been removed (or never installed to begin with)

- Absence of any Traffic Control in SCBOT Work Zone = Unprotected Hazards
- Lane Height Differential between LISL and LOSL greater than 1"
- Milled state of LISL and Turn Lane (obscuring Road Paint)
- Proximity of King Asphalt Inc. Cone Truck 210TC to accident at 5:08 PM March 22, 2019 (GPS data indicates 210TC was stopped at Owen Lane bridge)

Smith v. King Asphalt Inc. (2021CP3900329) 000458

Owen LA



Imagery © 2021 Maxar Technologies, U.S. Geological Survey, Map data © 2021 50 ft.





DAILY REPORT OF ASPHALT ROADWAY INSPECTION

Form 400.04
Rev. 06/2016
Page 2 of 3

Rate of Tack										
Type of Tack:	Emulsified					Dilution Rate (gal/SY):	=			
Rate #1:	.06	Rate #2:	.06	Rate #3:	.07	Rate #4:	.06	Rate #5:	.07	

Temperature									
Ambient Air Temperature:	Time	10:20	AM	11:23	AM	12:38	PM	12:54	PM
	Temp	48	°F	52	°F	57	°F	68	°F
Mat Temperature	Time	10:20	AM	11:23	AM	12:38	PM	2:54	PM
	Temp	280	°F	298	°F	293	°F	287	°F
Temp. of Mix at Arrival	Time	10:20	AM	11:23	AM	12:38	PM	2:54	PM
	Temp	315	°F	319	°F	320	°F	310	°F


Equipment				Roller Stage	Roller Mode	# of Passes
Paver/Make:	VOGUE	Paver/Type:	TRACK	Breakdown	Steel Wheel (vibratory)	3
Laying Quality: <u>Good</u>				Intermediate	Pneumatic-Tire	3
				Finish	Steel Wheel	3

Additional Info: (Use this section to describe anything out of the normal asphalt placing procedures.)

Contractor Rep: Brandon Whitmire

Signature: _____ Date: _____

SCDOT Rd. Inspe: Addison Gandler

Signature:  Date: 3/22/19

RCE: JOE LAWS


Signature:  Date: 3/29/19

EXHIBIT L - Smith v. King Asphalt
Inc. 2021-CP-39-00329

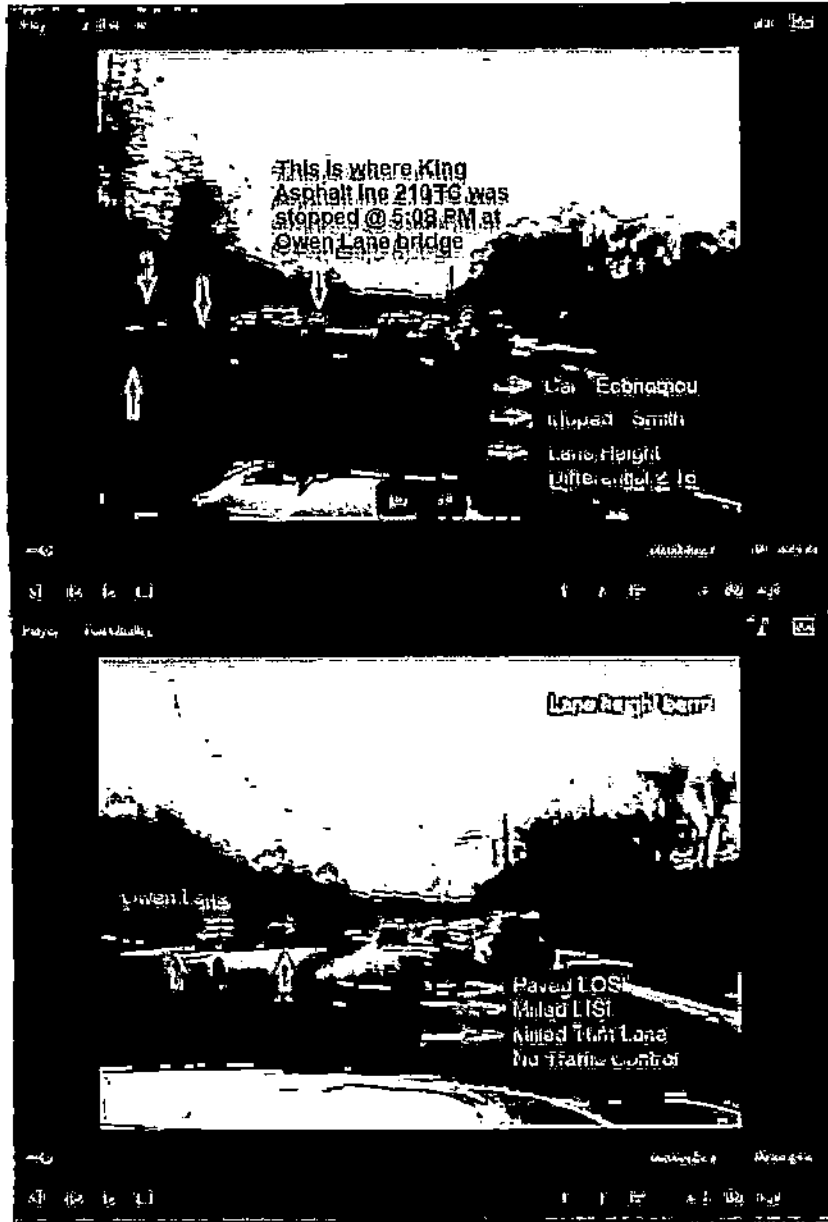


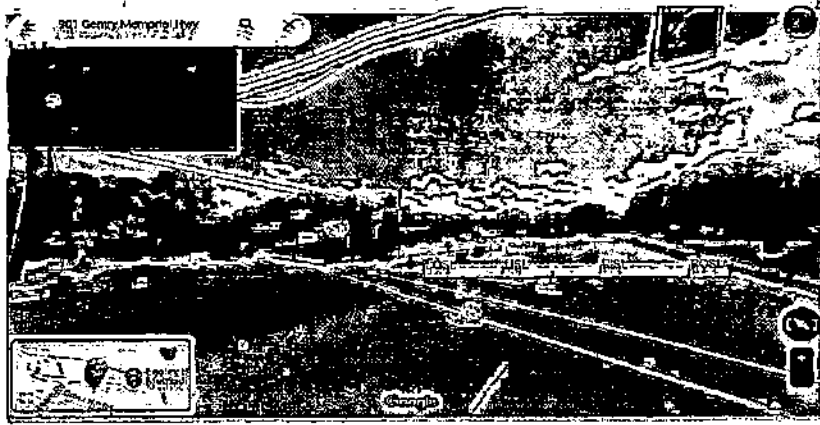
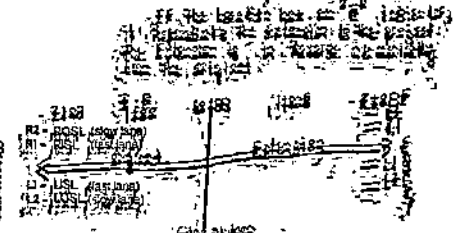
EXHIBIT N - Smith v. King Asphalt Inc. 2021-CP-39-00329





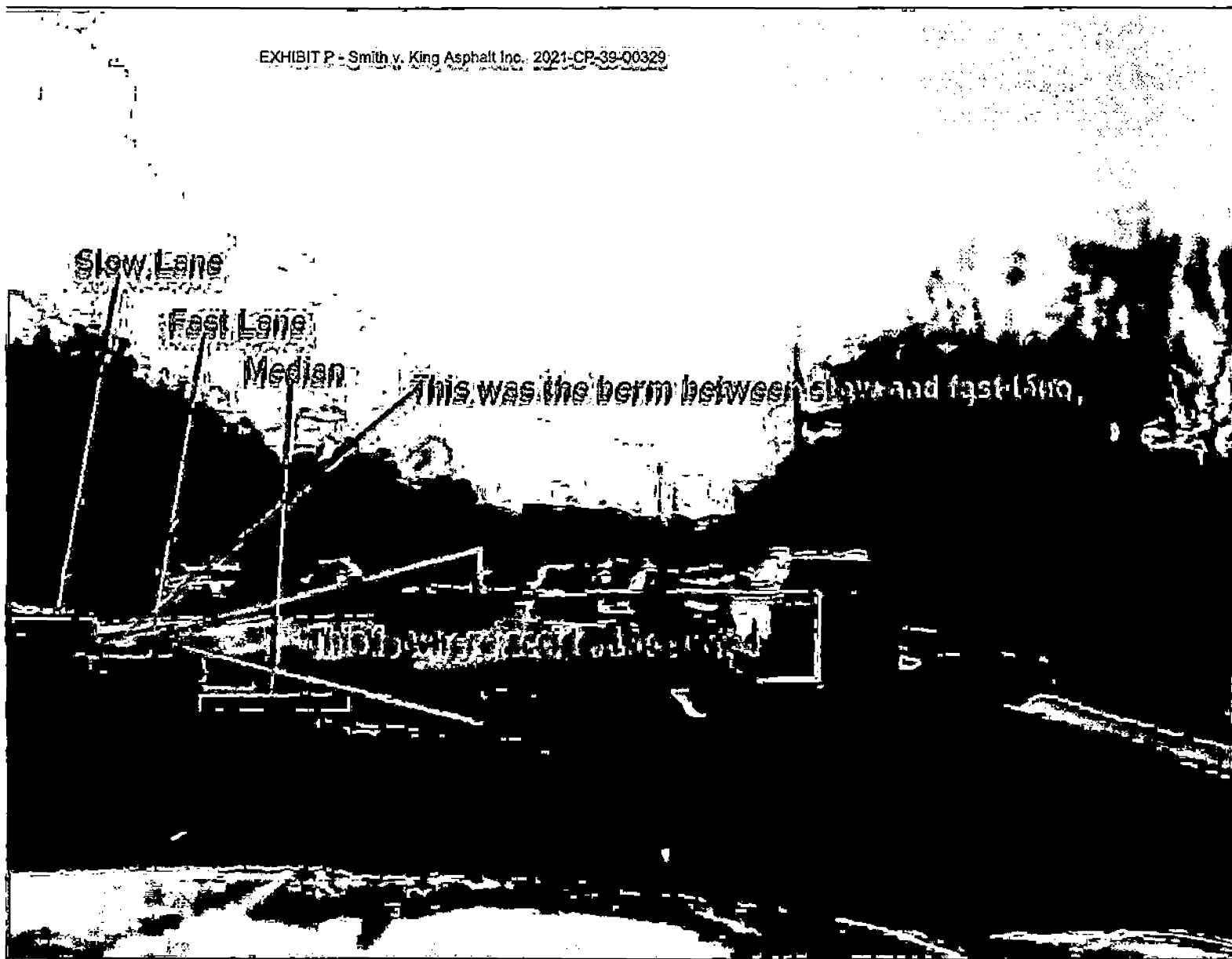
Raymar's explanation of topography

This project consisted of two parts. The first running WEST of the Cigo station at 801 Hwy 8 Gentry Memorial Highway and the extension project running EAST. The demarcation point (00+00) is the Cigo Station. Lane descriptions and distances are all relative to the Cigo station. This can lead to confusion as the flow of traffic is in reverse in the Eastbound (EBS) left inside shoulder lane - fast lane) and LOS (left outside shoulder lane - slow lane). The accident occurred in (EBS - LOS) (the slow lane of Eastbound traffic towards East). In the SCOT Troopers dashcam video he is leaving the Cigo station going West in the BLS (fast lane). The camera is showing the entire roadway with the road condition of the EBS and LOS on the left of the screen as he approaches the accident. The dashcam video clearly shows the absence of any traffic control devices or road paint, despite the ongoing milling/paving roadwork described in the Daily Work and Inspection Reports. The dashcam shows the entire roadway between the Cigo and the accident and pans the entire highway beyond - showing NO TRAFFIC CONTROL DEVICES WHATSOEVER.



