

IN THE COURT OF APPEALS OF SOUTH CAROLINA

Scott R. Manna, Appellant,

v.

Jack Sinclair, Respondent.

Appellate Case No. [2025-001313](#)
Lower Court Case No. 2024-CP-10-04530

SUPPLEMENTAL RECORD ON APPEAL

RECEIVED
May 28 2026
SC Court of Appeals

1. Summons and Complaint with Exhibits

Filed September 10, 2024 Pages 1–6

2. Defendant’s Memorandum of Law in Support of Motion to Dismiss Plaintiff’s Complaint

Filed January 16, 2025 Pages 7–45

3. Plaintiff’s Motion to Reconsider with Exhibits

Filed April 10, 2025 Pages 46–74

II. ORDERS

4. Order Dismissing Complaint

Filed April 4, 2025 Pages 75–103

5. Order Denying Plaintiff’s Motion to Reconsider

Filed April 21, 2025 Pages 104–112

III. CERTIFICATE OF SERVICE

Certificate of Service Pages 113–114

1. SUMMONS AND COMPLAINT WITH EXHIBITS

Filed September 10, 2024

IN THE COURT OF COMMON PLEAS FOR CHARLESTON COUNTY
STATE OF SOUTH CAROLINA

Scott R. Manna, Plaintiff

v.

Jack Sinclair, Esq., Defendant

Case No.: [2024-CP-10-4530]

CIVIL COVER SHEET

- **Plaintiff**: Scott Manna
- **Defendant**: Jack Sinclair
- **Court**: Charleston County Court of Common Pleas
- **Nature of Suit**: Attorney Misconduct, Breach of Fiduciary Duty, Legal Malpractice

SUMMONS

To:

Jack Sinclair, Esq.
115 River Landing Drive, Suite 102
Charleston, SC 29492

You are hereby summoned and required to answer the complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint on the Plaintiff at **7575 Morgan Way, Naples, FL 34119** within thirty (30) days after service hereof, exclusive of the day of such service. If you fail to answer the complaint within that time, the Plaintiff will apply to the court for the relief demanded in the complaint, and judgment by default will be entered against you.

COMPLAINT

1. Introduction

This is a civil action for damages resulting from **legal malpractice**, **breach of fiduciary duty**, and **attorney misconduct**. The Plaintiff, Scott R. Manna, brings this action against his court-appointed attorney, **Jack Sinclair**, for failing to act in Jake Manna's best interest, failing to communicate key legal strategies, and ignoring Jake's clearly stated wishes. The Defendant's actions and omissions have caused emotional distress, financial harm, and irreparable damage to the Plaintiff's relationship with his son.

2. Parties

- **Plaintiff**: Scott Manna is a retired, disabled police officer residing at **7575 Morgan Way, Naples, FL 34119**.

: Jack Sinclaire is an attorney practicing at **115 River Landing Drive, Suite 102, Charleston, SC 29492**.

3. Jurisdiction

This court has jurisdiction over the subject matter of this complaint pursuant to the laws of **South Carolina**.

4. Factual Background

- a. **Attorney Appointment**: Defendant was appointed as the attorney for Plaintiff's son, **Jake Manna**, in a guardianship case initiated by Jake's mother, Dana Manna.
- b. **Failure to Act in Client's Best Interest**: Despite Jake's repeated requests to include his father, Plaintiff, in strategy sessions, the Defendant excluded Plaintiff, leaving Jake without proper legal counsel or understanding of his rights.
- c. **Inadequate Preparation for Trial**: Defendant **failed to depose key witnesses**, including Plaintiff, Dana, and Dr. Mulbry, and did not request interrogatories or gather evidence that would support Jake's defense.
- d. **Failure to Challenge Ex Parte Order**: Defendant did not challenge the initial **ex parte order** that initiated this case, nor did he provide a robust legal defense.
- e. **Ineffective Meetings**: The Defendant often held meetings in Jake's bedroom at Plaintiff's small apartment, with Dana present or nearby, risking eavesdropping or recording.
- f. **Denial of Appeal**: After Judge Kirchner's ruling, Jake expressed a desire to **appeal the decision**, but Defendant failed to advise Jake properly or act on his wishes, resulting in missed opportunities to reverse the unfavorable ruling.

5. Causes of Action

a. Breach of Fiduciary Duty

Defendant had a fiduciary duty to act in Jake Manna's best interest and provide sound legal counsel. By failing to challenge the ex parte order, neglecting to prepare adequately for trial, and ignoring Jake's desire for an appeal, the Defendant violated this duty.

b. Legal Malpractice

Defendant failed to exercise reasonable care and skill in his legal representation, resulting in emotional and financial harm to both Jake and Plaintiff. The Defendant's inadequate trial preparation and refusal to advise Jake on his appeal options contributed directly to the negative outcome of the case.

c. Attorney Misconduct

Defendant's failure to follow through on critical legal duties, including maintaining communication with his client and protecting Jake's rights, constitutes misconduct. The Defendant prioritized convenience over protecting Jake's legal interests, thereby violating South Carolina's professional standards of conduct.

6. Prayer for Relief

WHEREFORE, Plaintiff **Scott Manna** seeks the following relief:

- a. **Judgment against Defendant** for damages in an amount to be determined at trial, including compensatory damages for emotional distress, financial loss, and loss of parental rights.
- b. **Attorney's fees** and court costs related to this action.
- c. **An order** requiring Defendant to refund all legal fees paid by Plaintiff for his services.
- d. **Any further relief** the court deems just and proper.

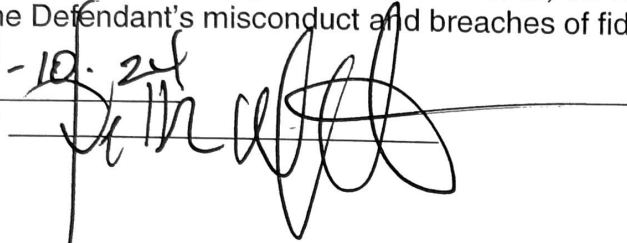
SWORN STATEMENT

I, **Scott Manna**, hereby swear and affirm that the foregoing facts stated in this complaint are true and accurate to the best of my knowledge and belief. Specific details from emails exchanged between the Plaintiff and Defendant, including those dated 9/15/22, 10/18/22, 11/30/22, and 1/17/24, provide clear evidence of the Defendant's misconduct and breaches of fiduciary duties.

Date:

9-10-24

Signature:



CONCLUSION

This complaint and accompanying documents will be filed with the Clerk of the **Charleston County Court of Common Pleas**. Plaintiff **Scott Manna** is prepared to provide additional evidence or testimony as necessary to ensure that justice is served.

****CIVIL COVER SHEET****

****State of South Carolina****

****Charleston County Court of Common Pleas****

****Case Number:**** _____ (Assigned by the court)

****I. PLAINTIFF**:**

****Name:**** Scott R. Manna

****Address:**** 7575 Morgan Way, Naples, FL 34119

****Phone:**** [Phone Number]

****Email:**** [Email Address]

****II. DEFENDANT**:**

****Name:**** Jack Sinclaire, Esq.

****Address:**** 115 River Landing Drive, Suite 102, Charleston, SC 29492

****Phone:**** [Phone Number] (If known)

****III. BASIS OF JURISDICTION:****

- 1. U.S. Government Plaintiff
- 2. U.S. Government Defendant
- 3. Federal Question (U.S. Government not a party)
- 4. Diversity (Plaintiff and Defendant are from different states)

****IV. NATURE OF SUIT:****

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment and Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders Suits
- 190 Other Contract
- 210 Land Condemnation
- 220 Foreclosure
- 230 Rent Lease & Ejectment
- 240 Torts to Land
- 245 Tort Product Liability
- 290 All Other Real Property

****V. CAUSE OF ACTION:****

This action is for attorney malpractice, breach of fiduciary duty, and violations of the professional conduct expected of attorneys. Plaintiff seeks relief based on the failure of the defendant to appropriately represent his interests, negligence in handling his case, and misconduct in the performance of legal duties, as outlined in the detailed complaint.

****VI. DEMAND:****

Amount sought in excess of \$75,000 for compensatory and punitive damages.

****VII. JURY DEMAND:****

- Yes
- No

****VIII. RELATED CASES (IF ANY):****
List any related cases, if applicable.

None

The Plaintiff is a member of the Defendant's organization and has been assigned to the Defendant's organization since [redacted] and has been assigned to the Defendant's organization since [redacted].

