

THE STATE OF SOUTH CAROLINA
In the Supreme Court Of Appeals

MOTION TO DISMISS/APPELLANTS AMENDED

**NOTICE OF APPEAL/STRIKE AFFIDAVIT/& DISMISSAL IN RESPONSE TO RESPONDENTS
MOTION TO DISMISS**

FROM ANDERSON COUNTY
Court of Common Pleas

BRIDGETTE TARA NEAL

PLAINTIFF/RESPONDENT

VS

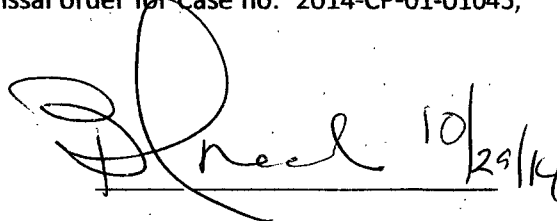
JAMES E. NEUBIA /KEITH WILLIAMS

APPELLANT/DEFENDANTS

RESPONDENT MOTION TO DISMISS AMENDED NOTICE OF APPEAL/ENJOIN/& STRIKE AFFIDAVIT

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 24th, 2014.

Signed and Dated:



Bridgette Tara Neal-Prose Litigant

312 Green Street. Belton, SC. 29627

864-338-1161

Respondent-Plaintiff

RECEIVED

NOV 03 2014

SC Court of Appeals

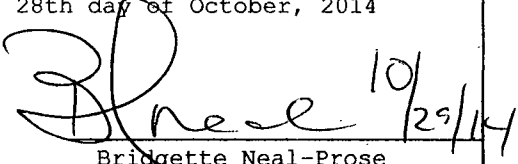
1 Bridgette Neal-Prose
2 312 Green Street
3 Belton, SC 29627

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/APPELLANTS
11 Defendant/Appellant) AMENDED
NOTICE OF APPEAL/STRIKE
AFFIDAVIT/& DISMISSAL IN RESPONSE
TO RESPONDENTS MOTION TO DISMISS

12
13 Pursuant to SCRCP 12(b) (5) (6) provides that a complaint may be dismissed for
14 insufficiency of process. Fed. R. Civ. P. 56(e) (1) provides that Affidavits Maintain
15 the Integrity they were submitted by. The Respondent reiterates that Appellant failed
16 to properly serve the Amended Notice of Appeal. Respondent re-iterates that she
17 hereby moves the Court to dismiss Defendant/Appellant's Amended Notice of Appeal,
18 based on Insufficiency of Service. The bases for this Motion are set forth in the
19 accompanying Memorandum to enjoin the previously submitted Motion to Dismiss and
20 Amended Motion to Dismiss the Appellants Response Motion to Dismiss.

21
22 Dated this 28th day of October, 2014

23 
24 Bridgette Neal-Prose
25 312 Green Street
26 Belton, SC. 29627

27 RECEIVED

28 NOV 03 2014

SC Court of Appeals

1
2
3
4 Bridgette Neal-Prose
5 312 Green Street
6 Belton, SC 29627

7 SC COURT OF APPEALS

8 1205 PENDLETON STREET. COLUMBIA, SC. 29201

9
10 Bridgette Tara Neal,) Case No.:2014-002017
11)
12 Plaintiff/Respondent,)
13 vs.) MEMORANDUM IN SUPPORT
14 James Edward Neubia,) OF MOTION TO DISMISS/APPELLANTS
15) AMENDED
16) NOTICE OF APPEAL/STRIKE
17) AFFIDAVIT/& DISMISSAL IN RESPONSE
18) TO RESPONDENTS MOTION TO DISMISS
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

29 **FACTS-AMENDED-PER APPELLANTS RESPONSE 10/16/2014/ENJOIN**

30 Plaintiff Respondent hereby reiterates Appellant James E. Neubia, failed to
31 properly serve the Respondent copies of his Amended Notice of Appeal. The so called
32 Affidavit completed does not make it truth. Plaintiff Respondent reiterates that the
33 Appellant and any person he designated to help him with this matter, failed to send a
34 copy of the Amended Notice of Appeal, and thereby has committed perjury by signed
35 affidavit, in regards to a certificate service by mailing, (a reply to the court).

36 Respondent hereby reiterates that Appellant James E. Neubia failed to state a cause
37 of action and failed to state facts sufficient to institute a cause of action to the
38 Amended Notice of Appeal.

1
2 ARGUMENT
3

4 Defendant/Appellant's Amended Appeal does not cure the defects in his oral responses
5 to the court. Apparently someone else is completing the paperwork on behalf of the
6 Appellant.

