

RECEIVED

Jun 18 2026

SC Court of Appeals

EMERGENCY MOTION TO VACATE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jessica A Salvini, Circuit Court Judge

Case No. 2014CP-23-00815

Sabrina D. Davis,

Appellant

v.

Bankers Life And Casualty
Company,

Respondent.

Emergency Motion to Vacate Judgments

Sabrina D Davis
112 Botany Dr
Laurens, South Carolina 29260
(864) 982-1799
Pro Se

* 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.

JURISDICTIONAL ALLEGATIONS

1. Sabrina Davis is a resident and citizen of Greenville, South Carolina.
2. Upon information and belief Bankers Life and Casualty Company is a corporation organized and existing under the laws of South Carolina with its principal place of business located in Chicago, Illinois.

FACTUAL ALLEGATIONS

3. On or about August 2018 Davis submitted a motion to vacate the dismissal for insufficient service pertaining to the above captioned case.
4. Judge Perry refused to vacate the improper dismissal and instead issued a new judgment that no court will honor.
5. The new judgment declared the Court no longer had jurisdiction over the case and should be resolved by the district court instead.
6. Davis appealed the order arguing that the Court lacked authority to give jurisdiction to the federal court and did not adhere to correct removal procedures to cede jurisdiction to the federal court.
7. The appeals court affirmed the ruling of the Court due to Davis's inability to pay the filing fee.
8. Davis submitted her argument to the South Carolina Supreme Court.
9. The South Carolina Supreme Court refused to rule on the matter citing no extraordinary reason existed to entertain the motion in the court's original jurisdiction.
10. Davis submitted a writ of certiorari to the United States Supreme Court and it was denied
11. Davis submitted the judgment to the district court and the appeals court with the argument that the judgment was a void judgment.
12. Both courts cited Rooker-Feldman and refused to void the judgment. Both courts failed to observe that Davis was ordered by the state court to seek resolution in federal court.
13. Davis presented the judgment for enforcement to the district court.

14. The district court refused to honor the judgment.
15. Davis submitted an application for assistance to the Court of Common Pleas Clerk of Court.
16. Davis was accused of submitting fraudulent documents to the court.
17. Davis submitted a mandamus to get the district court to enforce the judgment.
18. The mandamus was denied.
19. Davis submitted a writ of certiorari and it was denied.

FOR A CAUSE OF ACTION
(Violation of Due Process)

20. The judgment issued by Judge Renee ignored S.C. Code 15-3-20(B) which grants litigants 120 days to accomplish service, not the 96 days the Court provided Davis
21. The US Supreme Court ruled in *Henderson v. US*(517 U.S. 654)(1996)., that time for service is not subjected to judicial reduction.
22. Equality of the law is the fundamental basic right of due process and to treat Davis by allowing her less time that is allowed by the law to accomplish process of service violates the principles of fairness and promotes discrimination.
23. Removal from state court to federal court is not proper in the above captioned case because the case does not qualify for removal nor were removal procedures followed in the case. The removal procedures are as follows:

- a. Only defendants may initiate removal
- b. Removal based on diversity, amount-in-controversy must exceed \$75,000.

- 24. Judge Perry H. Gravely failed to adhere to the rules for removal in the above captioned case and ignored the requirement of 28 U.S.C. 1332.
- 25. While Judge Gravely's judgment acknowledged that the case against Bankers was refiled, he tried to treat the refiled case as an amended complaint.
- 26. The federal court has refused acknowledgement of case 2014-CP-23-00815 and has refused to allow judicial notice to be accepted that an identical case was filed in the South Carolina Court of Common Pleas.
- 27. The federal court has refused to enforce the judgment issued by Judge Gravely.
- 28. Judge Alison Renee Lee failed to adhere to S.C. Code 15-20-3(B) and ignored US Supreme Court precedent established by Henderson(1996).
- 29. The judicial system's failure to adhere to state and federal laws, court rules and case precedents has resulted in a complete failure of due process for Davis.

2nd CAUSE OF ACTION
DEMAND TO VACATE JUDGMENTS

30. This matter has been presented to the highest court in the land and not one court has followed the law and any legal procedure that displayed impartiality of the judiciary.
31. The courts (both state and federal) have engaged in affirmation bias and discrimination against the Plaintiff.
32. Laws were violated solely in the Defendant's favor.
33. The South Carolina Court of Appeals willfully allowed the statute of limitations expire in the case and granted an arbitrary ruling after the case sat on its docket for 1 year and 10 months.
34. Due process not only requires giving proper notice but also allowing the litigant the correct amount of time to give the notice. South Carolina grants litigants 120 days to accomplish service.
35. The court failed to observe the law, therefore the improper dismissal should be vacated forthwith.

WHEREFORE, the Plaintiff, Sabrina D Davis, prays that the court vacate both judgments that violate due process and that supersedes the jurisdiction of the court. Davis asks the court to respect and honor the laws that protect her case and provide justice for any party that brings a matter before the court.