Raymar's Explanation of distance notations:
 Throughout various reports by King Asphalt to SCDOT, Raymar has designed notations to describe how far Cigo is from 00+00. These notations take the form:
 00+00
 00+00 - 00+00
 00+00 - 00+00
 00+00 - 00+00
 00+00 - 00+00
 00+00 - 00+00
 00+00 - 00+00
 00+00 - 00+00
 To calculate the distance between any two points you subtract the larger from the smaller: 5+00 - 2+00 = 3+00
 In this instance the numbers grow larger as you progress EAST and WEST from 00+00. Everything is relative to 00+00 the cloverleaf at CIGO.

EXHIBIT P - Smith v. King Asphalt Inc. 2021-CP-39-00329



This was the berm between slow and fast lanes,

This barrier separated the lanes



SOUTH CAROLINA DPS/OHS & DMV USE ONLY		Page # 1 of 1		SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM (Rev. 04/2016)		# of Units 2	Amended - Attach Copy of Original Report <input checked="" type="checkbox"/>	Number 1726	Printed 1745
Date 03-22-2019	Time of Collision 1720	County 39	1 - Interstate 2 - US Primary 3 - SC Primary	4 - Secondary 5 - County 6 - PP 7 - Ramp	Collision Location (RT #7 Name) 8 / GENTRY MEM HWY	Miles 1.43	Dir N E S W	In City of Town of EASLEY	
Lane # / Dir 2 / 4	Distance Offset 0.01 Miles	Direction N E	1 - Interstate 2 - US Primary 3 - SC Primary	4 - Secondary 5 - County 6 - Other 7 - Ramp	Base Intersection (RT #7 Name) OWEN LN	1 - Mainline 2 - Alternate 5 - Spur	GPS COORDINATES OF ROAD DEGREES MINUTES SECONDS		
RR # 10	From Ramp Only	To	1 - Interstate 2 - US Primary 3 - SC Primary	4 - Secondary 5 - County 6 - Other 7 - Ramp	Second Intersection (RT #7 Name) 88 / OLD EASLEY PICKENS HWY	1 - Mainline 2 - Alternate 5 - Spur	Latitude 34 50 48.88	Longitude 82 39 12.64	
Driver/Pedestrian's Full Name R-623535 ECONOMOU THEMISTOKLIS GEORGIOS					Driver/Pedestrian's Full Name R-623536 SMITH MICHAEL DANNY				
Unit # 1	Sex M	Race W	Street 329 MULBERRY RD	City, State, & Zip EASLEY SC 29540887	Unit # 2	Sex M	Race W	Street 220 STANCIL ST	City, State, & Zip EASLEY SC 29540887
Year 1998	Body CP	Vehicle Make BMW	VIN WBABF8326WEH60917	State SC	Year 2017	Body MP	Vehicle Make TAOT	VIN LSNTAECXKE1301282	State SC
Year 2019	License Plate # 2049LL	Owner's D.L.# 101500817	Home Telephone 6318305114	Owner's Full Name ECONOMOU THEMISTOKLIS GEORGIOS	Year 2019	License Plate # 2049LL	Owner's D.L.# 101500817	Home Telephone 8544345991	Owner's Full Name SMITH MICHAEL DANNY
Contributed To Collision Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					Contributed To Collision Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Estimate Speed 40	Speed Limit 45	C.D.L. Req Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T/S Req Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A/C/Drg Info (See back) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Estimate Speed 35	Speed Limit 45	C.D.L. Req Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	T/S Req Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A/C/Drg Info (See back) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Driver/Pedestrian's Full Name					Driver/Pedestrian's Full Name				
Unit # 1	Sex	Race	Street	City, State, & Zip	Unit # 2	Sex	Race	Street	City, State, & Zip
Year	Body	Vehicle Make	VIN	State	Year	Body	Vehicle Make	VIN	State
Contributed To Collision Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					Contributed To Collision Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Dir. of Travel Unit 1 N-S(E)W	Unit 2 N-S(E)W	Unit 3 N-S-E-W	UNIT 1 WAS IN THE #2 LANE EASTBOUND ON SC 8. UNIT 2 WAS IN THE #1 LANE EASTBOUND ON SC 8 NEXT TO UNIT 1. UNIT 2 MADE AN IMPROPER TURN INTO THE LANE OF TRAVEL OF UNIT 1 CAUSING UNIT 1 TO STRIKE UNIT 2. UNIT 2 CROSSED A RAISED PORTION OF PAVEMENT WHERE MILLING AND PAVING WERE BEING PERFORMED.						
					UNIT 1 DAM: 1800 UNIT 2 DAM: 500 UNIT 3 DAM: 5 PROP. DAM. 1: \$ PROP. DAM. 2: \$				
Property Owner (Address) BRYAN BRYAN OLIVIA Address 329 CANVASBACK WAY EASLEY State SC Zip 29842 Phone 8645084976					Property Owner (Address) FREEMAN BRIANNA Address 200 RIVERS EDGE DR EASLEY State SC Zip 29642 Phone 8647227198				
Field Describe What Happened (Refer to Units by Number) <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> P (P)									
03/02/20: REPORT WAS AMENDED TO SHOW WITNESS INFORMATION. 08/04/2023: REPORT WAS AMENDED TO REFLECT THAT THE COLLISION OCCURRED IN A WORK ZONE DUE TO EVIDENCE THAT WAS PRESENTED ON 07/4/2023 THAT THIS WAS A ACTIVE WORK ZONE AND THAT UNIT 2 WAS STRUCK IN THE PASSENGER SIDE OF UNIT 1.									
NOTICE - THE REPORT IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS THE FACTUAL ACCURACY THEREOF.									
Investigating Officer's Name LAGINESTRA - M	Rank TRP	SCCJAF 9598-3453	Jurisdiction Code HP03	Review Date 03-02-2020	Reviewer's Name KN Brown	Rank P/SGT	Internal Agency Code 19GV038216		

Owen Ln



(imagery © 2021 Maxar Technologies, U.S. Geological Survey, Map data © 2021) 59 ft



Played Successfully

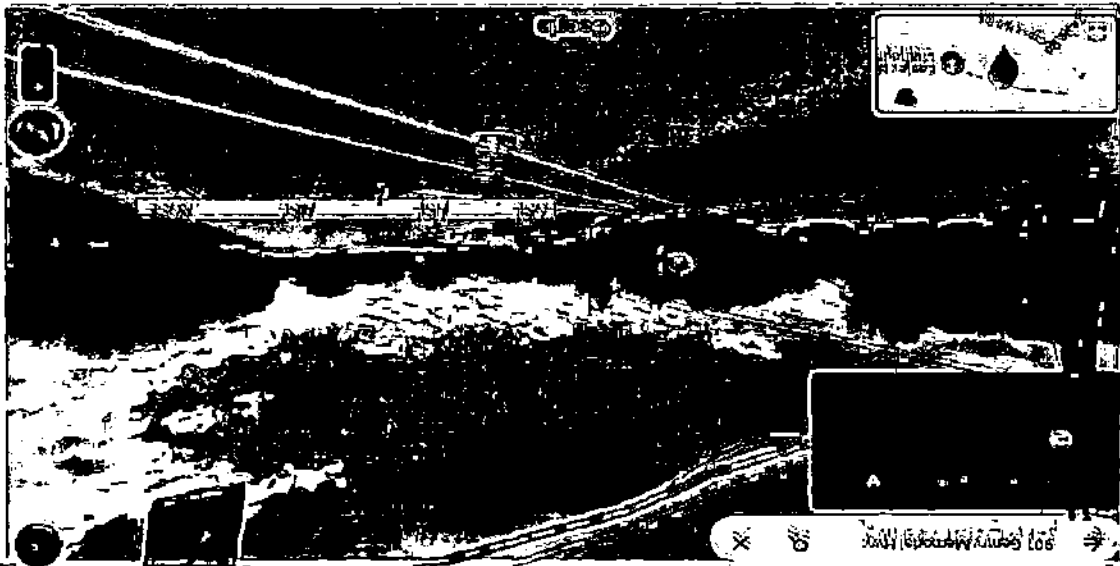
12-1



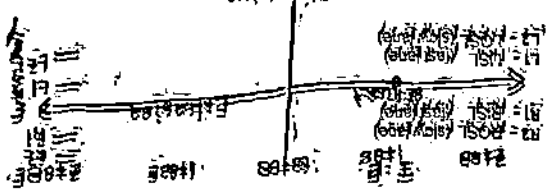
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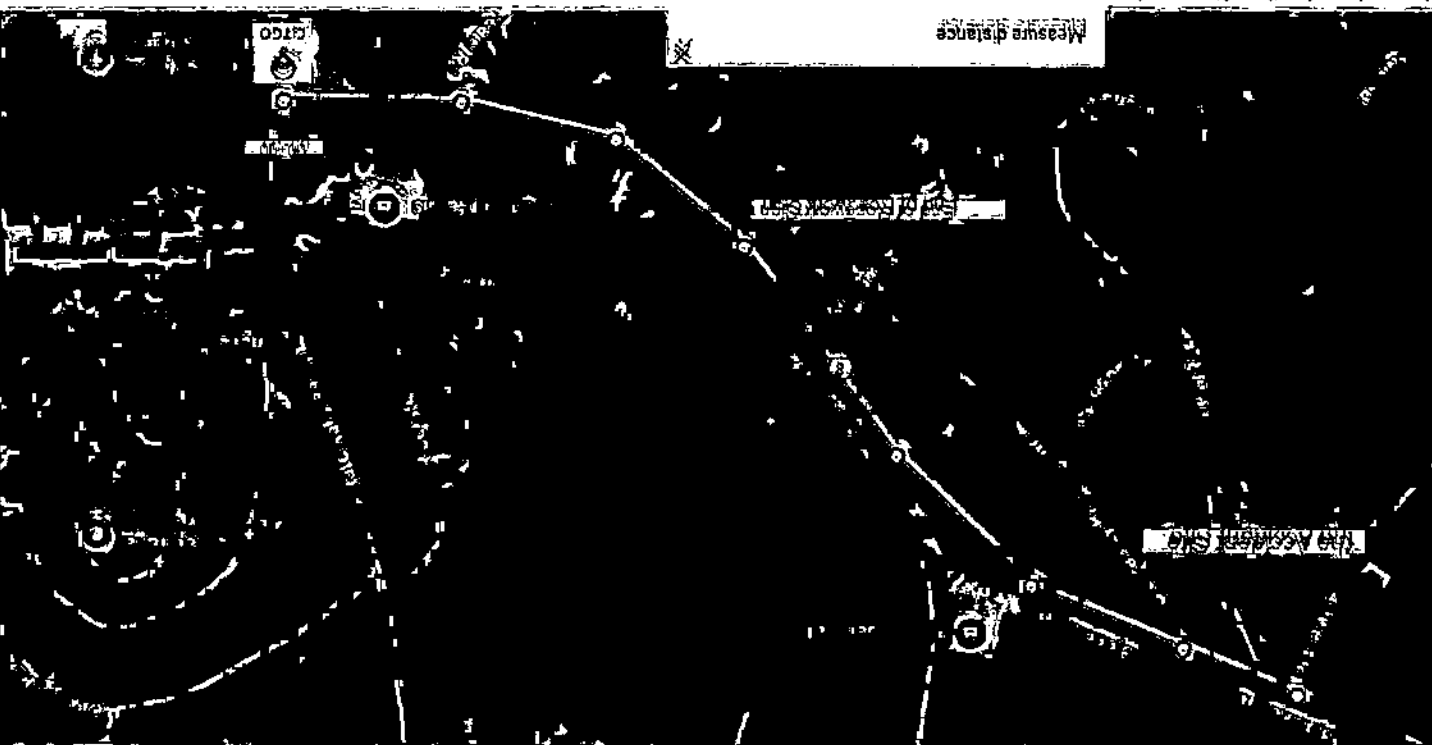
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The project consisted of two parts. The first part was the expansion of the existing station from 801 Highway West to the existing station. The second part was the expansion of the station from 801 Highway West to the existing station. The project was completed in 2012.