The Plaintiff is a member of the Defendant's organization and has been assigned to the Defendant's organization since [redacted] and has been assigned to the Defendant's organization since [redacted].

[Handwritten signature and notes]

[Handwritten text]

****STATE OF SOUTH CAROLINA****
****IN THE COURT OF COMMON PLEAS FOR CHARLESTON COUNTY****

****Scott R. Manna, Plaintiff****

V.

****Jack Sinclair, Esq., Defendant****

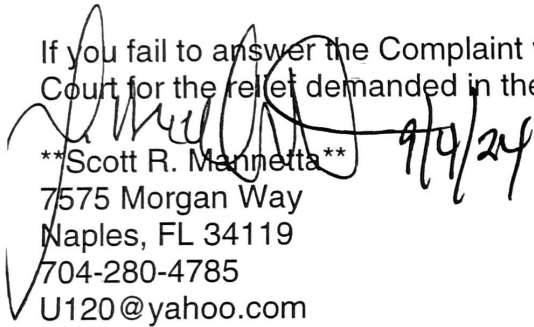
****Case No.: [To Be Assigned]****

****SUMMONS****

TO: ****Jack Sinclair, Esq.****
115 River Landing Drive, Suite 102
Charleston, SC 29492

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff, ****Scott R. Manna****, at the address provided below, within thirty (30) days after service hereof, exclusive of the day of such service.

If you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.


****Scott R. Manna****
7575 Morgan Way
Naples, FL 34119
704-280-4785
U120@yahoo.com

****Dated****: 09/04/2024

**2. DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Filed January 16, 2025

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Scott R. Manna,
Plaintiff,

vs.

Jack Sinclair,
Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2024-CP-10-04530

**DEFENDANT'S NOTICE OF MOTION AND
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

PRIORITY MATTER

PLEASE TAKE NOTICE that Defendant Jack Sinclair, Esq. ("Defendant"), by and through his undersigned attorneys, hereby moves for an Order pursuant to Rule 12(b), SCRCPP, for dismissal of Plaintiff's Complaint on one or more of the following grounds:

1. The Complaint fails as a matter of law, pursuant to Rule 12(b)(6), SCRP, for failure to state a claim upon which relief may be granted. The Complaint fails to establish that the Defendant owed a duty to the Plaintiff.

2. The Complaint fails as a matter of law pursuant to S.C. Code 15-36-100 and Rule 12(b)(6), SCRCPP. Plaintiff failed to contemporaneously file an affidavit with the Complaint.

Defendant reserves the right to supplement this motion with additional memoranda prior to a hearing. This motion is a priority matter pursuant to SCRCPP 40.

[Signature page follows.]

This 4th day of October, 2024.

Respectfully submitted,

EARHART OVERSTREET LLC

By: /s/ Robert L. Eaton

DAVID W. OVERSTREET
SC Bar No.: 16965
david@earhartoverstreet.com

ROBERT L. EATON
SC Bar No.: 106005
robert.eaton@earhartoverstreet.com

Attorneys for Defendant

P.O. Box 22528
Charleston, SC 29413
843-972-9400

3. PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO RULE 59(e), SCRPC

Filed April 10, 2025

Common Pleas

**Clerk : Julie Armstrong
Charleston County Judicial Center
Charleston, SC 29401**

Phone:(843) 958-5000 Fax:(843) 958-5020

Received From: Mannetta, Scott
7575 Morgan Way
Naples, FL 34119

Date: 4/10/2025
Receipt #: 698022
Clerk: COCRVR

Paying for: Self

Transaction Type: Payment

Reference #:

Payment Type: Credit Card \$25.00

Comment:

SC.gov Portal Fee \$1.43

Non-Refundable

Total Paid: \$26.43

Total Received: \$25.00

Change Due: \$0.00

You may check the status of your Charleston case at:

<http://www.sccourts.org/caseSearch/>

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2024CP1004530	Scott Mannetta , plaintiff, et al VS Jack Sinclaire	\$25.00	\$25.00	\$0.00

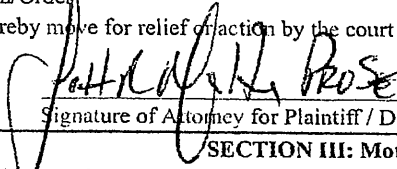


Total Cases: 1		\$25.00	\$25.00	\$0.00
		SC.gov Portal Fee:	\$1.43	
		Total Paid:	\$26.43	

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) JUDICIAL CIRCUIT
 COUNTY OF)
) CASE NO.: **2024-CP-10-04530**
)

MANNETTA)
 Plaintiff)
 vs.)
SINCLAIRE)
 Defendant)

MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: PROSE, SCOTT R. MANNETTA Bar No. _____ Address: 7575 MORGAN WAY NAPLES FL 34110 Phone: Fax 704-280-4765 E-mail: Other: _____	Defendant's Attorney: ROBERT L. EATON Bar No. 106005 Address: PO BOX 22528 CHARLESTON S Phone: Fax _____ E-mail: Other: 843-972-9406 29413
MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: ALTER/AMEND JUDGMENT UNDER RULE 59c Estimated Time Needed: TBD Court Reporter Needed: YES/NO 30 DAY EXTENSION	
SECTION II: Motion/Order Type Written motion attached <input checked="" type="checkbox"/> Form Motion/Order: _____ I hereby move for relief of action by the court as set forth in the attached proposed order.  4/10/25 Signature of Attorney for Plaintiff / Defendant Date submitted	
SECTION III: Motion Fee PAID - AMOUNT: \$ _____ EXEMPT: Rule to Show Cause in Child or Spousal Support (check reason) Domestic Abuse or Abuse and Neglect Indigent Status State Agency v. Indigent Party Sexually Violent Predator Act Post-Conviction Relief Motion for Stay in Bankruptcy Motion for Publication Motion for Execution (Rule 69, SCRPC) Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: Other:	
JUDGE'S SECTION Motion Fee to be paid upon filing of the attached order. Other: _____	JUDGE CODE Date:
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ MOTION FEE COLLECTED: \$ _____ CONTESTED - AMOUNT DUE: \$ _____	

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

Case No.: 2024-CP-10-04530

SCOTT R. MANNETTA,
Plaintiff,

v.

JACK SINCLAIRE,
Defendant.

FILED
2025 APR 10 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT

PLAINTIFFS MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO RULE 59(e), SCRPC

TO: THE HONORABLE COURT AND ALL PARTIES:

COMES NOW, Plaintiff Scott R. Mannetta, and respectfully moves this Court, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, to alter or amend the judgment dismissing his Complaint, entered following the March 27, 2025 ruling. Plaintiff respectfully shows the Court the following:

1. The Courts written order states that Plaintiff sought appointment as his son Jakes guardian. This is factually incorrect. Plaintiff never sought guardianship, but rather advocated for Jakes autonomy and his express wishes to not be placed under the limited guardianship of his mother, Dana Mannetta. This misstatement may have materially influenced the Courts interpretation of Plaintiffs intent and standing.
2. The Court also determined that no attorney-client relationship existed between Plaintiff and Defendant.

While that may be technically true, Plaintiff respectfully submits that he qualifies as a third-party beneficiary of the legal services provided to his son, Jake Mannelta. Plaintiff was directly affected by the alleged legal malpractice of Defendant, who failed to follow Jakes express legal instructions to include his father in all strategic decisions and meetings. South Carolina courts have recognized the viability of third-party legal malpractice claims under appropriate circumstances.

3. Plaintiffs Complaint alleged facts and inferences from which a duty of care can be deduced, especially given the unique fiduciary obligations of court-appointed counsel in guardianship matters, where the rights of vulnerable adults and the integrity of due process are paramount. At a minimum, this matter deserved a fuller evidentiary development before dismissal.

4. Regarding the expert affidavit requirement under S.C. Code Ann. 15-36-100, Plaintiff respectfully acknowledges the Courts position. Plaintiff made diligent efforts to retain counsel or a qualified affiant but encountered difficulty due to the procedural posture of the case and the reluctance of attorneys to opine against another member of the Bar.