7 The paperwork is very articulate and yet the Appellant cannot seem to properly speak
8 on his own behalf, when he is asked to reply orally by the court.

9 Therefore in light of these facts, the Respondent is asking the court to have an ORAL
10 MOTION HEARING. The Respondent asks that the court Subpoena a Mr. Marvin Peeler and
11 find out the extent of his involvement in this case; since both parties are appearing
12 Pro-se, we may need to make sure that no one is practicing law without a license and
13 assisting Mr. Neubia with his paper work.

14 Mr. Peeler may need to be deposed in this case.

15 Respondent reiterates that the Defendant/Appellant has failed to properly serve the
16 Respondent and other party in the suit.

17 Respondent states that the Appellant is not abreast of the courts proceedings and
18 rules and apparently is getting insider help.

19 Being a Prose litigant or otherwise does not exempt the parties involved from
20 familiarizing themselves with the details of the case before submitting any replies,
21 anyone that does not familiarize themselves with the case facts, should be held as a
22 frivolous case filer/pleader/responder.

23 Had the Appellant read the file thoroughly, he would note that the Respondent filed
24 this case Informa Pauperis 05/17/2014 and it was granted 05/20/2014, by order of the
25 court at inception.

26 In regards to Rule 267, the court grants prose litigants some leniency regarding the
27 formatting and the procedures at the Judge's discretion.
28

1 It is clear that Prose litigants may not know all of the protocol and procedures of
2 the court, so the presiding will Judge decide what is acceptable and what is not in
3 these and all other court proceedings.

4 Rules 242, 243, 244 & 245 are not applicable to these proceedings as leave has already
5 been granted to the Respondent to proceed informia pauperis.

6 It is a matter of record, which is how this case will proceed, and properly awarded
7 and granted, by the Circuit Court.

8 The Respondent restates her position in both motions and ask that the court grant her
9 dismissal of the Appeal/Amended Appeal/and the Dismissal Response filed by the
10 Appellant and remand this case back to the Circuit Court for Immediate Trial.

11 Finally, the court may want to investigate Mr. William Peeler's involvement in this
12 case, since he states he was present at the time and he served the papers himself.

13 Unless Mr. William Peeler is a licensed practicing attorney of the Bar for the State
14 of South Carolina, I see no need for him to be a part of this legal proceeding or
15 privy to the inter-workings of the confidential nature of this action.

16 Mr. Peeler stated in his affidavit item 3, that he "is familiar with the issues
17 regarding the mailing of a certificate of service", however he does not state that he
18 is familiar with the Certificate of Service for the Amended Notice of Appeal.

19 Mr. Peeler states in item 4 that: "I did personally place (documents)" in the mail,
20 plural.

21 Since I the Respondent in this action did not received them and Mr. Peeler has sworn
22 an oath to doing this on paper, I would respectfully ask the court to set this meeting
23 of Motion as an Oral hearing.

24 A face to face hearing is warranted to assure that Mr. Marvin Peerler is not some sort
25 of legal aid and for the Respondent to make sure that he clarifies for the record that
26 he is actually referring to the Amended Notice of Appeal.

1 The court may also need to find out why he (Mr. Marvin Peeler) was with the Appellant;
2 and or in his own words: "personally placing any kind of documents addressed to me in
3 the mail" at all, since again he is not a member of the Bar.

4 If he is (Mr. Peeler), will need to go on record as such in this case, using his
5 number assigned him by the South Carolina Bar Association.

6 Since the Appellant's responses are unclear; vague, inaudible oral or otherwise, a
7 hearing is merited for him to articulate his new position in this matter, and to
8 thwart any further attempts he may try to hide on paper, that he can relay in public.

9 Respondent reiterates that the Defendant/Appellant's claim must be dismissed based on
10 insufficient facts in dispute, such as: the order and injunction granted by the court
11 07/14/2014, to protect the property of the Respondent, as the Court saw sufficient
12 need to issue the injunction.

13 The Respondent reiterates that the Appellants Amended Notice of Appeal is incomplete
14 and vague, and lacking an accompanying brief.

15 This Amended Motion to Dismiss is directed at the Appellants Response to the
16 Dismissal, and it is accompanied by the Order from the Court granting the Informa
17 pauperis Exhibit C, and directing the courts attention to the Order filed by the court
18 to protect the property on 07/14/2014 previously sent with the Respondent's Motion to
19 Dismiss on 10/06/2014.

