

THE STATE OF SOUTH CAROLINA
(In the Court of Appeals)

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SC Court of Appeals

APPEAL FROM SUMTER COUNTY
Common Pleas

R. Kirk Griffin, Circuit Court Judge

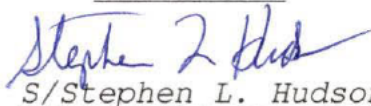
Appellate Case No. 2026-000212

Claude Helton,Appellant,

V.

Sumter County Sheriff's Department,Respondent.

RECORD ON APPEAL


S/Stephen L. Hudson

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP4301088

Claude Helton
PLAINTIFF(S)

Sherriffs Department Sumter County of
DEFENDANT(S)

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), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

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:

This matter is before the Court pursuant to Rule 59 (e) SCRPC. The Plaintiff seeks an Order of this Court amending or altering its Order of October 28, 2025. A hearing was held on December 8, 2025. Having duly considered the motion to dismiss, this Court has determined that its original Order dated October 28, 2025, is fully supported by the law and the evidence and is hereby ratified and reconfirmed. The motion to alter or amend the earlier Order is therefore DENIED. AND IT IS SO ORDERED.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/29/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

2



Sumter Common Pleas

Case Caption: Claude Helton VS Earl Fulwood Jr , defendant, et al
Case Number: 2023CP4301088
Type: Order/Electronic Form 4

So Ordered

s/ R. Kirk Griffin 2768

Electronically signed on 2025-12-29 12:01:17 page 3 of 3



State of South Carolina
The Circuit Court of the Third Judicial Circuit

R. Kirk Griffin
Judge

215 North Harvin Street, Suite 226
Sumter, SC 29150
Phone: (803) 436-2150
Fax: (803) 436-2403
rgriffin@sccourts.org

October 14, 2025

TO: STEVEN L. HUDSON, ESQ.
STEVEN R. SPREEUWERS, ESQ.

FROM: R. KIRK GRIFFIN

RE: CLAUDE HELTON V. EARL FULWOOD, JR. ET AL.
2023-CP-43-01088

This matter was heard on September 22, 2025. After reviewing the issue under advisement, the arguments of counsel, the pleadings, and all memoranda submitted, the Court respectfully grants Defendant Sumter County Sheriff's Department's Motion to Dismiss.

The Court concludes that the Summons and Complaint were filed outside the applicable statute of limitations. This case is governed by the holding in *Tanyel v. Osborne*, 312 S.C. 473 (1994). Mr. Spreeuwers, please prepare an order granting the motion to dismiss consistent with your written submissions and oral argument within 15 days. Please provide Mr. Hudson an opportunity to review it. Then please submit it to efile for my review and I will accept if proper.

If you have any questions, please feel free to contact my office.

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS

Claude Helton,)

Plaintiff,)

C/A #: 2023-CP-43-01088

v.)

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

Sumter County Sheriff's Department,)

Defendant.)

RECEIVED

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SC Court of Appeals

This matter came before the Court on September 22, 2025, on the defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. For the reasons set forth below, this Court finds that the plaintiff filed the Summons and Complaint outside the applicable statute of limitations and, therefore, dismisses the plaintiff's Complaint.

Plaintiff filed his initial Complaint on July 11, 2023, and an Amended Complaint¹ on August 17, 2023, seeking damages for a personal injury claim arising from a June 30, 2021, motor vehicle accident. Plaintiff alleges a single cause of action for negligence, asserting that defendant's employee, Earl Fulwood, Jr., while acting in the course and scope of his duties as a Deputy of the Sumter County Sheriff's Department, failed to yield the right of way, causing the plaintiff to collide with defendant's vehicle.

The applicable statute of limitations for bringing a claim pursuant to the South Carolina Tort Claims Act against a governmental entity, including the Sumter County Sheriff's Office, is two (2) years. S.C. Code Ann. § 15-78-110 ("[A]ny action brought pursuant to this

¹ Given that both the Complaint and Amended Complaint were filed after expiration of the Statute of Limitations, the Court need not address any distinction between the two filings.

chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered.”).

The motor vehicle accident occurred on June 30, 2021. However, Plaintiff asserts that the statute did not begin to run on the date of the accident but, instead, began to run months later when he discovered additional evidence supporting a claim of negligence against the defendant. However, the “statute of limitations ... beg[ins] to run when the plaintiff should know that he might have a potential claim against another person, not when the plaintiff develops a full-blown theory of recovery.” *Tanyel v. Osborne*, 312 S.C. 473, 475, 441 S.E.2d 329, 330 (Ct. App. 1994). Similarly, the he South Carolina Supreme Court has explained that a plaintiff should know that he or she has a claim and “upon the date of discovery of the injury, not the date of discovery of the wrongdoer.” *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994). For motor vehicle accidents, therefore, the statute of limitations begins to run on the date of the accident. *See id.* (affirming and holding that the statute of limitations began to run on the date of the motor vehicle accident not at the time plaintiff “was actually able to investigate her case, discover a cause of action existed, and determine who or what caused her injury”); *see also, Tanyel*, 312 S.C. at 476, 441 S.E.2d at 331 (holding that plaintiff “witnessed the physical involvement of the bus in the accident. This fact, standing alone, gave him notice that he might have a potential claim against the bus driver. This notice triggered the statute of limitations, rather than the discovery of evidence actually supporting the potential claim.”).

The motor vehicle accident at issue in the present matter occurred on June 30, 2021. Therefore, this Court finds that plaintiff had notice of a potential claim on June 30, 2021, and the statute of limitations began to run on June 30, 2021. Plaintiff filed the Complaint on July 11, 2023.

Therefore, this Court finds that the plaintiff failed to file his Complaint within the applicable statute of limitation pursuant to S.C. Code Ann. § 15-78-110.

For the reasons set forth herein, the Complaint in the above-entitled action is dismissed.

AND IT IS SO ORDERED.

The Honorable R. Kirk Griffin
Third Judicial Circuit

Sumter, South Carolina

October __, 2025



Sumter Common Pleas

Case Caption: Claude Helton VS Earl Fulwood Jr , defendant, et al
Case Number: 2023CP4301088
Type: Order/Dismissal

So Ordered

s/ R. Kirk Griffin 2768

Electronically signed on 2025-10-28 16:01:01 page 4 of 4

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER	)	
	)	DOCKET NO.: 2023-CP-43-01088
CLAUDE HELTON,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	AMENDED SUMMONS
	)	(JURY TRIAL DEMANDED)
SUMTER COUNTY SHERIFF'S	)	
DEPARTMENT,	)	
	)	
DEFENDANT.	)	
_____	)	

TO: ANTHONY DENNIS, SUMTER COUNTY SHERIFF

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action of which a copy is herewith served upon you and to serve a copy of your Answer on the subscriber at his office, 2008 Marion Street, Suite G, Columbia, South Carolina 29201, within thirty (30) days after service thereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, a judgment by Default will be rendered against you for relief demanded in this Complaint.

LAW OFFICE OF STEPHEN L. HUDSON

S/Stephen L. Hudson
 Stephen L. Hudson, SC Bar 13159
 2008 Marion Street, Suite G
 Columbia, South Carolina 29201
 (803) 765-9177/FAX (803) 765-9091
 hudsonstephen@bellsouth.net

Columbia, South Carolina

August 17, 2023.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER	)	
	)	DOCKET NO.: 2023-CP-43-01088
CLAUDE HELTON,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	AMENDED COMPLAINT
	)	(Auto Accident/Negligence)
SUMTER COUNTY SHERIFF'S	)	
DEPARTMENT,	)	
	)	
DEFENDANT.	)	

The Plaintiff, above named, complaining of the Defendant, would respectfully show unto this Honorable Court as follows:

1. The Plaintiff is a citizen of the County of Sumter, State of South Carolina.

2. The Defendant, Sumter County Sheriff's Department is an State entity, organized and existing under the laws of the State of South Carolina, and does business in Sumter, County State of South Carolina. The Plaintiff is further informed and believes that Earl Fulwood, Jr. at the time of the incident complained of below was employed as a Sheriff's Deputy for Sumter County, and acting in his capacity as a Sheriff's employee and agent. Further that Anthony Dennis, is the Sheriff of Sumter County.

3. The Plaintiff is informed and believes that on June 30, 2021 the Plaintiff, Claude Helton was driving South on US 521; and Earl Fulwood, Jr. was traveling North on Secondary 911.

4. That at the same time and place, the Defendant's agent Earl Fulwood, Jr. failed to yield the right of way, entered US 521, causing the Plaintiff, to collided with Defendant's vehicle.

5. Earl Fulwood, Jr. was at the time in the employ of the Sumter County Sheriff's Department. The Plaintiff is informed and believes that Anthony Dennis is the Sheriff of Sumter County.

6. That as a result of said collision, Plaintiff, Claude Helton, suffered great bodily injury, which caused Plaintiff, and will cause Plaintiff in the future, to incur medical expenses, to suffer tremendous pain and suffering, permanent injury and to lose time form work and lost wages.

FOR A FIRST CAUSE OF ACTION

(Negligence)

7. That all allegations set forth above herein area realleged as if set forth verbatim.

8. That at the time and place mentioned above, Earl Fulwood, Jr., was negligent, grossly negligent, reckless, willful and wanton, in one or more of the following particulars, to wit:

- a. In failing to keep a proper lookout;
- b. In failing to keep the vehicle under proper control;
- c. In failing to yield the right of way;
- d. In driving too fast for conditions;
- e. In failing to take any evasive action, by any means, to avoid a collision;
- f. In failing to act as a reasonable person would under similar circumstances,

any or all of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein, said acts being in violation of the laws of the State of South Carolina.

9. That at the time and place mentioned above, the Defendant was negligent, grossly negligent, reckless, willful and wanton, in one or more of the following particulars, as it pertains to instructing Earl Fulwood, Jr., in how to avoid failing in the following particulars to wit:

- a. In failing to keep a proper lookout;
- b. In failing to keep the vehicle under proper control;
- c. In failing to yield the right of way;
- d. In driving too fast for conditions;
- e. In failing to take any evasive action, by any means, to avoid a collision;
- f. In failing to act as a reasonable person would under similar circumstances,

any or all of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein, said acts being in violation of the laws of the State of South Carolina.

10. The Plaintiff, Claude Helton, is informed and does believe that he is entitled to judgment against the Defendant for actual damages, for the costs of the damage done to him, for the cost of this action, and for such other and further relief as the Court may deem just and proper.

WHEREFORE having fully set forth the Complaint, the Plaintiff, Claude Helton prays for judgment against the Defendant, in a sum to be determined by a jury, actual damages in a reasonable amount, for the cost of the this action and for such other and further relief as this Court may deem just and proper.

LAW OFFICE OF STEPHEN L. HUDSON

S/Stephen L. Hudson

Stephen L. Hudson, SC Bar 13159
2008 Marion Street, Suite G
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(803) 765-9177/FAX (803) 765-9091
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Columbia, South Carolina

August 17, 2023.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER	)	
	)	DOCKET NO.:
CLAUDE HELTON,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	SUMMONS
	)	(JURY TRIAL DEMANDED)
EARL FULWOOD, JR. AND	)	
ANTHONY DENNIS, SHERIFF	)	
	)	
DEFENDANTS.	)	

TO: EARL FULWOOD, JR. AND ANTHONY DENNIS, DEFENDANTS

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action of which a copy is herewith served upon you and to serve a copy of your Answer on the subscriber at his office, 2008 Marion Street, Suite G, Columbia, South Carolina 29201, within thirty (30) days after service thereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, a judgment by Default will be rendered against you for relief demanded in this Complaint.