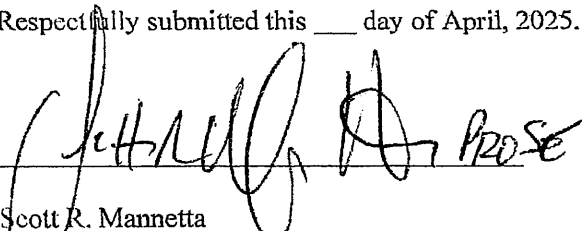
5. Plaintiff therefore respectfully requests that this Court permit a 30-day extension from the date of this motion to submit an expert affidavit, as allowed under 15-36-100(C)(1) and in the interest of justice. Courts, including in *Grier v. AMISUB*, have recognized that procedural compliance should not prevent meritorious claims from being heard on their substance.

6. Finally, dismissal of this action, especially without a complete factual record or expert analysis, would result in substantial injustice. Jake Mannelta, a vulnerable adult, has endured over a year of abuse and isolation. His father, the Plaintiff, was wrongfully excluded from participation despite his sons repeated wishes and trust. The Defendants failure to advocate, investigate alternatives, or protect Jakes rights warrants judicial scrutiny not summary dismissal.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Alter or amend the March 27, 2025 ruling;
2. Grant Plaintiff 30 days to submit a supporting expert affidavit;
3. Reopen this action so that it may proceed on the merits, consistent with the interests of justice.

Respectfully submitted this ____ day of April, 2025.



Scott R. Manna

7575 Morgan Way

Naples, FL 34119

704-280-4785

u120@yahoo.com

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

Case No.: 2024-CP-10-04530

SCOTT R. MANNETTA,
Plaintiff,

v.

JACK SINCLAIRE,
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Plaintiffs Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, dated 4/10/25, upon the following party(ies) by:

Depositing it in the United States mail, postage prepaid, addressed as follows:

Robert L. Eaton, Esq.

Earhart Overstreet LLC

1156 Bowman Road, Suite 200

Mount Pleasant, SC 29464

Date: 4/10/25

2025 APR 10 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

Scott R. Manna

Scott R. Manna



State of South Carolina
Circuit Court Judge, At-Large, Seat 1

GEORGE M. MCFADDIN, Jr.
JUDGE

215 N. HARVIN STREET
SUMTER, SOUTH CAROLINA 29150

TELEPHONE: (803) 438-2373
FAX: (803) 774-6159
E-MAIL: gmcaddinc@sccourts.org
Corey James
Law Clerk
gmcaddinc@sccourts.org
Andrea M. Morris
Administrative Assistant

DATE: 27 March 2025

TO: SCOTT MANNETTA
ROBERT L. EATON, ESQ

FROM: GEORGE M. MCFADDIN, JR.

RE: SCOTT MANNETTA, et al v. JACK SINCLAIR
2024-CP-10-04530

In this action Plaintiff alleges Defendant attorney was negligent as the court-appointed guardian of his son. Plaintiff filed his action and served the pleadings on Defendant.

Defendant asserts Plaintiff's complaint should be dismissed for these reasons.

Defendant avers that as the child's guardian he owed no duty to Plaintiff. I agree. A guardian for a minor child owes a duty to the minor to promote the best interest of the minor, not the desires of either parent. Here, it is clear that Plaintiff is not pleased with the outcome of a probate court hearing or ruling.

Defendant asserts Plaintiff failed to comply with SC Code Section 15-36-100 requiring Plaintiff to provide the affidavit address in that statute. Plaintiff asserts no affidavit is required or needed because, as he alleges, Defendant's negligence falls under or within the "common knowledge" exception. I respectfully disagree. This is a legal malpractice action. Plaintiff did not comply with the statute because plaintiff did not provide an affidavit. I note that Plaintiff states that "if an affidavit is required" he seeks leave of the court to provide one. The statute requires filing of the affidavit with the complaint; it does not saddle the

ELECTRONICALLY FILED - 2025 Mar 27 10:19 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1004530

court with the duty of informing a plaintiff that plaintiff must comply with the statute.

Accordingly, I grant Defendant's motion to dismiss Plaintiff's complaint. Thusly, this case has ended; however, I wish to grant Defendant's motion for the protective order sought protecting Defendant from further discovery requests made to Defendant since Plaintiff's action here is dismissed. Finally, having ruled that Plaintiff failed to file the required affidavit, I decline to grant Plaintiff's motion to amend his complaint to address the affidavit requirement.

I ask please that Defendant prepare a proposed order and that he send or provide Plaintiff with a copy of the proposed order. Any exceptions to this ruling must be properly presented to this office and it is within the discretion of this court regarding the holding of a hearing to address exceptions to the order.

THIS IS NOT THE FORMAL ORDER.

Respectfully submitted.

/gmmjr



Charleston Common Pleas

Case Caption: Scott Manna , plaintiff, et al VS Jack Sinclair

Case Number: 2024CP1004530

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

Electronically signed on 2025-03-27 09:57:14 page 3 of 3

4. ORDER DISMISSING COMPLAINT

Filed April 4, 2025



State of South Carolina
Circuit Court Judge, At-Large, Seat 1

GEORGE M. MCFADDIN, Jr.
JUDGE

215 N. HARVIN STREET
SUMTER, SOUTH CAROLINA 29150

TELEPHONE: (803) 436-2373
FAX: (803) 774-6159
E-MAIL: gmcfaddinlc@sccourts.org
Corey James
Law Clerk
gmcfaddinsc@sccourts.org
Andrea M. Morris
Administrative Assistant

DATE: 27 March 2025

TO: SCOTT MANNETTA
ROBERT L. EATON, ESQ

FROM: GEORGE M. McFADDIN, JR.

RE: SCOTT MANNETTA, et al v. JACK SINCLAIR
2024-CP-10-04530

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court with the duty of informing a plaintiff that plaintiff must comply with the statute.

Accordingly, I grant Defendant's motion to dismiss Plaintiff's complaint. Thusly, this case has ended; however, I wish to grant Defendant's motion for the protective order sought protecting Defendant from further discovery requests made to Defendant since Plaintiff's action here is dismissed. Finally, having ruled that Plaintiff failed to file the required affidavit, I decline to grant Plaintiff's motion to amend his complaint to address the affidavit requirement.

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THIS IS NOT THE FORMAL ORDER.

Respectfully submitted.

/gmmjr



Charleston Common Pleas

Case Caption: Scott Manna , plaintiff, et al VS Jack Sinclair

Case Number: 2024CP1004530

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Scott R. Manna,ta,

Plaintiff,

vs.

Jack Sinclair,e,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2024-CP-10-04530

**DEFENDANT’S NOTICE OF MOTION AND
MOTION TO DISMISS PLAINTIFF’S
COMPLAINT**

PRIORITY MATTER

PLEASE TAKE NOTICE that Defendant Jack Sinclair, Esq. (“Defendant”), by and through his undersigned attorneys, hereby moves for an Order pursuant to Rule 12(b), SCRCPP, for dismissal of Plaintiff’s Complaint on one or more of the following grounds:

1. The Complaint fails as a matter of law, pursuant to Rule 12(b)(6), SCRP, for failure to state a claim upon which relief may be granted. The Complaint fails to establish that the Defendant owed a duty to the Plaintiff.

2. The Complaint fails as a matter of law pursuant to S.C. Code 15-36-100 and Rule 12(b)(6), SCRCPP. Plaintiff failed to contemporaneously file an affidavit with the Complaint.

Defendant reserves the right to supplement this motion with additional memoranda prior to a hearing. This motion is a prioerty matter pursuant to SCRCPP 40.

[Signature page follows.]

This 4th day of October, 2024.

Respectfully submitted,

EARHART OVERSTREET LLC

By: /s/ Robert L. Eaton

DAVID W. OVERSTREET
SC Bar No.: 16965
david@earhartoverstreet.com

ROBERT L. EATON
SC Bar No.: 106005
robert.eaton@earhartoverstreet.com

Attorneys for Defendant

P.O. Box 22528
Charleston, SC 29413
843-972-9400

**IN THE COURT OF COMMON PLEAS FOR CHARLESTON
COUNTY
STATE OF SOUTH CAROLINA**

Scott R. Manna, Plaintiff

v.

Jack Sinclaire, Esq., Defendant

Case No.: 2024-CP-10-04530

2024 OCT - 7 PM 12:45
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
TO DISMISS AND MOTION FOR LEAVE TO AMEND**

COMES NOW the Plaintiff, Scott R. Manna, by and through himself, and respectfully submits this response in opposition to Defendant's Motion to Dismiss. In addition, Plaintiff seeks leave to amend the Complaint pursuant to Rule 15(a), SCRPC, to address procedural concerns regarding the filing of an expert affidavit under S.C. Code 15-36-100.

