

**THE STATE OF SOUTH CAROLINA
In The Court Of Appeals**

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Case No: 2012-212896

RECEIVED

JUL 29 2014

Charles Taylor,

Appellant

SC Court of Appeals

v.

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

**APPELLANT'S RETURN:
TO RESPONDENT STATE FARM'S 7/22/14:**

Motion to Strike Appellant's 3rd Amended Record on Appeal &/or;
Motion to Dismiss Appeal &/or;
Motion to Permit State Farm to Amend/Supplement Content of Its Final Brief &/or;
Motion For an Extension of Time to File Its Final Brief.

(1). That the Appellant, pursuant to this Court's 6/9/14 Order, took note of the striking Appellant's (1).11-27-13 2nd Amended Initial Brief and; (2).11-27-14 2nd Amended Designation of Matter &; (3).12-10-13 2nd Amended Reply Designation of Matter &; (4).12-17-13 2nd Amended ROA; all in the first para. of the 6/9/14 Order and #(1), (2), & (4), struck in the 2nd para. of the 6/9/14 Order;

(2).That Appellant read the subject 6/9/14 Order as then instructing him to, within 30 days, serve & file a 3rd Amended Record on Appeal to include all items listed in the parties' initial designation of matter;

3.That on 7/7/14 Appellant served and filed 7/23/14 the; 3rd Amended Record on Appeal; along with serving and filing 7/23/14 his:

(a). Final Brief--corresponding to his July 18, 2013, 1st Amended **Initial** Brief of Appellant--*see* (exhibit #1 attached p.6); & with same July 18,2013 1st Amended **Initial** Designation of Matter--*see* (exhibit #2 attached p.7); **both** pursuant to this Court's 7/1/13 Order--*see*-(ex. #3 attached p.9); & that such then (ex. #2 attached p.7) is Appellant's **Initial** Designation of Matter *in* the 3rd amended ROA; **which designation was filed & served initially on 7-15-13-see-(exhibit #2 thru 2a attached p.7-8)**;

4.That appears to be the basis of Respondent State Farm's claiming of willful violation against Appellant of this Court's 6/9/14 Order; **but**;

5.That both Respondents too; acted pursuant to this Court's 7-1-13 (exhibit #3 p.9) Order--in that they Amended their **first** to make it their **Initial** Briefs & Designations of Matter---(*see*: ex. #4 p.10 thru #5 attached p.12); &(then Appellant did same for his--Reply Brief--*see*-(ex. #6 attached p.14– p15);

6.**So all parties' acted the same as to the 7-1-13 order; making their 1st Amended's--in--fact their i.e. (Initial) designations of matter--see--3rd amended ROA (Addendum p. 91-95 included as [proof] in anticipation of State Farm complaining to seek dismissal)-then see the corresponding p.'s 1-90 in the 3rd Amended Record on Appeal filed 7/23/14--&-you will see that they all match up;**

7. Thus Appellant, honestly-in-his-mind, believed & believes---exh. #2 attached p.7---to be his **Initial** Designation of Matter---pursuant to this Court's; July 1, 2013 and June 9, 2014 Orders;

8. That if Appellant had done otherwise, Respondent State Farm would now be complaining that Appellant left out matter on the list (exhibit #2 attached p.7) of Designation of Matter for the 3rd Amended ROA; **Given Respondent State Farm's obvious strategy-to-win by getting appeal dismissed because he was acquainted with one of the jurors without revealing it to get a \$615 1ST low award in this [Spinal Injury Lifetime Disability Case], which only came to light later & he wants it all to stay hidden from any possible review of the case on the merits--HENCE--the never ending complaints about the ROA--as his only way out of such a predicament; and; to make sure that such documentations are never seen in any final ROA;**

9. That--but in any case--if Appellant somehow--*he denies it*--but if he did not get it right with the 3rd Amended Record on Appeal, it certainly was with a good faith effort & with good intent, given his disability with no help, and thus have every incentive to get it right for his own sake as stated; thus he will muster the strength somehow & the where with all; to do a 4th ROA if the Court so Orders, for a 4th time, but must admit that Appellant is running out of *health* as it steadily is down hill as evident by the number of surgeries now needed; but again, will try a 4th ROA if ordered.

