

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

Beverley D. Wilson,
)
)
Plaintiff,)

Case Number: 2013-CP-23-5177

vs.)

Stephen P. Williams,)
)
)
Defendant.)

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DEC 18 2013

SC Court of Appeals

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS AND
DENYING PLAINTIFF'S MOTION
TO AMEND HER COMPLAINT TO
ADD AN EXPERT AFFIDAVIT

FILED-CLERK OF COURT
GREENVILLE CO. S.O.
P. J. WICKENSINER
2013 NOV 20 PM 11 14

This case is before the Court after an Order Changing Venue to the Greenville County Court of Common Pleas was issued by the Richland County Court of Common Pleas.

The Complaint was originally filed in Richland County on May 22, 2013. Defendant's Answer and Motion to Dismiss were filed simultaneously on June 24, 2013. On that same date, Defendant filed a Motion to Change Venue to the Greenville County Court of Common Pleas.

On September 17, 2013, the Court granted the Motion to Change Venue to Greenville County but did not hear the Motion to Dismiss. After the Change of Venue, Defendant filed an identical Motion to Dismiss in this Court on October 3,

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2013.

On November 7, 2013, Plaintiff filed a Motion to be allowed to amend her Complaint by adding an Expert Witness Affidavit. Defendant filed opposition to the Motion to Amend the Complaint.

SC Code Anno. §§15-31-100(B) and (G) require that a Complaint which alleges Professional Negligence against an attorney contain an Affidavit of an Expert Witness which must specify at least one (1) negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the Affidavit.

Even though Plaintiff is a *pro se* litigant, the record is clear that she understood the requirement for an Expert Affidavit when Defendant's Motion to Dismiss was filed on June 24, 2013. In spite of such knowledge, Plaintiff failed to make any effort to remedy her failure to include the Expert Affidavit until she filed her Motion to Amend her Complaint, more than four (4) months later.

SC Code Anno. §§15-30-100(C), (D), (E), and (F) provide certain relief for the failure to follow the statutory requirement of an Expert Affidavit. With the time lapse in this case, none of the sections are applicable in order to provide relief for Plaintiff's failure to abide by the statute.

The pleadings before the Court indicate that the Statute of Limitations on

Plaintiff's claim expired on or about June 1, 2013. Under those circumstances, Plaintiff was not entitled to Amend her Complaint to add an Expert Affidavit and Defendant's Motion to Dismiss must be granted.

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's Motion to Amend her Complaint to add an Expert Affidavit is denied.
2. Defendant's Motion to Dismiss the Complaint is granted.

IT IS SO ORDERED THIS 18th DAY OF Nov., 2013.

D. Garrison Hill

D. Garrison Hill, Judge Thirteenth Judicial Circuit

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP2305177

Beverley D Wilson	Stephen P Williams
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRCP; Rule 41, SCRCP (Vol. Nonsuit);
 Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRCP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other: _____

FILED - CLERK OF COURT
 GREENVILLE CO. S.C.
 AUD. B. WICKENSIMER
 2013 NOV 20 AM 11 14

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

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

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

If applicable, describe the property, including tax map information and address, referenced in the order:

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

11/20/2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on 20th day of November, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 20th day of November, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Beverley D Wilson P.O. Box 2865 Orangeburg, SC 29116

Michael D. Glenn Glenn Haigler & Stathakis, LLP 121 W. Benson St. Anderson, SC 29624

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

Court Reporter

STATE OF SOUTH CAROLINA)
 FILED-CLERK OF COURT IN THE COURT OF COMMON PLEAS
 COUNTY OF GREENVILLE)
 GREENVILLE CO. S.C.
 PAUL B. WICKENSINER)

Case Number: 2013-CP-23-5177

Beverley D. Wilson)
 2013 NOV 20 AM 11 14)

Plaintiff,)
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 vs.)
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 Stephen P. Williams,)
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 Defendant.)
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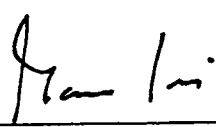
ORDER DENYING PLAINTIFF'S
 MOTION TO APPEAL CHANGE
 OF VENUE

This case is before the Court after Venue was transferred from the Court of Common Pleas in Richland County to the Court of Common Pleas in Greenville County by Order of the Honorable DeAndrea Benjamin dated September 16, 2013 and filed September 17, 2013.

On November 7, 2013, Plaintiff filed a Motion to be allowed to appeal the Order Changing Venue. In Breland v Love Chevrolet Olds, Inc., 339 SC 89, 529 SE2d 11 (2000), the South Carolina Supreme Court held that an Order effecting Venue of a case is not immediately appealable and may be appealed only after the case is concluded in the Lower Court.

NOW THEREFORE, IT IS ORDERED that Plaintiff's Motion to appeal from the Order Changing Venue is denied.

IT IS SO ORDERED THIS 18 DAY OF Nov., 2013.



 D. Garrison Hill, Judge Thirteenth Judicial Circuit

GLENN, HAIGLER & STATHAKIS, LLP

ATTORNEYS AT LAW
121 WEST BENSON STREET
ANDERSON, SOUTH CAROLINA 29624

MICHAEL D. GLENN
STEPHEN K. HAIGLER
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Writer's email: mglenn@ghmslaw.com

D. ANDREW GAINES

November 12, 2013

RECEIVED

Honorable D. Garrison Hill
Judge, Thirteenth Judicial Circuit
305 East North Street, Suite 213
Greenville, South Carolina 29601

D. GARRISON HILL
SC CIRCUIT COURT JUDGE

RE: Beverley D. Wilson vs. Stephen P. Williams
Case Number: 2013-CP-23-5177

Dear Judge Hill:

I enclose herewith the original and three (3) copies of a proposed Order Denying Plaintiff's Motion to Appeal Change of Venue and the original and three (3) copies of an Order Granting Defendant's Motion to Dismiss and Denying Plaintiff's Motion to Amend her Complaint to add an Expert Affidavit. I have attempted to prepare these Order as you instructed at the hearing on Tuesday, November 12, 2013.

If you find the Orders to be satisfactory, I shall appreciate your signing the Orders and forwarding them to the Clerk's Office for filing. I enclose a self addressed, stamped envelope and request that the Clerk return clocked copies of each Order to me.

In the event you would like changes to either Order, I shall appreciate your letting me know and I will be happy to make the changes as you request. Thank you for your courtesy and attention in this matter.

Yours very truly,

GLENN, HAIGLER & STATHAKIS, LLP



Michael D. Glenn

MDG/sbl
Enc.

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP2305177

Beverley D Wilson	Stephen P Williams
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

FILED - CLERK OF COURT
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 PAUL B. WIKKINS
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IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

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		11/20/2013
Circuit Court Judge	Judge Code	Date

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Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

Court Reporter