LAW OFFICE OF STEPHEN L. HUDSON

S/Stephen L. Hudson
 Stephen L. Hudson, SC Bar 13159
 2008 Marion Street, Suite G
 Columbia, South Carolina 29201
 (803) 765-9177/FAX (803) 765-9091
 hudsonstephen@bellsouth.net

Columbia, South Carolina

July 11, 2023.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER	)	
	)	DOCKET NO.:
CLAUDE HELTON,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	COMPLAINT
	)	(Auto Accident/Negligence)
EARL FULWOOD, JR. AND	)	
ANTHONY DENNIS, SHERIFF	)	
	)	
DEFENDANTS.	)	
	)	

The Plaintiff, above named, complaining of the Defendants, would respectfully show unto this Honorable Court as follows:

1. The Plaintiff is a citizen of the County of Sumter, State of South Carolina.

2. The Defendants are upon information and belief, citizens and residents of the County of Sumter, State of South Carolina. The Plaintiff is further informed and believes that the Defendant, Earl Fulwood, Jr. at the time of the incident complained of below was employed as Sheriff's Deputy for Sumter County. Further that the Defendant, Anthony Dennis, is the Sheriff of Sumter County.

3. The Plaintiff is informed and believes that on June 30, 2021 the Plaintiff, Claude Helton was driving South on US 521; and the Defendant, Earl Fulwood, Jr. was traveling North on Secondary 911.

4. That at the same time and place, the Defendant Earl Fulwood, Jr. failed to yield the right of way, entered US 521, causing the Plaintiff, to collided with Defendant's vehicle.

5. The Defendant, Earl Fulwood, Jr. was at the time in the employ of the Sumter County Sheriff's Department. The Plaintiff is informed and believes that the Defendant, Anthony Dennis is the Sheriff of Sumter County.

6. That as a result of said collision, Plaintiff, Claude Helton, suffered great bodily injury, which caused Plaintiff, and will cause Plaintiff in the future, to incur medical expenses, to suffer tremendous pain and suffering, permanent injury and to lose time from work and lost wages.

FOR A FIRST CAUSE OF ACTION

(Negligence)

7. That all allegations set forth above herein area realleged as if set forth verbatim.

8. That at the time and place mentioned above, the Defendant, Earl Fulwood, Jr., was negligent, grossly negligent, reckless, willful and wanton, in one or more of the following particulars, to wit:

- a. In failing to keep a proper lookout;
- b. In failing to keep the vehicle under proper control;
- c. In failing to yield the right of way;
- d. In driving too fast for conditions;
- e. In failing to take any evasive action, by any means, to avoid a collision;

f. In failing to act as a reasonable person would under similar circumstances, any or all of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein, said acts being in violation of the laws of the State of South Carolina.

9. That at the time and place mentioned above, the Defendant, Anthony Dennis, was negligent, grossly negligent, reckless, willful and wanton, in one or more of the following particulars, as it pertains to instructing Earl Fulwood, Jr., in how to avoid failing in the following particulars to wit:

- a. In failing to keep a proper lookout;
- b. In failing to keep the vehicle under proper control;
- c. In failing to yield the right of way;
- d. In driving too fast for conditions;
- e. In failing to take any evasive action, by any means, to avoid a collision;
- f. In failing to act as a reasonable person would under similar circumstances,

any or all of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein, said acts being in violation of the laws of the State of South Carolina.

10. The Plaintiff, Claude Helton, is informed and does believe that he is entitled to judgment against the Defendants for actual damages, for the costs of the damage done to him, for

the cost of this action, and for such other and further relief as the Court may deem just and proper.

WHEREFORE having fully set forth the Complaint, the Plaintiff, Claude Helton pray for judgment against the Defendants Earl Fulwood, Jr., and Anthony Dennis, in a sum to be determined by a jury, actual damages in a reasonable amount, for the cost of the this action and for such other and further relief as this Court may deem just and proper.

LAW OFFICE OF STEPHEN L. HUDSON

S/Stephen L. Hudson
Stephen L. Hudson, SC Bar 13159
2008 Marion Street, Suite G
Columbia, South Carolina 29201
(803) 765-9177/FAX (803) 765-9091
hudsonstephen@bellsouth.net

Columbia, South Carolina

July 11, 2023.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
Claude Helton,	)	
	)	C/A #: 23-CP-43-01088
Plaintiff,	)	
	)	
v.	)	DEFENDANT'S ANSWER TO
	)	AMENDED COMPLAINT
Sumter County Sheriff's Department,	)	(Jury Trial Requested)
	)	
Defendant.	)	
_____	)	

The Defendant, Sumter County Sheriff's Department, answers the Amended Complaint of the Plaintiff as follows:

FOR A FIRST DEFENSE

1. The Summons and Amended Complaint fail to state facts sufficient to constitute a cause of action. The Defendant reserves the right to file a motion pursuant to Rule 12(b)(6), SCRPC.

FOR A SECOND DEFENSE

2. The Defendant denies each and every allegation of the Plaintiff's Amended Complaint not hereinafter specifically admitted.

3. As to Paragraph 1, the Defendant lacks sufficient information to form a belief as to the truth and veracity of those allegations, and therefore, denies them and demands strict proof thereof.

4. As to Paragraph 2, the Defendant admits only the Sumter County Sheriff's Office is a governmental entity according to South Carolina Code Ann. § 15-78-30(d) and the Sumter County Sheriff is a constitutional officer of the State of South Carolina.

5. As to Paragraphs 3 and 4, the Defendant admits only on June 30, 2021, a collision occurred on US 521 / Camden Highway.

6. Paragraph 5 is admitted.

7. Paragraph 6 is denied.

7. As to Paragraph 7, the Defendant incorporates each and every response and affirmative defense contained in this Answer as if stated verbatim herein.

8. Paragraphs 8, 9, and 10 are denied.

FOR A THIRD DEFENSE

9. The Defendant alleges immunity from suit and liability under the doctrine of sovereign immunity.

FOR A FOURTH DEFENSE

10. The Defendant pleads as a defense to Plaintiff's action of all of the immunities and limitations provided by the South Carolina Tort Claims Act ("SCTCA"), including, but not limited, to South Carolina Code Ann. § 15-78-60 (1), (2), (3), (4), (5), (6), (17), and (20).

FOR A FIFTH DEFENSE

11. Plaintiff fails to state a claim for which relief may be granted as to his causes of action for: (1) negligence.

FOR A SIXTH DEFENSE

12. The Plaintiff's claim is barred by the application of the statute of limitations contained in the South Carolina Tort Claims Act in that the accident occurred on June 30, 2021, and this action was filed on August 17, 2023, more than two years after the cause of action accrued. S.C. Code § 15-78-110.

FOR A SEVENTH DEFENSE

13. The Defendant is not subject to punitive damages, under the South Carolina Tort Claims Act ("SCTCA") which states, "No award for damages under this chapter shall include punitive or exemplary damages or interest prior to judgment." South Carolina Code Ann. § 15-78-120(b). All claims of entitlement to punitive damages against the Defendant should be dismissed and/or stricken from the Complaint.

FOR AN EIGHTH DEFENSE

14. The Defendant is immune from suit pursuant to the South Carolina Tort Claims Act ("SCTCA"), but not limited to, South Carolina Code Ann. § 15-78-70.

FOR A NINTH DEFENSE

15. The Defendant alleges, upon information and belief, any damages or injuries to Plaintiff was caused by his own acts, omissions, and conduct.

FOR A TENTH DEFENSE

16. The Defendant alleges and asserts the actions of Plaintiff were voluntary and intentional on his part and were made or taken by him with knowledge of the risk of injury or harm, and by reason of which, the Defendant pleads assumption of the risk and/or *volenti non fit injuria*.

FOR AN ELEVENTH DEFENSE

17. The Defendant is entitled to the protections of the limitations on recovery contained in the South Carolina Tort Claims Act ("SCTCA"), including, but not limited to, South Carolina Code Ann. § 15-78-120.

FOR A TWELFTH DEFENSE

18. The Defendant, upon information and belief, alleges any injuries or damages allegedly suffered by Plaintiff, without admitting the same to be true, were due to and caused entirely by the negligence of Plaintiff, which is more than Defendant's negligence, and as such is a complete bar to Plaintiff's recovery herein. Further, the Defendant, upon information and belief, alleges if Plaintiff's negligence was less than Defendant's negligence, such negligence should be compared to the negligence of the Defendant, so as to apportion the relative fault as to each party.

FOR A THIRTEENTH DEFENSE

18. Any damages or injuries sustained by Plaintiff, if any, were the direct, sole, and proximate result of the negligent, grossly negligent, careless, reckless, willful and wanton conduct of a third party, which bars any recovery.

FOR A FOURTEENTH DEFENSE

19. The Defendant's employees were at all times relevant hereto government officials performing discretionary functions, and therefore, the Defendant is entitled to immunity as a matter of law.

FOR A FIFTEENTH DEFENSE

20. The Defendant alleges and asserts that, at all times pertinent, its employee was acting within the course, scope and authority of his official duties as a police officer for the Sumter County Sheriff's Department, that he was acting pursuant to lawful authority, that he was acting in the good faith performance of his duties as a Sheriff's Deputy, that he was acting without malice and in the exercise of due care, and his actions were, at all times, lawful, reasonable and justified under the circumstances.

WHEREFORE, having fully answered the Amended Complaint of the Plaintiff, the Defendant, Sumter County Sheriff's Department, prays that the Amended Complaint be dismissed with prejudice, for the costs of this action and for such other and further relief as the Court deems just and proper.

MORRISON LAW FIRM, LLC

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Attorney for Defendant

Columbia, South Carolina

September 8, 2023

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
Claude Helton,	)	
	)	C/A #: 2023-CP-43-01088
Plaintiff,	)	
	)	
v.	)	DEFENDANT'S NOTICE OF MOTION AND
	)	MOTION TO DISMISS
Sumter County Sheriff's Department,	)	
	)	
Defendant.	)	
_____	)	

YOU WILL PLEASE TAKE NOTICE the defendant, Sumter County Sheriff's Department, by and through the undersigned attorneys, hereby move before the Presiding Judge of the Court of Common Pleas for Sumter County, on the tenth (10th) day after service hereof, or as soon thereafter as counsel may be heard, or at such time and place as may be set by the Court, for an Order dismissing this lawsuit against the defendant for violation of the statute of limitations for such actions as codified in S.C. Code Ann. § 15-78-110.

According to both the plaintiff's Complaint and the plaintiff's Amended Complaint, the alleged automobile incident and injury occurred on June 30, 2021. Am. Compl. ¶3. Plaintiff has alleged claims of negligence against the defendant for the alleged actions of its employee acting in the course and scope of his duties as a Deputy of the Sumter County Sheriff's Department. Am. Compl. ¶2. Pursuant to S.C. Code Ann. § 15-78-110, the statute of limitations for filing this action is two years. Plaintiff filed his initial Complaint on July 11, 2023, and his Amended Complaint on August 17, 2023. The filing of both the Complaint and Amended Complaint occurred after the statute of limitations expired on June 30, 2023. Therefore, the plaintiff's Amended Complaint should be dismissed because it was not timely filed pursuant to S.C. Code Ann. § 15-78-110.