10. That **also**, Appellant did serve and file his: Appellant's Final Reply Brief on 7/23/14, along with all the other-(which Final Reply Brief correspond with-(exhibit #6 attached p.14), again, being just like (& corresponding to) all the others in the exhibits #1 p.6 thru #5 p.12 attached hereto); &

11. Respondent State Farm Filed 4 Distinct Motions as Enumerated on p. 1 Herein Above;

(a). That the first of such motions seeks to strike the 3rd Amended Record on Appeal and without more said, Appellant believe, based on the foregoing, that motion should be denied;

(b).That the second of such motions seeks to dismiss the appeal; but based on the foregoing also, without any more being said-likewise, Appellant believe that motion too--should be denied; and

(c).Their 3rd motion seeks permission to amend/supplement content of its final brief; Appellant, likewise believe this motion too, should be denied, **because**, the other parties stuck w/ their **Initials** as shown in the, exhibits attached, filing corresponding, **Final Briefs**, within the (20) days after Appellant served the 3rd Amended ROA pursuant to this Court's 6/9/14 order; & thus Appellant would argue it unfair for this Respondent State Farm to now upset the apple cart to its advantage & prejudicing the others at this late hour; with their good and just cause being; that they gambled on their motions (a) and (b) above being granted for (1 crack at the apple); but; if that failed (then another crack at the same apple) would be via motions (c) and (d) here and below; **accordingly**; Appellant objects and argues that this-their motions to; amend/supplement content of its final brief; should be denied; & that they too be stuck with their **Initials**--see-(ex. #4 attached p.10) just like the other parties--see--their Initials per the other exhibits attached; otherwise, everything will be out of sink and the other parties will be prejudiced by Respondent State Farm in obvious and not so obvious other ways; especially as to the disabled Appellant living on SS disability fixed income from and since this truck accident of 9/7/2007; seven (7) years now and counting; and;

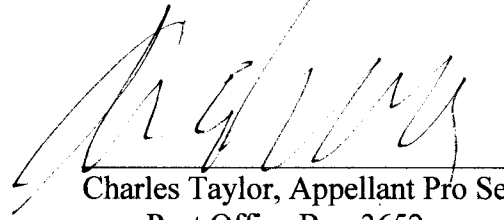
(d).That the 4th motion of Respondent State Farm, is a motion for an extension of time to file its final brief, which was due (like everyone else's) within 20 days of the serving (7/7/14) of the 3rd Amended Record on Appeal pursuant to this Court's 6/9/14 Order; but State Farm's was not filed, apparently on the same gamble as just stated above in paragraph (c); but none-the-less, Appellant will not oppose a limited time extension so they can file their final brief—to argue on the merits.

12. That disabled Appellant, pursuant to all the foregoing, urges this Court to find;

A. That the 3rd Amended Record on Appeal served 7/7/14 and filed 7/23/14, substantially and sufficiently, if not perfectly, complies with applicable SCACR and the Court's 6/9/14 Order; &

B. That accordingly, Respondent State Farm Motions' to; (1).strike, (2).dismiss, (3).amend and supplement, all should be denied; & (4).extend limited time to file their final brief; should be granted so they can argue on the merits.

Most Respectfully Submitted,



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

Sumter, South Carolina

July 28, 2014

Note: That all the **Final Briefs**; Appellant's (2) filed 7/23/14; and the other Respondent's filed 7/25/14; are all cited to the subject--Third Amended Record on Appeal--filed 7/23/14; that State Farm wants struck for a **3rd** time for; as all the foregoing herein shows; no good reasons given and no just cause shown to justify such a **THIRD STRIKE**.

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Appellant Case No: 2012-212896

Charles Taylor,

Appellant,

v.

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

AMENDED INITIAL BRIEF OF APPELLANT

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APR 18 2018

SC Court of Appeals

Charles Taylor
Post Office Box 3652
Sumter, South Carolina 29151
(803) 883-7005
For the Appellant/Pro-Se

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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JUL 1 2013
Court of Appeals

Case No: 2012-212896

Charles Taylor,.....Appellant,

v.

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

**APPELLANT'S AMENDED DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

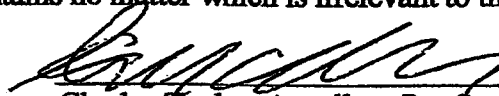
1. Order of June 27, 2011 / of S.C. Court of Appeals
2. Order of June 17, 2012 / of S.C. District Court
3. Notice of Appeal of 6/8/2011 / in S.C. Court of Appeals
4. Motion To Enter Judgment of 8/15/2011 / in S.C. District Court
5. Motion Hearing Brief of 4/19/2012 / in S.C. District Court
6. We Can't Be a Named Party Defendant Document
7. Hearing Transcript Excerpts From 5/7/12 hearing
8. Letter of Respondent Davis Former Attorney Accepting Prior Judgment
9. True Certified Correct Copies of Subject Covenant Agreement
10. Respondent State Farm 5-2-12 Memo Excerpt asking the Court for subject ruling-s.
11. Respondent State Farm 6-23-08 letter acknowledging coverage policies
12. Appellant letters begging for copy of contract policies to review subject provisions prior to
13. State Farm 6-6-12 reply/after ruling to prevent review of contract provisions before ruling
14. Appellant's Resolution Letter of 7-8-13

That some of these items carries multiple pages--as 1 example: the transcript 21 p's; re: 95 complained of in SF motion

NOTE: That a 11/19/13 order instructed only items official name be use; & Appellant did so in the 3rd Amended ROA.