This project consisted of two parts. The first part was the expansion of the existing station from 801 Highway West to the existing station. The second part was the expansion of the station from 801 Highway West to the existing station. The project was completed in 2012.



PAVEMENT DESIGN REQUEST

Date Sent: _____ (Mail or Email)

Date Received: _____ BY: _____

New Pavement Design or Payment Design Review _____

Lead Design Group Coordinator / Program Manager _____

Road/Route: _____

From: _____ (List all over 500 ft)

To: _____

County: _____

Type of Construction: _____

WE = Widening with Earth Median
 WP = Widening with Road Median about Centerline
 WY = Widening with Road Median, Variable
 NL = New Location
 Other = Please Explain *

* Partial completion of fileable vs filed Payment Design (Yes/No)

Est. Completion of Proposed Work: _____

Proposed Length: _____

Other Plans & Map Date: (Mail/Email) _____

Government: _____

Traffic Signal Request? (Yes/No) _____

Classifications Count Request? (Yes/No) _____

Design Number: _____

Design Order: _____

File Number: _____

Proposed Letter: _____

Government: _____

Comments: _____

04/11/2022





King Asphalt Inc. End of Work Zone sign HWY 8 Eastbound March 22, 2019





IF THE LOCATION HAS AN "E" INDICATOR,
 IT REPRESENTS AN EXTENSION TO THE PROJECT.
 THE EXTENSION IS IN REVERSE DIRECTION
 FROM THE ORIGINAL

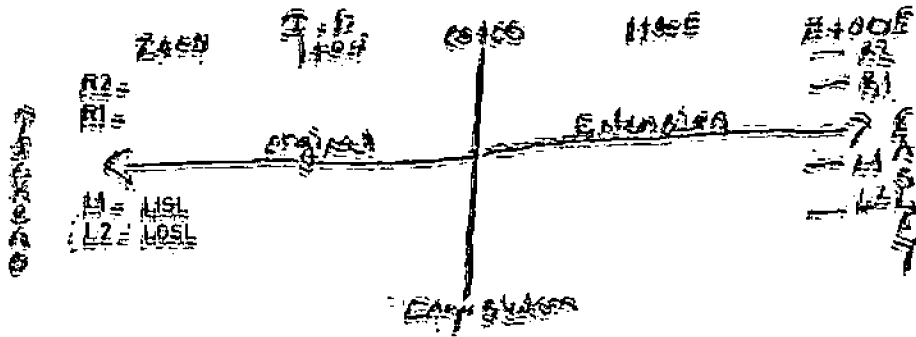
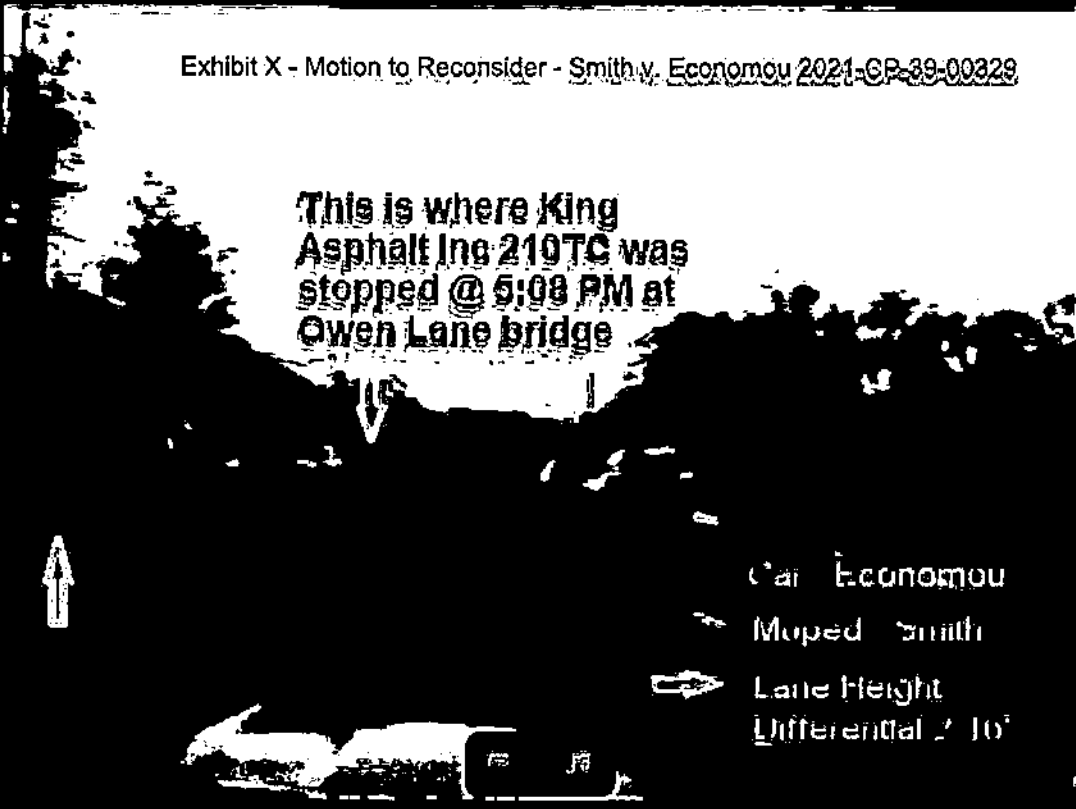




Exhibit X - Motion to Reconsider - Smith v. Economou 2021-CP-00329

This is where King
Asphalt Inc 210TC was
stopped @ 5:08 PM at
Owen Lane bridge



Car Economou

Moped Smith

Lane Height
Differential 2' 10"

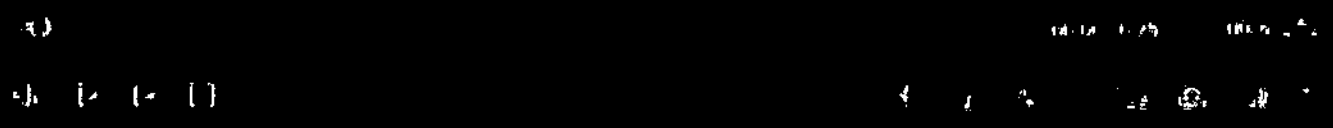
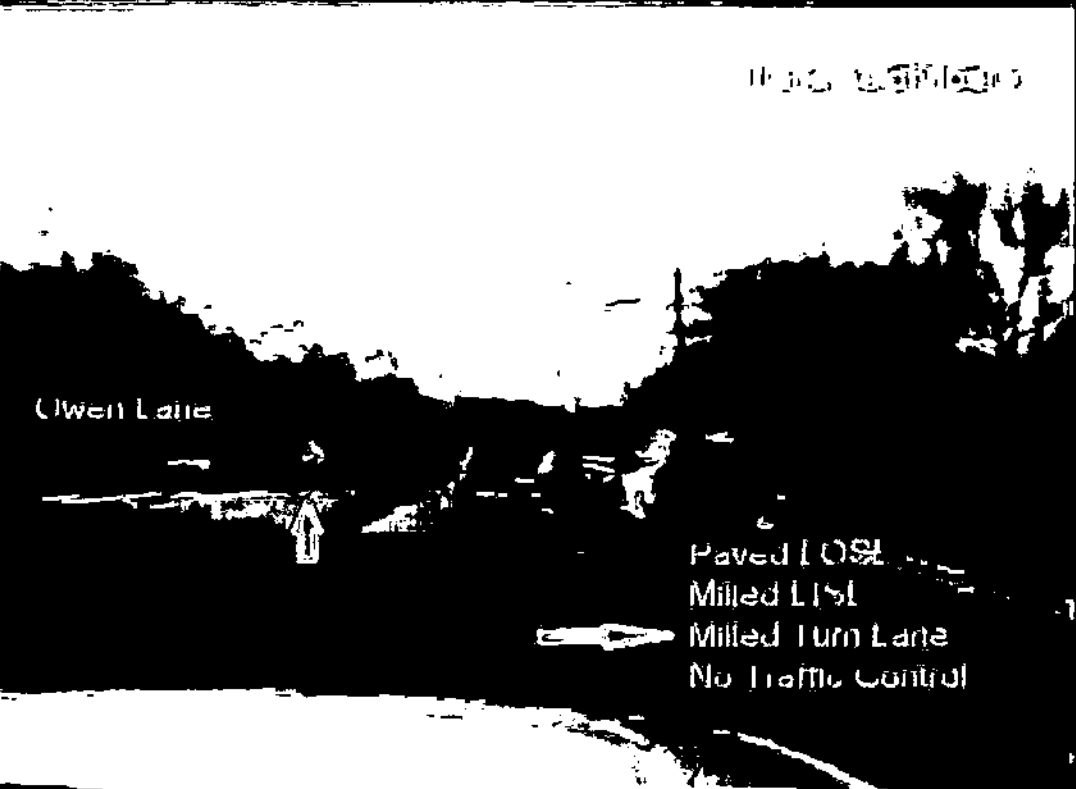
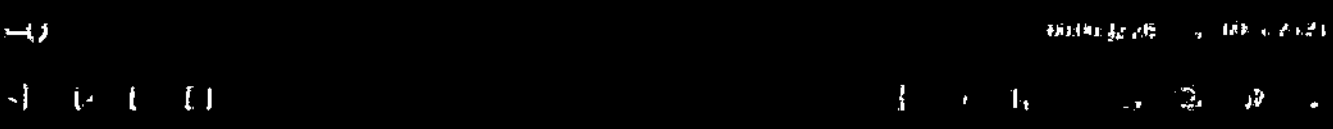


Exhibit X - Motion to Reconsider - Smith v. Economou 2021-CP-00329



Owen Lane

Paved LOSL
Milled LOSL
Milled Turn Lane
No Traffic Control



SPECIAL PROVISIONS

Install these signs immediately upon creation of this pavement condition and maintain these signs until this pavement condition is eliminated.

Install "Steel Plate Ahead" signs (W8-24-48) in advance of an area of roadway where temporary steel plates are present. Install these signs no further than 300 feet in advance of locations where steel plates are present. On multilane roadways, comply with the same guidelines as applied to all other advance warning signs and install two sign assemblies at each sign location, one on each side of the roadway, when roadway conditions warrant. Install these signs immediately upon installation of a temporary steel plate and maintain the signs until the temporary steel plates are removed.

Install and maintain any necessary detour signing as specified by the typical traffic control standard drawings designated for detour signing, Part VI of the MUTCD, these Special Provisions, and the Engineer. The lump sum price bid item for "Traffic Control" includes payment for installation and maintenance of the detour signing.