I. RESPONSE TO MOTION TO DISMISS

1. Defendant Owed a Clear Legal Duty

Defendant's argument that no duty was owed is incorrect. As the court-appointed attorney for Jake Manna, Defendant had a clear fiduciary duty to act in Jake's best interests, which includes respecting Jake's autonomy and his explicitly stated wishes. In guardianship cases,

attorneys have a heightened responsibility, especially when the case directly impacts personal freedoms.

The South Carolina Supreme Court has consistently held that an attorney owes their client not only a duty to provide competent legal advice but also a duty to act in the client's best interest, especially in sensitive matters like guardianship and family law. (See *Smith v. Jones*, 567 S.C. 444, 762 S.E.2d 350 (2017)).

In this case, Jake made his wishes known that he wanted Plaintiff involved in his legal strategy and decision-making. Defendant's failure to respect these wishes, and his failure to challenge the ex parte order that severely restricted Jake's rights, constitutes a breach of fiduciary duty. Defendant's actions also deprived Plaintiff of his fundamental rights as Jake's father, causing emotional and financial harm to both Plaintiff and Jake.

2. The Affidavit Requirement Should Not Be a Basis for Dismissal

Defendant's reliance on S.C. Code 15-36-100 is misplaced. While the statute requires an expert affidavit in some cases of professional negligence, not all legal malpractice claims hinge on expert testimony, particularly when the issues are procedural or clear breaches of duty.

In this case, the Defendant's failure to depose witnesses, his refusal to challenge the ex parte order, and his disregard for Jake's right to appeal are all readily understandable breaches of legal duty that do not

necessarily require expert testimony at this stage. (See *Doe v. Roe*, 456 S.C. 234, 742 S.E.2d 410 (2014)).

However, Plaintiff acknowledges the need for an affidavit if the court deems it necessary and is actively securing an expert witness to provide one. Plaintiff respectfully requests leave to amend the complaint and file the affidavit when available.

II. MOTION FOR LEAVE TO AMEND THE COMPLAINT

Pursuant to Rule 15(a) of the South Carolina Rules of Civil Procedure, Plaintiff requests leave to amend the complaint to file the required expert affidavit. The courts have routinely granted leave to amend in circumstances where procedural corrections are necessary, and in this case, granting leave would cause no undue prejudice to the Defendant while ensuring the case proceeds on its merits.

III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Honorable Court:

- 1. Deny Defendant's Motion to Dismiss;**
- 2. Grant Plaintiff's Motion for Leave to Amend the Complaint to include the expert affidavit when it becomes available;**

3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,
Scott R. Manna
7575 Morgan Way
Naples, FL 34119
(704) 280-4785
u120@yahoo.com



Date: 10/7/24

2. Response to the Motion for Protective Order

Copy and paste the following text into another document:

**IN THE COURT OF COMMON PLEAS FOR CHARLESTON
COUNTY
STATE OF SOUTH CAROLINA**

**Scott R. Manna, Plaintiff
v.
Jack Sinclair, Esq., Defendant**

Case No.: 2024-CP-10-04530

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
FOR PROTECTIVE ORDER**

COMES NOW the Plaintiff, Scott R. Manna, by and through himself, and respectfully submits this response in opposition to Defendant's Motion for Protective Order.

I. ARGUMENTS IN OPPOSITION

1. Discovery is Necessary to Reveal the Full Extent of Defendant's Misconduct

Defendant's motion seeks to delay the discovery process under the guise of waiting for a determination of justiciable cause. However, discovery is a routine and necessary step in litigation, particularly in cases involving allegations of breach of fiduciary duty and legal malpractice.

Delaying discovery would hinder Plaintiff's ability to gather crucial evidence, including communications between Defendant and other parties, records of trial preparation (or the lack thereof), and the Defendant's interactions with Plaintiff and Jake. Defendant's misconduct cannot be fully explored or proven without discovery, and granting a protective order would unjustly shield the Defendant from scrutiny.

2. No Undue Burden on the Defendant

Defendant's claims of burden and oppression are unfounded. Plaintiff's discovery requests are both reasonable and proportional to the case. The discovery sought relates directly to Defendant's legal representation of Jake and his failure to act in Jake's best interest.

Courts have the discretion to limit overly burdensome discovery requests, but Defendant has not demonstrated that any such burden exists here. Defendant should not be granted protection from discovery simply because it might expose uncomfortable truths.

3. The Harm to Plaintiff and His Son Will Be Exacerbated by Delay

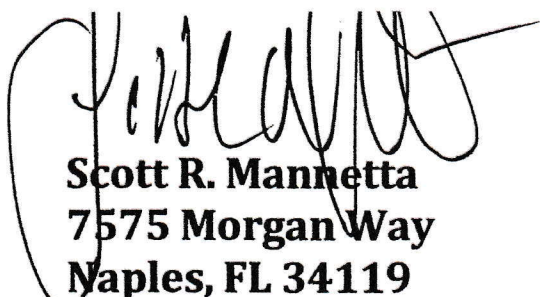
Plaintiff and his son, Jake Manna, have already suffered significant harm due to Defendant's actions. Each delay in this case prolongs the emotional distress and financial hardship being inflicted on Plaintiff and Jake. Delaying discovery will only exacerbate the harm, as crucial evidence could become harder to obtain, and the legal process will be unnecessarily prolonged.

II. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Honorable Court:

- 1. Deny Defendant's Motion for Protective Order;**
- 2. Allow discovery to proceed so that Plaintiff may gather the necessary evidence to support his claims;**
- 3. Grant such other and further relief as the Court deems just and proper.**

Respectfully submitted,



Scott R. Manna
7575 Morgan Way
Naples, FL 34119
(704) 280-4785
u120@yahoo.com

Date: 10/7/24

3. Certificate of Service

Copy and paste the following text into a third document:

**IN THE COURT OF COMMON PLEAS FOR CHARLESTON
COUNTY
STATE OF SOUTH CAROLINA**

**Scott R. Manna, Plaintiff
v.
Jack Sinclair, Esq., Defendant**

Case No.: 2024-CP-10-04530

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the following documents:

- **Plaintiff's Response to Defendant's Motion to Dismiss**
- **Plaintiff's Motion for Leave to Amend**

FILED
2024 OCT -7 PM 12:45
JULIE J. ARMSTRONG
CLERK OF COURT

- **Plaintiff's Response to Defendant's Motion for Protective Order**

Were served on Robert L. Eaton and David W. Overstreet, attorneys for Defendant Jack Sinclair, via [certified mail/email/other method of service] at the following address:

Earhart Overstreet LLC

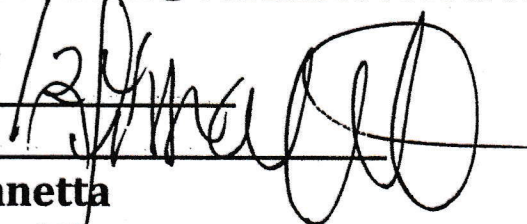
P.O. Box 22528

Charleston, SC 29413

Email: david@earhartoverstreet.com

Email: robert.eaton@earhartoverstreet.com

Date:

10/7/20


Signature:

Scott R. Manna

7575 Morgan Way

Naples, FL 34119

Common Pleas

**Clerk : Julie Armstrong
Charleston County Judicial Center
Charleston, SC 29401**

Phone:(843) 958-5000 Fax:(843) 958-5020

Received From: Mannetta, Scott
7575 Morgan Way
Naples, FL 34119

Date: 4/10/2025
Receipt #: 698022
Clerk: COCRVR

Paying for: Self

Transaction Type: Payment

Reference #:

Payment Type: Credit Card \$25.00

Comment:

SC.gov Portal Fee \$1.43

Non-Refundable

Total Paid: \$26.43

Total Received: \$25.00

Change Due: \$0.00

You may check the status of your Charleston case at:

<http://www.sccourts.org/caseSearch/>

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2024CP1004530	Scott Mannetta , plaintiff, et al VS Jack Sinclaire	\$25.00	\$25.00	\$0.00



Total Cases: 1		\$25.00	\$25.00	\$0.00
		SC.gov Portal Fee:	\$1.43	
		Total Paid:	\$26.43	

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) JUDICIAL CIRCUIT
 COUNTY OF)
) CASE NO.: 2024-CP-10-04530
)

MANNETTA)
 Plaintiff)
 vs.)
SINCLAIRE)
 Defendant)

MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: <u>PROSE, SCOTT R. MANNETTA</u> Bar No. _____ Address: <u>7575 MORGAN WAY NAPLES FL 34110</u> Phone: Fax <u>704-280-4765</u> E-mail: Other: _____	Defendant's Attorney: <u>ROBERT L. EATON</u> Bar No. <u>106005</u> Address: <u>PO BOX 22528 CHARLESTON S</u> Phone: Fax _____ E-mail: Other: <u>843-972-9406 29413</u>
MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>ALTER/AMEND JUDGMENT UNDER RULE 59c</u> Estimated Time Needed: <u>TBD</u> Court Reporter Needed: YES/NO <u>30 DAY EXTENSION</u>	
SECTION II: Motion/Order Type Written motion attached <input checked="" type="checkbox"/> Form Motion/Order: _____ I hereby move for relief of action by the court as set forth in the attached proposed order. <u>[Signature]</u> <u>PROSE</u> <u>4/10/25</u> Signature of Attorney for Plaintiff / Defendant Date submitted	
SECTION III: Motion Fee PAID - AMOUNT: \$ _____ EXEMPT: Rule to Show Cause in Child or Spousal Support (check reason) Domestic Abuse or Abuse and Neglect Indigent Status State Agency v. Indigent Party Sexually Violent Predator Act Post-Conviction Relief Motion for Stay in Bankruptcy Motion for Publication Motion for Execution (Rule 69, SCRPC) Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ Other: _____	
JUDGE'S SECTION Motion Fee to be paid upon filing of the attached order. Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ MOTION FEE COLLECTED: \$ _____ CONTESTED - AMOUNT DUE: \$ _____	

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

Case No.: 2024-CP-10-04530

SCOTT R. MANNETTA,
Plaintiff,

v.

JACK SINCLAIRE,
Defendant.

FILED
2025 APR 10 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT

PLAINTIFFS MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO RULE 59(e), SCRPC

TO: THE HONORABLE COURT AND ALL PARTIES:

COMES NOW, Plaintiff Scott R. Mannetta, and respectfully moves this Court, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, to alter or amend the judgment dismissing his Complaint, entered following the March 27, 2025 ruling. Plaintiff respectfully shows the Court the following:

1. The Courts written order states that Plaintiff sought appointment as his son Jakes guardian. This is factually incorrect. Plaintiff never sought guardianship, but rather advocated for Jakes autonomy and his express wishes to not be placed under the limited guardianship of his mother, Dana Mannetta. This misstatement may have materially influenced the Courts interpretation of Plaintiffs intent and standing.
2. The Court also determined that no attorney-client relationship existed between Plaintiff and Defendant.

While that may be technically true, Plaintiff respectfully submits that he qualifies as a third-party beneficiary of the legal services provided to his son, Jake Mannelta. Plaintiff was directly affected by the alleged legal malpractice of Defendant, who failed to follow Jakes express legal instructions to include his father in all strategic decisions and meetings. South Carolina courts have recognized the viability of third-party legal malpractice claims under appropriate circumstances.

3. Plaintiffs Complaint alleged facts and inferences from which a duty of care can be deduced, especially given the unique fiduciary obligations of court-appointed counsel in guardianship matters, where the rights of vulnerable adults and the integrity of due process are paramount. At a minimum, this matter deserved a fuller evidentiary development before dismissal.

4. Regarding the expert affidavit requirement under S.C. Code Ann. 15-36-100, Plaintiff respectfully acknowledges the Courts position. Plaintiff made diligent efforts to retain counsel or a qualified affiant but encountered difficulty due to the procedural posture of the case and the reluctance of attorneys to opine against another member of the Bar.

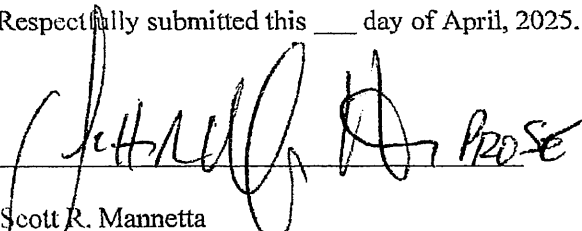
5. Plaintiff therefore respectfully requests that this Court permit a 30-day extension from the date of this motion to submit an expert affidavit, as allowed under 15-36-100(C)(1) and in the interest of justice. Courts, including in *Grier v. AMISUB*, have recognized that procedural compliance should not prevent meritorious claims from being heard on their substance.

6. Finally, dismissal of this action, especially without a complete factual record or expert analysis, would result in substantial injustice. Jake Mannelta, a vulnerable adult, has endured over a year of abuse and isolation. His father, the Plaintiff, was wrongfully excluded from participation despite his sons repeated wishes and trust. The Defendants failure to advocate, investigate alternatives, or protect Jakes rights warrants judicial scrutiny not summary dismissal.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Alter or amend the March 27, 2025 ruling;
2. Grant Plaintiff 30 days to submit a supporting expert affidavit;
3. Reopen this action so that it may proceed on the merits, consistent with the interests of justice.

Respectfully submitted this ____ day of April, 2025.



Scott R. Manna

7575 Morgan Way

Naples, FL 34119

704-280-4785

u120@yahoo.com

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

Case No.: 2024-CP-10-04530

SCOTT R. MANNETTA,
Plaintiff,

v.

JACK SINCLAIRE,
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Plaintiffs Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, dated 4/10/25, upon the following party(ies) by:

Depositing it in the United States mail, postage prepaid, addressed as follows:

Robert L. Eaton, Esq.

Earhart Overstreet LLC

1156 Bowman Road, Suite 200

Mount Pleasant, SC 29464

Date: 4/10/25

2025 APR 10 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

Scott R. Manna

Scott R. Manna



State of South Carolina
Circuit Court Judge, At-Large, Seat 1

GEORGE M. MCFADDIN, Jr.
JUDGE

215 N. HARVIN STREET
SUMTER, SOUTH CAROLINA 29150

TELEPHONE: (803) 438-2373
FAX: (803) 774-6159
E-MAIL: gmcfadclinc@sccourts.org
Corey James
Law Clerk
gmcfadclinc@sccourts.org
Andrea M. Morris
Administrative Assistant

DATE: 27 March 2025

TO: SCOTT MANNETTA
ROBERT L. EATON, ESQ

FROM: GEORGE M. MCFADDIN, JR.

RE: SCOTT MANNETTA, et al v. JACK SINCLAIR
2024-CP-10-04530

In this action Plaintiff alleges Defendant attorney was negligent as the court-appointed guardian of his son. Plaintiff filed his action and served the pleadings on Defendant.

Defendant asserts Plaintiff's complaint should be dismissed for these reasons.

Defendant avers that as the child's guardian he owed no duty to Plaintiff. I agree. A guardian for a minor child owes a duty to the minor to promote the best interest of the minor, not the desires of either parent. Here, it is clear that Plaintiff is not pleased with the outcome of a probate court hearing or ruling.

Defendant asserts Plaintiff failed to comply with SC Code Section 15-36-100 requiring Plaintiff to provide the affidavit address in that statute. Plaintiff asserts no affidavit is required or needed because, as he alleges, Defendant's negligence falls under or within the "common knowledge" exception. I respectfully disagree. This is a legal malpractice action. Plaintiff did not comply with the statute because plaintiff did not provide an affidavit. I note that Plaintiff states that "if an affidavit is required" he seeks leave of the court to provide one. The statute requires filing of the affidavit with the complaint; it does not saddle the

ELECTRONICALLY FILED - 2025 Mar 27 10:19 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1004530

court with the duty of informing a plaintiff that plaintiff must comply with the statute.

Accordingly, I grant Defendant's motion to dismiss Plaintiff's complaint. Thusly, this case has ended; however, I wish to grant Defendant's motion for the protective order sought protecting Defendant from further discovery requests made to Defendant since Plaintiff's action here is dismissed. Finally, having ruled that Plaintiff failed to file the required affidavit, I decline to grant Plaintiff's motion to amend his complaint to address the affidavit requirement.

I ask please that Defendant prepare a proposed order and that he send or provide Plaintiff with a copy of the proposed order. Any exceptions to this ruling must be properly presented to this office and it is within the discretion of this court regarding the holding of a hearing to address exceptions to the order.

THIS IS NOT THE FORMAL ORDER.

Respectfully submitted.