This Motion will be supported by a memorandum, affidavits, and the applicable law that will be filed prior to or at the time of the hearing in this matter. Further, the undersigned attorneys certify that consultation with opposing counsel was not required due to the nature of the Motion.

GARFIELD SPREEUWERS LAW GROUP

s/Rachel M. Hutchens

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rachel@gslawsc.com

Counsel for Defendant

Columbia, South Carolina
April 8, 2025

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Claude Helton,

Plaintiff,

v.

Sumter County Sheriff's Department,

Defendant.

IN THE COURT OF COMMON PLEAS

C/A #: 2023-CP-43-01088

**DEFENDANT'S MEMORANDUM IN
SUPPORT OF MOTION TO DISMISS**

The defendant, Sumter County Sheriff's Department, by and through the undersigned attorneys, hereby submits this memorandum in support of its Motion to Dismiss plaintiff's Complaint as barred by the statute of limitations. As set forth more fully below, the above-stated Complaint was not filed within the applicable two-year statute of limitations and should be dismissed as a matter of law against the defendant, Sumter County Sheriff's Department.

BACKGROUND

The plaintiff seeks damages for a personal injury claim arising from a June 30, 2021, motor vehicle accident. Am. Compl. ¶3. Plaintiff alleges that defendant's employee, Earl Fulwood, Jr., while acting in the course and scope of his duties as a Deputy of the Sumter County Sheriff's Department, failed to yield the right of way, causing the plaintiff to collide with defendant's vehicle. Am. Compl. ¶4. Plaintiff filed his initial Complaint, alleging a single cause of action for negligence, on July 11, 2023. In his initial Complaint, plaintiff named Earl Fulwood, Jr. and Anthony Dennis, Sheriff, as defendants. Plaintiff then filed an Amended

Complaint on August 17, 2023, based upon the same allegations but, appropriately, naming Sumter County Sheriff's Department as the sole defendant.

STANDARD

"Under Rule 12(b)(6), SCRCP, a defendant may make a motion to dismiss based on a failure to state facts sufficient to constitute a cause of action." *Baird v. Charleston Cty.*, 333 S.C. 519, 527, 511 S.E.2d 69, 73 (1999). A circuit court's "ruling on a 12(b)(6) motion must be based solely upon the allegations set forth on the face of the complaint." *Stiles v. Onorato*, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995). Indeed, "[i]t is a well-settled principle that[,] in resolving a Rule 12(b)(6) motion to dismiss, the court is limited to a consideration of the allegations contained within the four corners of the complaint." *Charleston Cty. Sch. Dist. v. Harrell*, 393 S.C. 552, 559, 713 S.E.2d 604, 608 (2011). "Viewing the evidence in favor of the plaintiff, the motion must be granted if facts alleged in the complaint and inferences reasonably deducible therefrom do not entitle the plaintiff to relief on any theory of the case." *Brown v. Theos*, 338 S.C. 305, 309–10, 526 S.E.2d 232, 235 (Ct. App. 1999) (quoting *Jarrell v. Petoseed Co., Inc.*, 331 S.C. 207, 209, 500 S.E.2d 793, 794 (Ct. App. 1998)).

ARGUMENT

I. Plaintiff's Complaint and Amended Complaint were filed after expiration of the applicable statute of limitations.

The South Carolina Tort Claims Act is the "exclusive remedy for any tort committed by a governmental entity, its employees, or its agents." S.C. Code Ann. §15-78-20(b); *see also* S.C. Code Ann. §15-78-200. ("[T]he 'South Carolina Tort Claims Act' is the exclusive and sole remedy for any tort committed by an employee of a governmental entity while acting within the scope of the employee's official duty."). The statute of limitations for bringing a claim pursuant to the South Carolina Tort Claims Act against a governmental entity, such as the Sumter County

Sheriff's Office, is two (2) years. S.C. Code Ann. § 15-78-110 (“[A]ny action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered.”).

The motor vehicle accident and, therefore, the date of loss in the present case occurred on June 30, 2021. Am. Compl. ¶3. Therefore, the statute of limitations to bring a claim against this defendant expired two (2) year later on June 30, 2023. Plaintiff filed his initial Complaint on July 11, 2023, and his Amended Complaint on August 17, 2023.¹ The filing of both the Complaint and Amended Complaint occurred after the statute of limitations expired on June 30, 2023. Consequently, the plaintiff's Amended Complaint should be dismissed because it was not timely filed pursuant to S.C. Code Ann. § 15-78-110. *See City of N. Myrtle Beach v. Lewis-Davis*, 360 S.C. 225, 231, 599 S.E.2d 462, 464 (Ct. App. 2004) (“Unless an action is commenced before expiration of the limitations period, the plaintiff's claim is normally barred.”).

II. The Statute of Limitations began to run on the date of the accident.

As plaintiff discusses in his Opposition to the present Motion, plaintiff had two (2) years to bring a claim “after the date the loss was or should have been discovered.” S.C. Code Ann. § 15-78-110. South Carolina case law charges plaintiffs with reasonable diligence in discovering a loss and bringing a claim within the statute of limitations. “The exercise of reasonable diligence means simply that an injured party must act with some promptness where the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some right of his has been invaded or that some claim against another party might exist. The statute of limitations begins to run from this point and not when advice of counsel is sought or a

¹ Given that both the Complaint and Amended Complaint were filed after expiration of the Statute of Limitations, the defendant need not address any distinction between the two filings.

full-blown theory of recovery developed.” *Snell v. Columbia Gun Exchange, Inc.*, 276 S.C. 301, 303, 278 S.E.2d 333, 334 (1981).

The South Carolina Supreme Court has clearly stated that the statute of limitations begins to run “upon the date of discovery of the injury, not the date of discovery of the wrongdoer.” *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994). For motor vehicle accidents, therefore, the statute of limitations begins to run on the date of the accident. *See id.* (affirming and holding that the statute of limitations began to run on the date of the motor vehicle accident not at the time plaintiff “was actually able to investigate her case, discover a cause of action existed, and determine who or what caused her injury”).

The important date under the discovery rule is the date that a plaintiff discovers the injury, not the date of the discovery of the identity of another alleged wrongdoer. If, on the date of injury, a plaintiff knows or should know that she had some claim against someone else, the statute of limitations begins to run for all claims based on that injury.

Id., citing *Tollison v. B & J Machinery Co., Inc.*, 812 F.Supp. 618, 620 (D.S.C.1993).

In his Opposition – and contrary to South Carolina law discussed above – plaintiff asserts that the statute of limitations in this matter did not begin to run on the date of his injury, which was the date of his accident. Instead, plaintiff argues that the statute began to run no earlier than four months after the accident, on October 29, 2021, when he received a second accident report issued by the South Carolina Department of Motor Vehicles. Plaintiff reasons that this was the date plaintiff “knew that the Defendant’s driver was responsible for the accident” and, therefore, the date he knew or should have known that a cause of action existed. This assertion is incorrect pursuant to South Carolina law and applies a subjective test to establish the time of discovery of plaintiff’s injury, which the South Carolina Supreme Court has expressly rejected, holding that a subjective test “does not accord with well settled law.” *Id.* At 128-29, 442 S.E.2d at 170.

Instead, plaintiff “should have been aware of a potential claim on the date of the accident; therefore, the statute of limitations began to run at that time.” *Id.* (emphasis added).²

The date of plaintiff’s accident was June 30, 2021. Am. Compl. ¶3. Therefore, the date of plaintiff’s injury was June 30, 2021, and the statute of limitations began to run on June 30, 2021. Consequently, the statute of limitations expired on June 30, 2023. As the filing of both the Complaint and Amended Complaint occurred after June 30, 2023, plaintiff’s Amended Complaint should be dismissed for violation of the applicable statute of limitations. *See* S.C. Code Ann. § 15-78-110.

CONCLUSION

As set forth above, plaintiff’s Complaint and Amended Complaint were filed after the expiration of the statute of limitations, which began to run on the date of the motor vehicle accident at issue. Therefore, the Court should dismiss plaintiff’s claims against the defendant, Sumter County Sheriff’s Department as barred by the statute of limitations. *See* S.C. Code Ann. § 15-78-110.

² Although Defendant maintains it is not necessary for purposes of the above analysis, Plaintiff’s assertion that, subjectively, he did was not aware that he had a potential cause of action against the Defendant until October of 2021 is incorrect. On July 7, 2021, Plaintiff’s counsel issued a Letter of Representation regarding the incident to the Defendant’s insurer announcing representation of the Plaintiff for claims against the Defendant associated with the accident. Again, Defendant maintains that this inquiry is not necessary as the statute of limitations began to the run on the date of the accident and not the subjective date on which Plaintiff believes became aware of a potential claim. Nevertheless, the Letter of Representation indicates that Plaintiff was, also, subjectively aware of a potential claim against the Defendant at least as of July 7, 2021, and Plaintiff’s Complaint was not filed until over two (2) years later, on July 11, 2023. Upon request, any documentations associated with pre-suit correspondence between the parties can be produced to the Court.

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September 19, 2025

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF SUMTER) C/A No.: 2023-CP-43-01088
)
 CLAUDE HELTON,)
) **PLAINTIFF'S NOTICE OF MOTION**
 PLAINTIFF,) **AND MOTION IN OPPOSITION AND**
) **RETURN TO DEFENDANT'S MOTION**
 VS.) **TO DISMISS**
)
 SUMTER COUNTY)
 SHERIFF'S DEPARTMENT,)
 DEFENDANT.)

STANDARD OF REVIEW

The facts must be viewed in the light most favorable to the plaintiff (non-moving party), meaning the court must interpret the facts in a way that is most beneficial to the plaintiff's case.

South Carolina Code of Law

The South Carolina Code of Law section 15-78-100, reads, ..." an action for damages under this chapter may be instituted at any time within two years after the loss was or should have been discovered".

South Carolina Case Law

South Carolina recognized the "Discovery Rule" when determining if a claimant failed to act timely and did if they ran afoul of the Statute of Limitations. The Statute of Limitations starts to run when an injured party knows or should have known that they have a cause of action due to someone else wrongful conduct. In applying the Discovery Rule, South Carolina seeks to determine if the injured party reasonably exercised their duty to investigate.

In the present case, the Plaintiff made efforts to find out what the investigating officer determined what or who caused the collision. The Plaintiff first received an FR-10 contemporaneous with the collision. He then sought an updated report by request it through the South Carolina Department of Motor Vehicles, first on August 4, 2021 and found an amended report date July 11, 2021, that indicted that the investigation was not complete. The Plaintiff again requested a second accident report in January 12, 2022, which produced a report dated October

29, 2021. It was with this report that the Plaintiff knew, that the Defendant's driver was responsible for the collision. In the case of Dean v Ruscon Corp. 468 S.E.2d 645 (1996) the Court citing Johnston v. Bowen, 313 S.C. 61, 384 S.E.2d 45 (1993) and Snell v. Columbia Gun Exchange, Inc. 276 S.C. 301, 278 S.E.2d 333 (1981); stated "According to the discovery rule, statute of limitations begins to run when a cause of action reasonably ought to have been discovered. The statute runs from the date the injured party either knows or should have known by the exercising of reasonable diligence. That the injured party must act with some promptness when the facts and circumstances of the injury place a reasonable person of common knowledge and experience on notice that a claim against another party might exist.

