

THE STATE OF SOUTH CAROLINA
In the Supreme Court Of Appeals

MOTION TO DISMISS APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

BRIDGETTE TARA NEAL

PLAINTIFF/RESPONDENT

VS

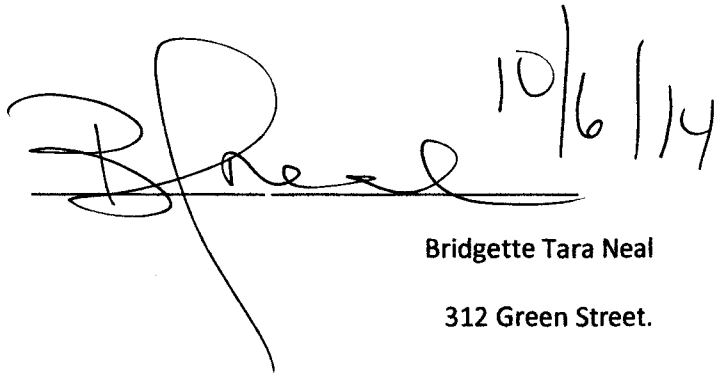
JAMES E. NEUBIA

APPELLANT/DEFENDANT

MOTION TO DISMISS AMENDED NOTICE OF APPEAL

Bridgette Tara Neal seeks an immediate Dismissal of this Appeal request submitted by James E. Neubia in opposition to the dismissal of his request for dismissal order for Case no. 2014-CP-01-01045, filed on October 1, 2014. Appeals case number: 2014-002017.

October 1st, 2014.



Bridgette Tara Neal

312 Green Street.

Belton, SC. 29627

864-338-1161

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OCT 13 2014 Prose-Litigant/Respondent-Plaintiff

SC Court of Appeals

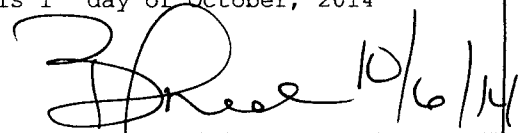
1 Bridgette Neal-Prose
2 312 Green Street
3 Belton, SC 29627

4 THE STATE OF SOUTH CAROLINA COURT OF APPEALS
5 1205 Pendleton Street. COLUMBIA, SC. 29201

6
7 Bridgette Tara Neal,) Case No.: 2014-CP-01-01045
8 Plaintiff/Respondent,) Appeals case: 2014-
9 vs.) 002017
10 James Edward Neubia,) MOTION TO DISMISS/AMENDED
11 Defendant/Appellant) NOTICE OF APPEAL

12
13 Pursuant to SCRPC 12(b) (5) (6) provides that a complaint may be dismissed for
14 insufficiency of process. The Appellant failed to properly serve the Amended Notice of
15 Appeal. Respondent hereby moves the Court to dismiss Defendant/Appellant's Amended
16 Notice of Appeal, based on Insufficiency of Service. The bases for this Motion are
17 set forth in the accompanying Memorandum.

18
19 Dated this 1st day of October, 2014

20  10/6/14

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4 SC COURT OF APPEALS

5 1205 PENDLETON STREET. COLUMBIA, SC. 29201

6
7 Bridgette Tara Neal,) Case No.:2014-002017
8 Plaintiff/Respondent,)
9 vs.) MEMORANDUM IN SUPPORT
10 James Edward Neubia,) OF MOTION TO DISMISS/AMENDED
11 Defendant/Appellant) NOTICE OF APPEAL

12
13 FACTS-AMENDED-ENJOIN

14 Appellant James E. Neubia, failed to properly serve the Respondent copies of his
15 Amended Notice of Appeal, and thereby has committed perjury by signed affidavit of
16 certificate of service by mailing.

17 Appellant James E. Neubia failed to state a cause of action and failed to state
18 facts sufficient to institute a cause of action to the Amended Notice of Appeal.

19 ARGUMENT

20
21 Defendant/Appellant's Amended Appeal does not cure the defects in his oral responses
22 to the court.