20 The Respondent asks that this motion be enjoined to her Initial Motion to Dismiss and
21 Amended Enjoin Motion to dismiss; previously submitted on September 9, 2014, and
22 October 6th, 2014, in response to the Amended Notice of Appeal Submitted by the
23 Appellant on October 1, 2014.

24 The Respondent also asks that the court take a good look at the Appellants Response to
25 the Respondent's Motion to Dismiss, it has language that is privy to legal aids and
26 practicing Attorney's of the Bar Association.

27
28 Also, the document states that individuals must comply with the rules and regulations
of the Court of Appeals, and yet my document is not a Stamped True Copy by the Court.

1 Respondent restates all her facts and points.

2 Once again the Respondent ask the court to dismiss this case on the basis and points
3 already laid out in the initial Motion for dismissal requested along with; the Amended
4 Request for Motion dismissal, along with a Motion to Strike the Affidavit submitted by
5 the Appellants so called expert witness, in rebuttal to the Appellant's initial
6 response to the motion and to the one Appellant filed with the court on 10/16/2014 and
7 any further rebuttals to this redirect.

8 This tired Plaintiff/Respondent reiterates she is seeking emergency equitable relief
9 and immediate judgment in this case, along with an Order striking the Affidavit or so
10 called Affidavit of expert testimony as hearsay, with sanctions by the court.

11 Plaintiff/Respondent reiterates the need for the court to issue an order instructing
12 the immediate return of her property, fully intact once it has been certified by a
13 Honda Dealership, of my choosing.

14
15 If the court cannot comply then the Respondent is seeking advance compensation from
16 the Appellant, and other Defendant in this case, to get a rental car and pay for it
17 until the case is settled.

18 Plaintiff/Respondent reiterates and asks the court to issue an order for the Appellant
19 to be instructed to pay/upfront and/forward, for the Respondent's use of a rental car,
20 equivalent to that of the property he stole from the Plaintiff/Respondent, until the
21 case is settled, in the near future.

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

24
25 Plaintiff/Respondent reiterates, that she seeks equitable relief in a financial sum as
26 the court deems proper to cover the damages done to her property and to her
27 emotionally.
28

1 The Plaintiff reiterates that she is asking the court for an immediate arrest of the
2 Defendant(s) Neubia and Williams.

3 Respondent is requesting that the case be assigned an investigator from the Solicitors
4 Office of Anderson County for the immediate issue of warrants to be countersigned and
5 served in Greenville County SC.

6 The Plaintiff/Respondent reiterates and further asks the court to immediately issue an
7 order an injunction for the immediate return of her property; as the Appellant upon
8 the dismissal of this appeal being granted by the court will no doubt immediately file
9 his case with the Supreme Court in an attempt to further delay the return of the
10 Respondents property.

11 The Respondent also seeks immediate equitable relief in monetary damages as the court
12 deems proper, for damages to her property-person, lost wages, and emotional distress.
13

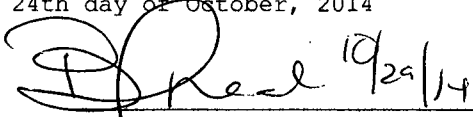
14
15 **CONCLUSION**

16 For the reason(s) stated above, Defendant/Appellants attempt at an Amended
17 Notice of Appeal should be denied. Appellant's Responses can stay a matter of record
18 as should the so called Expert Witness Affidavit, although stricken as hearsay.
19 Plaintiff/Respondent's Motion to dismiss this Amended Notice of Appeal should be
20 granted. The Appellants response to the dismissal should be sanctioned and the
21 Affidavit stricken as hearsay. The Respondents Motion to Dismiss the Amended Appeal
22 should be granted, along with an Order citing compensation be awarded now for the
23 Respondent to obtain a rental car to include (cost of the rental, insurance cost for
24 the rental, and gas for the car), the Return of 2009 Honda CRV-Respondents property,
25 along with such equitable relief outlined in the memorandum as well as general and
26 punitive damages to be immediately awarded as the court deems fit.
27
28

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

4 Respondent is now seeking an immediate summary judgment upon the striking of the
5 Affidavit being submitted as false, unless Mr. Marvin Peeler would like to testify
6 before the court as to why he would have these documents and would have need to mail
7 them for a prose litigant.

8 Dated this 24th day of October, 2014

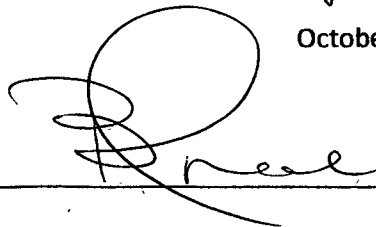
9 
10 Bridgette Neal-Prose
11 312 Green Street
12 Belton, SC. 29627

CERTIFICATE OF SERVICE/BY NOTARIZED AFFIDAVIT

I Bridgette Neal, hereby certify that on 10/29 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.