/gmmjr



Charleston Common Pleas

Case Caption: Scott Manna , plaintiff, et al VS Jack Sinclair

Case Number: 2024CP1004530

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

Electronically signed on 2025-03-27 09:57:14 page 3 of 3

Nature of Action (Check one box below)

Contracts

- Constructions (100)
- Debt Collection (110)
- General (130)
- Breach of Contract (140)
- Fraud/Bad Faith (150)
- Failure to Deliver/Warranty (160)
- Employment Discrim (170)
- Employment (180)
- Other (199)

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- Dental Malpractice (200)
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 - Notice of Intent Case #
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- Notice File. Med Mal (230)
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- Mandamus (520)
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- Automobile Arb. (610)
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- Pharmaceuticals (630)
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- Out of State Depositions (650)
- Motion to Quash Subpoena in an Out of County Action (660)
- Pre-Suit Discovery (670)
- Permanent Restraining Order (680)
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- Zoning Board (970)
- Public Service Comm. (990)
- Employment Service Comm. (991)
- Other (999)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Civil Action Coversheet

SCOTT R. MANNETTA,
Plaintiff(s)

v.

JACK SINCLAIRE,
Defendant(s)

Case No. 2024-CP-10-04530

Submitted By: SCOTT R. MANNETTA
Address: 7575 MORGAN WAY
NAPLES, FL. 34114

SC Bar Number:
Telephone #: 704-280-4785
Fax #:
Other:
Email: U120@YAHOO.COM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

DOCKETING INFORMATION (Check all that apply)

****If Action is Judgment/Settlement do not complete***

- JURY TRIAL** demanded in complaint.
- NON-JURY TRIAL** demanded in complaint.
- This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Submitting Party Signature: 

Date: MAY 5, 2025

Nature of Action (Check one box below)

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STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
CHARLESTON COUNTY – TENTH JUDICIAL CIRCUIT
CASE NO. 2024-CP-10-04530

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Plaintiff, SCOTT R. MANNETTA, hereby appeals to the South Carolina Court of Appeals from the final Order entered on April 21, 2025, and any underlying orders or rulings incorporated therein, including the Order Denying Plaintiff's Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRPC, in the above-captioned case.

This appeal is taken pursuant to Rules 203(b)(1) and 203(d)(1)(B) of the South Carolina Appellate Court Rules. The Plaintiff respectfully reserves all rights to raise issues preserved below and/or newly arising in connection with the lower court's judgment, including:

- Judicial reliance on a material factual misstatement regarding Plaintiff's alleged intent to seek guardianship;
- The erroneous dismissal of legally viable causes of action, including third-party beneficiary claims and professional negligence;
- Denial of Plaintiff's motion without proper consideration of procedural fairness or statutory rights under S.C. Code Ann. § 15-36-100(C).

Respectfully submitted this 5th day of May, 2025.



Scott R. Manna
7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
704-280-4785

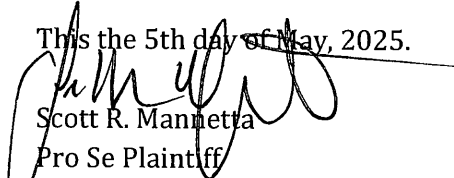
FILED
2025 MAY -5 AM 11:58
JULIE J. ANASTROPO
CLERK OF COURT

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Notice of Appeal upon the following party by placing a copy in the U.S. Mail, first-class postage prepaid, addressed as follows:

Robert A. Eaton, Esq.
878 Whipple Rd
Mt Pleasant, SC 29464

This the 5th day of May, 2025.



Scott R. Mannetta
Pro Se Plaintiff
(Signature)

7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
704-280-4785

FILED
2025 MAY -5 AM 11:58
JULIA ARMSTRONG
CLERK OF COURT

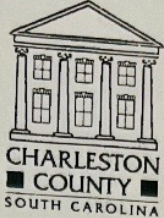
5. NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

(Order Denying Motion to Alter, Amend or Vacate Prior Order)

Filed April 21, 2025

Notice Mailed April 22, 2025

CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

1328 

SCOTT R MANNETTA
7575 MORGAN WAY
NAPLES FL 34119-9844

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order Denying Motion to Alter, Amnd or Vacate Prior Order

CASE NO: 2024CP1004530
Scott Mannelta , plaintiff, et al VS Jack Sinclair

This judgment was entered on the 21st day of April, 2025, and notice mailed first class on Tuesday, April 22, 2025, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

6. NOTICE OF APPEAL

Filed May 5, 2025

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Civil Action Coversheet

SCOTT R. MANNETTA
Plaintiff(s)

v.
JACK SINCLAIRE
Defendant(s)

Case No. 2024-CP-10-04530

Submitted By: SCOTT R. MANNETTA
Address: 7575 MORGAN WAY
NAPLES, FL 34119

SC Bar Number:
Telephone #: 704-280-4785
Fax #:
Other:
Email: U120@YAHOO.COM

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Submitting Party Signature: 

Date: MAY 5, 2025

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- Municipal (930)
- Probate Court (940)
- SCDOT (950)
- Worker's Comp (960)
- Zoning Board (970)
- Public Service Comm. (990)
- Employment Service Comm. (991)
- Other (999)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Civil Action Coversheet

SCOTT R. MANNETTA,
Plaintiff(s)

v.

JACK SINCLAIRE,
Defendant(s)

Case No. 2024-CP-10-04530

Submitted By: SCOTT R. MANNETTA
Address: 7575 MORGAN WAY
NAPLES, FL. 34114

SC Bar Number:
Telephone #: 704-280-4785
Fax #:
Other:
Email: U120@YAHOO.COM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

DOCKETING INFORMATION (Check all that apply)

****If Action is Judgment/Settlement do not complete***

- JURY TRIAL** demanded in complaint.
- NON-JURY TRIAL** demanded in complaint.
- This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Submitting Party Signature: 

Date: MAY 5, 2025

Nature of Action (Check one box below)

Contracts

- Constructions (100)
- Debt Collection (110)
- General (130)
- Breach of Contract (140)
- Fraud/Bad Faith (150)
- Failure to Deliver/Warranty (160)
- Employment Discrim (170)
- Employment (180)
- Other (199)

Torts- Professional Malpractice

- Dental Malpractice (200)
 - Legal Malpractice (210)
 - Medical Malpractice (220)
 - Notice of Intent Case #
-
- Notice File. Med Mal (230)
 - Other (299)

Torts- Personal Injury

- Conversion (310)
- Motor Vehicle Accident (320)
- Premises Liability (330)
- Products Liability (340)
- Personal Injury (350)
- Wrongful Death (360)
- Assault/Battery (370)
- Slander/Libel (380)
- Other (399)

Inmate Petitions

- PCR (500)
- Mandamus (520)
- Habeas Corpus (530)
- Other (599)

Real Property

- Claim & Delivery (400)
- Condemnation (410)
- Foreclosure (420)
- Mechanic's Lien (430)
- Partition (440)
- Possession (450)
- Building Code Violation (460)
- Other (499)

Judgments/Settlements

- Death Settlement (700)
- Foreign Judgment (710)
- Magistrate's Judgment (720)
- Minor Settlement (730)
- Transcript Judgment (740)
- Lis Pendens (750)
- Transfer of Structured Settlement Application Payment Rights (760)
- Confession of Judgment (770)
- Petition for Workers Compensation Settlement Approval (780)
- Incapacitated Adult Settlement (790)
- Other (799)

Administrative Law/Relief

- Reinstate Driver's License (800)
- Judicial Review (810)
- Relief (820)
- Permanent Injunction (830)
- Forfeiture- Petition (840)
- Forfeiture- Consent Order (850)
- Other (899)

Special/Complex/Other

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Out of State Depositions (650)
- Motion to Quash Subpoena in an Out of County Action (660)
- Pre-Suit Discovery (670)
- Permanent Restraining Order (680)
- Interpleader (690)
- Other (699)

Appeals

- Arbitration (900)
- Magistrate- Civil (910)
- Magistrate- Criminal (920)
- Municipal (930)
- Probate Court (940)
- SCDOT (950)
- Worker's Comp (960)
- Zoning Board (970)
- Public Service Comm. (990)
- Employment Service Comm. (991)
- Other (999)

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
CHARLESTON COUNTY – TENTH JUDICIAL CIRCUIT
CASE NO. 2024-CP-10-04530

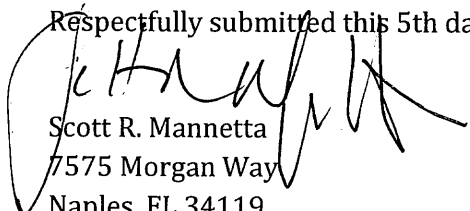
NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Plaintiff, SCOTT R. MANNETTA, hereby appeals to the South Carolina Court of Appeals from the final Order entered on April 21, 2025, and any underlying orders or rulings incorporated therein, including the Order Denying Plaintiff's Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRCP, in the above-captioned case.