23 Defendant/Appellant has failed to properly serve the Respondent and other party in the
24 suit.

25 Defendant/Appellant's claim must be dismissed based on insufficient facts in dispute,
26 such as: the order and injunction granted by the court, to protect the property of
27 the Respondent, as the Court saw sufficient need to issue the injunction.
28

1 The Appellants Amended Notice of Appeal is incomplete and vague and lacking an
2 accompanying brief.

3 This Amended Motion to Dismiss is accompanied by the Order from the Court protecting
4 the Respondent's property and hereby attached as Exhibit B.

5 The Respondent asks that this motion be enjoined to her Motion to dismiss, previously
6 submitted on September 9, 2014, in response to the Amended Notice of Appeal Submitted
7 by the Appellant on October 1, 2014.

8 The Plaintiff/Respondent reiterates she is seeking emergency equitable relief and
9 judgment in this case.

10
11 Plaintiff/Respondent reiterates the need for the court to issue an order instructing
12 the immediate return of her property, fully intact once certified by Honda Dealership.

13 Plaintiff/Respondent ask the court to issue an order for the Appellant to be
14 instructed to pay/upfront and/forward, for the Respondent's use of a rental car,
15 equivalent to that of the property he stole from the Plaintiff/Respondent, until the
16 case is settled.

17 Plaintiff/Respondent's reiterates that her car is being wrongfully detained by the
18 Defendant/Appellant, across County lines.

19
20 Plaintiff/Respondent reiterates, that she seeks equitable relief in a financial sum as
21 the court deems proper to cover the damages done to her property and to her
22 emotionally.

23 The Plaintiff reiterates that she is asking the court for an immediate arrest of the
24 Defendant(s) Neubia and Williams, requesting that the case be assigned an investigator
25 from the Solicitors Office of Anderson County for the immediate issue of warrants to
26 be countersigned and served in Greenville County SC.

27 The Plaintiff/Respondent reiterates and further asks the court to immediately issue an
28 order an injunction for the immediate return of her property; as the Appellant upon

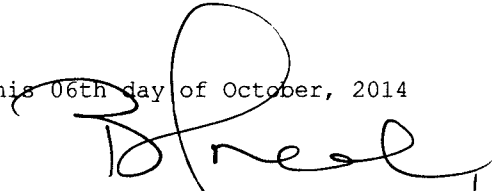
1 the dismissal of this appeal being granted by the court will no doubt immediately file
2 his case with the Supreme Court in an attempt to further delay the return of the
3 Respondents property, the Respondent also seeks immediate equitable relief in monetary
4 damages as the court deems proper, for damages to her property-person, lost wages, and
5 emotional distress.

6 **CONCLUSION**

7 For the reason(s) stated above, Defendant/Appellants attempt at an Amended
8 Notice of Appeal should be denied and Plaintiff/Respondent's Motion to Dismiss this
9 Amended Notice of Appeal should be granted, along with an Order citing the Return of
10 her property be granted, along with such equitable relief outlined in the memorandum
11 as well as general and punitive damages to be immediately awarded as the court deems
12 fit.

13 The Plaintiff/Respondent reiterates that she is asking the court of Appeals to uphold
14 the decision of the court of Common Pleas, and prays the Appeals court further reverse
15 and remand.

16
17 Dated this 06th day of October, 2014

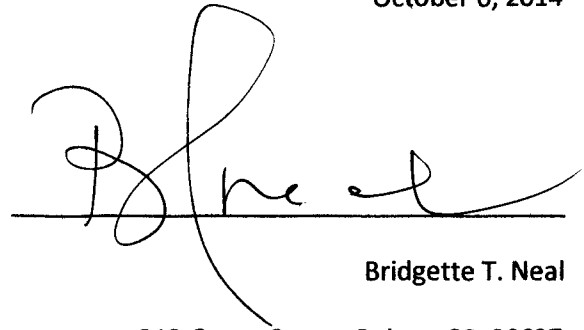
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19 Bridgette Neal-Prose
20 312 Green Street
21 Belton, SC. 29627

CERTIFICATE OF SERVICE/BY NOTARIZED AFFIDAVIT

I ^B
~~Bridgette Neal~~ hereby certify that on 10/6 2014, I served a notarized copy of an Amended Motion to an Amended Notice of Appeal a copy of the Order issuing injunction by the Court of Common Pleas to Appellant; James Neubia, located at 208 Douthit Street. Greenville, SC. 29601 & an additional address of record as 1310 Old Gunter Road. Piedmont, SC. 29673, in response to an Amended Notice of Appeal submitted by James Neubia, to the State of South Carolina Court of Appeals, located at 1015 S. Sumter Street. Columbia, South Carolina. 29201.

