

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Bridgette Tara Neal,

RESPONDENT,

vs.

James Edward Neubia,
Keith Williams, Belton Police
Department, (Officer Turner, Gray,
State Farm Claims Rep. Tracy Mintz,
And the SCDMV.

Of whom James Edward Neubia is the

APPELLANT,

S.C. COURT OF APPEALS

Case No: 2014-002017

**APPELLANT'S RESPONSE TO
RESPONDENT'S MOTION TO
DISMISS**

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SC Court of Appeals

COMES NOW James Edward Neubia, pro se and pursuant to the South Carolina Appellate Court Rules requesting that the S.C. Court of Appeals abandon Respondents' Motion To Dismiss Amended Notice of Appeal and Appeal pursuant to applicable South Carolina Court of Appeals Rules.

The Respondent filed her motion on the basis that Appellant Neubia failed to provide Respondent Neal a copy of the Certificate of Service, and a copy of the Amended Notice of Appeal. The Appellant hereby refute Respondents' statement that she was not served with a copy of the Amended Notice of Appeal and Certificate of Service. On September 27, 2014 the Appellant did serve an original copy of the Affidavit Certificate of Service, and pleadings, upon the S.C. Court of Appeals, as well as did provide the same to the Respondent in accordance with SCACR Rule 240: A signed Affidavit from a witness thereto is provided herein.

- (1) A certificate or affidavit of service reflecting the date of service upon all parties. The original certificate or affidavit of service must be filed with the original motion or petition.

The Appellant contends that the Respondent is attempting to introduce claims and allegations to the Court in order for the Court to develop a prejudice against the Appellant. The Respondent provided no proof that the Appellant failed to provide her a copy of the pleadings or a copy of the Certificate of Service as required by the SCACR. Further, the Respondent failed to provide the Court or the Appellant with affidavits or supporting documentation in support of her claims. The Appellant deny these claims and request that the South Carolina Court of Appeals now

abandon the Respondents' filing pursuant to the South Carolina Frivolous Filing Act. The Respondents' filings are not improper form and does not comply with the following guidelines aside from being completely untrue. Such Rules states in pertinent part;

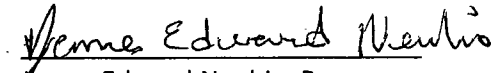
(c) Form and Content of Motions and Petitions. All motions or petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirements of Rule 267. The pages of the motion or petition and all supporting documents shall be consecutively numbered. Each motion or petition shall include the following:

(d) Filing of Motions and Petitions. An original and six (6) copies of the motion shall be filed with the clerk of the appellate court, and a copy shall be served upon each party. The copies filed with the appellate court shall be accompanied by the filing fee set by order of the Supreme Court.^[1] This filing fee shall not be required for motions or petitions in criminal appeals, petitions for writs of certiorari under Rules 242 and 243, certified questions under Rule 244, petitions to invoke the original jurisdiction of the Supreme Court under Rule 245, or motions or petitions filed by the State of South Carolina or its departments or agencies. In extraordinary cases, the appellate court may relieve a party from paying the filing fee.

(g) Failure to Comply. Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition.

WHEREFORE, and upon prayer, the Appellant James Edward Neubia, having provided this Honorable Court of Appeals with good and sufficient evidence to grant his request in all regards.

October 16, 2014


James Edward Neubia, Pro se
Appellant
208 Douthit St.
Greenville, SC 29601
864-346-7691

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Bridgette Tara Neal,

RESPONDENT,

S.C. COURT OF APPEALS

Case No: 2014-002017

CERTIFICATE OF SERVICE

vs.

James Edward Neubia,
Keith Williams, Belton Police
Department, (Officer Turner, Gray,)
State Farm Claims Rep. Tracy Mintz,
And the SCDMV.

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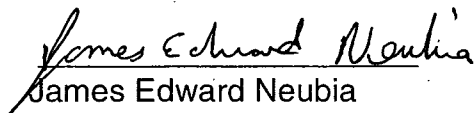
SC Court of Appeals

Of whom James Edward Neubia is the

APPELLANT,

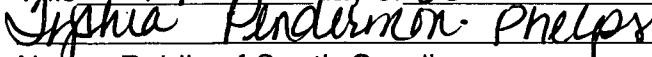
I, James Edward Neubia, on October 16, 2014 hereby affirmed under the penalties of perjury, that I have caused to be deposited in the U.S. States Mail with sufficient postage affixed thereto, mailed an original copy my Appellant Response To Respondent's Motion To Dismiss Amended Notice of Appeal, and the same a copy to the Respondent at the address listed below which is the same address on file with the S.C. Court of Appeals for the Respondent.

Bridgett Tara Neal
312 Green St.
Belton, S.C. 29627


James Edward Neubia
208 Douthit St.
Greenville, South Carolina 29601
864-346-7691
Pro se-Appellant

Sworn to Before Me

This 17 day of October 2014


Cynthia Anderson Phelps

Notary Public of South Carolina

My Commission Expires: 8-30-2022

My Commission Expires
August 30, 2022

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

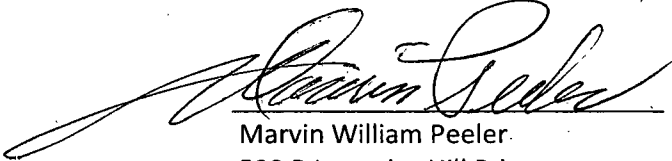
IN RE: Neal V. Neubia
S.C. Court of Appeals
2014-002017

AFFIDAVIT OF MARVIN PEELER

I, Marvin W. Peeler hereby affirm under the penalties of perjury that the following statement is true correct and complete.

1. That I am of legal age and is of competent and sound mind.
2. That I am a resident of Greenville County South Carolina
3. That I am familiar with the issues regarding the mailing of the Certificate of Service to Bridgett Neal on or about September 27, 2014 on behalf of James Neubia.
4. I did personally place the documents addressed to Bridgett Tara Neal in the U.S. Mail at the same time I mailed similar or same documents to the S.C. Court of Appeals on or about September 27, 2014
5. That I personal attest to the truth of this statement and is willing to give further testimony under oath before any Court or Tribunal.

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SC Court of Appeals



Marvin William Peeler.
508 B Lowndes Hill Rd
Greenville, SC 29607

SWORN TO AND SUBSCRIBED BEFORE ME,

This 27th day of October, 2014

Syphia Pendermon-Phelps
Notary Public For South Carolina

My Commission Expires: 8-30-2022

My Commission Expires
August 30, 2022



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