Factual Allegations

In the present action, the Plaintiff was involved in an auto accident on June 30, 2021. However at that time there was no determination as to who was responsible for the collision and by extension if there was a loss that may have been actionable.

At the time of the collision, the Plaintiff was unable to determined what if any reason the Defendant's employee had for driving in the manner in which he was driving, or what he was actually doing at the time of the collision. At the scene of the collusion, the matter was investigated by South Carolina Highway Patrol, who on June 30, 2021, could not determined who contributed to the collision. See FR-10 of June 30, 2021.

The Plaintiff in an effort to determined the facts of the collision, thought it reasonable to secure the results of the SCHP's investigation, requested an accident report on August 04, 2021, from the South Carolina Department of Motor Vehicles. The report did not indicate which party may have contributed to the collision. This report was dated July 11, 2021. See Attached. The report did however state that the findings were "Pending MAIT Investigation" with, yet again, meant no determination was made as to who contributed to the collision.

The Plaintiff in a further effort to determined the result of the SCHP's investigation, and who may have been responsible for the collision, requested for a second time, on January 12, 2022, a report, from the South Carolina Department of Motor Vehicles , which was dated

October 29, 2021, this FR-10, indicated that the Defendant had contributed to the collision while the Plaintiff had not.

The Plaintiff asserts that the date he knew of or should have discovered the loss, was January 12, 2022, but no earlier than October 29, 2021.

Conclusion

The Plaintiff commenced this action on July 11, 2023, and filed Amended pleadings on August 17, 2023, both filings were before October 29, 2023, which was two years from the earliest time when the Plaintiff *should have discovered the loss*. The Plaintiff exercised reasonable diligence and acted with promptness in carrying out his duty to investigate by seeking to gain access to the officer's report. Thus according to the Discovery Rule the Statute of Limitations begins to run January 12, 2022 but no earlier than October 29, 2021. Using either date, the Plaintiff commenced this action within two (2) years from when he knew of or should have known that a cause of action arose.

This Motion will be supported by a memorandum, affidavits, and the applicable law that will be filed prior to or at the time of the hearing in this matter. Further, the undersigned attorney, certify that consultation with opposing counsel was not required due to the nature of the Motion.

LAW OFFICES OF STEPHEN L. HUDSON, P.C.

S/Stephen L. Hudson

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Attorney for the Plaintiff

Columbia, South Carolina
June 16, 2025.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
CLAUDE HELTON,	)	DOCKET NO.: 2023-CP-43-01088
	)	
PLAINTIFF,	)	
	)	Memorandum
vs.	)	
	)	
SUMTER COUNTY SHERIFF'S	)	
DEPARTMENT,	)	
DEFENDANT.	)	

Submitted on behalf of the Plaintiff, Claude Helton:

The South Carolina Torts Claim Act allows individuals to sue the state, its political subdivisions, and employees for damages... The Act does however gives specific exceptions, some forty (40) to the waiver of immunity, and as to this Defendant, whether he fell within the exceptions depends upon what he was doing and the circumstances around his actions.

Whether the Plaintiff suffered a loss depends upon the objective determination of what the Defendant was doing and was his actions within the the scope the Statute's exceptions to the South Carolina Tort Claims Act. One such exception would be for emergency preparedness actives. The Plaintiff had to wait to determine or discover a loss until more information was available to him and to the investigating agency.

The distinction between this matter and the Wiggins v Edwards case is that the Defendant in Wiggins, was not law enforcement and thus did not have a possible exemption form liability, that the Sumter County Sheriff's Department may have.

The Plaintiff asserts that while there was an auto collision on June 30 2021, S.C. Code Ann. Section 15-3-535 (Supp. 1992) indicates that the commencement of an action should be brought "...after the person knew or by the exercise of reasonable diligence should have know that he had a cause of action", not and injury. The Plaintiff's reasonable delay was in determining not a wrongdoer but if a cause of action arose from the Defendant's conduct of that day. It took the Highway Patrol four months to reach its findings.

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September 18, 2025.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF SUMTER	)	
	)	CASE NO.: 2023-CP-43-01088
Claude Helton,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	NOTICE OF MOTION AND
	)	MOTION FOR RECONSIDERATION
Sumter County Sheriff's	)	
Department,	)	
	)	
DEFENDANT.	)	
	)	

TO: THE HONORABLE JUDGE R. KIRK GRIFFIN, THE DEFENDANT
AND ITS ATTORNEY STEVEN R. SPREEUWERS, ESQ.:

You will please take notice that pursuant to Rules 59(e) and 60 of the South Carolina Rules of Civil Procedure, the Plaintiff will move before the Court ten (10) days after service herein or as soon thereafter as counsel may be heard, for an Order vacating and /or reconsidering the Order Granting Defendant's Motion to Dismiss, issued by the Honorable Judge R. Kirk Griffin, dated October 28, 2025, and served upon the Plaintiff's Counsel on October 28, 2025. This motion for reconsideration is based upon the following:

1. The Plaintiff respectfully submits that the Court erred and should reconsider, alter or amend the Order with respect to the Court Ordered Dismiss. The Defendant relies upon the cases of *Tanyel v Osborne*, 312 S.C. 473, 475, 441 S.E. 2d 329, 330 (Ct. App. 1994) and *Wiggins v.*

Edwards, 314 S.C. 126, 442 S.E. 2d 169, 170 (1994). But these cases are distinguishable from the present case.

2. The Defendant in this matter is a Sumter County Sheriff's Department's employee, and due to the statute's construction the issue of immunity is a factor in determining if a claim exist. The Plaintiff has to determine what the Defendant was actually doing at the time the incident, that is, was his immunity valid or invalid.

3. The Plaintiff filed a Motion of Motion and Motion in Opposition and Return to Defendant's Motion to Dismiss on June 16, 2025 as well as a Memorandum on September 19 2025, which were part of the Court's file at the time of the Motion's hearing. Plaintiff is informed and believes that the Court may not have considered either the Plaintiff's Motion in Opposition nor the Memorandum.

4. The South Carolina Torts Claim Act Section 15-78 40, allows individuals to sue the state, its political subdivisions, and employees for damages. The Act does however gives specific exceptions, some forty (40), to the waiver of immunity, and as to this Defendant, whether he fell within the exceptions depends upon what he was doing and the circumstances around his actions.

5. In *Dean v Ruscon Corp.* 468 S.E. 2d 645, 647 (1996), the South Carolina Supreme Court states that "According to the discovery rule, the statute of

limitations begins to run when a cause of action reasonably ought to have been discovered. The statute runs from the date the injured party either knows or should have know by the exercise of reasonable diligence that the a cause of action arises from the wrongful conduct.

Johnston v. Bowen, 313 S.C. 61, 437 S.E. 2d 45 (1993)" 6.

6. Whether the Plaintiff suffered a loss, or has a cause of action, depends upon the objective determination of what this Defendant, a law enforcement officer, was doing and were his actions within the the scope of the statute's exceptions to the South Carolina Tort Claims Act's waiver of immunity. The Plaintiff could not determine or discover a cause of action or loss until more information was available to him and through the investigating agency.

7. The distinction between this matter and the *Tanyel v. Osborne*, 312 S.C. 473, 441 S.E. 2d 329 (Ct. App. 1994), it that *Tanyel* involved a school bus auto accident. The actions of the school bus driver and or the natural of the his specific employment, would give rise to a question of and statutory exemption. While whether the deputy was acting in accordance with anyone of the following sections 15-78-70:

Section (3) execution, enforcement, or implantation of the orders of any court or execution, enforcement, or lawful implementation of any process;

Section (5) the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.

8. The distinction between this matter and the *Wiggins v. Edwards*, 314 S.C. 126, 442 S.E. 2d 169, 170 (1994), case is that the Defendant in *Wiggins*, was not law enforcement and thus did not have a possible exemption from liability, that the Sumter County Sheriff's Department may have at the time this incident.

9. The Plaintiff asserts that while there was an auto collision on June 30 2021, the code, [S.C. Code Ann. Section 15-3-535 (Supp. 1992)] indicates that the commencement of an action should be brought "...after the person knew or by the exercise of reasonable diligence should have know that he had a cause of action", it does not reference injury. The Plaintiff's reasonable delay was in determining, not a wrongdoer; but if, as to this particular wrongdoer, did a cause of action arise from the it's conduct on that day. It took the Highway Patrol four months to reach its findings, that the Defendant contributed to the collision.

10. In *Wiggins*, the Court stated "The exercise of reasonable diligence means simply that an injured party must act with some promptness where the fact and

circumstance of an injury would put a person of common knowledge and experience on notice that some right of his has been invaded or *that some claim against another party might exist*. The statute of limitations begins to run from this point and not when advice of counsel is sought or a fullblown theory of recovery developed." *Wiggins v. Edwards*, 314 S.C. 126, 442 S.E. 2d 169, 170 (1994).

11. The Plaintiff's ability to determine a claim against this particular Defendant was based upon whether the immunity is found to be invalid.

12. Plaintiff's attorney asserts that any prior conversations with the opposing counseling would not result in any resolution.

I SO MOVE:

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Columbia, South Carolina

November 06, 2025.

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

Claude Helton,)

Plaintiff,)

v.)

Sumter County Sheriff's Department,)

Defendant.)

IN THE COURT OF COMMON PLEAS

C/A #: 2023-CP-43-01088

**DEFENDANT'S MEMORANDUM IN IN
OPPOSITION TO PLAINTIFF'S MOTION
TO RECONSIDER**

Defendant, Sumter County Sheriff's Office, by and through the undersigned attorneys, submits this Memorandum in Opposition to plaintiff's Motion to Reconsider this Court's Order entered October 28, 2025. For the following reasons, the plaintiff's Motion should be denied.

FACTUAL BACKGROUND

This cases arises out of a June 30, 2021, motor vehicle accident. Am. Compl. ¶3. Plaintiff alleges that defendant's employee, Earl Fulwood, Jr., while acting in the course and scope of his duties as a Deputy of the Sumter County Sheriff's Department, failed to yield the right of way, causing the plaintiff to collide with defendant's vehicle. Am. Compl. ¶4. Plaintiff filed his initial Complaint, alleging a single cause of action for negligence, on July 11, 2023. In his initial Complaint, plaintiff named Earl Fulwood, Jr. and Anthony Dennis, Sheriff, as defendants. Plaintiff then filed an Amended Complaint on August 17, 2023, based upon the same allegations but, appropriately, naming Sumter County Sheriff's Department as the sole defendant.

Defendant, Sumter County Sheriff's Office, filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure for violation of the applicable Statute of Limitations on April 8, 2025. Plaintiff filed a Memorandum in Opposition on June 17, 2025, and,

later, prior to the hearing on the Motion, Plaintiff filed a Supplemental Memorandum in Opposition and Defendants filed a Memorandum in Support of September 19, 2025. These memorandum and supporting materials were before this Court at the September 22, 2025, hearing before the Honorable R. Kirk Griffin and when he subsequently took the Motion under advisement.

