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THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

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DEC 18 2013

SC Court of Appeals

Case No: 2012-212896

Charles Taylor,

Appellant,

v.

Thomas Davis and
State Farm Mutual Automobile Insurance Company, Respondents,

MOTION FOR:

Clarification & Specification to end Confusion among the Parties Differing Interpretations as to what Constitutes "Matter Not Presented to the Lower Court" as *noted* on Certificate Page in Second Amended Record on Appeal Served 12/17/13 by this Court's last 11/19/13 Order.

(1). Because there have been so much confusion to date, requiring a few serving and filing of the Record on Appeal, it have reached the point where clarification & specification from this Court

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is badly needed, as to what constitutes “matter not presented to the lower court”. An answer from this Court is paramount, lest it be almost useless to proceed further, to what will be; without such answer; a certain flawed and unjust outcome in the end;

(2).Appellant believed heretofore that the answer to the question is, essentially, matter (original papers and exhibits) not presented in and/or at least filed in the lower court; re: a certain trial or (motion hearing in the instant case) from which the order-judgment came that’s being appealed;

(3).Respondent State Farm evidently believe that the answer to the question is; essentially; that everything goes in-bar none-regardless; (1).whether any document has been authenticated, it all doesn’t matter; (2).whether such documents or fact have been introduced in the court before, it doesn’t matter; (3).whether the file date stamp are thereon to shows when and if such was filed, it doesn’t matter; (4).whether all such document-s proposed have been introduced in court, into evidence and-the-like, in a lower court proceedings on the subject matter etc. or whatever else, it all doesn’t matter-State Farm proposes all such abnormalities be included in the roa regardless; & thus Appellant can hardly believe that such is the answer to the question herein of this motion;

(4).Respondent Davis appears to believe something in between, he can reply & speak for himself but such appears to be the case from the documents he proposes; but that if;

(5).Respondent State Farm interpretation are correct, all parties need to know that so they can act accordingly and do likewise; **for a fair hearing and just out come of the subject appeal.**

(6).Note that Appellant; being careful not to run afoul of the Court's 11/19/13 order, did served a **Second Amended ROA** 12/17/13 to Respondents and will file same to the Court within 20 days;

(7).But that if the answer will be what; or nearest to what; Appellant believe the answer to the question herein is; then Appellant motion the Court to include therewith in its answer, an order allowing the, initial briefs w/designation of matter, all other briefs & the ROA Appeal, all then be amended, served, & filed once more for the reasons herein; before the appeal can be properly and justly decided; and note that with the answer, all parties will be on the same page-definition.

(8).But in any case; Appellant note here with emphasis that; because the Court's last order of 11/19/2013, ordered certain items stricken or corrected in the Record on Appeal, such things having already been referred to in the final briefs filed earlier before the order came; therefore; such final briefs, and by extension, such initial briefs w/matter designations, need amending accordingly, so that all references in the final briefs to the ROA will be accurate. Otherwise it will be a hit and miss situation in referencing one with the other upon the hearing of the case.

(9).Appellant apologizes to the Court for any inconvenience-delay it maybe responsible for, but are trying hard with limited mobility due to arthritis now entering the spine, requiring even more back-spine surgery on top of the old ones.

BY: 

Charles Taylor, Plaintiff Pro Se
Post Office Box 3652
Sumter, South Carolina 29151-3652
(803) 883-7005

Sumter, South Carolina

December 17, 2013

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APPEAL FROM RICHLAND COUNTY

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Appellate Case No: 2012-212896

Charles Taylor,

Appellant,

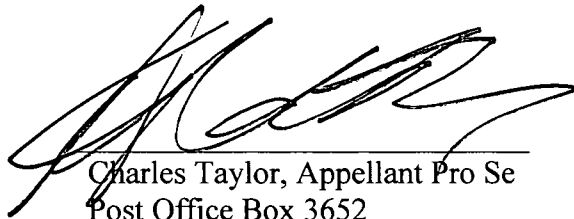
v.

Thomas Davis and
State Farm Mutual Automobile Insurance Company, Respondents,

PROOF OF SERVICE

That Appellant have served a copy of his 12/17/13 Motion upon Respondent Thomas Davis & Respondent State Farm Mutual Automobile Insurance Company to its counsel below by depositing same in the U.S. Mail, from Sumter, SC. on the date below, w/1st class duly affixed postage and a return address on envelope.

December 17, 2013



Charles Taylor, Appellant Pro Se
Post Office Box 3652
Sumter, SC 29151/(803) 883-7005

Mr. Thomas Davis, Respondent
PO Box 773
Manning, S.C. 29105

State Farm Mutual Automobile
Insurance Company/Respondent
Mr. James B. Lybrand, Jr., Esq.
PO Box 58 / Columbia, S.C. 29202

December 17, 2013

The Honorable:
Jenny Abbott Kitchings
Clerk of the South Carolina
Court of Appeals
1015 Sumter Street
Columbia, S. C. 29201

Charles Taylor
P O Box 3652
Sumter, S. C. 29151

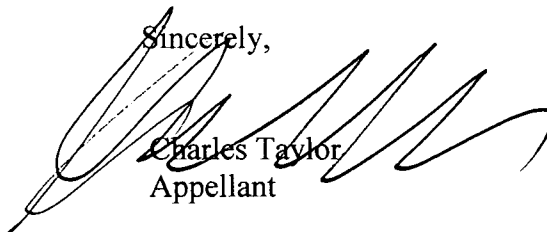
REF: Charles Taylor, Appellant
v. Thomas Davis and State Farm
Mutual Automobile Insurance
Company, Respondents:
Appellate Case No: 2012-212896

DEAR MRS. KITCHINGS:

PLEASE FIND ENCLOSED FOR FILING:

Appellant's Motion; 1 original + 6 copies and 1 to clock and return to me in the SASE please!
Thanks Very Much!! If there are any questions, please just let me know. With a copy of this
letter, I am serving same to the other parties as shown below. The \$25.00 motion fee is enclosed.

Sincerely,



Charles Taylor
Appellant

CC: Respondent
Thomas Davis
PO Box 773, Manning, SC. 29105;

CC: Respondent State Farm Mutual
Automobile Insurance Company
c/o: James B. Lybrand, Jr., Esq.
PO Box 58, Columbia, S.C. 29202

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SC Court of Appeals



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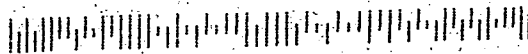
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CHARLES TAYLOR
PO BOX 3652
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