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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
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(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,

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