The Contractor shall maintain the travel patterns as directed by the traffic control plans and shall execute construction schedules expeditiously. The Contractor shall provide the Resident Engineer with no less than a two-week prior notification of changes in traffic patterns.

During nighttime flagging operations, flaggers shall wear a safety vest and safety pants that comply with the requirements of ANSI / ISEA 107 standard performance for Class 3 risk exposure, latest revision, and a fluorescent hard hat. The safety vest and the safety pants shall be retroreflectorized and the color of the background material of the safety vest and safety pants shall be fluorescent orange-red or fluorescent yellow-green.

During nighttime flagging operations, the contractor shall illuminate each flagger station with any combination of portable lights, standard electric lights, existing street lights, etc., that will provide a minimum illumination level of 108 Lx or 10 fc.

During nighttime flagging operations, supplement the array of advance warning signs with a changeable message sign for each approach. These changeable message signs are not required during daytime flagging operations. Install the changeable message signs 500' in advance of the advance warning sign arrays. Messages should be "Flagger Ahead" and "Prepare To Stop".

Upon completion of the final riding surface on each road, the Contractor will be allowed up to 3 working days to begin eliminating shoulder drop-offs greater than 2" and continue the work until these drop-offs are eliminated.

During paving operations, the Department requires lane closures at all times where grade elevation differences and drop-offs greater than 2" exist adjacent to or between the travel lanes of a roadway opened to traffic, unless otherwise specified by these special provisions. Maintain lane closure restrictions at all times unless otherwise directed by these special provisions.

~~During surface planing and milling operations, grade elevation differences greater than 1 inch in areas with pavements composed of hot mixed asphalt (HMA) base courses, intermediate courses or surface courses and Portland cement concrete are PROHIBITED between adjacent travel lanes open to traffic unless otherwise directed by the Department.~~ However, during surface planing and milling operations for removal of Open-Graded Friction courses ONLY, a grade elevation difference of 1½ inches between adjacent travel lanes opened to traffic may exist unless otherwise directed by the Department.

During any surface planing and milling operations, lane closures are required at all times where grade elevation differences and drop-offs greater than the acceptable measurements specified heretofore exist adjacent to or between travel lanes open to traffic unless otherwise specified by the department.

SPECIAL PROVISIONS

Install these signs immediately upon creation of this pavement condition and maintain these signs until this pavement condition is eliminated.

Install "Steel Plate Ahead" signs (W8-24-48) in advance of an area of roadway where temporary steel plates are present. Install these signs no further than 300 feet in advance of locations where steel plates are present. On multilane roadways, comply with the same guidelines as applied to all other advance warning signs and install two sign assemblies at each sign location, one on each side of the roadway, when roadway conditions warrant. Install these signs immediately upon installation of a temporary steel plate and maintain the signs until the temporary steel plates are removed.

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~~During any surface planing and milling operations, lane closures are required at all times where grade elevation differences and drop-offs greater than the acceptable measurements specified heretofore exist adjacent to or between travel lanes open to traffic unless otherwise specified by the department~~

SPECIAL PROVISIONS

~~If a grade elevation difference in excess of the specified acceptable ranges exist, either mill the adjacent travel lane or pave the milled travel lane as necessary to eliminate the grade elevation difference prior to opening the travel lane to traffic at these locations. Maintain the lane closure restrictions at all times unless otherwise directed by these special provisions.~~

During the paving operations, the length of roadway with an acceptable grade elevation difference less than or equal to 2" shall not exceed 2 miles.

During surface planing and milling operations, the length of roadway with an acceptable grade elevation difference less than or equal to 1" shall not exceed 2 miles.

Supplement and delineate the shoulder edges of travel lanes through work zones with traffic control devices to provide motorists with a clear and positive travel path. Utilize portable plastic drums unless otherwise directed by the Department. Vertical panels may be used where specified by the plans and directed by the RCE. The installation of traffic control devices are required in all areas where those areas immediately adjacent to a travel lane open to traffic have been altered in any manner by work activities, including but not limited to activities such as grading, milling, etc.

Install the traffic control devices immediately upon initiating any alterations to the areas immediately adjacent to or within 15 feet of the near edge line of the adjacent travel lane. When sufficient space is available, place the traffic control devices no closer than 3 feet from the near edge of the traffic control device to the near edge line on the adjacent travel lane. When sufficient space is unavailable, place the traffic control device at the maximum distance from the near edge of the adjacent travel lane available.

LANE CLOSURE RESTRICTIONS -

The lane closure restrictions stated below are project specific, for all other restrictions, see supplemental specification, "Restrictions", dated September 1, 2015.

The Contractor shall install all lane closures as directed by the Standard Specifications For Highway Construction (latest edition), the Standard Drawings For Road Construction, these special provisions, the MUTCD, and the Engineer. The Contractor shall close the travel lanes of two-lane two-way roadways by installing flagging operations. The Contractor shall close the travel lanes of multilane roadways as directed by the typical traffic control standard drawings designated for lane closures on primary routes.

The Department prohibits lane closures on multilane primary and secondary routes during any time of the day that traffic volumes exceed 800 vehicles per hour per lane per direction.

The Department prohibits flagging operations on two-lane two-way primary and secondary routes during any time of the day that traffic volumes exceed 800 vehicles per hour.

The Department reserves the right to suspend a lane closure or flagging operation if any resulting traffic backups are deemed excessive by the Engineer. Maintain all lane closure restrictions as directed by the plans, these special provisions and the Engineer.

Lane closures, including flagging operations, are restricted to maximum distances of 2 miles. Install all lane closures according to the typical traffic control standard drawings. On occasions when daytime lane closures must be extended into the nighttime hours, substitute the nighttime lane closure standards for the daytime lane closure standards.

The Department reserves the right to suspend a lane closure if any resulting traffic backups are deemed excessive by the Engineer. Maintain all lane closure restrictions as directed by the Standard Specifications, these special provisions, and the Engineer.

SPECIAL PROVISIONS

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Install the traffic control devices immediately upon initiating any alterations to the areas immediately adjacent to or within 15 feet of the near edge line of the adjacent travel lane. When sufficient space is available, place the traffic control devices no closer than 3 feet from the near edge of the traffic control device to the near edge line on the adjacent travel lane. When sufficient space is unavailable, place the traffic control device at the maximum distance from the near edge of the adjacent travel lane available.

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The Department reserves the right to suspend a lane closure if any resulting traffic backups are deemed excessive by the Engineer. Maintain all lane closure restrictions as directed by the Standard Specifications, these special provisions, and the Engineer.

Certified Payroll Report

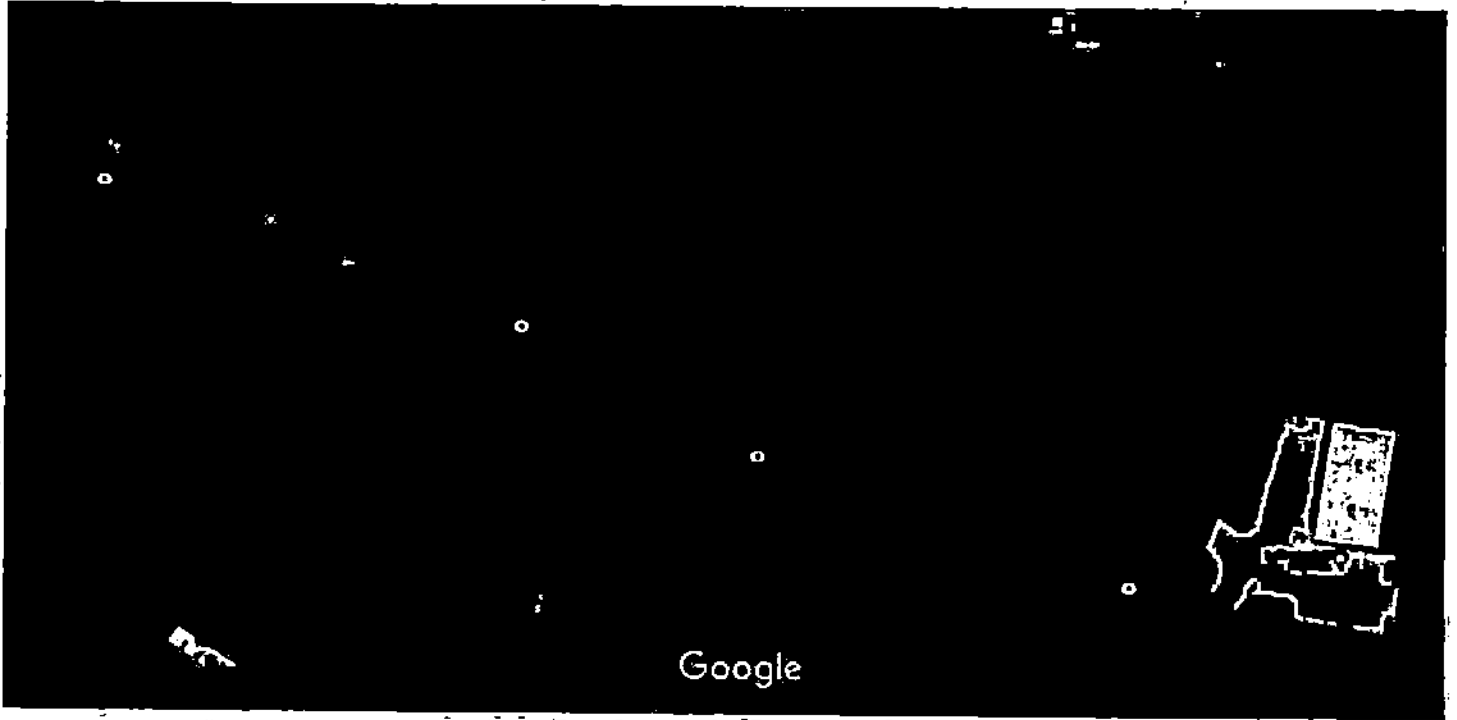
For the Period Ending: 03-23-25

Job: 18-018 SG Fla #392130

Emp ID	Name	Sex	03-17	03-18	03-19	03-20	03-21	03-22	03-23	Total	Cash	Hrs	Gross	Total	FICA	SWH	Other	Net
			Sun	Mon	Tue	Wed	Thu	Fri	Sat	Hours	Rate	Edna	Edna	This Job	FICA	SWH	Products	Net
000-00-8732	Vlad M. Lape Milling Operator Reg Milling Operator OT	Male		10.00	10.00	9.75	9.75	7.00		46.50	23.50		860.00	822.25	73.22	41.32	147.27	695.93
000-00-8733	Jason W. Croft Laborer - Flagman Reg Laborer - Flagman OT	Male		11.25	11.00	10.25	7.50	1.50	10.50	52.25	19.50		620.00	634.38	63.70	39.83	181.97	578.66
000-00-8735	Matthew D. Moore Laborer - Flagman Reg Laborer - Flagman OT	Male		10.50	8.25		11.00	6.50	2.75	29.00	13.00		620.00	641.83	42.37	38.09	8.52	1609.67
000-00-8735	Denton L. Jones Rafter Operator Reg Rafter Operator OT	Male		11.00	10.75	10.25	8.00	11.25	10.00	52.25	23.00		630.00	1,058.50	83.97	51.01	120.83	759.57
000-00-7007	Brandon D. Eard Cone Setter OT	Male							5.50	6.50	20.50		113.44	972.82	64.87	43.34	194.61	504.36
000-00-8335	John M. Hendon Paver Operator Reg Paver Operator OT	Male		8.75	10.00	10.00	8.75	2.50	7.00	46.00	18.25		610.00	653.13	68.94	51.89	123.39	616.09
000-00-8749	Karl E. Hagood Truck Driver Reg Truck Driver OT	Male		10.50	10.00	11.50	8.00	2.00		42.00	17.75		710.00	829.85	6.35	18.78	178.30	652.16
000-00-0259	George J. Kelly Truck Driver Reg	Male		2.50	10.00	10.25	9.00			38.75	16.75		615.58	615.58	42.79	23.93	79.69	477.69

Defendant King Asphalt, Inc.'s Document Production 009930

Owen Ln.