I certify that this designation contains no matter which is irrelevant to this appeal

July 15, 2013



Charles Taylor, Appellant-Pro Se
Post Office Box 3652
Sumter, South Carolina 29151 / 803-883-7005

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Appellate Case No: 2012-212896

Charles Taylor,

Appellant,

v.

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of: Appellant's Amended Designation of Matter, was served upon the Respondent Thomas Davis & Respondent State Farm Mutual Automobile Insurance Company to counsel listed below, by depositing same in the U.S. Mail, from Sumter, South Carolina, on the 15th day of July, 2013, with 1st class duly affixed postage and a return address indicated clearly thereon the envelope, addressed as follows:

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

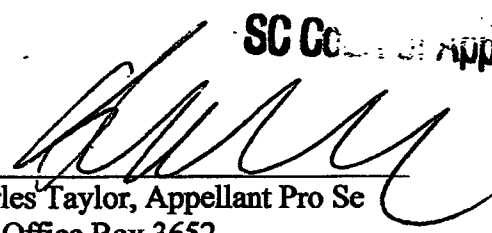
State Farm Mutual
Automobile Insurance Company, Respondent
c/o: Mr. James B. Lybrand, Jr., Esq.
PO Box 58
Columbia, S.C. 29202

Sumter, South Carolina

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JUL 18 2013

SC Co. of Appeals

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

The South Carolina Court of Appeals

Charles Taylor, Appellant,

v.

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

Appellate Case No. 2012-212896

ORDER

Appellant has filed three motions to strike, challenging (1) items in his own Initial Brief and Designation of Matter, (2) items 1 through 11 in Respondent State Farm's Designation of Matter, and (3) the "Background" section of the order from which this appeal is taken. We construe Appellant's Motion to Strike Items in Its Initial Brief and Designation of Matter as a motion to amend those documents, and we hereby grant the motion. Appellant shall serve and file his Amended Initial Brief and Amended Designation of Matter within twenty days. We deny Appellant's remaining motions to strike.

Respondent State Farm has filed motion to strike Appellant's Record on Appeal as violating Rule 210, SCACR, or, alternatively, to dismiss the appeal. We grant the motion to strike the Record on Appeal. We find the Record on Appeal attached as an exhibit to Respondent's motion violates Rule 210(c), SCACR, by omitting items designated by the parties and including other items not designated by the parties. Appellant shall serve an Amended Record on Appeal which is in compliance with Rule 210(c), SCACR, within thirty days after he files his Amended Initial Brief.


FOR THE COURT

Columbia, South Carolina

FILED

7-1-13 AS

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
Alison R. Lee, Circuit Court Judge

Appellate Case No: 2012-212896

Charles Taylor,

Appellant

v.

Thomas Davis and State Farm Mutual
Automobile Insurance Company,

Respondents

AMENDED INITIAL BRIEF OF RESPONDENT
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY TO
APPELLANT'S AMENDED INITIAL BRIEF

JAMES B. LYBRAND, JR.
S.C. Bar #3453
McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, L.L.P
POSTOFFICE BOX 58
1704 MAIN STREET, 2nd FLOOR
COLUMBIA, SOUTH CAROLINA 29202
(803) 252-0500
Attorney for Respondent State Farm Mutual
Automobile Insurance Company

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Case No. 2012-212896

Charles Taylor,

Appellant

v.

Thomas Davis and State Farm Mutual
Automobile Insurance Company,

Respondents.

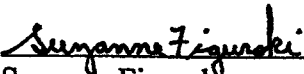
CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondent State Farm's Amended Initial Brief, Motion to Strike Record on Appeal/Motion to Dismiss and Motion for Extension of Time was served upon the following by depositing said papers in the United States Mail, Columbia, South Carolina, on the 16th day of August, 2013, with the first class postage duly affixed and a return address clearly indicated on the envelope, addressed as follows:

Charles Taylor
P. O. Box 3652
Sumter, SC 29151-3652

Thomas Davis
P. O. Box 773
Manning, SC 29105

Columbia, South Carolina


Suzanne Figurski
Legal Assistant to James B. Lybrand, Jr.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

Alison Renee. Lee, Circuit Court Judge

Appellate Case Number: 2012-212896

Charles Taylor,

Appellant,

v.

