

RECEIVED

Sep 17 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jennifer A Salvini, Circuit Court

Judge

Case No. 2026-1352

Sabrina D Davis,

Appellant,

v.

Bankers Life And Casualty
Company,

Respondent.

[INITIAL] BRIEF OF APPELLANT

Sabrina D Davis
Post Office Box 5364
Greenville, South Carolina 29606
(864) 982-1799
Pro se

* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

TABLE OF CONTENTS

Table of Authorities	ii
Statement of Issues on Appeal.....	1
Statement of the Case.....	1
Standard of Review	1
Facts	1

Arguments

1. DID THE TRIAL COURT ERR BY RULING THE MOTION TO VACATE
WAS FILED OUT OF TIME FOR FILING?

2. SHOULD THE STATE BE ADDED AS A DEFENDANT TO THE CASE?

Conclusion	2
------------------	---

TABLE OF AUTHORITIES*

CASES

<u>Coney Island Auto Unlimited, Inc. v. Burton</u>	2
<u>Henderson v. US, 517, U.S. 654(1996)</u>	2
<u>McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct.App.1996)</u>	
<u>Seattle Audubon Society v. Robertson [931 F.2d 590 (9th Cir.1991),503 U.S. 429, 112 S.Ct. 1407, 118 L.Ed.2d 73 (1992)]</u>	2

Wilson, 403 S.C. at 425, 743 S.E.2d

STATUTES

28 U.S.C. 1332.....	2
S.C. Code Ann. § 15-3-20(B)	2
S.C. Code Ann. § 15-9-20	2

OTHER AUTHORITIES

Rooker-Feldman Doctrine	2
Full Faith and Credit Clause (1981).....	2
South Carolina Appellate Court Rule 241.....	2
South Carolina Rules of Civil Procedure 3(a)(2).....	2

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR BY RULING THE MOTION TO VACATE WAS FILED OUT OF TIME ?

SHOULD THE STATE BE ADDED AS A DEFENDANT TO THE CASE?

STATEMENT OF THE CASE

On February 14, 2014, Sabrina D Davis brought this action alleging badfaith against Bankers Life and Casualty Company. Bankers filed a motion to dismiss for insufficient process of service. A motion hearing was held on May 20, 2014 and judgment was entered May 26, 2014. Davis filed a motion for reconsideration and it was denied July 2014. The matter was appealed August 2014 and judgment was affirmed July 12, 2016. The matter was refiled August 13, 2016 and removed to District Court September 13, 2016. The District Court issued summary judgment citing statute of limitations had expired. Davis appealed case to the 4th Circuit. During the appeals stage, Davis presented the appeals court via judicial notice of the original filed case of 2014. A tolling argument ensued in which the appeals court refused to acknowledge the prior court filing. During the appeals phase of the case, Davis discovered that the district court refused to toll the statute of limitation for the number of days the original case was pending in both the state trial court and the appeals court. Davis also discovered that the state trial court dismissed her case for insufficient process of service 96 days after the complaint was filed. Davis filed a motion to vacate the improper dismissal but instead of a dismissal, Judge Gravely issued an order directing the issue to the district court. Davis appealed this order to the SC Appeals Court but

could not pay the required filing fee because she was unemployed and could not afford the filing fee. She submitted her issues to the South Carolina Supreme Court. This court denied certiorari. She then submitted her issues to the US Supreme Court who also denied certiorari. Davis presented the state court judgment to the South Carolina District Court asking this court to void the judgment citing 28 USC 1332. Both the district court and the appeals court cited Rooker-Feldman and refused to void the state court judgment. Davis presented the state court judgment to the district court for enforcement. Both the district court and the appeals court refused to enforce the judgment citing that the state filed case did not have a federal case number. Davis submitted a mandamus to the court and no court including the US Supreme Court would order the district court to honor the state court judgment (Full Faith and Credit Clause). Davis also submitted an application for assistance to the Greenville Court of Common Pleas, instead of directing the federal court to honor the judgment, Davis was accused of submitting fraudulent documents to the court.

May, 2026, Davis submitted a motion to vacate both judgments issued in case 2014CP2300815. Judge Salvini dismissed the case citing the time for reconsideration had expired. On June 24, 2026, Davis served the Notice of Appeal on Bankers Life and Casualty Company.

STANDARD OF REVIEW

Abuse of discretion has occurred in first the issuance of the two judgments by the trial court and the denial of the motion to vacate those judgments.

