

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

COPY

THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

CASE NO.: 2013-CP-24-01171

REGINALD M. GILLIAM 240636

Plaintiff,

vs.

GREENWOOD INVESTIGATION INC.,
AND MR. RONNIE MCCALLISTER

Defendant.

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: PRO SE, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: R. JAMISON TINSLEY JR., Bar No. 79903 Address: 109 OAK AVE., GREENWOOD, SC 29646 Phone: (864)229-8000 Fax(864)229-8001 E-mail: Tinslerj@gmail.com Other: _____
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- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: MOTION TO DISMISS

Estimated Time Needed: 15 MINUTES

Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ 75.00

EXEMPT:

(check reason)

- Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRCP)
 - Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.

Other:

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: [Signature] Date Filed: 12/4/13

MOTION FEE COLLECTED: \$ 25

CONTESTED - AMOUNT DUE: \$ _____

RECEIVED

JUL 18 2014

SC Court of Appeals

FILED COMMON PLEAS
8TH JUDICIAL CIRCUIT
GREENWOOD, S.C.

SCCA 233 (11/2003)

COPY

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF GREENWOOD)

EIGHTH JUDICIAL CIRCUIT)

Reginald M. Gilliam 240636,)

Case No. 2013-CP-24-01171)

Plaintiff,)

MOTION TO DISMISS)

vs.)

Greenwood Professional Investigation Inc.,)
and Ronnie McCallister,)

Defendant.)

FILED COMMON PLEAS
8TH JUDICIAL CIRCUIT
GREENWOOD, S.C.
2013 SEP -11 PM 2:36

TO: THE PLAINTIFF AND/OR THE PLAINTIFF'S ATTORNEY

YOU WILL PLEASE TAKE NOTICE that the undersigned, on behalf of the Defendants, will move before the Court of Common Pleas, for the Eighth Judicial Circuit to dismiss the Plaintiff's Complaint and to grant such other relief as the Court deems just, equitable, and proper.

The Court should dismiss the Plaintiff's Complaint pursuant to Rule 12(b)(8) because these same parties have already had litigation on the same claim. The Plaintiff filed a lawsuit with the same allegations against the Defendants under Case No. 2010-CP-24-01149. This lawsuit was dismissed by the Circuit Court and appealed to the Court of Appeals, which affirmed the dismissal. (See Exhibits A and B.) The doctrine of res judicata bars the Plaintiff from going forward with this claim because the prior action was between the same parties regarding the same contract. Furthermore, the statute of limitations is a complete bar to this new breach of contract action as it is based on actions from 2008 on the face of the allegations of the Complaint.

WHEREFORE, the Defendants pray:

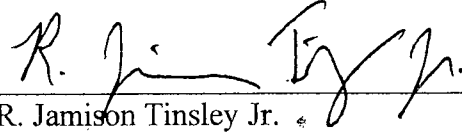
RECEIVED

JUL 18 2014

SC Court of Appeals

1. For an Order dismissing the Plaintiff's Complaint; and
2. For such other relief as the Court deems just, proper, and equitable.

TINSLEY & TINSLEY, P.C.
Attorney for Defendant



R. Jamison Tinsley Jr.
109-C Oak Ave.
Greenwood, SC 29646
(864) 223-0770
Fax: (864)229-8001

Greenwood, South Carolina

December 4, 2013

EXHIBIT A

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENWOOD)
)
 REGINALD M. GILLIAM)
 (#240636),)
)
 Plaintiff,)
)
 v.)
)
 GREENWOOD PROFESSIONAL)
 INVESTIGATIONS, INC., and MR.)
 RONNIE MCALLISTER,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 EIGHTH JUDICIAL CIRCUIT

ORDER

C.A. No. 2010-CP-24-01149

8TH JUDICIAL CIRCUIT
 GREENWOOD, SC
 2011 JUN 22 PM 12:21

Date of Hearing: June 15, 2011
 Presiding Judge: The Honorable Frank R. Addy
 Plaintiff's Attorney: Pro se
 Defendants' Attorneys: Billy J. Garrett, Jr., and R. Jamison Tinsley, Jr.
 Court Reporter: Joy E. Holston

This matter came before the Court on June 15, 2011, upon the Defendants' Motion to Dismiss.