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 50 ft



EXHIBIT L - Smith v. King Asphalt
c. 2021-CP-39-00329

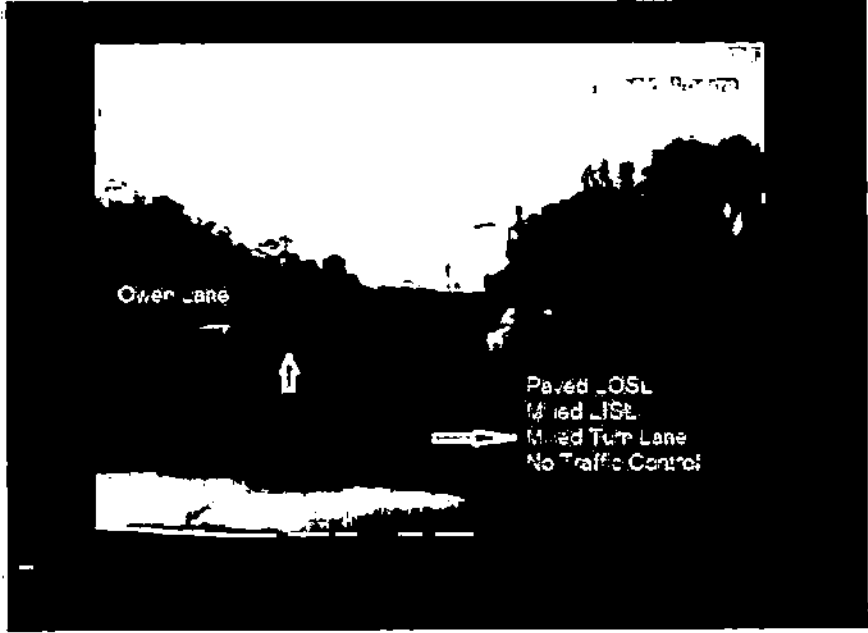
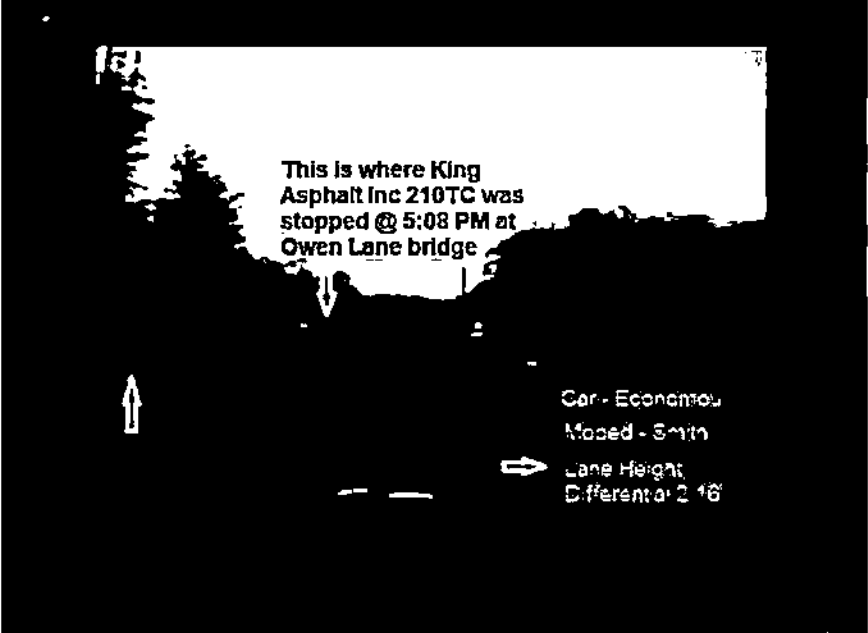


EXHIBIT M - Smith v. King Asphalt Inc. 2021-CP-39-00329

File

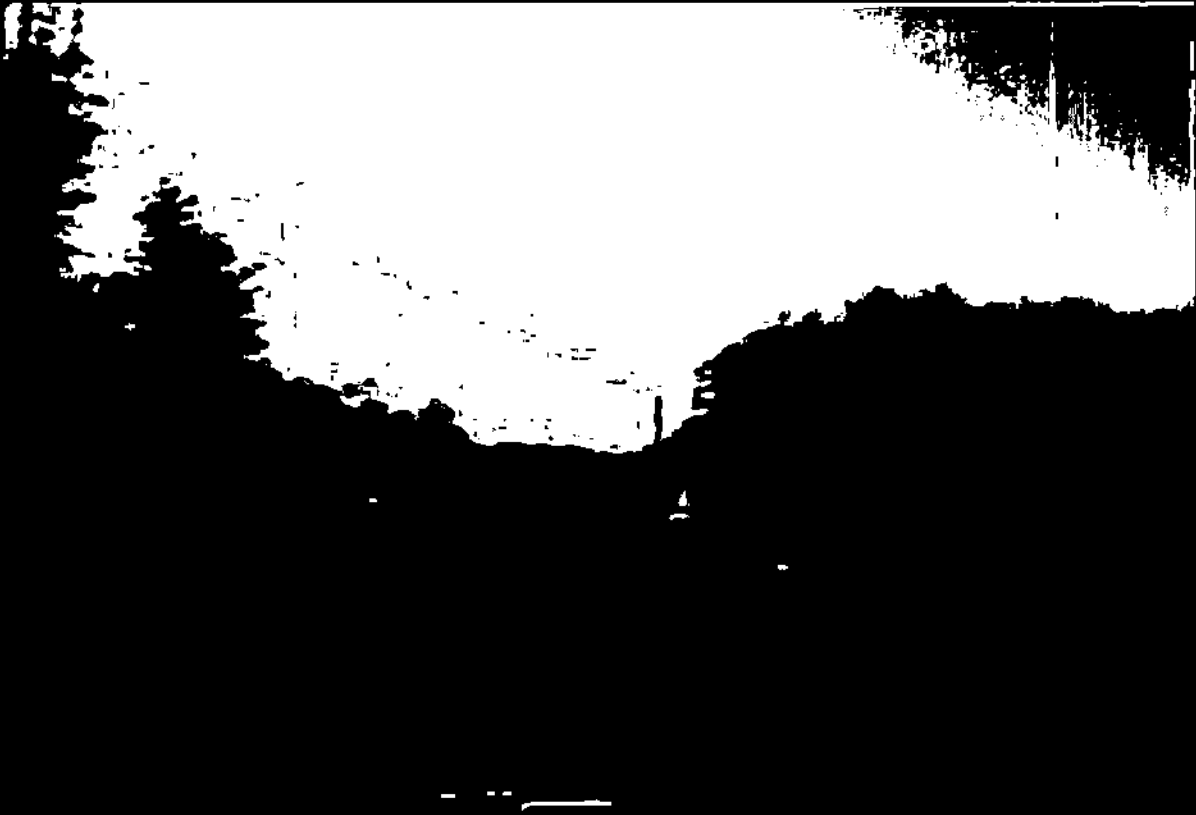
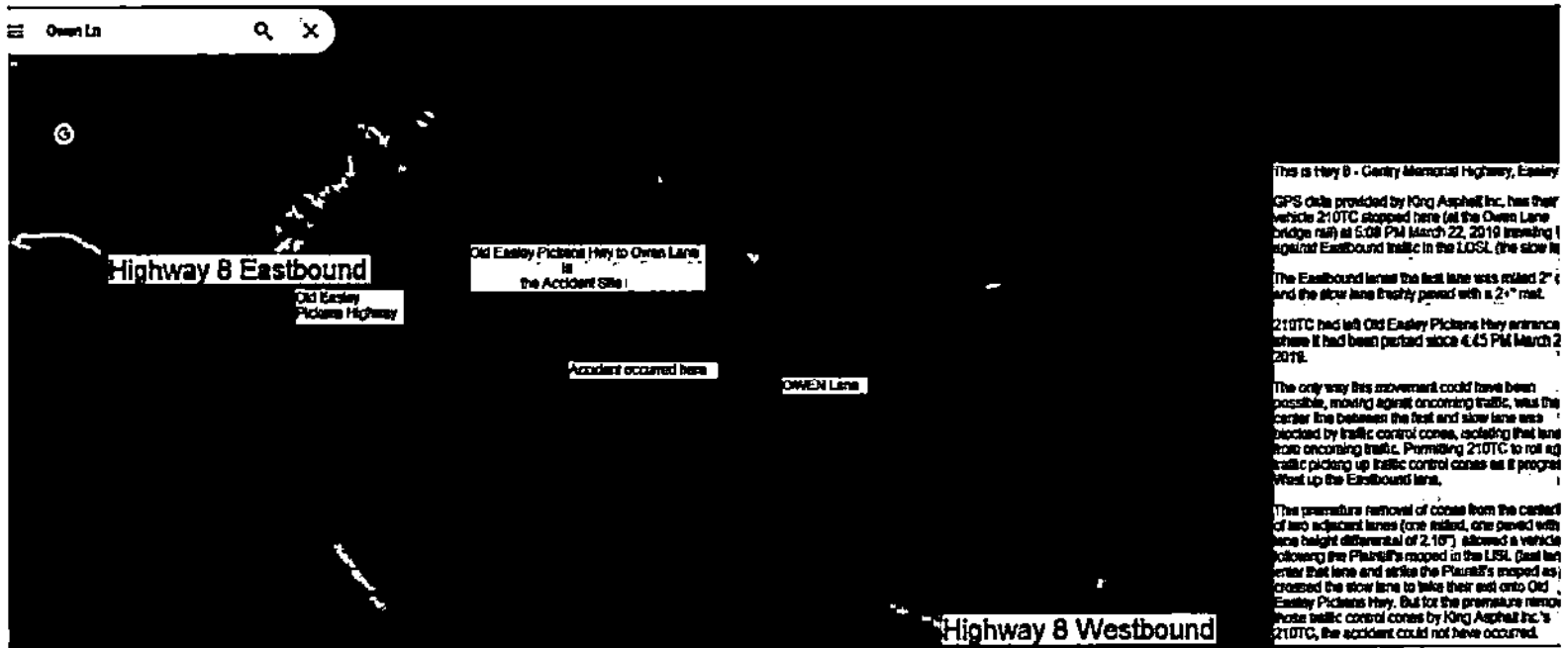
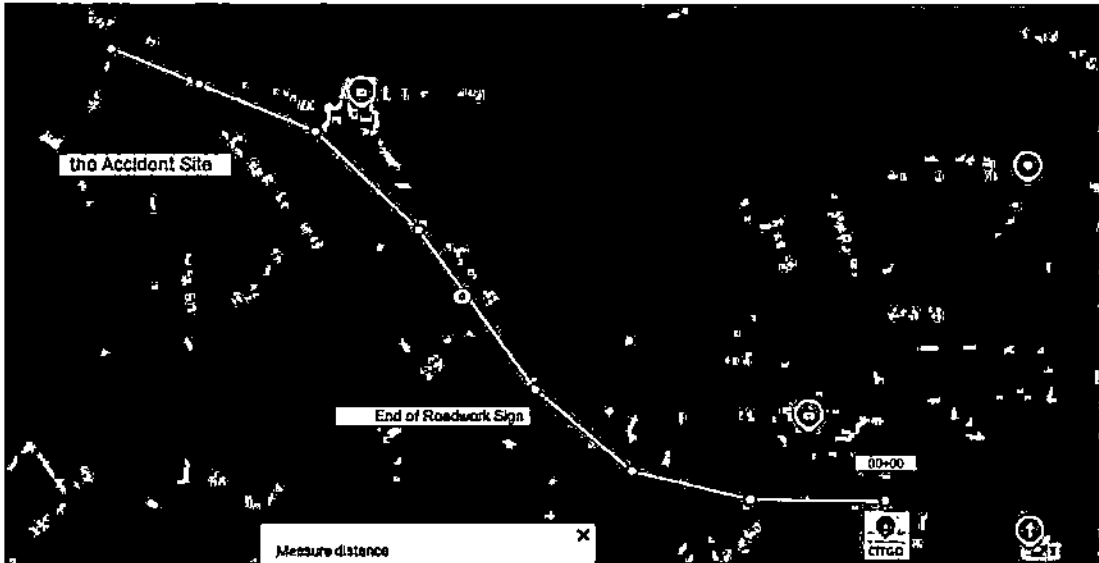