On October 14, 2025, Judge Griffin issued a Memorandum granting Defendant's Motion to Dismiss "[a]fter review of the issue under advisement, the arguments of counsel, the pleadings, and all memoranda submitted[.]". The Memorandum further clarified that Court was granting the Motion for violation of the applicable Statute of Limitations and in accordance with *Tanyel v. Osborne*, 312 S.C. 473 (1994). The undersigned attorneys circulated a proposed Order with plaintiff's counsel in accordance with the Memorandum, and plaintiff's counsel did not state any objections. Judge Griffin signed and filed the Order on October 28, 2025, and plaintiff filed the present Motion to Reconsider on November 6, 2025.

STANDARD

A Rule 59(e) motion provides a vehicle through which a party may (1) request that the circuit court reconsider matters properly encompassed in a decision on the merits or "alter or amend" its judgment, or (2) attempt to obtain a ruling on issues or arguments previously raised to the court. *See Elam v. S.C. Dep't Transp.*, 361 S.C. 9, 21–22, 602 S.E.2d 772, 779 (2004). A party may file a Rule 59(e) motion when it believes the court "misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." *Id.* at 24, 602 S.E.2d at 780. "An abuse of discretion occurs when the [circuit] court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." *Arthur v. Sexton Dental Clinic*, 368 S.C. 326, 333, 628 S.E.2d 894, 898 (Ct App. 2006). "A decision lacking a discernible reason is arbitrary and constitutes an abuse

of discretion.” *Johnson v. Johnson*, 296 S.C. 289, 304, 372 S.E.2d 107, 115 (Ct. App. 1988). “When the [circuit court] is vested with discretion, but [its] ruling reveals no discretion, was in fact, exercised, an error of law has occurred.” *Fontaine v. Peitz*, 291 S.C. 536, 538, 354 S.E.2d 565, 566 (1987).

ARGUMENT

Plaintiff’s present Motion to Reconsider should be denied because Plaintiff has not presented any new material fact or principle of law to demonstrate that this Court abused its discretion and/or committed an error of law in its October 28, 2023 Order. Instead, Plaintiff raises the identical arguments and asserts the identical facts that Plaintiff previously presented to the Court both by brief and at the hearing.¹ The Court has expressly considered and rejected plaintiff’s reiterated arguments, which are not supported by law. Therefore, the present Motion to Reconsider should be denied.

I. Plaintiff’s Complaint Violated the Statute of Limitations and, Therefore, Was Appropriately Dismissed.

The applicable statute of limitations for bringing a claim pursuant to the South Carolina Tort Claims Act against a governmental entity, including the Sumter County Sheriff’s Office, is two (2) years. S.C. Code Ann. § 15-78-110 (“[A]ny action brought pursuant to this chapter is forever barred unless an action is commenced within two years *after the date the loss was or should have been discovered*.”). The “statute of limitations ... beg[ins] to run when the plaintiff should know that he might have a potential claim against another person, not when the plaintiff

¹ Plaintiff asserts as a basis for his Motion that he is “informed and believes that the Court may not have considered either the Plaintiff’s Motion in Opposition nor the Memorandum.” See Pl’s Motion ¶3. Respectfully, these filings were made in advance of the September 22 hearing, were provided to the Court, and, per his Memorandum, were expressly considered by Judge Griffin. Plaintiff has not presented any information or allegation to suggest otherwise.

develops a full-blown theory of recovery.” *Tanyel v. Osborne*, 312 S.C. 473, 475, 441 S.E.2d 329, 330 (Ct. App. 1994). Similarly, the South Carolina Supreme Court has explained that a plaintiff should know that he or she has a claim and “upon the date of discovery of the injury, not the date of discovery of the wrongdoer.” *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994). For motor vehicle accidents, therefore, the statute of limitations begins to run on the date of the accident. *See id.* (affirming and holding that the statute of limitations began to run on the date of the motor vehicle accident not at the time plaintiff “was actually able to investigate her case, discover a cause of action existed, and determine who or what caused her injury”); *see also*, *Tanyel*, 312 S.C. at 476, 441 S.E.2d at 331 (holding that plaintiff “witnessed the physical involvement of the bus in the accident. This fact, standing alone, gave him notice that he might have a potential claim against the bus driver. This notice triggered the statute of limitations, rather than the discovery of evidence actually supporting the potential claim.”).

The motor vehicle accident at issue in the present matter occurred on June 30, 2021. Therefore, this Court appropriately held that plaintiff had notice of a potential claim on June 30, 2021, and the statute of limitations began to run on June 30, 2021. Plaintiff filed the Complaint on July 11, 2023. Therefore, the October 28 Order correctly held that the plaintiff failed to file his Complaint within the applicable statute of limitation pursuant to S.C. Code Ann. § 15-78-110.

To the extent plaintiff’s Motion repeats arguments from his prior filings that that statute of limitations did not begin to run on the date of the accident/injury but, instead, began to run later upon receipt of a second Accident Report, the Defendant would reference and incorporate its prior filings and arguments regarding the same. As plaintiff admits in his current Motion, South Carolina adheres to the discovery rule as the objective start to the running of any applicable statute of limitations. “The important date under the discovery rule is the date that a plaintiff

government entity bears the burden of establishing discretionary immunity as an affirmative defense.”). They are forty (40) potential exceptions carved out by the General Assembly to the general waiver of immunity provided by the Tort Claims Act; they are not elements of plaintiff’s claim or prerequisites to be subjectively determined by the plaintiff before bringing a cause of action. Therefore, plaintiff’s attempt to distinguish *Tanyel* and *Edwards* is neither correct nor supported by either by statute or case law.

The two (2) year statute of limitations is routinely applied to all claims brought pursuant to the Tort Claims Act, and South Carolina’s discovery rule is routinely applied in those cases as well. *See eg. Pollard v. County of Florence*, 314 S.C. 397 (upholding circuit court’s order finding that plaintiff violated the two-year statute of limitations that began to run on the date of the motor vehicle accident involving an employee of Florence County’s Sheriff’s Office and driving a vehicle owned by the County of Florence). The availability of potential affirmative defenses and immunities recognized both by statute or otherwise does not and should not impact application of the discovery rule to S.C. Code Ann. § 15-78-110. Plaintiff has not cited to any authority to support such a vast departure from South Carolina precedent. Consequently, this Court correctly found that the two-year statute of limitations began to run on the date of plaintiff’s motor vehicle accident. Therefore, the filing of plaintiff’s Complaint more than two (2) years later violated the statute of limitations and was appropriately be dismissed.

CONCLUSION

The Court appropriately dismissed plaintiff’s Complaint for violation of the applicable statute of limitations. Plaintiff has not presented any new material fact or principle of law that would warrant reconsideration of the Court’s October 28 Order. For these reasons, Plaintiff’s Motion to Reconsider, Alter or Amend should be denied.

discovers the injury, not the date of the discovery of the identity of another alleged wrongdoer. If, on the date of injury, a plaintiff knows or should know that she had some claim against someone else, the statute of limitations begins to run for all claims based on that injury.” *Wiggins*, 314 S.C. at 128, 442 S.E.2d at 170 (citing *Tollison v. B & J Machinery Co., Inc.*, 812 F.Supp. 618, 620 (D.S.C.1993)).

II. *This Case Is Not Distinguishable from Precedent*

Plaintiff’s overall argument in the present Motion is that the present case is distinguishable from *Tanyel v Osborne* and *Wiggins v. Edwards* because of potential defenses provided by the Tort Claims Act and, therefore, the above cited discovery rule does not apply to this motor vehicle accident. Respectfully, this argument is both false and was already considered – and rejected -- by the Court during the September 22 hearing.

As an initial matter, plaintiff admittedly points out factual differences between the present case and both *Tanyel* and *Edwards*. However, such factual distinctions are a non sequitur. Every case has can be factually distinguished from precedent as no two cases are factually identical. Further, plaintiff does not cite any authority for the supposition that because the present case may invoke immunities available under the Tort Claims Act, the statute of limitations did not begin to run on his date of loss. Compare S.C. Code Ann. § 15-78-110 (“[A]ny action brought pursuant to this chapter is forever barred unless an action is commenced within two years *after the date the loss was or should have been discovered.*”).

Further, as noted above, the present argument was considered during the September 22 hearing. As discussed with the Court, the potential immunities and defenses provided by the Tort Claims Act in S.C. Code §15-78-69 are affirmative defenses that must be raised and proven by the defendant. See e.g. *Summer v. Carpenter*, 328 S.C. 36, 46, 492 S.E.2d 55, 60 (1997) (“The

GARFIELD SPREEUWERS LAW GROUP

s/Rachel M. Hutchens

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Rachel M. Hutchens, SC Bar # 78303
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Columbia, South Carolina 29202
T: 803.830.5496
david@gslawsc.com
rachel@gslawsc.com

Counsel for Defendant

Columbia, South Carolina
December 5, 2025

Date: 06-30-2021 Time: 1310 County: 43
1 - Interstate 4 - Secondary
2 - US Primary 5 - County
3 - SC Primary 6 - PP 7 - Ramp 5
Collision Location (RL # / Name): 521 / CAMDEN HWY
Main line 6 - Connection
2 - Alternate 7 - Business
5 - Spur
Miles: 1 Dir: N E S W
In (Near) City or Town of: SUMTER

To Vehicle Owner/Operator: Failure to return this form to the Department of Motor Vehicles within 15 days from the date of the collision could result in the suspension of your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.

SA-221648

Driver/Pedestrian's Full name
HELTON CLAUDE ALEXANDER

Unit # 1 Sex Race Street
2351 STAMEY LIVESTOCK RD
Occ Birth Date City, State, & Zip
DALZELL SC 290409275

State SC Driver's License # 0004700850 Class D Insurance Company: ALLSTATE
Year 1992 Body PK Vehicle Make CHEV VIN 1G6CS14B6C2157646
State SC Year 2021 License Plate # 3941KL Owner's D.L. # 4700850

Home Telephone Owner's Full Name
HELTON CLAUDE ALEXANDER
Bus. Telephone Street
2351 STAMEY LIVESTOCK RD

Contributed To Collision Yes No
DALZELL SC 290409275

SA-221649

Driver/Pedestrian's Full name
FULWOOD JR EARL ADAM

Unit # 2 Sex Race Street
1281 N MAIN ST
Occ Birth Date City, State, & Zip
SUMTER SC 29153

State SC Driver's License # 0090378585 Class D Insurance Company: SC COUNTIES PROPERTY & LIABILITY TR
Year 2017 Body 4D Vehicle Make 000G VIN 2C3CDXAG7KH748513
State SC Year 2021 License Plate # QYL694 Owner's D.L. # NONE

Home Telephone Owner's Full Name
SUMTER SHERIFFS OFFICE
Bus. Telephone Street
1281 N MAIN ST

Contributed To Collision Yes No
SUMTER SC 29153

Driver/Pedestrian's Full name

Unit # Sex Race Street
Occ Birth Date City, State, & Zip
State Driver's License # Class Insurance Company:
Year Body Vehicle Make VIN

Home Telephone Owner's Full Name
Bus. Telephone Street
Contributed To Collision Yes No
City, State & Zip

All Units Insurance Information
(to be completed by Investigating Officer)

Accident Insurance Information for Unit # 1
Company Name ALLSTATE Area Code/Phone Number
Agency Name Policy Number 930581144

Accident Insurance Information for Unit # 2
Company Name SC COUNTIES PROPERTY & LIABILITY TRUST Area Code/Phone Number
Agency Name Policy Number 6198
Accident Insurance Information for Unit #
Company Name Area Code/Phone Number
Agency Name Policy Number

Automobile Liability Insurance Information

Notice of Requirement Accepted Signature

To Be Completed Below or Entered at WWW.SC-ALIR.com By Insurance Company representative.
This form should not be mailed to DMV if Insurance information has been submitted electronically.
Reference to Unit #: I hereby affirm that to the best of my knowledge the vehicle described above
was insured by the below stated Insurance company on the date of the collision.