This appeal is taken pursuant to Rules 203(b)(1) and 203(d)(1)(B) of the South Carolina Appellate Court Rules. The Plaintiff respectfully reserves all rights to raise issues preserved below and/or newly arising in connection with the lower court's judgment, including:

- Judicial reliance on a material factual misstatement regarding Plaintiff's alleged intent to seek guardianship;
- The erroneous dismissal of legally viable causes of action, including third-party beneficiary claims and professional negligence;
- Denial of Plaintiff's motion without proper consideration of procedural fairness or statutory rights under S.C. Code Ann. § 15-36-100(C).

Respectfully submitted this 5th day of May, 2025.


Scott R. Manna
7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
704-280-4785

2025 MAY -5 AM 11:58
JUDITH ANASTROPO
CLERK OF COURT

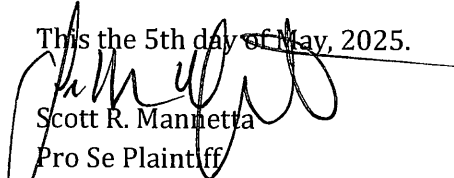
FILED

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Notice of Appeal upon the following party by placing a copy in the U.S. Mail, first-class postage prepaid, addressed as follows:

Robert A. Eaton, Esq.
878 Whipple Rd
Mt Pleasant, SC 29464

This the 5th day of May, 2025.



Scott R. Mannetta
Pro Se Plaintiff
(Signature)

7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
704-280-4785

FILED
2025 MAY -5 AM 11:58
JULIA ARMSTRONG
CLERK OF COURT

7. MOTION TO FILE NOTICE OF APPEAL NUNC PRO TUNC

Filed July 2, 2025

Scott R. Manna
7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
July 2, 2025

Clerk of the South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, SC 29211

RE: Notice of Appeal & Motion to File Nunc Pro Tunc
Appellate Case No.: 2025-001313

Dear Clerk,

Enclosed please find the following for filing in the above-referenced matter:

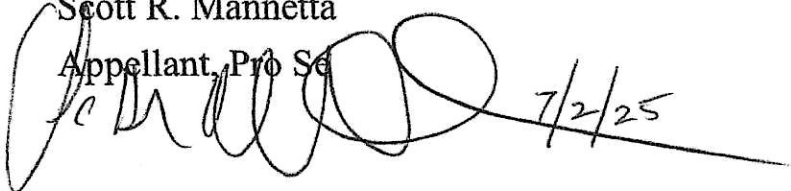
1. Corrected Notice of Appeal (pursuant to Form 1 of Appendix C to Part II of the SCACR)
2. Motion for Leave to File Notice of Appeal Nunc Pro Tunc
3. Certificate of Service

Please let me know if any further information or correction is required. I am also enclosing payment for the \$250 appeal fee and the \$50 motion fee, as indicated in your July 2, 2025 deficiency letter.

Thank you for your assistance.

Sincerely,

Scott R. Manna
Appellant, Pro Se



7/2/25

IN THE SOUTH CAROLINA COURT OF APPEALS

Scott R. Manna, Appellant

v.

Jack Sinclair, Respondent

Appellate Case No.: 2025-001313

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the following documents:

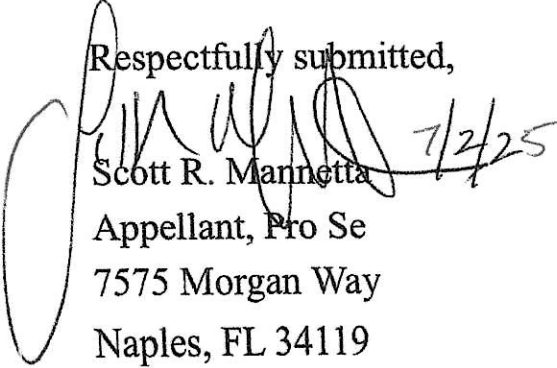
- Corrected Notice of Appeal (SCACR Form 1 Format)
- Motion for Leave to File Notice of Appeal Nunc Pro Tunc

upon the Respondent's counsel by depositing a copy of the same in the United States Mail, first class postage prepaid, properly addressed to:

Robert Lubs Eaton, Esquire
PO Box 22528
Charleston, SC 29413

This the 2nd day of July, 2025.

Respectfully submitted,

 7/2/25
Scott R. Manna

Appellant, Pro Se
7575 Morgan Way
Naples, FL 34119

IN THE SOUTH CAROLINA COURT OF APPEALS

Scott R. Manna, Appellant

v.

Jack Sinclair, Respondent

Appellate Case No.: 2025-001313

MOTION FOR LEAVE TO FILE NOTICE OF APPEAL NUNC PRO TUNC

COMES NOW the Appellant, Scott R. Manna, Pro Se, and respectfully moves this Honorable Court pursuant to Rule 203(b)(1) of the South Carolina Appellate Court Rules (SCACR) and all applicable law, for leave to file a Notice of Appeal nunc pro tunc, and as grounds therefore states as follows:

1. Appellant timely submitted a Notice of Appeal to the Charleston County Clerk of Court on May 5, 2025. Said filing was accepted and docketed by the clerk's office and appears on the public index.
2. The clerk on duty at the time advised the Appellant that the filing was complete and no further action was required. Based on this representation, Appellant believed in good faith that the appeal had been properly initiated.
3. On June 30, 2025, Appellant was advised by the Court of Appeals that the Notice of Appeal had not been received and that no appellate case had been docketed.
4. On July 2, 2025, Appellant received a letter assigning appellate case number 2025-001313, but noting a deficiency based on the timing and format of the original Notice of Appeal.
5. The failure to transmit the notice to the Court of Appeals and to provide timely guidance regarding any filing deficiencies was due entirely to administrative or clerical error, not Appellant's fault.
6. Denying Appellant the right to appeal under these

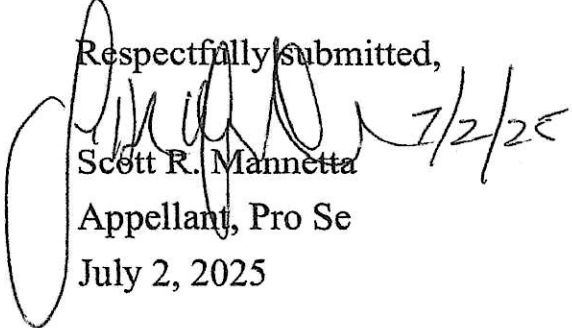
WHEREFORE

, Appellant respectfully requests that this Court

grant leave to file the Notice of Appeal nunc pro tunc

and accept the filing as timely, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

 7/2/25
Scott R. Manna

Appellant, Pro Se

July 2, 2025

IN THE SOUTH CAROLINA COURT OF APPEALS

Scott R. Manna, Appellant,

v.

Jack Sinclair, Respondent.

Appellate Case No.: 2025-001313

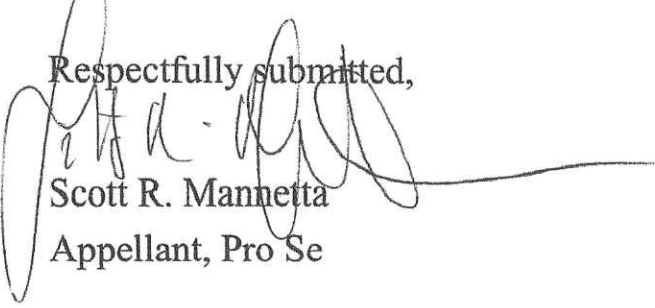
NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that the Appellant, Scott R. Manna, hereby appeals to the South Carolina Court of Appeals from the final order or judgment entered in the lower court.