June 11, 2026

Respectfully submitted,

Sabrina D Davis
112 Botany Dr
Laurens, South Carolina 29260
(864) 982-1799
Pro se

RECEIVED

Jun 18 2026

SC Court of Appeals

EMERGENCY LEGAL MEMORANDUM

TO: South Carolina Court of Appeals
FROM: Sabrina Davis
DATE: June 11, 2026
RE: *Sabrina D Davis v. Bankers Life and Casualty Company* Case# 2014CP2300815

Supremacy Clause

Federal law and US Supreme Court case precedent

28 U.S.C. § 1332 establishes federal diversity jurisdiction, requiring (1) complete diversity of citizenship between parties and (2) an amount in controversy exceeding \$75,000, exclusive of interest and costs.

The amount in controversy for Case 2014CP2300815 is \$40,000.

The judgment issued by Judge Gravely is a void judgment.

In Henderson v. US, 217 U.S. 654 (1996), we conclude that the 120-day provision operates not as an outer limit subject to reduction, but as an irreducible allowance that is not subject to judicial reduction.

The judgment issued by Judge Lee violates due process and ignores US Supreme Court precedent and intrudes on Davis's due process rights.

South Carolina Law and Court Rules

SECTION 15-3-20. General rule as to time for commencement.

(A) Civil actions may only be commenced within the periods prescribed in this title after the cause of action has accrued, except when, in special cases, a different limitation is prescribed by statute.

(B) A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing.

South Carolina allows 120 days to accomplish service.

RULE 41

DISMISSAL OF ACTIONS; NON-SUIT

(b) Involuntary Dismissal: Non-suit; Effect Thereof. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him. After the plaintiff in an action tried by the court without a jury has completed the presentation of his evidence, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief.

RULE 60

RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, leave to correct the mistake must be obtained from the appellate court. The ending of a term of court or departure from the circuit shall not operate to deprive the trial judge of jurisdiction to correct such mistakes. A party filing a written motion under this rule shall provide a copy of the motion to the judge within ten (10) days after the filing of the motion.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

- (1)** mistake, inadvertence, surprise, or excusable neglect;
- (2)** newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3)** fraud, misrepresentation, or other misconduct of an adverse party;
- (4)** the judgment is void;

(5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. During the pendency of an appeal, leave to make the motion must be obtained from the appellate court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

Note:

This Rule 60 is drawn from the Federal Rule. There are minor changes in the language of the Federal Rule. The last sentence of 60(a) was added permitting the trial judge to correct clerical errors even after departure from the circuit. Rule 60(b) deletes subsection (6) of the Federal Rule which permits relief for "any other reason justifying relief from the operation of the judgment." In the Federal Rule subsection (6) has created ambiguity about what is included.

Finally, Rule 60(b) provides, leave to make the motion need not be obtained from any appellate court except during such time as an appeal from the judgment is actually before the appellate court. This permits the motion to be made before the trial court. The United States Supreme Court approved a similar result in *Standard Oil Co. v. U.S.*, 429 U.S. 17, 97 S.Ct. 31, 50 L.Ed.2d 21 (1976). This change will not, except in civil actions, affect S.C. Supreme Court Rule 24, Motions for New Trial upon After-discovered Evidence, which now requires leave by the Supreme Court before the motion can be made in the trial court.

Rule 60(b) is substantially the same as Code § 15-27-130. There are two differences. First, existing State law provides for relief from a "judgment taken against him through his mistake." Rule 60(b) deletes "his" and thus there may be a motion for relief from other mistakes. Second, the statute provides that the relief must be sought within one year. This Rule retains the one year limitation for Rule 60(b)(1)-(3) for mistake, inadvertence, excusable neglect, newly-discovered evidence, and fraud; but permits relief under Rule 60(b)(4) and (5) after one year, but within a "reasonable time" when the judgment is void or the judgment has been satisfied, avoiding the necessity of bringing a new action to set aside the judgment in such cases after one year

The court has erroneously labeled my motion under rule 59 but it is an action under Rule 60 of the South Carolina Rules of Civil Procedure.

Issues that must be considered in this case:

1. Davis appealed her case and it sat in the South Carolina Court of Appeals for nearly 2 years.
2. Davis submitted a motion for reconsideration to Judge Lee.
3. Judge Lee made a claim that she had examined South Carolina law and could not find one single provision that prevented her from dismissing the case for insufficient process of service.
4. Judge Lee ignored South Carolina law that allowed 120 days to accomplish service on purpose and should not be considered a mistake.
5. Judge Gravely issued a judgment that was void from inception and refused to remove it or grant Davis a hearing to discuss the means to enforce his order.
6. It was disclosed to the Court that the federal courts were refusing to acknowledge case 2014CP2300815.

SUMMARY

The 14th Amendment guarantees that equality under the law and due process to all born in the United States. However, this court is trying to deny those protections in this case. This court has issued orders/judgments that violate and ignore the law. A dismissed case is a dismissed case. Jurisdiction does not transfer from a dismissed case to a refiled case. Sabrina D Davis is addressing the improper dismissal of case 2014CP2300815 and the jurisdiction in that case remains in the state court. The federal court cannot review a judgment issued by a state court(Rooker-Feldman). Any violations that occurred in case 2014CP2300815 must be addressed by the court that rendered the judgment. As for reasonable time as required by Rule 60 of SCRCF, Davis has satisfied that burden. The judgments entered by Judge Lee and Judge Gravely are void judgments that violate the law and ignore case precedent.

Respectfully submitted