The information as contained herein is based solely upon my knowledge and
belief as a representative of the above insurance company and no warranty
of liability is imputed into the above mentioned insurance as I have listed
herein.

Insurance Company Policy #
Beginning Date: Ending Date: Policy Holder:

Signature Title
NAIC # (Assigned by S.C. Dept. of Ins.) Bus. Telephone

Notice: If liability insurance was not in effect for your vehicle involved in the collision, the Department of Motor Vehicles could suspend your
driver license and registration privileges pursuant to South Carolina Code Laws 56-9-351 and 56-10-530.

If any of the below are applicable, Disregard the above portion

Check here if a Form SR-23, Fleet policy of 25 or more vehicles is on file with the Department of Motor
Vehicles covering the vehicle
Check here if a certificate of self-insurance has been issued by the Department of Motor Vehicles
covering the vehicle and indicate the certificate number: SI -
Check here if liability insurance was not in
effect to comply with South Carolina statutory
requirements.

Investigating Officer's Name
BAKER, W.E.

Rank
TPR

SCCJA#
0404-2716

Jurisdiction Code
HP01

Review Date
10-29-2021

Reviewer's Name
R. EL MCFADDEN

Rank
FSGT

Internal Agency Code
BLTC21CAD024804

Form FR-10 Not Issued: Section 56-10-520

No FR-10 issued to Operator/Owner of Unit #:
Summons Issued To:

For operating or
allowing the operation of
an uninsured vehicle Summons Number:
Signature

44

21246830

ORIGINAL

SOUTH CAROLINA OPS/ONS & DMV USE ONLY.

Page #
1SOUTH CAROLINA
TRAFFIC COLLISION REPORT FORM
TR-310# of
Units
2Amended - Attach
Copy of Original
Statement

Noted

1318

Noted

1329

Date

Time of

County

1- Interstate 4- Secondary
2- US Primary 5- County
3- SC Primary 6- PP 7- Ramp

Collision Location (Rt. # / Name)

Main Line 8- Connection
2- Alternate 7- Business
5- Spur

Miles

Dir.

In (Near) City or Town of:

Lane # / Dir.

Distance Offset

Direction

1- Interstate 4- Secondary
2- US Primary 5- County
3- SC Primary 6- Other 7- Ramp

Base Intersection (Rt. # / Name)

Main Line 8- Connection
2- Alternate 7- Business
5- Spur 9- Other

GPS COORDINATES 00 0000.00"

DEGREES MINUTES SECONDS:

R.R.M.

From: Ramp Only

To:

1- Interstate 4- Secondary
2- US Primary 5- County
3- SC Primary 6- Other 7- Ramp

Second Intersection (Rt. # / Name)

Main Line 8- Connection
2- Alternate 7- Business
5- Spur 9- Other

Latitude

0 1 11

Longitude

0 23 4.03

SA-221648

Unit # Pedestrian's Full Name

HELTON CLAUDE ALEXANDER

SA-221649

Unit # Pedestrian's Full Name

FULWOOD JR EARL ADAM

Unit #

Sex

Race

Street

2381 STAMEY LIVESTOCK RD

Occ

Birth Date

City, State, & Zip

DALZELL SC 29040275

State

Driver's License #

0004700850

Class

D

Insurance Company

ALLSTATE

Year

Body

Vehicle Make

VIN

1GCCS14B6C215746

State

Year

License Plate #

39410L

Owner's D.L. #

4700850

Home Telephone

Owner's Full Name

HELTON CLAUDE ALEXANDER

Bus. Telephone

Street

2381 STAMEY LIVESTOCK RD

Contributed To Collision

Yes

No

City, State & Zip

DALZELL SC 29040275

Estimated Speed

Speed Limit

CDL Req: Yes (No) T/B S Req: Yes (No) A/Drg Info (see back): Yes (No)

State #

State #

Towed By

ACE PARKER

Unit #

Sex

Race

Street

2381 STAMEY LIVESTOCK RD

Occ

Birth Date

City, State, & Zip

DALZELL SC 29040275

State

Driver's License #

0004700850

Class

D

Insurance Company

ALLSTATE

Year

Body

Vehicle Make

VIN

1GCCS14B6C215746

State

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License Plate #

39410L

Owner's D.L. #

4700850

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Owner's Full Name

HELTON CLAUDE ALEXANDER

Bus. Telephone

Street

2381 STAMEY LIVESTOCK RD

Contributed To Collision

Yes

No

City, State & Zip

DALZELL SC 29040275

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Speed Limit

CDL Req: Yes (No) T/B S Req: Yes (No) A/Drg Info (see back): Yes (No)

State #

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Towed By

ACE PARKER

Unit #

Sex

Race

Street

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City, State, & Zip

DALZELL SC 29040275

State

Driver's License #

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Class

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Insurance Company

ALLSTATE

Year

Body

Vehicle Make

VIN

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State

Year

License Plate #

39410L

Owner's D.L. #

4700850

Home Telephone

Owner's Full Name

HELTON CLAUDE ALEXANDER

Bus. Telephone

Street

2381 STAMEY LIVESTOCK RD

Contributed To Collision

Yes

No

City, State & Zip

DALZELL SC 29040275

Estimated Speed

Speed Limit

CDL Req: Yes (No) T/B S Req: Yes (No) A/Drg Info (see back): Yes (No)

State #

State #

Towed By

ACE PARKER

Unit #

Sex

Race

Street

2381 STAMEY LIVESTOCK RD

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Birth Date

City, State, & Zip

DALZELL SC 29040275

State

Driver's License #

0004700850

Class

D

Insurance Company

ALLSTATE

Year

Body

Vehicle Make

VIN

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State

Year

License Plate #

39410L

Owner's D.L. #

4700850

Home Telephone

Owner's Full Name

HELTON CLAUDE ALEXANDER

Bus. Telephone

Street

2381 STAMEY LIVESTOCK RD

Contributed To Collision

Yes

No

City, State & Zip

DALZELL SC 29040275

Estimated Speed

Speed Limit

CDL Req: Yes (No) T/B S Req: Yes (No) A/Drg Info (see back): Yes (No)

State #

State #

Towed By

ACE PARKER

Unit #

Sex

Race

Street

2381 STAMEY LIVESTOCK RD

Occ

Birth Date

City, State, & Zip

DALZELL SC 29040275

State

Driver's License #

0004700850

Class

D

Insurance Company

ALLSTATE

Year

Body

Vehicle Make

VIN

1GCCS14B6C215746

State

Year

License Plate #

39410L

Owner's D.L. #

4700850

Home Telephone

Owner's Full Name

HELTON CLAUDE ALEXANDER

Bus. Telephone

Street

2381 STAMEY LIVESTOCK RD

Contributed To Collision

Yes

No

City, State & Zip

DALZELL SC 29040275

Estimated Speed

Speed Limit

CDL Req: Yes (No) T/B S Req: Yes (No) A/Drg Info (see back): Yes (No)

State #

State #

Towed By

ACE PARKER

Unit #

Sex

Race

Street

2381 STAMEY LIVESTOCK RD

Occ

Birth Date

City, State, & Zip

DALZELL SC 29040275

State

Driver's License #

0004700850

Class

D

Insurance Company

ALLSTATE

Year

Body

Vehicle Make

VIN

1GCCS14B6C215746

State

Year

License Plate #

39410L

Owner's D.L. #

4700850

Home Telephone

Owner's Full Name

HELTON CLAUDE ALEXANDER

Bus. Telephone

Street

2381 STAMEY LIVESTOCK RD

Contributed To Collision

Yes

No

City, State & Zip

DALZELL SC 29040275

Estimated Speed

Speed Limit

CDL Req: Yes (No) T/B S Req: Yes (No) A/Drg Info (see back): Yes (No)

State #

State #

Towed By

ACE PARKER

PENDING MAT INVESTIGATION

PENDING MAT INVESTIGATION.

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name

Rank

SCCJA#

Jurisdiction Code

Review Date

Reviewer's Name

Rank

Internal Agency Code

BAKER, W.E.

TPR

0404-2118

HP01

07-09-2021

J.C. WELSH

CPL

BLTC21CAD094804

57

51

21246830

ORIGINAL - AMENDED

SOUTH CAROLINA OPS/ONS & DMV USE ONLY

Page #
1 of 1SOUTH CAROLINA
TRAFFIC COLLISION REPORT FORM
TR-310 (Rev. 04/2018)# of
Units
2X Amended - Attach
Copy of Original
Report

Noted

1318

Arrived

1329

Date 08-30-2021	Time of 1310	County 43	1-Interstate 2-US Primary 3-SC Primary	4-Secondary 5-County 6-PP 7-Ramp	Collision Location (Rt. # / Name) 521 / CAMDEN HWY	1-Mainline 6-Connection 2-Alternate 7-Business 3-Spur	Miles 1	Dir. E S W	in <u>Sumter</u> City or Town of:
Lane # / Dir. 1 OI 4 N E 3 W	Distance Offset 0.54	Direction E S W	1-Interstate 2-US Primary 3-SC Primary	4-Secondary 5-County 6-Other 7-Ramp	Base Intersection (Rt. # / Name) 911 / ALICE DRIVE	1-Mainline 6-Connection 2-Alternate 7-Business 3-Spur 9-Other	GPS COORDINATES 00 0000.00 DEGREES MINUTES SECONDS		
R.R.M. N E 1-Entrance S W 2-Exit	From Ramp Only	To N E S W	1-Interstate 2-US Primary 3-SC Primary	4-Secondary 5-County 6-Other 7-Ramp	Second Intersection (Rt. # / Name) 1470 / CHURCHILL DR.	1-Mainline 6-Connection 2-Alternate 7-Business 3-Spur 9-Other	Latitude 0 33 57	Longitude 0 1 11	4.03

