

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-10-2385

Derrell Beckley

City of Charleston, et al

PLAINTIFF(S)

DEFENDANT(S)

|               |  |
|---------------|--|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> 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;  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; Motion to Dismiss by Defendant, filed on 5/28/2014, is GRANTED.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk :

FILED  
NOV 16 PM 3:10  
CLERK OF COURT

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<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|--|--|--|
| N/A  |  | \$   |
|  |  | \$   |
|  |  | \$   |

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.

*[Signature]*  
Circuit Court Judge

2080  
Judge Code

8/11/2014  
Date

For Clerk of Court Office Use Only

SCRPC Form 40 (02/2013)

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SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

Derrell Beckley,  
Plaintiff,

v.

City of Charleston, Charleston Police and  
Fire Departments,  
Defendants.

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 2014-CP-10-2385

ORDER

FILED  
2014 SEP 16 PM 3:11  
JULIE A. BRIDGEMAN  
CLERK OF COURT

This matter came before the court on a Motion to Dismiss filed on behalf of Defendants City of Charleston, Police Department and Fire Departments (hereinafter, "Defendants"). Present at the September 11<sup>th</sup>, 2014, hearing were Christopher T. Dorsel, counsel for Defendants, and Derrell Beckley, *pro se*.

The Court heard arguments from both parties in this matter, which arises from a June 14, 2011, incident in Charleston, South Carolina. Because Plaintiff has alleged in his complaint that a government employee or employees committed a tort against him, this claim is subject to the South Carolina Tort Claims Act ("TCA"). See S.C. Code Ann. § 15-78-70(a) ("This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity."). Pursuant to the TCA, any action brought pursuant to the TCA is "forever barred" unless it is commenced within two (2) years after the date of the alleged loss. S.C. Code § 15-78-110.

Plaintiff alleged in his complaint to have suffered a loss on April 14, 2011, and the current lawsuit was filed on April 16, 2014. Because this action was not filed within the TCA's two-year statutory period, Plaintiff's claims in this suit are barred and this matter is dismissed with prejudice.

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SC Court of Appeals

AMP/1

**THEREFORE**, the Court grants Defendants' Motion to Dismiss and dismisses all claims against Defendants with prejudice.

**AND IT IS SO ORDERED.**

  
The Honorable R. Markley Dennis, Jr.  
Chief Administrative Judge, Ninth Judicial Circuit

September 12, 2014  
Charleston, South Carolina

FMDJ/2

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Thank You  
Ella

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