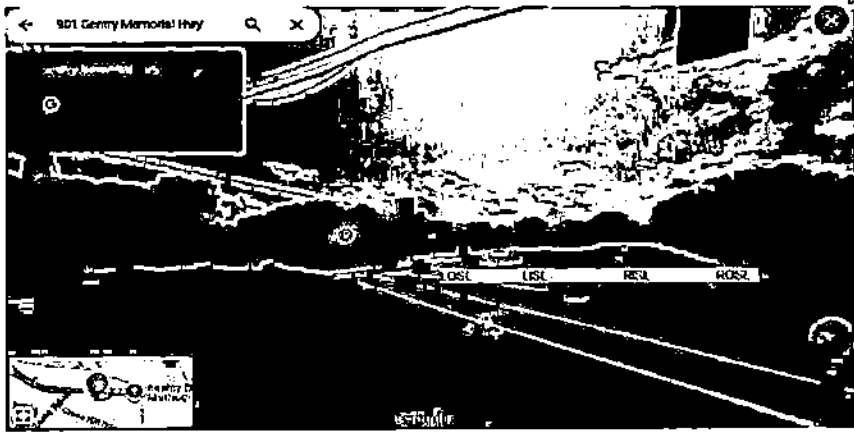
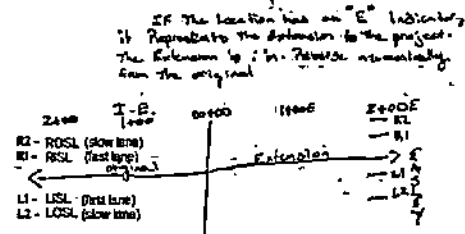
EXHIBIT N - Smith v. King Asphalt Inc. 2021-CP-39-00329





Layman's explanation of topography:

This project consisted of two parts. The first running WEST of the Cigo station at 901 Hwy 8 Gentry Memorial Highway and the extension project running EAST. The demarcation point (00+00) in the Cigo Station. Lane descriptions and distances are all relative to the Cigo station. This can lead to confusion as the flow of traffic is in reverse in the Eastbound LISL (left inside shoulder lane - fast lane) and LOSL (left outside shoulder lane - slow lane). The accident occurred in L2 - LOSL (the slow lane of Eastbound traffic towards Esley). In the SCHP Troopers dashcam video he is leaving the Cigo station going West in the RISL (fast lane). His camera is showing the entire roadway with the road condition of the LISL and LOSL on the left of the screen as he approaches the accident. The dashcam video clearly shows the absence of any traffic control devices or road paint, despite the ongoing milling/paving roadwork described in the Daily Work and Inspection Reports. His dashcam shows the entire roadway between the Cigo and the accident and pans the entire highway beyond - showing NO TRAFFIC CONTROL DEVICES WHATSOEVER.



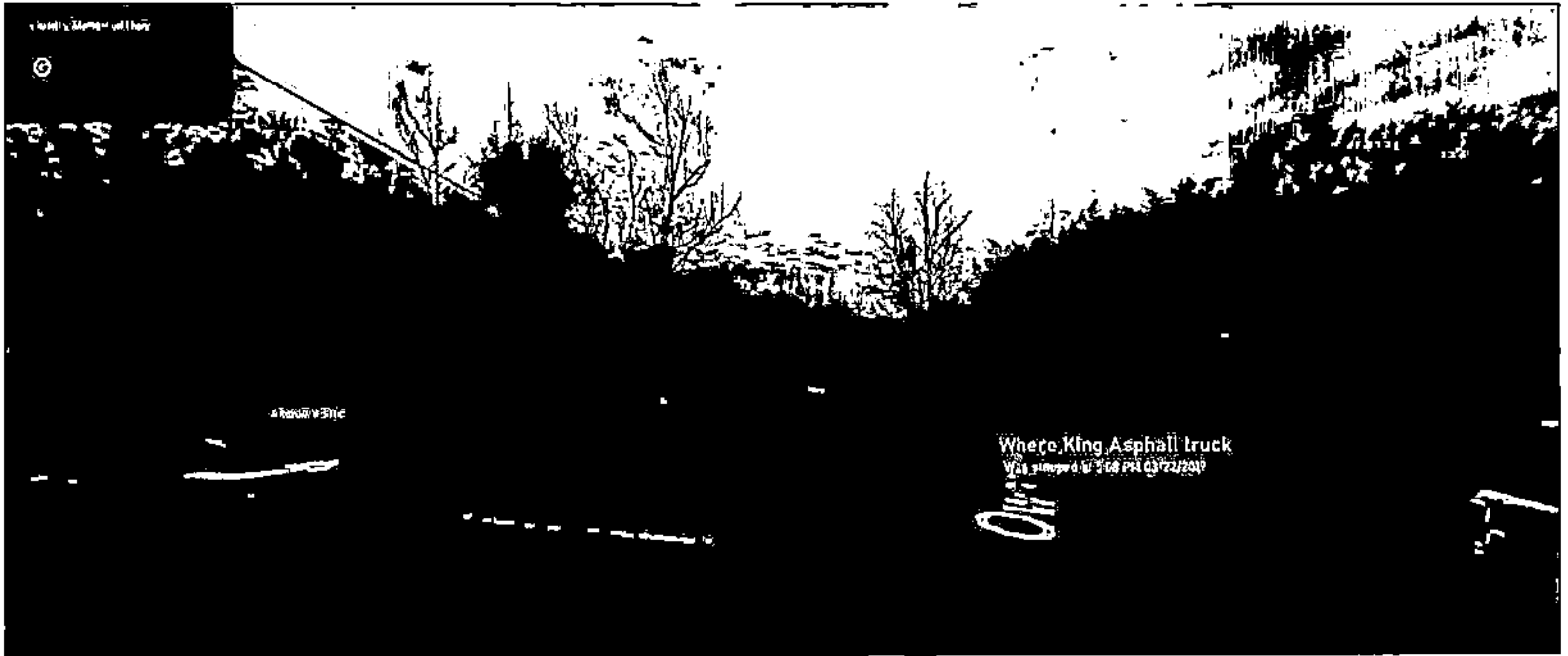
Layman's Explanation of distance notations:

Throughout various reports by King Asphalt to SCDOT there is a distance notation describing how far a point is from 00+00. These notations look like this:

00+00
hundred/0+ increment of hundred:
50
2+32 = 232 feet
5+80 = 580 feet
10+25 = 1025 feet
101+10 = 10110 feet

To calculate the distance between any two points you subtract the larger from the smaller 5+80 - 2+32 = 3+48
= 580 - 232 = 354 feet

In this instance the numbers grow larger as you progress EAST and WEST from 00+00. Everything is relative to 00+00 (the crosswalk at CIGO).



SCDST

Daily Work Report

Form CR-2 (A.A.)

3/21/19

Contract #	0748130	Weather	Temperature	Date	Mar 20, 2019 (Wed)
Road Info / Project #	1 SC - R 2006.11 - 4.41 (PO17243)	Cloudy	55	Rate Gauge (If applicable)	
Inspector on Site		Cloudy	62		

Remarks

King Asphalt placed Surface BR in the right (outside) lane.

FSC applied temporary paint markers.

Work Items							
Route / Road	Quantity	Pay Item & Description	Quantity Placed	Unit	Station	Station	Offset Distance
1 SC - R 2006.11	11,425.00	11/4 ASPHALT CONC. TYPE B	11,425.00	TON	1+43+93	1+00+60	25-16'
1 SC - R 2006.11	1,520.00	14 W/SLIP LANE STOP/DRY R.P.P.T.	1,520.00	LF	1+43+93	1+00+60	25-16'
1 SC - R 2006.11	1,520.00	14 W/SLIP LANE STOP/DRY R.P.P.T.	1,520.00	LF	1+43+93	1+00+60	25-16'
1 SC - R 2006.11	1,120.00	14 W/SLIP LANE STOP/DRY R.P.P.T.	1,120.00	LF	1+00+00	1+00+00	25-16'

Contractor Information

Contractor Name: KING ASPHALT

Contractor Number: FIELD SPECIALTIES

Perman Name: [Redacted]

Perman Number: [Redacted]

Equipment				Equipment			
Operator	Equipment	Quantity	Unit	Operator	Equipment	Quantity	Unit
	Comp				Paint Truck		
	Gravel						
	Gravel						
	Gravel						
	Gravel						
	Gravel						
	Gravel						
	Gravel						
	Gravel						
	Gravel						

Employee Signa

Exhibit M – January 17, 2024 Transcript Excerpt (Narcotics / 40(j))

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Certified transcript, January 17, 2024 hearing before Judge G.D. Morgan, Jr., Case No. 2021-CP-39-00329 (same transcript as Exhibit C, with additional highlighted portions as needed).

Key Point:

Reiterates Mr. Smith’s statement that he is “on a prescription narcotic,” does not wish to talk, and needs both a lawyer and a 40(j) dismissal/reset.

Purpose:

Further supports the showing of impairment at a critical hearing and the need for appointed counsel and record repair; cross-references Exhibit C and related email notice (Exhibit F).

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

STATE OF SOUTH CAROLINA)	COURT OF COMMON PLEAS
)	2021-CP-39-00329
COUNTY OF GREENVILLE)	
)	
)	
)	
MICHAEL AND MARY SMITH,)	
PLAINTIFF,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
THEMISTOKLIS ECONOMO, KING)	
ASPHALT, INC., AND SOUTH)	
CAROLINA DEPARTMENT OF)	
TRANSPORTATION (SCDOT),)	
DEFENDANTS.)	
_____)	

January 17, 2024
Pickens, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., JUDGE

A P P E A R A N C E S:

CATHARINE GARBEE GRIFFIN, ESQ.
Attorney for Defendant King Asphalt

PATRICK L. STILL, III, ESQ.
Attorney for Defendant Economo

CHERYL A. SMITH
Circuit Court Reporter

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INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 1:14 PM.)