The Plaintiff represented himself Pro se. Appearing on behalf of the Defendants was R. Jamison Tinsley Jr. of the Greenwood Bar.

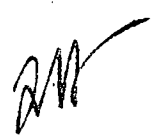
Upon hearing the arguments of both sides, the Court makes the following:

FINDINGS OF FACT

1. The Summons served upon the Defendants required the Defendants to answer in 20 days.

CONCLUSIONS OF LAW

1. The Summons was invalid because it required the Defendant to answer in 20 days instead of 30 days as required by S.C. Civ. Pro. Rule 12(a).



ATTEST A TRUE COPY
Angela Woodlurst
 ANGELA WOODLURST
 CLERK AND GS
 GREENWOOD COUNTY
 S. C.

2. Accordingly, the Court lacks jurisdiction over the Defendants. See Rule 12(a); Ex parte South Carolina Dept. of Revenue, 350 S.C. 404, 566 S.E.2d 196 (Ct. App. 2002); and State Bd. of Medical Examiners v. Fenwick Hall, Inc., 300 S.C. 274, 387 S.E.2d 458 (S.C. 1990).

ORDER

WHEREFORE, based upon the above Findings of Fact and Conclusions of Law, the Court orders:

1. This case is dismissed sine prejudice.
2. The Court strongly encourages the Plaintiff or his family to retain counsel prior to filing further actions.

SO ORDERED:



The Honorable Frank R. Addy
Eighth Judicial Circuit

EXHIBIT B



**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Reginald M. Gilliam, Appellant,

v.

Greenwood Professional Investigations, Inc. and Mr.
Ronnie McAllister, Respondents.

Appellate Case No. 2011-194292

Appeal From Greenwood County
Frank R. Addy, Jr., Circuit Court Judge

Unpublished Opinion No. 2013-UP-044
Submitted December 3, 2012 – Filed January 30, 2013

AFFIRMED

Reginald M. Gilliam, pro se.

Billy J. Garrett, Jr., of The Garrett Law Firm, PC, and
Robert Jamison Tinsley, Jr., of Tinsley & Tinsley, P.C.,
both of Greenwood, for Respondents.

FILED COMMON PLEAS
8TH JUDICIAL CIRCUIT
GREENWOOD, S.C.
2013 FEB 22 PM 4:30

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: Rule 12(a), SCRCF ("A defendant shall serve his answer within 30 days after the service of the complaint upon him . . ."); *Citizens & S. Nat'l Bank of S.C. v. First Palmetto State Bank & Trust Co.*, 279 S.C. 252, 254, 305 S.E.2d 80, 80-81 (1983) ("[O]ne of the most important elements of a Summons is the time it allots for the defendant to appear.").

AFFIRMED.¹

SHORT, KONDUROS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

COPY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENWOOD)
)
 Reginald M. Gilliam 240636,)
)
 Plaintiff,)
)
 vs.)
)
 Greenwood Professional Investigation Inc.,)
 and Ronnie McCallister,)
)
 Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 EIGHTH JUDICIAL CIRCUIT
 Case No. 2013-CP-24-01171
**DEFENDANTS' RESPONSE TO
 PLAINTIFF'S MOTION TO
 RECONSIDER**

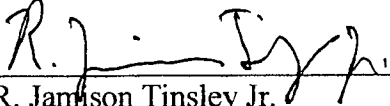
FILED COMMON PLEAS
 8TH JUDICIAL CIRCUIT
 GREENWOOD, S.C.
 2014 APR -1 AM 11: 54

The Court should not alter its order dismissing the Plaintiff's Complaint in this matter. Following a hearing, the Court dismissed the Complaint on March 10, 2014, because it was "filed outside [the statute of limitations]," pursuant to a Form 4 judgment. The Plaintiff originally filed a breach of contract lawsuit against the Defendants on September 2, 2010. This case was dismissed because of an improper summons. The Defendant filed the current lawsuit on November 7, 2013 with the same allegations as the dismissed lawsuit. Given that more than three (3) years passed between when the current and original lawsuits were filed, the three-year statute of limitations had passed when the Defendant filed the current Complaint with breach of contract claims.