1. Name of Court Appealed From: Charleston County Circuit Court
2. Name of Judge: McFaddin, George.M Jr.
3. Circuit Court Case Number: 2024-CP-10-04530
4. Date of Order Being Appealed: 04/04/2025
5. Date Appellant Received Written Notice of Entry of the Order: 04/17/2025
6. Name of Appellant: Scott R. Manna
7. Appellant's Address and Telephone:
7575 Morgan Way
Naples, FL 34119
~~[Insert Phone Number]~~ 704-280-4785
8. Name and Address of Counsel for Respondent (if known):
Robert Lubs Eaton, Esquire
PO Box 22528
Charleston, SC 29413

A copy of the order being appealed is attached hereto. A

Respectfully submitted,


Scott R. Manna

Appellant, Pro Se

July 2, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Scott R. Manetta,)
)
Plaintiff,)
)
vs.)
)
Jack Sinclair,)
)
Defendant.)
)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-10-04530

ORDER

This matter came before the Court on February 28, 2025, for a hearing on three motions; (1) a Motion to Dismiss and (2) a Motion for Protective Order filed by the Defendant, Jack Sinclair, Esq. (hereinafter the “Attorney” or the “Defendant”) and (3) a Motion to Amend the Complaint by the Plaintiff, Scott R. Manna. The Motions were heard in open court (Webex videoconference). Appearing and arguing on behalf of the Defendant was Robert L. Eaton, Esq. Appearing and arguing on his own behalf was the Plaintiff, Scott R. Manna, *pro se*.

Having considered the arguments of counsel and the Plaintiff, the written submissions and pleadings on file, the Court hereby **GRANTS** the Defendant’s Motion to Dismiss and Motion for Protective Order and **DENIES** Plaintiff’s Motion to Amend. The Court finds and concludes as follows:

FACTS

This case arises out of the Defendant’s court-appointed representation of Jake Manna (hereinafter “Jake”), the adult son of Plaintiff, in a guardianship matter in the Charleston County Probate Court, styled *Jake Manna, a ward, Dana Manna v. Jake Manna, an alleged incapacitated individual and Scott Manna, next of kin*, Case No. 2022-GC-10-0078.

Plaintiff, who was a Respondent in that matter, sought appointment as Jake's guardian. Following a final hearing on October 10, 2023, the Probate Court appointed Jake's mother, Dana Mannetta (Plaintiff's ex-wife), as sole limited guardian. The Honorable Lenna S. Kirchner entered a formal Order on January 22, 2024, appointing Dana as guardian.

Plaintiff initiated this action on September 10, 2024, alleging legal malpractice, arising from the Defendant's strategic decisions during his representation of Jake in the guardianship matter. Defendant was served with the Summons and Complaint on or about September 12, 2024, and subsequently filed his Motion to Dismiss and Motion for Protective Order on October 4, 2024. Plaintiff filed his Motion to Amend and a Response to the Motion to Dismiss on October 7, 2024.

I. STANDARD OF REVIEW

"In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on allegations set forth in the complaint. Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). If the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would not entitle the plaintiff to relief on any theory, then dismissal under Rule 12(b)(6) is proper.

Id.

II. LEGAL CONCLUSIONS

Defendant Owed No Duty to the Plaintiff

Plaintiff alleges legal malpractice arising out of the Defendant's representation of Jake in the guardianship matter. However, as a court-appointed attorney, Defendant's duty was to Jake, not to the Plaintiff.

"In an action for legal malpractice, the claimant must prove four elements: (1) the existence of an attorney-client relationship; (2) breach of a duty by the attorney; (3) damage to the client;

and (4) proximate causation of the client's damages by the breach." McNair v. Rainsford, 330 S.C. 332, 342, 499 S.E.2d 488, 493 (Ct. App. 1998). "A plaintiff in a legal malpractice action must generally establish the standard of care by expert testimony." Id. at 342, 499 S.E.2d at 494; *see also* Mali v. Odom, 295 S.C. 78, 80, 367 S.E.2d 166, 168 (Ct. App. 1988) ("A plaintiff in a legal malpractice case must ordinarily establish by expert testimony the standard of care, unless the subject matter is of common knowledge to laypersons.")

The Court finds that there was no attorney-client relationship between the Plaintiff and Defendant. Defendant was appointed solely to represent Jake, and no duty was owed to Plaintiff. As such, Plaintiff's claim for legal malpractice fails as a matter of law and must be dismissed.

Plaintiff Failed to Comply with SC Code § 15-36-100

Defendant also argues that Plaintiff failed to comply with S.C. Code § 15-36-100, which requires the contemporaneous filing of an expert affidavit in professional negligence actions, including those against attorneys. Plaintiff asserts that the affidavit was unnecessary under the "common knowledge" exception.

The Court finds that Plaintiff's claims of malpractice arising from the Defendant's strategic decisions during his representation of Jake in the guardianship action do not fall within the ambit of common knowledge such that the exception would apply. *See* Mali v. Odom, S.C. at 80. Therefore, Plaintiff was required to file an expert affidavit in compliance with § 15-36-100.

Moreover, the statute does not impose any duty upon the Court to notify a plaintiff of its requirements. It is the responsibility of the litigant to comply with statutory prerequisites to filing suit. Plaintiff's failure to do so renders the Complaint subject to dismissal.

Because Plaintiff failed to demonstrate an attorney-client relationship or a duty owed, and because his claims are procedurally deficient under § 15-36-100, the Court finds that granting

leave to amend the Complaint would be futile. Accordingly, Plaintiff's Motion to Amend is denied. See Health Promotion Specialists, LLC v. S.C. Bd. of Dentistry, 403 S.C. 623, 632, 743 S.E.2d 808, 812 (2013) (motion to amend is within the discretion of the trial court).

III. CONCLUSION

In conclusion, the Court finds that viewing the Complaint in the light most favorable to the Plaintiff, dismissal is warranted for Defendant. Therefore, Defendant Jack Sinclaire, Esq.'s Motion to Dismiss is GRANTED. Defendant's request for Protection from Discovery is hereby GRANTED, Plaintiff's Motion to Amend his Complaint is DENIED and this case is hereby DISMISSED.

IT IS SO ORDERED

April __, 2025
Charleston, South Carolina

George M. McFaddin, Jr.
Circuit Court Judge



Charleston Common Pleas

Case Caption: Scott Manna , plaintiff, et al VS Jack Sinclair
Case Number: 2024CP1004530
Type: Order/Dismissal

So Ordered

S/George M. McFaddin, Jr., #2759

Electronically signed on 2025-04-04 11:35:26 page 6 of 6

8. CERTIFICATE OF SERVICE

IN THE COURT OF APPEALS OF SOUTH
CAROLINA

RECEIVED

May 28 2026

SC Court of Appeals

Scott R. Manna, Appellant,

v.

Jack Sinclair, Respondent.

Appellate Case No. 2025-001313

Lower Court Case No. 2024-CP-10-04530

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing
Supplemental

Record on Appeal was served upon counsel for Respondent by
electronic mail

and/or United States Mail, postage prepaid, this 27th day of
May, 2026,

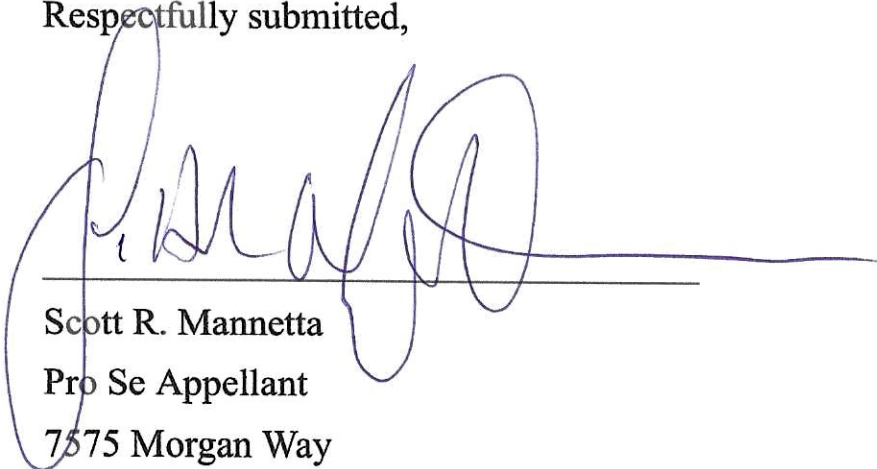
addressed as follows:

David W. Overstreet, Esquire
Earhart Overstreet, LLC

P.O. Box 22528
Charleston, SC 29413

Elizabeth Koeman Garrett, Esquire
Earhart Overstreet, LLC
P.O. Box 22528
Charleston, SC 29413

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott R. Manna", is written over a horizontal line. The signature is highly stylized and cursive.

Scott R. Manna

Pro Se Appellant

7575 Morgan Way

Naples, FL 34119

704-280-4785

u120@yahoo.com