THE COURT: All right. The first matter this afternoon is Michael Smith vs. Themistoklis Economo -- I don't know if I'm pronouncing that right -- 2021-CP-39-00329.

All right. On the roster it has a motion for a status conference and a rule to show cause, but I understand maybe it's not going forward with -- or you're not going forward with the rule to show cause; is that right?

MR. STILL: Correct, Your Honor.

MS. GRIFFIN: Yes, Your Honor.

THE COURT: All right. Yes, sir. Now, are you Mr. Smith?

MR. SMITH: Yes, sir.

THE COURT: All right. And you and your wife are representing yourselves; is that correct?

MR. SMITH: I'm on a prescription narcotic. I don't wish to talk today. I need me a lawyer. I need a 40-J.

THE COURT: You need a 40-J? Is that what you said?

MR. SMITH: Yes, sir.

THE COURT: Okay. Let me just hear from lawyers right now.

So we've got a motion for a status conference, and

1 the rule to show cause is not going forward, correct?

2 MS. GRIFFIN: Yes, Your Honor. Catherine Griffin for
3 King Asphalt.

4 So my understanding is the claim that Mr. and Mrs.
5 Smith have against Mr. Economo has been resolved. But
6 Mr. Still can speak to that.

7 So I am the remaining defendant. And Your Honor
8 allowed Don Smith to withdraw as counsel back in May of
9 last year and gave the plaintiffs 90 days to hire counsel.
10 And we are well past that now. We're eight months after
11 that hearing. And so we asked for a status conference in
12 order to set this case for trial because we are not
13 consenting to 40-J the case. We need to dispose of the
14 case by trying the case as soon as the Court can set it
15 for trial.

16 THE COURT: Mr. Still, anything?

17 MR. STILL: Yes, Your Honor. We were able to reach a
18 settlement with Mr. Smith. We had previously, before
19 attorney Don Smith was relieved of counsel, we reached a
20 settlement with Mrs. Smith, and we reached a settlement
21 with Mr. Smith yesterday. And if you don't mind, Your
22 Honor, if I could put that on the record here today.

23 But we were able to reach a settlement in the amount
24 of \$35,000. The settlement, Your Honor, was on a covenant
25 not to execute, not a release, because we could not agree

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, 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 Court of Common Pleas for Pickens County, South Carolina, on the 17th day of January, 2024.

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

February 2, 2024

Cheryl A. Smith
Cheryl A. Smith, CVR-M
Court Reporter

Exhibit N – May 19, 2023 Hearing Transcript (Motion to Relieve Counsel and Rule 40(j) Request)

Smith v. King Asphalt, Inc., et al., C/A No. 2021-CP-39-00329

Source:

Certified “Transcript of Record” of the May 19, 2023 hearing before the Honorable G.D. Morgan, Jr., Court of Common Pleas for Pickens County, filed January 28, 2024.

Key Language – Request for Rule 40(j) and Defense Objection:

- MS. MARY SMITH: “May I, please, get a 40(j)?”
- THE COURT: “You want a -- a 40(j), Rule 40(j)?”
- MS. MARY SMITH: “Yes, sir, please, sir.”
- THE COURT: “Is there any -- would there be any objection to issuing a -- a 40(j) at this point in this case?”
- MS. DAVIS: “Yes, Your Honor. We would object to it.”

Purpose:

Shows that at the same hearing where prior counsel was relieved, Ms. Smith expressly requested a Rule 40(j) administrative dismissal, the Court acknowledged and repeated the request on the record, and defense counsel affirmatively objected, resulting in the case remaining on the active roster while the pro se Plaintiffs were directed to try to obtain new counsel.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,
Appellants, pro se
220 Stancil Street,
Easley, SC 29640
MichaelDSmith@housemail.com

1 So I am -- I am going to grant the motion since all
2 parties consent.

3 And, Mr. and Ms. Smith, you -- you have two options
4 here. And I recommend the first one is that you get
5 another attorney to represent you in this matter. The
6 gentleman here who is, apparently, your attorney, in fact,
7 is not a licensed attorney. And, therefore, under the
8 rules, he is not allowed to represent you in this legal
9 matter.

10 He can, certainly, talk with you and -- and assist
11 you in your case outside the representation. But he is
12 not allowed to represent you in -- in any form to
13 negotiate with the other lawyers, or anything like that.

14 You can, certainly, represent yourself. The
15 Constitution allows you to represent yourself. But I
16 would recommend that -- that you get another lawyer to
17 represent you.

18 Yes, ma'am.

19 MS. MARY SMITH: May I, please, get a 40(j)?

20 THE COURT: You want a -- a 40(j), Rule 40(j)?

21 MS. MARY SMITH: Yes, sir, please, sir.

22 THE COURT: Well, you can -- you can file -- you can
23 get that motion filed. And I -- at this point, I can't
24 really hear that, unless the parties consent and want to
25 hear it. I think it would be best, at least, right now if

1 you make an effort to try to get another lawyer.

2 Have you had an opportunity to maybe talk to another
3 lawyer just in case?

4 MS. MARY SMITH: Can you read the papers I give you,
5 please? I mean no disrespect, Your Honor.

6 MR. SMITH: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 MR. SMITH: I wasn't -- I wasn't given a copy of
9 that. And I would like to see that at some point.

10 THE COURT: Ms. Smith, do you have a copy for
11 Mr. Smith, the lawyer?

12 MS. MARY SMITH: Yes, sir.

13 THE COURT: All right.

14 MS. DAVIS: Your Honor --

15 THE COURT: Yes, ma'am.

16 MS. DAVIS: -- may I -- may I ask if she has another
17 copy?

18 THE COURT: Yes.

19 Do you have another copy?

20 Thank you, ma'am.

21 MS. DAVIS: Thank you very much.

22 THE COURT: Let me ask as far as counsel --
23 And, Ms. Griffin, can you hear me?

24 MS. GRIFFIN: Yes.

25 THE COURT: Is there any -- would there be any

1 objection to issuing a -- a 40(j) at this point in this
2 case?

3 MS. DAVIS: Yes, Your Honor. We would object to it.

4 Our client has recently undergone some medical issues that
5 we believe it's not in his interest to keep going in this
6 case. It's, also, a motor vehicle accident from 2019.

7 But we understand that if -- if the Plaintiffs need a
8 reasonable time to get another attorney, we understand
9 that. But at this point, we're not consenting.

10 THE COURT: Okay. Ms. Griffin.

11 MS. GRIFFIN: I could not hear what she said.

12 THE COURT: She said that -- she said that at this
13 time that they could not -- her client could not consent
14 to the 40(j). She did say that she would be agreeable, of
15 course, for some time for the -- Mr. and Ms. Smith to get
16 another attorney, which, of course, I will grant that.

17 But do you have any position as to the 40(j)?

18 MS. GRIFFIN: Your Honor, I -- I would prefer that we
19 give them additional time to find a new attorney and that
20 the case stays on an active roster and not be 40(j)'d.

21 THE COURT: All right. Anything else, Mr. Smith?
22 Anything else from you?

23 MR. SMITH: May it please the Court.

24 The motion speaks of costs that I had -- have
25 involved with Mr. Smith and his -- one third of his offer

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of Common Pleas for Pickens County, South Carolina, on the 19th day of May, 2023.

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

January 28, 2024

Hollie M. Jenkins, Court Reporter

Exhibit O – March 26, 2025 Letter to Judge Salvini (Negligence Per Se / Record Clarification)

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Letter dated March 26, 2025, from Michael and Mary Ann Smith (pro se) to the Hon. Jessica A. Salvini, re: “Clarification of Legal Standard, Procedural Fairness, and Regulatory Violations.”

Key Points:

Explains that at the January 27, 2025 summary-judgment hearing, Mr. Smith began reading a prepared statement into the record (Tr. p. 15, ll. 4–7) but was interrupted by the Court (“Okay. So let me stop you there, Mr. Smith”) and was not allowed to fully complete that statement. The letter then sets out the substance of that intended record: that Plaintiffs’ claim is negligence per se based on specific SCDOT statutes and regulations, that defense counsel improperly reframed the case as ordinary negligence, and that the 212-page memorandum served at the hearing, ambushing the pro se Plaintiffs, created procedural unfairness.

Purpose:

Serves as Plaintiffs’ contemporaneous effort to complete and clarify the record on the legal theory (negligence per se), regulatory violations, and fairness concerns that they were prevented from fully stating orally, supporting the need for appointed appellate counsel and record repair.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

Michael and Mary Ann Smith
220 Stancil Street
Easley, South Carolina 29640
MichaelDSmith@housemail.com

Letter

Clerk of Court Pickens County, SC
MAR 26 25 PM 1:31

March 26, 2025

The Honorable Jessica A. Salvini
Greenville County Courthouse
305 E. North Street
Greenville, SC 29601

Re: Smith v. King Asphalt, Inc. #2021-CP-39-00329 -- Clarification of Legal Standard,
Procedural Fairness, and Regulatory Violations

Dear Judge Salvini:

Plaintiffs write respectfully to clarify a critical issue of law and procedural fairness currently affecting this case. Specifically, the distinction between negligence per se and ordinary negligence appears to have been blurred, to the prejudice of Plaintiffs, based on defense counsel's repeated efforts to shift the applicable standard and change the narrative of this case to suit what they want to defend.

In the transcript of the Summary Judgment hearing held on January 27, 2025, at 11:30 AM in Courtroom 4 of the Pickens County Courthouse, at page 15, lines 4 through 7, Plaintiff began to enter his statement of the case into the record. However, immediately after Plaintiff completed the first sentence, the Court interjected at line 8, stating: "Okay. So let me stop you there, Mr. Smith." Although the Court later stated at page 16, lines 3 and 4: "Okay. All right. You can finish reading it but that's the issue that I've got to focus in on...", Plaintiff was not thereafter given the opportunity to fully complete his statement for the record.

Plaintiff respectfully submits that the statement he intended to read was crucial to his case because it was specifically prepared to clarify that Plaintiffs' claim is based on negligence per se, premised on statutory and regulatory violations, and to explain that defense counsel was deliberately attempting to blur this distinction by reframing the case as one of ordinary negligence, thereby luring the Court into applying the wrong legal standard.

Plaintiff believes this clarification was essential to preserve the correct framing of the case for the record and to ensure that the Court's ruling would be based on the proper legal theory as pleaded and supported by Plaintiffs' evidence.

For this reason, Plaintiff now submits this letter, which summarizes the statement Plaintiff was attempting to enter into the record during that hearing.

Plaintiff respectfully requests that the Court accept this letter as part of the official record in this matter and specifically acknowledge its inclusion.

The following facts and arguments are submitted in support of Plaintiffs' position:

Clarifying the Legal Distinction – Negligence Per Se vs. Ordinary Negligence

South Carolina law clearly states that negligence per se arises directly from violating a statute or regulation designed to protect the public. Once such a violation is established, duty and breach are satisfied automatically as a matter of law. From that point forward, the only remaining issues are causation and damages, both of which are factual determinations well-supported by Plaintiff's evidence.

By contrast, ordinary negligence requires Plaintiffs to separately prove:

- Duty
- Breach (measured against a subjective "reasonable person" or "industry" standard)
- Causation
- Damages

Negligence per se eliminates the need for subjective standards, expert testimony, or industry practice evidence because the law itself sets the standard of care. This is confirmed by *Whitlaw v. Kroger Co.*, 306 S.C. 51 (1991) and *Rayfield v. S.C. Dept. of Corrections*, 297 S.C. 95 (1988).