Thomas Davis and State Farm
Mutual Automobile Insurance Company,

Respondents,

REVISED INITIAL BRIEF OF THOMAS DAVIS-RESPONDENT

THOMAS DAVIS
P O BOX 773
MANNING, SC. 29105
Respondent

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
Alison Renee. Lee, Circuit Court Judge

Case: 2012-212-212896

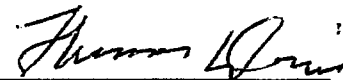
Charles Taylor, Appellant,

v.

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

Proof of Service

I hereby certify that a copy; **Revised** Initial Brief of Thomas Davis Respondent; was served upon Appellant Charles Taylor and Respondent State Farm Mutual Automobile Insurance Company by depositing said papers in the United States Mail, Manning, South Carolina 29105, on the 5th day of August, 2013, with first class postage duly affixed and a return address clearly indicated on the envelope, addressed as follows:



Thomas Davis, Respondent
P O Box 773
Manning, S. C. 29105

Appellant Charles Taylor
Post Office Box 3652
Sumter, South Carolina 29151

Respondent State Farm Mutual Automobile Insurance Company
Attorney: James B. Lybrand, Jr.
Post Office Box 58, Columbia, South Carolina 29202

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Alison R. Lee, Circuit Court Judge

Appellate Case No: 2012-212896

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JUL 29 2014

SC Court of Appeals

Charles Taylor,

Appellant,

v.

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

AMENDED APPELLANT'S INITIAL REPLY BRIEF

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JUL 30 2013

SC Court of Appeals

**Charles Taylor
Post Office Box 3652
Sumter, South Carolina 29151-3652
(803) 883-7005
For the Appellant/Pro-Se**

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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Appellate Case No: 2012-212896

SC Court of Appeals

Charles Taylor,

Appellant,

v.

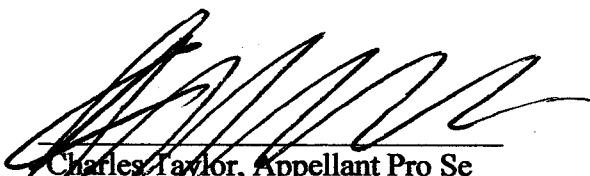
Thomas Davis and

State Farm Mutual Automobile Insurance Company, Respondents,

PROOF OF SERVICE

I hereby certify that a copy of the; Amended-Appellant's Initial Reply Brief; was served upon Respondents Thomas Davis & State Farm Mutual Automobile Insurance Company to its counsel below by depositing same in the U.S. Mail, from Sumter, SC. on the 25th day of July, 2013, w/1st class duly affixed postage & a return address indicated clearly thereon the envelope, addressed as follows:

July 25, 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

REC

JUL 30 2013

SC Court

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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JUL 29 2014

SC Court of Appeals

Appellate Case No: 2012-212896

Charles Taylor,

Appellant,

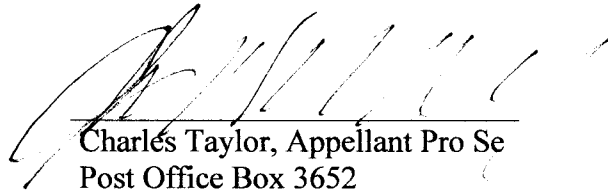
v.

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

PROOF OF SERVICE

That Appellant have served a copy of his; Return to Respondent State Farm Motions dated 7/22/14; 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, with first class duly affixed postage and a return address on envelope clearly.

July 28, 2014



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

July 28, 2014

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

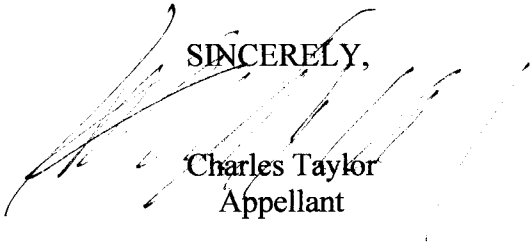
Charles Taylor
P O Box 3652
Sumter, S. C. 29151

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 1 original + 6 copies of Appellant's Return to Respondent State Farm Motions dated July 22, 2014. Please clock and return the extra copy to me in the SASE. With a copy of this letter, I am serving a copy of same to both Respondents below. If there are any questions, please don't hesitate to let me know.

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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JUL 29 2014

SC Court of Appeals

CHARLES TAYLOR
PO BOX 3652
SUMTER SC 29151



RECEIVED

JUL 29 2014

SC Court of Appeals

CLERK OF COURT
SC COURT OF APPEALS
PO BOX 11629
COLUMBIA SC 29211

LEGAL DOCUMENTS
HANDLE W/CARE!