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**SC Court of Appeals**

**FORM 13  
FINAL BRIEF OF APPELLANT**

THE STATE OF SOUTH  
CAROLINA In The Court of Appeals  
In The Supreme Court

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APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

George McFaddin, Circuit Court Judge

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Case No. 2025-000242

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McLaughlin Ford ,

Respondent,

v.

Barbara Ann Johnson,

Appellant.

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FINAL BRIEF OF APPELLANT

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Barbara Ann Johnson  
308 Ruby Street  
Lake City, South Carolina 29560  
(843) 206-2523  
Appellant

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Attorney for Respondent

\* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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## STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN FAILING TO FIND THIS ACTION IS BARRED BY RES JUDICATA?
2. DID THE TRIAL COURT ERR IN GRANTING FAVOR FOR THE RESPONDENT THAT NEGLIGENCE MUST BE PROVED BY PREPONDERANCE OF THE EVIDENCE?

## STATEMENT OF THE CASE

On May 6, 2024, there was a public sale hearing where I, Barbara Ann Johnson, gave my testimony. McLaughlin Ford admitted that they had to remove the motor from my vehicle without my permission in order to take pictures for the warranty company. Judge Kimberly Land ordered a continuation to attempt an out-of-court settlement after that admission. Despite this, McLaughlin Ford never returned my vehicle to its original state or repaired it under warranty. I later contacted the real Butch Wilson at McLaughlin Ford, who verified that only the vehicle owner was authorized to approve motor removal. The warranty company also confirmed they did not authorize such removal. The warranty company further confirmed there remained \$4,590.00 under my coverage, but McLaughlin Ford refused to reinstall the motor. Their actions resulted in the loss of my transportation, financial hardship, and ongoing vehicle damage.

## FACTS

I made an appointment with Olivia, a service advisor, and discussed the vehicle noise and gasket issue. She acknowledged my warranty coverage for diagnostics. However, McLaughlin Ford unlawfully tore down my vehicle, exceeding authorization. All records and testimony show the removal was not warranted for diagnostic purposes.

Additionally, I possess a CD containing a voicemail message from Olivia at McLaughlin Ford, which directly relates to this issue. The voicemail has been transcribed and both the transcribed and CD recording have been included in the Record of Appeal as Exhibit C. The CD is properly labeled and submitted as supplemental evidence to ensure the Court has access to the original audio recording referenced in the transcript.

Everything provided by McLaughlin Ford in the lower court was false and misleading. The judge did not permit me to fully present this evidence, including the voicemail, which supports my position.

## ARGUMENTS

- I. THE APPELLANT REQUESTS THAT THE COURT REQUIRE THE RESPONDENT TO RESTORE THE VEHICLE TO ITS ORIGINAL CONDITION AS IT WAS DELIVERED FOR SERVICE.
  
- II. THE RESPONDENT FAILED TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THEY WERE NOT NEGLIGENT IN REMOVING THE MOTOR AND TEARING DOWN THE VEHICLE WITHOUT AUTHORIZATION. THE TRIAL COURT ERRED IN GRANTING JUDGMENT IN FAVOR OF THE RESPONDENT BY A PREPONDERANCE OF THE EVIDENCE.

## CONCLUSION

For the reasons stated, the Appellant respectfully requests that this Court reverse the judgment of the Circuit Court and review the included CD recording and transcription as part of the appellant record.

Respectfully submitted,

June 15, 2025

s/Barbara Ann Johnson  
308 Ruby Street  
Lake City, SC 29560  
843-206-2523  
Appellant