Despite this, the defense continues to argue that Plaintiffs must produce an expert to explain subjective industry standards, attempting to reframe this as ordinary negligence. Respectfully, this argument is legally flawed and directly undermines the negligence per se cause of action Plaintiffs have consistently pled and supported.

Specific SCDOT Regulations and Guidelines Violated

King Asphalt's conduct violated multiple clear and enforceable SCDOT regulations, which serve as the basis of our negligence per se claim. These include:

1. SCDOT Standard Specifications Section 401.4.21 (2014 Edition) – Prohibiting opening lanes to traffic where lane height differentials exceed one inch (1") (milled lane next to paved lane).
 - The record proves King Asphalt stipulated to a 2-inch lane height differential, double the legal limit, exposing motorists to an unreasonable hazard.
2. SCDOT Work Zone Safety Guidelines and Project Traffic Control Plan (TCP) – Requiring continuous traffic control devices until the hazardous condition is mitigated.
 - King Asphalt admitted prematurely (without first mitigating the safety hazard) removing all traffic control devices, leaving the traveling public exposed to unmarked hazards.

3. SCDOT Specification Section 401.4.20 – Limiting milling operations to no more than ten (10) calendar days before repaving or eliminating the hazard.
 - o King Asphalt violated this regulation by leaving the LISL (at the accident site) milled for twenty-one (21) days (March 6-27, 2019), more than double the permissible time.

Each of these objective violations independently satisfies the breach element of negligence per se. No expert testimony is required to interpret these clear regulatory limits.

Procedural Fairness Concerns – Defense Tactics and Court's Adoption

Plaintiffs must also respectfully highlight repeated procedural fairness concerns that have further disadvantaged us as pro se litigants:

- **Ambush Memorandum:** Defense counsel served Plaintiffs a 212-page memorandum with new arguments and evidence at the start of the hearing, depriving us of any meaningful opportunity to review or respond. This tactic undermines the fair hearing principle enshrined in our system.
- **Reframing of Claims:** Defense has improperly reframed our negligence per se claim into ordinary negligence, imposing a higher burden of proof requiring subjective expert interpretation that does not apply to the cause of action we pled.
- **Judicial Adoption of Defense Framing:** Plaintiffs are deeply concerned that the Court's current analysis appears to accept defense counsel's improper reframing, creating an erroneous expert witness requirement that contradicts well-established South Carolina law on negligence per se.

These errors, when considered together, undermine the integrity of the proceedings and create an impression of judicial imbalance.

Procedural fairness requires that Plaintiffs' properly pleaded claims be adjudicated under the correct legal framework and not dismissed due to procedural manipulation or incorrect application of law.

Summary Judgment Standard and Proper Application

Finally, under Rule 56(c), SCRPC and *Baughman v. AT&T*, 306 S.C. 101 (1991), summary judgment is warranted only where the non-moving party fails to show evidence of an essential element of their claim.

Here, Plaintiffs have produced:

- Direct evidence of statutory and regulatory violations;
- SChP dashcam footage (photographic evidence), Trooper testimony;
- Eyewitness testimony;
- Defendant's own admissions regarding lane height/condition and removal of traffic controls.

Additionally, *The Kitchen Planners, LLC v. Friedman* (2023) reaffirms that South Carolina rejects federal Celotex standards. Plaintiffs are not required to produce an expert to explain the law, the law speaks for itself when it comes to statutory or regulatory violations.

Plaintiff's Summons and Complaint clearly supports a negligence per se claim:

1. Explicit Allegation of Regulatory Violations

- **Complaint Language:** Paragraph 22(d) of Plaintiff's complaint directly states that King Asphalt failed to comply with the guidelines set by SCDOT for Work Zone Traffic Control.
- **Significance:** This allegation is critical because it invokes a specific regulatory standard (SCDOT guidelines) designed to protect public safety.

2. Reference to Specific Regulations

- **Complaint Language:** Paragraphs throughout the complaint refer to SCDOT regulations, South Carolina Code, and Work Zone Traffic Control guidelines.
- **Significance:** By referencing these regulations, Plaintiffs establish that a legal standard exists that the defendants were required to follow.

3. Protected Class

- **Complaint Context:** The complaint indicates that the Plaintiffs were motorists traveling through an SCDOT work zone operated by King Asphalt.
- **Significance:** This establishes that Plaintiffs belonged to the class of people (motorists) that SCDOT regulations were designed to protect.

4. Causal Linkage

- **Complaint Language:** Paragraphs 21, 22, and 23 state that the damages were a direct and proximate result of the negligence of the Defendants.
- **Significance:** By explicitly connecting the injuries to the Defendants' negligent commission/omission (including failure to comply with SCDOT regulations and contract language), the complaint asserts a causal link between the regulatory violations and the Plaintiffs' harm.

5. Elements of Negligence Per Se


- **Violation of a Statute or Regulation:**
The Complaint clearly points out the failure to comply with regulations set by SCDOT for Work Zone Traffic Control.
- The purpose of the law is to protect from the kind of harm that the plaintiff suffered; and
- The plaintiff is a member of the class of persons that the law is intended to protect.

Under a theory of negligence per se, a jury does not need to decide if the defendant acted as a reasonable person would act given the circumstances. Instead, the jury just needs to decide whether the defendant's violation of the law caused the plaintiff's injuries. If so, then the plaintiff will be entitled to recover compensation for their medical treatment, lost wages, pain and suffering, and other losses. For the foregoing reasons, Plaintiffs respectfully request the Court:

- Reaffirm that negligence per se governs this case, with no requirement for subjective expert testimony;
- Recognize that SCDOT regulations set the applicable standard of care and King Asphalt's violations are proven;
- Acknowledge the procedural unfairness Plaintiffs have endured due to defense tactics, including the ambush memorandum and improper legal framing of Plaintiff's case;
- Deny summary judgment for the defense based on the correct application of South Carolina law.

Thank you for your time and careful consideration of these important clarifications. Your ruling in this case will not only determine the outcome for Plaintiffs but also set a precedent for fair treatment of pro se litigants who may face similar challenges in the future.

Respectfully submitted,


/s/ Michael D. Smith, Plaintiff / Pro Se - March 26, 2025


/s/ Mary Ann Smith, Plaintiff / Pro Se - March 26, 2025

CC: Filed on March 26, 2025
Smith v. King Asphalt, Inc.
2021-CP-39-00329

By US Mail: March 26, 2025
The Honorable Jessica A. Salvini
Greenville County Courthouse
305 E. North Street
Greenville, SC 29601

Catharine Garbee Griffin
Baker, Ravenel & Bender, LLP
3710 Landmark Drive, Suite 400
Columbia, SC 29204

By Email: March 26, 2025
jsalvinisc@sccourts.org
CGriffin@brblegal.com

/s/ Michael D. Smith, Plaintiff / Pro Se - March 26, 2025



Exhibit P – Email to Judge Salvini re Corrupted Exhibits

Smith v. King Asphalt, Inc. – C/A No. 2021-CP-39-00329 – App. Case No. 2025-001327

Source:

Email from Michael D. Smith to the Hon. Jessica Ann Salvini, dated March 3, 2025.

Key Point:

Notifies the court that many exhibit pages in the electronic record are “messed up,” out of order, or blacked-out/illegible, and requests action to address the corruption.

Purpose:

Documents timely, written notice to the trial court of corrupted/illegible exhibits, supporting the claim that the record is objectively defective and requires repair under Rule 210, SCACR.

Submitted by: Submitted by:

Michael D. Smith and Mary A. Smith,

Appellants, pro se

220 Stancil Street,

Easley, SC 29640

MichaelDSmith@housemail.com

cuncern wit doctng issues - shud we call cort adminstrashun?

From: "Michael Smith" <MichaelDSmith@housemail.com>
To: "the Honorable Jessica Salvini" <jsalvinic@sccourts.org>, "Griffin, Catharine G." <CGriffin@brblegal.com>
Date: Mar 3, 2025 7:10:44 PM

der judge salvini
 i haf sreus concern about th doctng 4 this suit case
 by depty clerk ms michel broom
 she haz dun sevrl thng over th yers to undrmine my suit case
 that is wy i haf send u a cler printd color copy by courier an digtul copy by emale 2 ur offis
 2 both of u judge salvini an ms cathren
 of motion to reconsider with exhibits so u can reed clerly
 4 sum reeson th copy th clerk put on the pubic record is toly mess up
 th exhibits are out of order, pages shuft, turnt around upside down, pitchers black
 its lik everthng has ben dun to make reeding it imposble
 this is not firs tim ths has hapen
 the copys of th 2 letters to u an ms cathren
 i send u were clocked but stil not postd 5 day latr
 ths tremint of pro se peopl puts them at sereous disvantage
 wen ther paprs cant be red ar not postd an is very notjust
 i haf atahcd a copy of the cort version on corts website
 compair to the cort vershun 2 send vershun cupleet difrent
 if u had to depnd on that 2 mak a decishun it wood b 2
 our grate disvantage as u cant reed the exhibits
 i doan no how this can be fixt but it need 2 b
 thank you
 respekt

MDS
 MAS

attached fils:
 Smith v Economou 2021-CP-39-00329 Motion to Reconsider - Online version Pickens County Public Records
 Smith v King Asphalt - Motion to Reconsider -2021-CP-39-00329 - filed - submitted version



[Pickens County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View					
Michael Smith , plaintiff, et al VS Themistoklis Economo , defendant, et al					
Case Number:	2021CP3900329	Court Agency:	Common Pleas	Filed Date:	03/23/2021
Case Type:	Common Pleas	Case Sub Type:	Motor Veh Accid 320	File Type:	Jury
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:		Disposition Date:			
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties		Judgments	Tax Map Information	Associated Cases	Actions	Financials
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Smith, Michael	Exhibits	Filing		02/28/2025-10:55		
Smith, Michael	Motion/Reconsider and Certified Mail Services	Motion		02/28/2025-10:55		
Smith, Mary Ann	Order/Electronic Form 4	Order		02/18/2025-12:18		
Smith, Mary Ann	NEF(02-18-2025 12:18:48 PM) Order/Electronic Form 4	Filing		02/18/2025-12:17		
Smith, Michael	Certificate/Service	Filing		01/30/2025-09:42		
Smith, Michael	Exhibits A-R	Filing		01/30/2025-09:39		
Smith, Michael	Filing/Plaintiff's Response to Defendant's Memorandum	Filing		01/30/2025-09:37		
King Asphalt Inc	NEF(01-27-2025 05:04:57 PM)	Filing		01/28/2025-08:24		

Attachments

- image-jpeg-attachment
- Smith v Economou 2021-CP-39-00329 Motion to Reconsider - Online version Pickens County Public Records.pdf
- Smith v King Asphalt - Motion to Reconsider -2021-CP-39-00329 - filed - submitted version.pdf

Certificate of Electronic Notification

Recipients

Catharine Griffin - Notification transmitted on 01-27-2025 08:39:06 AM.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP3900329

Official File Stamp: 01-27-2025 08:38:49 AM

Court: CIRCUIT COURT

Common Pleas

Pickens

Case Caption: Michael Smith , plaintiff, et al VS Themistoklis Economo , defendant, et al

Document(s) Submitted: Memo/Memo in Support

- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
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- Exhibit/Filing of Exhibits

Filed by or on behalf of: Catharine Garbee Griffin

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Catharine Garbee Griffin for King Asphalt Inc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary Ann Smith for Mary Ann Smith

Mary Ann Smith for Mary Ann Smith

Michael Smith for Michael Smith
Michael Smith for Michael Smith