SA-221648

Driver/Pedestrian's Full Name

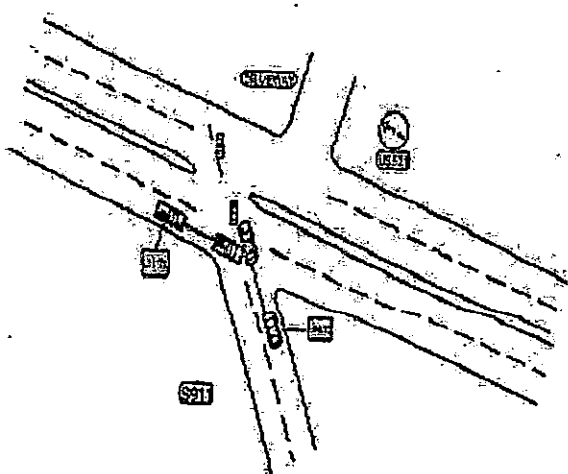
HELTON CLAUDE ALEXANDER

SA-221649

Driver/Pedestrian's Full Name

FULWOOD JR EARL ADAM

Unit # 1	Sex M	Race B	Street 2361 STAMEY LIVESTOCK RD	Unit # 2	Sex M	Race B	Street 1281 N MAIN ST
# Occ 1	Birth Date 12-01-1954	City, State, & Zip DALZELL SC 290409275		# Occ 1	Birth Date 11-26-1953	City, State, & Zip SUMTER SC 29153	
State SC	Driver's License # 0004700850	Class D	Insurance Company ALLSTATE	State SC	Driver's License # 0008378585	Class D	Insurance Company SC COUNTIES PROPERTY & LIABILITY TR
Year 1982	Body PK	Vehicle Make CHEV	VIN 1GCCC1488C2157640	Year 2017	Body 4D	Vehicle Make DODG	VIN 2C3CDXAG7KH78513
State SC	Year 2021	License Plate # 3941KL	Owner's D.L. # 4700850	State SC	Year 2021	License Plate # QYL694	Owner's D.L. # NONE
Home Telephone 6039557205	Owner's Full Name HELTON CLAUDE ALEXANDER			Home Telephone 603432000	Owner's Full Name SUMTER SHERIFFS OFFICE		
Bus. Telephone	Street 2361 STAMEY LIVESTOCK RD			Bus. Telephone	Street 1281 N MAIN ST		
Contributed To Collision Yes ☒ No ☐	City, State & Zip DALZELL SC 290409275			Contributed To Collision Yes ☒ No ☐	City, State & Zip SUMTER SC 29153		
Estimated Speed 45	Speed Limit 45	C.D.L. Req: Yes ☒ No ☐ T/B S Req: Yes ☒ No ☐ No/Drg info (see back): Yes ☒ No ☐	State # 45	Estimated Speed 45	Speed Limit 45	C.D.L. Req: Yes ☒ No ☐ T/B S Req: Yes ☒ No ☐ No/Drg info (see back): Yes ☒ No ☐	State # 45
Driver/Pedestrian's Full Name				Towed By ☒ Yes ☐ No ACE PARKER			
Unit # 1	Sex M	Race B	Street	Unit # 2	Sex M	Race B	Street
# Occ 1	Birth Date	City, State, & Zip		# Occ 1	Birth Date	City, State, & Zip	
State	Driver's License #	Class	Insurance Company	State	Driver's License #	Class	Insurance Company
Year	Body	Vehicle Make	VIN	Year	Body	Vehicle Make	VIN
Dir. of Travel	Unit 1: N (S) E W	Unit 2: (N) S E W	Unit 3: N S E W	Dir. of Travel	Unit 1: N (S) E W	Unit 2: (N) S E W	Unit 3: N S E W



Unit 1 Dam. \$ 5000	Unit 2 Dam. \$ 6000	Unit 3 Dam. \$	Prop. Dam. 1 \$	Prop. Dam. 2 \$
Property Owner/Witness:		Property Owner/Witness:		
Address		Address		
State	Zip	Phone	State	Zip
State	Zip	Phone	State	Zip
Photo:	Describe What Happened (Refer to Units by Number)			
Y ☒	Pending Investigation Y ☒			

UNIT 1 WAS TRAVELING SOUTH ON US 521. UNIT 2 WAS TRAVELING NORTH ON SECONDARY 911. UNIT 2, WHO FAILED TO YIELD THE RIGHT OF WAY, ENTERED US 521, CAUSING UNIT 1 TO STRIKE UNIT 2.

08/08/2021: NO CHANGE TO THE CONTRIBUTING FACTOR PENDING MAIT INVESTIGATION.

10/28/2021: REPORT AMENDED TO SHOW UNIT 2 CONTRIBUTING, ADD DIAGRAM, AND NARRATIVE.

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NOT A WARRANTY IS MADE AS THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name BAKER, W.E.	Rank TPR	SCCJA# 0404-2110	Jurisdiction Code HP01	Review Date 10-29-2021	Reviewer's Name R. M. MCFADDEN	Rank PST	Internal Agency Code BLTC21CAD094804
---	-------------	---------------------	---------------------------	---------------------------	-----------------------------------	-------------	---

Unit#	Date of Birth	Sex	Race	INJ	Seat	R/SD	A/B/D	Eject	LAT	Trans	Name	Street Address	Zip Code	
1	12/11/1954	M	B	2	01	13	3	1	1	1	1	HELTON CLAUDE ALEXANDER	2381 STAMEY LIVESTOCK RD DALZELL SC	290409275
2	11/28/1983	M	B	1	01	13	3	1	1	1	2	FULWOOD JR EARL ADAM	1281 N MAIN ST SUMTER SC	29153
Race A - Asian/Pacific Islander W - Caucasian - African American H - Hispanic O - Other - Alaskan Native or American Indian U - Unk														
Air Bag Deployment / Switch														
1- Deployed Front 2- Not Deployed 2- Deployed Side 7- Not Applicable 3- Deployed Both 9- Deployment Unk. 1- Switch in On Position 3- No Switch 2- Switch in Off Position 9- Unknown														
Ejection														
1- Not Ejected 2- Part Ejected 3- Tot Ejected 7- Not App. 9- Unk.														
Injury Status														
0- Not Injured 2- Non-Incapacitating 1- Possible Injury 3- Incapacitating b) 2 or 3 Wheel Motorized Vehicle Only Head Injury 1- Yes 2- No														
Location After Impact														
1- Not Trapped 3- Fixed (non-mech) 2- Extricated (Mechanical Means) 4- Not Applicable 9- Unknown														
Seating Loc.														
01 02 03 04 05 06 07 08 09														
20- Pedestrian 60- Sleeper of Cab 30- Trailing Unit 70- Riding on Unit Exterior 40- Bus or Van (4th row or Higher) 80- Lap 50- Other Enclosed Area (nontrailing) 99- Unk/NA 51- Other Unenclosed Area (nontrailing)														
Restraint/Safety Device														
00- None Used 21- Child Safety Seat 11- Shoulder Belt 88- Other 12- Lap Belt Only 99- Unk. 13- Shoulder & Lap Belt Pedestrian, Motorist/Pedestrian Only 31- Helmet 51- Reflective Clothing 41- Protective Pads 61- Lighting														
On-Collision														
04- Equipment Failure 05- Fire/Explosion 08- Overturn/Rollover 06- Immersion 09- Ran off Road Left 07- Jockeying 10- Ran off Road Right														
Collision: Not Fixed														
20- Arched (Door Only) 28- Railway Veh. 21- Arched (All Other) 29- Work Zone 22- Motor Veh. (In Transport) 30- Work Zone 23- Motor Veh. (Stopped) 31- Other Motorist 24- Motor Veh. (Other Roadway) 32- Other Motorist 25- Motor Veh. (Parked) 33- Unk. Motorist 26- Pedestrian 34- Unk. Object														
Collision: Fixed Object														
40- Bridge Overhead Structure 47- Entertainment 41- Bridge Parapet Eng. 48- Equipment 42- Bridge Pier or Abutment 49- Fence 43- Bridge Rail 50- Guardrail End 44- Culvert 51- Guardrail Face 45- Curb 52- Highway Traffic Sign Post 46- Ditch 53- Impact Attenuator/Crash Cushion 54- Light Fixture Support 55- Light Pole 56- Mail Box 57- Median Barrier 58- Other (Fence, Pole, Support, Etc.) 59- Other (Wall, Building, Tunnel, Etc.) 60- Tree 61- Utility Pole 62- Work Zone Marker/Equipment														
Inner of Collision (Struck Veh.)														
00- Not Coll. w/ Motor Veh. 01- Head Collision 02- Rear End 03- Head On 04- Angle (> 15°) 05- Angle (< 15°) 06- Angle (> 15°) 07- Angle (< 15°) 08- Unknown														
Vehicle Type														
01- Automobile 02- Pickup Truck 03- Truck Tractor 04- Other Truck 05- Full Size Van 06- Mini Van 07- Sport Utility 08- Motorcycle 09- Other Motorcycle 10- School Bus 11- Passenger Bus 12- Animal Drawn Vehicle 13- Animal (Guided) 14- Animal (Unattended) 15- Pedestrian 16- Train 17- School Bus 18- Passenger Bus 19- Other 20- Unk. (Hit and Run Only)														
Vehicle Use Code														
01- Personal 02- Other Training 03- Construction/Maint. 04- Ambulance 05- Military 06- Transport Passenger 07- Transport Property 08- Farm Use 09- Wrecker or Tow 10- Police 11- Government 12- Fire Fighting 13- Logging 14- Other 15- Pedestrian														
Vehicle Attachment														
1- None 2- Mobile Home 3- Semi-Trailer 4- Utility Trailer 5- Farm Trailer 6- Trailer w/ Box 7- Camper Trailer 8- Towed Motor Vehicle 9- Petroleum Tanker A- Lowboy Trailer b- Autocenter Trailer C- Other Tanker D- Flat Bed E- Twin Trailers F- Other														
On Prior to Impact (Vehicle)														
01- Backing 02- Changing lanes 03- Entering traffic lane 04- Leaving traffic lane 05- Making U-turn 06- Movements Essentially Straight Ahead 07- Overtaking/passing 08- Other 09- Parked 10- Stopping or Stopped in traffic 11- Turning left 12- Turning right 13- Working														
(Non-Motorist)														
21- Approaching Leaving Vehicle 22- Entering/Crossing Location 23- Playing/Working on Vehicle 24- Pushing Vehicle 25- Standing 26- Walking, Playing, Cycling 27- Working														
Other Condition														
1- Clear (no adverse conditions) 2- Rain 3- Cloudy 4- Steel, Hail 5- Snow 6- Fog, Smog, Smoke 7- Blowing Sand 8- Blowing Snow 9- Dark (No Lights) 10- Dark (Street Lamp Not Lit) 11- Dark (No Lights) 12- Dark (No Lights)														
Traffic Condition														
01- Flashing Traffic Signal 11- RR (X-bucks, Lights & Gates) 12- RR (X-bucks & Lights) 13- RR (X-bucks Only) 1- Yes, Directly 2- Yes, Indirectly 3- No 4- Unk. 5- School Bus Involved 6- Work Zone 7- Work Zone Location 8- Work Zone Type 9- Work Zone Type 10- Work Zone Type 11- Work Zone Type 12- Work Zone Type 13- Work Zone Type 14- Work Zone Type 15- Work Zone Type 16- Work Zone Type 17- Work Zone Type 18- Work Zone Type 19- Work Zone Type 20- Work Zone Type 21- Work Zone Type 22- Work Zone Type 23- Work Zone Type 24- Work Zone Type 25- Work Zone Type 26- Work Zone Type 27- Work Zone Type 28- Work Zone Type 29- Work Zone Type 30- Work Zone Type 31- Work Zone Type 32- Work Zone Type 33- Work Zone Type 34- Work Zone Type 35- Work Zone Type 36- Work Zone Type 37- Work Zone Type 38- Work Zone Type 39- Work Zone Type 40- Work Zone Type 41- Work Zone Type 42- Work Zone Type 43- Work Zone Type 44- Work Zone Type 45- Work Zone Type 46- Work Zone Type 47- Work Zone Type 48- Work Zone Type 49- Work Zone Type 50- Work Zone Type 51- Work Zone Type 52- Work Zone Type 53- Work Zone Type 54- Work Zone Type 55- Work Zone Type 56- Work Zone Type 57- Work Zone Type 58- Work Zone Type 59- Work Zone Type 60- Work Zone Type 61- Work Zone Type 62- Work Zone Type 63- Work Zone Type 64- Work Zone Type 65- Work Zone Type 66- Work Zone Type 67- Work Zone Type 68- Work Zone Type 69- Work Zone Type 70- Work Zone Type 71- Work Zone Type 72- Work Zone Type 73- Work Zone Type 74- Work Zone Type 75- Work Zone Type 76- Work Zone Type 77- Work Zone Type 78- Work Zone Type 79- Work Zone Type 80- Work Zone Type 81- Work Zone Type 82- Work Zone Type 83- Work Zone Type 84- Work Zone Type 85- Work Zone Type 86- Work Zone Type 87- Work Zone Type 88- Work Zone Type 89- Work Zone Type 90- Work Zone Type 91- Work Zone Type 92- Work Zone Type 93- Work Zone Type 94- Work Zone Type 95- Work Zone Type 96- Work Zone Type 97- Work Zone Type 98- Work Zone Type 99- Work Zone Type														
Contributing Factors														
01- Disregarded Signs, Signal, Etc. 02- Distracted/Inattention 03- Driving Too Fast for Conditions 04- Exceeded Authorized Speed Limit 05- Failed to Yield Right of Way 06- Ran off Road 07- Fatigued/Asleep 08- Followed Too Closely 09- Made an Improper Turn 10- Medical Related 11- Aggressive Operation of Vehicle 12- Over-concentrating/Over-steering 13- Swerving to Avoid Object 14- Wrong Side or Wrong Way 15- Under the Influence 16- Vision Obscured (Within Unit) 17- Improper lane Usage/Change 18- Cell Phone 19- Tired 20- Other Improper Action 21- Unk.														
Roadway														
30- Debris 31- Non-highway Work 32- Obstruction in Roadway 33- Road Surface Condition (i.e., Wet) 34- Ruts, Holes, Bumps 35- Shoulder (None, Low, Soft, High) 36- Traffic Control Device (i.e., Missing) 37- Work Zone (Const./Maint./Utility) 38- Worn, Thinned/Polished Surface 39- Other														
Non-Motorist														
50- Inattentive 51- Lying &/or Illegally in Roadway 52- Failure to Yield R. of W. 53- Not Visible (Dark Clothing) 54- Disregarded Signs, Signals, Etc. 55- Improper Crossing 56- Daring 57- Wrong Side of Road 58- Other 59- Unk. 60- Under the Influence 61- Other Person Under Influence														
Environmental														
60- Animal in Road 61- Glass 62- Obstruction 63- Weather Cond. 64- Other 65- Other 66- Other 67- Other 68- Other 69- Other 70- Other 71- Other 72- Other 73- Other 74- Other 75- Other 76- Other 77- Other 78- Other 79- Other 80- Other 81- Other 82- Other 83- Other 84- Other 85- Other 86- Other 87- Other 88- Other 89- Other 90- Other 91- Other 92- Other 93- Other 94- Other 95- Other 96- Other 97- Other 98- Other 99- Other														
Vehicle Defect														
70- Brakes 71- Steering 72- Power Plant 73- Tires/Wheel 74- Lights 75- Signals 76- Windows/Shield 77- Restraint System														