Via Cert. True Court
Copies

October 24, 2014


Neal 10/25/14

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. 29602.

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 30 day of Oct and the document was executed by the above named Bridgette Tara Neal of his/her own free will.

Witness my hand and seal this 30 day of Oct, ~~2006~~ 2014

Sara Pinson

Notary Public for South Carolina

Commission expires:

SARA PINSON
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES JULY 15, 2024



Bridgette T. Neal

James E. Neubia, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : Plaintiff Defendant
or
 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 Failure to Prosecute
- 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

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.

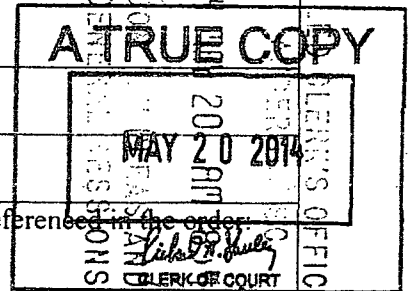
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

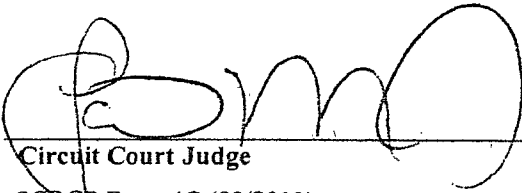
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

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.


Circuit Court Judge

2155
Judge Code

5-19-14
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Bridgette T. Neal

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporters –

Richard Shirley – 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.

(RW) (for)
Plaintiff's Motion to Proceed *in forma pauperis* is GRANTED. See formal order signed 5-17-14. Hearing on Motion for Temporary Restraining Order to be scheduled upon filing of proof of proper service of the motion with the Clerk of Court.

FILED CLERK'S OFFICE
AMHERST, SC
2014 MAY 20 AM 8 40
COURT PLAS AND
GENERAL SESSIONS

A TRUE COPY
MAY 20 2014
Richard Shirley
CLERK OF COURT

STATE OF SOUTH CAROLINA,)

COUNTY OF Anderson)

Bridgette T. Neal)

Plaintiff)

Jaws)

NEWBIO, vs.)

Keith Williams State Farms)

Defendant.)

SCDMV, Barber)
PO

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

FILE NO. 2014-CP-04-01045

I, Bridgette T. Neal being duly sworn, state that I am the Plaintiff and that

I do not have the funds available to pay the costs of filing and service in the present matter. I

hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 13 day of May, 2014

Laurie E Kennedy
Notary Public for South Carolina

My Commission expires September 30, 2020

[Signature] 5/19/14

Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

ORDER

Leave is granted to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is denied to proceed in forma pauperis.

A TRUE COPY
MAY 20 2014
Richard A. Hulley
CLERK OF COURT

Dated: 5-19-14, 2

Anderson, South Carolina

[Signature]
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 405CP (10/10)

FILED CLERK'S OFFICE
ANDERSON, SC
2014 MAY 20 AM 8 40
COMMON PLEAS AND
GENERAL SESSIONS

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SC Court of Appeals

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.

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

My Commission Expires
August 30, 2022

Sworn to Before Me
This 17 day of October 2014
Jytha Rinderman-Phelps
Notary Public of South Carolina
My Commission Expires: 8-30-2022


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.

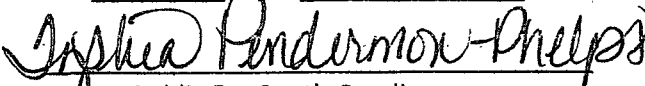
1. That I am of legal age and is of competent and sound mind.
2. That I am a resident of Greenville County South Carolina
3. That I am familiar with the issues regarding the mailing of the Certificate of Service to Bridgett Neal on or about September 27, 2014 on behalf of James Neubia.
4. I did personally 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.


Marvin William Peeler
508 B Lowndes Hill Rd
Greenville, SC 29607
*PRACTICING LAW w/out
A License?*

*who
is?*

SWORN TO AND SUBSCRIBED BEFORE ME,

This 27 day of October, 2014



Notary Public For South Carolina

My Commission Expires: 8-30-2022

My Commission Expires
August 30, 2022

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BELTON, SC 29627



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stamps.com



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SC Court of Appeals



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