10/6/14

October 6, 2014



Bridgette T. Neal

312 Green Street. Belton, SC. 29627

864-338-1161-Respondent

S.C. Court of Appeals

CC:

Keith Williams-Crown Nissan of Greenville, SC. -2712 Laurens Road. Greenville, SC. 29607.

Anderson County Court of Common Pleas-100 S. Main Street. Anderson, SC. 29662.

NOTARY AFFIDAVIT

State of South Carolina

Acknowledgement

County of ANDERSON

I, the undersigned Notary Public, do hereby certify that the foregoing instrument was acknowledged before me this 7th day of Oct and the document was executed by the above named Bridgette T Neal owner B.N. inspired of his/her own free will.

Witness my hand and seal this 7th day of Oct, 2014.

B. Hackett

Notary Public for South Carolina

Commission expires: 05, 23, 2022



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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

Bridgette T. Neal
Plaintiff,

vs.

James E. Neubia, et al.
Defendant.

CLERK'S OFFICE
ANDERSON, SC

2014-CP-04-1045

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COMMON PLEAS AND
GENERAL SESSIONS



ORDER

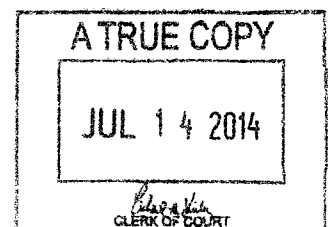
Hearing Date: July 10, 2014 at 10:15 A.M.
Hearing Judge: R. Keith Kelly
Attorney for Respondent: *Pro se*
Attorney for Appellant: *Pro se*

This matter is before the Court pursuant to a Motion for Preliminary Injunction submitted by Plaintiff Bridgette T. Neal ("Plaintiff") against Defendant James E. Neubia ("Defendant"). A hearing was held before the Court on July 10, 2014. Both Plaintiff and Defendant were present at the hearing, appearing *pro se*.

After hearing oral arguments from both Plaintiff and Defendant, the Court, without making a finding as to the ownership of the property at issue, determines that in order to safeguard and maintain the value of the vehicle during the pendency of this case, an injunction is warranted, and the Motion is hereby GRANTED. The Defendant orally consented to this resolution during the hearing.

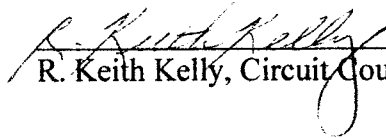
THEREFORE, IT IS ORDERED that Defendant James E. Neubia, who is in possession of the vehicle, shall be prohibited from selling, destroying, altering, or otherwise diminishing the value of the 2009 Honda CRV during the pendency of this case.

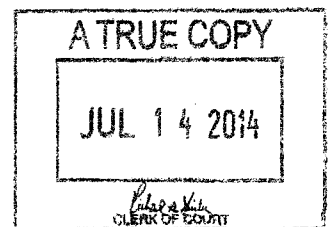
IT IS FURTHER ORDERED that Defendant James E. Neubia be required to keep the vehicle in/under a carport or garage or cover the vehicle during the pendency of this case.



IT IS SO ORDERED!

GIVEN under my hand and the Seal of this Court this 10 day of July, 2014 in
Anderson, South Carolina.

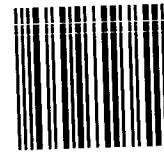

R. Keith Kelly, Circuit Court Judge





UNITED STATES
POSTAL SERVICE

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29201

U.S. POSTAGE
PAID
BELTON, SC
29627
OCT 09 2014
AMOUNT

\$0.91
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*The South Carolina
Court of Appeals
P.O. Box 11629
Columbia, S.C. 29201*

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SC Court of Appeals

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