The Court thus properly dismissed the Plaintiff's Complaint for being outside the statute of limitations and should not alter its order.

(SIGNATURE BLOCK ON FOLLOWING PAGE)

TINSLEY & TINSLEY, P.C.
Attorney for Defendant



R. Jamison Tinsley Jr.
212 Oak Ave.
Greenwood, SC 29646
(864) 223-0770
Fax: (864) 377-8278

Greenwood, South Carolina

March 28, 2014

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP2401171

Reginald Gilliam

Ronnie McAllister

Greenwood Professional
Inv Inc

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

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. See Page 2 for additional information.
- 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; Other: _____
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- 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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

Dismissed as filed outside SOL.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Reginald Gilliam
Circuit Court Judge

2159
Judge Code

3/10/14
Date

FILED COMMON PLEAS
JUDICIAL CIRCUIT
GREENWOOD, S.C.
2014 MAR 12
PM 5:12

For Clerk of Court Office Use Only

This judgment was entered on **March 10, 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **March 10, 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Reginald Gilliam ,

Robert Jamison Tinsley Jr. PO Box 49145 Greenwood, SC
29649

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Angela Woodhurst

Angela Woodhurst - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2013-CP-24-1171

REGINALD M. GILLIAM

GREENWOOD PROFESSIONAL
 INVESTIGATIONS, INC., RONNIE
 McCALLISTER

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Attorney for Plaintiff Defendant Self-Represented Litigant

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 _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

FILED COMMON PLEAS
 8TH JUDICIAL CIRCUIT
 GREENWOOD, S.C.
 2014 APR 15 PM 2:11

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 comes before the court on Plaintiff's motion to reconsider the court's order of March 10, 2014. Having reviewed Plaintiff's and Defendant's motions and considered the arguments contained therein, the court declines to alter or amend the court's prior order.

Order Information

This order ends does not end the case.

Additional Information for the Clerk :

Complete if judgment requires payment of a sum of money or affects title to real or personal property		JUDGMENT AGAINST PLAINTIFF:		JUDGMENT AGAINST DEFENDANT:	
Judgment Amount	\$ _____	Judgment Amount	\$ _____	Judgment Amount	\$ _____
Taxable Costs	\$ _____	Taxable Costs	\$ _____	Taxable Costs	\$ _____
Attorney's Fees	\$ _____	Attorney's Fees	\$ _____	Attorney's Fees	\$ _____
Interest	\$ _____	Interest	\$ _____	Interest	\$ _____
Other:	\$ _____	Other:	\$ _____	Other:	\$ _____
Total Amount to be Enrolled:	\$ _____	Total Amount to be Enrolled:	\$ _____	Total Amount to be Enrolled:	\$ _____
If applicable, describe the property, including tax map information and address, referenced in the order:					

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interests

or costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

[Signature]
Circuit/Court Judge

2159
Judge Code

4/6/14
Date

For Clerk of Court Office Use Only

This judgment was entered on the 15 day of April, 2014 and a copy mailed first class this 15 day of April, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Pro Se

R. Jamison Tinsley, Jr.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

[Signature]
CLERK OF COURT

②

Date: July 14th, 2014

The South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11626
Columbia, South Carolina 29211

Re: Reginald Gilliam v. Ronnie McAllister
Appellate Case No. 2014-001009

Dear Clerk,

Inclosed are the copies of the orders and judgments that I'm appealing, also inclosed, is a copy of the Trust Fund Account Report for South Carolina Court pertaining to the \$100 filing fee.

Thank You

Reginald Gilliam #240636

P.O. Box 205

Ridgerville, SC 29472

RECEIVED

JUL 18 2014

SC Court of Appeals

Reginald M. Gilliam #240636
Lieber Corr. Inst. C/B #27
Post Office Box 205
Ridgeville, South Carolina 29472

FIRST CLASS
UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$01.61⁰
000 38017 JUL 15 2014
MAILED FROM ZIP CODE 29472

RECEIVED
JUL 15 2014
MAILROOM
LIEBER

RECEIVED
JUL 18 2014
SC Court of Appeals

The South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11626
Columbia, South Carolina 29211

FOR LEGAL USE ONLY
[Barcode]