Wilson, 403 S.C. at 425, 743 S.E.2d at 754 (“An abuse of discretion occurs when a [trial] court's order is controlled by an error of law or there is no evidentiary support for the [trial] court's factual conclusions.”)... and Wilson, 403 S.C. at 425, 743 S.E.2d at 754 (“An abuse of discretion occurs when a [trial] court's order is controlled by an error of law or there is no evidentiary

support for the [trial] court's factual conclusions.”)....

FACTS

Davis submitted a motion to vacate the judgment issued by Judge Renee Lee August 2018 . The motion was not denied based on a time requirement because Davis presented a due process violation that was supported by Henderson v. US(1996). The judgment issued by Judge Lee ignored US Supreme Court precedent(See Henderson v. US 517 U.S. 654(1996)) and South Carolina state law that allows litigants 120 days to accomplish service. Judge Lee only allowed Davis 96 days to accomplish service. The US Supreme Court has stated that time for service is not subject to judicial reduction. This ruling became the law of the land under the Supremacy Clause. The 14th Amendment ensures that state courts apply the law equally to its citizens that reside in their state and the 5th Amendment requires that the federal courts apply federal laws equally to all US citizens. However, no court has allowed Davis to use any law that helps her case. Instead, the courts have refused to uphold the laws regarding evidence, process of service, and void judgments that violate due process. South Carolina law and the US Supreme Court both rule that Davis is allowed 120 days to accomplish process of service not the 96 days Judge Lee allowed her. Judge Lee cannot claim that the procedural misstep that occurred in this case was a mistake. In her response to Davis motion for reconsideration, Judge Lee states that she had examined every law regarding the process of service requirements in South Carolina. The law that allows a litigant 120 days to serve a party was not applied. Davis filed her motion to vacate Judge Lee’s order in 2018, Judge Gravely who was over the motion did not make timeliness an issue. While Judge Gravely does have jurisdiction over the motion brought before the Common Pleas Court, he does not have any authority to place Davis case in a federal court that lacks subject-matter jurisdiction nor can he ignore removal procedure. The Defendant did not request removal in case 2014CP2300815. Judge Gravely acted like the Court itself was the Defendant and removed the case himself The current order by Judge Salvini ignores the entire

diligent efforts of Davis to get the judgment issued by Judge Gravely vacated because the judgment he issued did not resolve or address the misstep of the state court that is trying to ignore the law(S.C. Code 15-3-20(B) and US Supreme Court precedent(*See Henderson*). Davis has presented the same issues and not one court has addressed the issues or defects of the judgments issued by the Common Pleas Court. It would be unfair to Davis who has consistently and timely brought these issues before court after court only to have these court resolve nothing. Now the court wants to state a time restriction because of their failure to perform their duty. The court should not be allowed to use time against Davis when she presented her issues before the court and received a judgment from a judge that should have been voided by any court but was not. The problem is not Davis's timing. The problem is the court's refusal to vacate an improper dismissal.

ARGUMENTS

1. DID THE TRIAL COURT ERR BY RULING THE MOTION TO VACATE WAS FILED OUT OF TIME?

Judge Salvini did not address the issues Appellant brought before the court but simply looked at the date and made a 5-second ruling. Tolling was not applied to Davis efforts because Davis fought the Judge Gravely's order in several courts all the way to the US Supreme Court. Davis presented that due process was violated because the trial court(Judge Lee) dismissed her case for insufficient process of service without giving her the required time allotted to accomplish service of process. The US Supreme Court has not placed a time requirement regarding judgments that violate due process(*See Coney Island Auto Unlimited, Inc. v. Burton* 607 U.S. (2026). The definition of **void** under the rule governing relief from **judgments** only encompasses **judgments** from courts which **failed** to **provide proper due process**, or **judgments** from courts which lacked subject matter jurisdiction or personal jurisdiction; a **judgment** is not rendered a "**void judgment**" by irregularities which do not involve jurisdiction. [Rules Civ.Proc., Rule 60\(b\)\(4\)](#). Judge Salvini also failed to observe that Judge Gravely never cited the timeliness of Davis first motion to vacate. Instead the judge issued an order giving the case to the district court. Judge Gravely refused to grant a hearing to clarify his ruling. Davis has submitted numerous motions and court filings trying to get Judge Gravely's judgment either voided or enforced. The court cannot used time against Davis for a judgment they refused to address. Davis brought her actions to the court in a timely manner. It is not her fault the courts refused to honor laws, court rules, and case precedent and issued a judgment that would extend this case to where it is now. The judge failed to address the due process violations that occurred in rulings issued by Judge Lee and Judge

Gravely and simply issued a ruling that claimed the time to address these issues had expired.