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I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes	--	intentional or purposeful interruption
		or change in thought
ellipses	. . .	trailing off
[ph]		phonetically written
[sic]		written as said

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1 SEPTEMBER 22, 2025

2 (WHEREUPON, the proceedings began at 11:15 AM.)

3 THE COURT: The next matter is 2023-CP-43-01088, Helton
4 v. Fulwood, et. al. This is Defendant's motion to dismiss.

5 MR. SPREEUWERS: Good morning, Your Honor. Steve "
6 Spreeuwiers on behalf of the defendant, the Sumter County
7 Sheriff's Office. This is a motion to dismiss or a motion for
8 judgment on the pleadings.

9 Your Honor, the facts are fairly straightforward. This
10 was a vehicle accident. The accident occurred on June 30th,
11 2021, and the complaint was filed. The original complaint was
12 filed on July 11th, 2023, and the amended complaint was filed
13 August 17th, 2023.

14 Your Honor, this is an action against the Sumter County
15 Sheriff's Office, which falls under the South Carolina Tort
16 Claims Act. It's the exclusive remedy, and the South Carolina
17 Tort Claims Act provides a two-year statute of limitations.
18 And put simply, this case was not filed -- the original
19 complaint and the amended complaint were both filed more than
20 two years after the date of loss.

21 Your Honor, Plaintiff has filed several items in
22 opposition to this motion, citing the steps that the plaintiff
23 undertook to investigate who was responsible for the accident,
24 and I'd just like to hand up a -- a case. If I may approach?

25 THE COURT: Sure.

1 MR. SPREEUWERS: Your Honor, I'm covering this hearing
2 for another attorney. And in preparing, looking over things
3 before this hearing, I -- I found this case, Your Honor. It's
4 the case of *Tanyel v. Osborne*. It's 312 S.C. 473. It's a
5 1994 Court of Appeals case.

6 Your Honor, it's a pretty brief case, but I would submit
7 it's on all fours with the facts we have in this case. The
8 Court held that the statute of limitations begins to run when
9 the plaintiff witnessed the events causing his loss, otherwise
10 the car wreck, thereby putting him on notice that he may have
11 a potential claim against another person and not when he later
12 discovered evidence to support his claim.

13 So what we've got here, Your Honor, the plaintiff filed
14 in opposition some issue with the accident report being
15 amended several months after the accident, and that that's
16 when the plaintiff was actually able to discover who was
17 responsible for the collision.

18 Your Honor, this case, I think, pretty clearly covers
19 that set of facts. It says the plaintiff argues strenuously
20 he fully and adequately investigated the accident and
21 potential claims against the other driver but did not discover
22 any evidence of negligence by the other driver until more than
23 two years after the accident.

24 Here's the important part. The success or failure of his
25 investigation is irrelevant. Undertaking such an

1 investigation demonstrates notice of a potential claim against
2 the other driver, and this fact alone, being involved in the
3 accident, that fact alone is enough to give the plaintiff
4 notice that he may have a claim against somebody else.

5 And, Your Honor, we've -- we've submitted a brief in
6 support of this motion that cites several more cases regarding
7 the discovery rule, and the fact of the matter is that the
8 statute of limitations begins to run when you have notice of
9 the injury, not when you develop a full-blown theory of
10 recovery and certainly not when you're able to gather
11 additional evidence in support of your claims.

12 So we submit, Your Honor, that these facts, that the date
13 of the accident was June 30th, 2021, and that the complaint
14 was not filed until more than two years after, because those
15 appear in the face of the complaint, that a motion to dismiss
16 or judgment on the pleadings is appropriate.

17 Thank you.

18 THE COURT: All right.

19 Yes, sir?

20 MR. HUDSON: May it please the Court, Your Honor. My
21 name is Stephen Hudson. I'm here on behalf of the plaintiff.

22 The statute reads, Your Honor, when an individual knew or
23 should have known, and South Carolina recognizes the discovery
24 rule. In this instance, because the defendant was the State,
25 having a particular characteristic limited to the South

1 Carolina Tort Claims Act, there are 40 exceptions to the
2 limited liability that was granted an individual.

3 And in this particular case, the time of the collision --
4 and this is where we -- we differ. It is not a question of
5 saying who was on the other side, but what was going on on the
6 other side. In other words, was his conduct such that it fell
7 within one of the enumerated exceptions, that is did a cause
8 of action arise?

9 My client, Your Honor, or the plaintiff in this instance,
10 looked at an FR-10 that was given to him on the day of the
11 accident. They could not determine who contributed to the
12 accident.

13 He then in August requested another report that re --
14 that revealed in July -- amended report that indicated, once
15 again, the Highway Patrol could not determine who contributed
16 to the accident. For a third time, in January of 2022, he
17 requested another report, and it was that report that was
18 issued in October of -- October 29th, 2021, that showed then
19 that the officer had concluded that the defendant contributed
20 to the accident.

21 So we're not talking about him identifying who was on the
22 other side but identifying what was going on because that
23 particular defendant had certain characteristics that not
24 every defendant has. And in this instance, Your Honor, it's
25 when he -- that he acted reasonable and was within a

1 sufficient amount of time, that is in a reasonable amount of
2 time that a reasonable person would be able to determine
3 whether or not he had a cause of action.

4 That cause of action at the earliest point would have
5 been October the 29th of 2021, and we filed these petitions
6 within that time frame, two years from when he knew or should
7 have known when acting reasonably to ascertain what the other
8 driver was doing because if his actions were simply, for
9 example, carrying out emergency preparedness drills, he would
10 have had -- he would have fallen within the exemption or one
11 of the exemptions. Therefore, he would not have had a cause
12 of action.

13 So we're --we're asking you, Your Honor, to deny the
14 motion to dismiss and allow the matter to go forward because
15 he acted within a reasonable amount of time to determine when
16 he knew or should have known that he had a cause of action.
17 Not that he suffered an injury, but he suffered a loss or a
18 cause of action, which is what and how the phrasing in the
19 case law and the statutes are given to us to depend upon.

20 Thank you, Your Honor.

21 MR. SPREEUWERS: Your Honor, very briefly, for the --
22 first, I forgot to mention that the case that I handed up is a
23 Tort Claims Act case, and so that would be controlling here.

24 I understand Mr. Hudson to argue that he needs to
25 evaluate whether some of the immunities in the Tort Claims Act

1 may apply before he can bring a cause of action. Your Honor,
2 I would note those are affirmative defenses that are required
3 to be raised and proven by the defendant, by the governmental
4 entity, and so, you know, investigating potential affirmative
5 defenses certainly does not forestall bringing a cause of
6 action at the time you knew you were injured. And again, it
7 is the injury that starts the clock, not the discovery of
8 evidence, not the discovery of evidence that would negate a
9 potential affirmative defense.

10 Your Honor, I would also point out that none of the facts
11 that Mr. Hudson has asserted appeared in the complaint, and a
12 ruling on a motion to dismiss -- we're limited to the four
13 corners of the complaint.

14 Lastly, Your Honor, in the memo that we submitted in
15 support, there's case law basically saying that this is not a
16 subjective test. In other words, no matter how diligently Mr.
17 Helton acted, this is an objective test to determine when the
18 cause -- when the statute of limitations starts to run.

19 And certainly, being in a car wreck and getting hurt
20 would put anybody on notice of a -- of an injury. And again,
21 it's not when you develop a full-blown theory of recovery.

22 So, Your Honor, the *Osborne* case, again, says the very
23 fact that you would go and start looking for evidence in
24 support of your claim is conclusive indication that you knew
25 you had a loss and that the statute of limitations had already

1 started to run.

2 Thank you.

3 THE COURT: All right. Folks, I'm going to take this
4 matter under advisement to review the memos that have been
5 submitted, and I will make a decision in a reasonable amount
6 of time.

7 MR. SPREEUWERS: Thank you, Your Honor.

8 MR. HUDSON: Thank you.

9 THE COURT: All right.

10 (WHEREUPON, the proceedings ended at 11:25 AM.)

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12 --- END REQUESTED TRANSCRIPT ---

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State of South Carolina)

) Certificate

County of Florence)

I, the undersigned, Krystal J. Smith, Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 10, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Sumter County, South Carolina, on the 22nd day of September, 2025, to the best of my ability based upon the audio and notes provided.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Krystal J. Smith

Court Reporter

Florence, South Carolina

April 30, 2026

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