Process of service is a procedural right and time to accomplish process of service is a procedural right that is not subjected to judicial reduction(See Henderson v. US 517 U.S. 674(1996). Judge Gravely did process total jurisdiction in case 2014CP2300815 but his judgment that gives jurisdiction to a court that lacks subject matter jurisdiction is what makes his ruling void(See (The definition of **void** under the rule only encompasses **judgments** from courts which **failed** to **provide proper due process**, or **judgments** from courts which lacked subject matter jurisdiction or personal jurisdiction.” [*McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 \(Ct.App.1996\)](#)). Judge Gravely does not possess the authority to dictate federal jurisdiction. Congress has set the federal courts jurisdiction and Judge Gravely’s order violate a federal law. As stated earlier as a result of Judge Gravely ruling, Davis has tried to have this judgment voided or enforced in the federal courts and no court will honor the judgment nor will the district court acknowledge case# 2014CP2300815.

Tolling

The time requirements in lawsuits between private litigants are customarily subject to equitable **tolling** if such **tolling** is necessary to prevent unfairness to a diligent plaintiff.

[*Seattle Audubon Society v. Robertson* \[931 F.2d 590 \(9th Cir.1991\), *rev'd on other grounds*, 503 U.S. 429, 112 S.Ct. 1407, 118 L.Ed.2d 73 \(1992\)\]](#) stated that equitable **tolling** may be applied when plaintiffs are “prevented from asserting their claims by some kind of wrongful conduct on the part of the defendant.

Appellant allege that the courts have taken the place of the defendant in this matter. It is the

Courts(both state and federal) that ignores laws, case precedents, court procedures, and evidence to keep rulings that keep an improper dismissal and summary judgment in place. Davis has went from court to court trying to do what Judge Gravely directed her to do only to have the district court refuse without any explanation other than that case# 2014CP2300815 does not have a federal case number.

APPELLANT BELIEVES THAT THE STATE SHOULD BE CONSIDERED A PARTY TO THIS LAWSUIT

The South Carolina Courts have acted as a Defendant in this matter against Bankers Life and Casualty Company. The Courts have ignored laws, court procedure, and case precedents to keep an improper dismissal in place for a badfaith action against Bankers Life and Casualty Company. The judgment issued by Judge Gravely places the State in the position as a defendant. The Judge removed this case to the district court without proper removal procedure. Case 2014CP2300815 did not qualify for removal and to date the district court refuses to acknowledge this case. The summary judgment granted by the district court has a statement issued by Judge Cain. He stated that Davis waited until 2016 to file her action against Bankers Life. During the appeal stage, Davis presented the actual court filing to the appeals court. A tolling argument was presented and the appeals court totally ignored the tolling and affirmed the district court summary judgment. Davis tried to get ruling vacated by presenting the prior court filing via judicial notice as allowed under the Federal Rules of Evidence Rule 201. The federal courts refused and issued a proclamation that the case was closed and no further

documents would be accepted in the case. Davis went to the Administration Over the Federal Courts to get that proclamation taken down. Any party to a court case has the right to present new evidence that may be discovered later and the courts do not have the right to ban such submissions. The South Carolina state courts do not have an oversight committee and can make cases disappear without any accountability. Judge Cain also ruled that the judicial notice was submitted out of time, however the rule does not support that claim. Then we have the matter of this court that took nearly 2 years to issue a ruling. This Court waited until the statute of limitation ran on this case and issued a ruling that ignored the law. S.C. Code Ann. § 15-3-20(B) grants litigant 120 days to accomplish service. The trial court only allowed Davis 96 days to accomplish service. Under the 14th Amendment Davis is not exempt from this law. Next, Judge Gravely removed the case to the district court regardless of the removal procedure and 28 USC 1332. Davis was accused of submitting fraudulent documents to the Court of Common Pleas. The documents submitted was the judgment issued by Judge Gravely that clearly had a case number that coordinated with a case filed in the Court of Common Pleas. Now we are back to the original issue that occurred when Davis filed an appeal regarding Judge Gravely's judgment. Issues with Davis paying the filing fee. I believe this court acts as a hinderance in Davis pursuit to get compensation from Bankers Life. The South Carolina Courts are using unlawful tactics to prevent Davis from using S.C. Code Ann. §38-55-530¹ to get compensation from Bankers and should be added to the lawsuit as a Defendant.

¹ South Carolina law that states insurer must prove intent to defraud if insurer is claiming misrepresentation as a means to void the policy.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

September 16, 2026

Sabrina D Davis
P.O. Box 5364
Greenville, South Carolina 29606
(864) 982-1799
Pro se