

The State of South Carolina
In the Court of Appeals

Appeal from Richland County
Court of Common Pleas
Fifth Judicial Circuit

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JUN 08 2015
SC Court of Appeals

Honorable De Andrea G Benjamin
Circuit Court Judge

Case No. 2014-CP-40-3488

David F Ford II

Respondent

v.

Richard G. Campanaro

Appellant

APPEAL

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General Summary: Since the inception of case 2014-CP-40-3488, as will be noted throughout this appeal, the Court of common Pleas (the "Court") completely ignored any and all written documents submitted by Defendant, Richard G. Campanaro, with the exception of the Defendant's initial request to delay a trial; the Court failed to communicate, whatsoever, with the defendant from the beginning of the lawsuit up to, and including, the judgement entered by the Court on March 25, 2015. The Court failed to respond to any and all motions for mediation and/or dismissal of the case filed by the Defendant and the Court failed to notify the Defendant of the trial at which a decision was rendered.

Statement of Issues on Appeal: Richard G. Campanaro appeals the judgment of the Honorable L. Casey Manning dated April 7, 2015 for the following reasons:

1. The Court failed to provide proper notice of Trial. (see dates appended to Order for Judgment, the date stamp on the envelope that contained notice of trial to be on March 25, the date processed by post office and the date the Clerk of court actually signed the form of notice) **SEE APPENDIX B.** Please note that page 1 is stamped on March 25 at 12:49PM, which is AFTER the trial was to have taken place. The stamp on the envelope is March 30 and the post office processed it on March 31. Defendant received the notice on April 7, all AFTER the trial date of

the 25th. How can the Court state in its Order for Judgment that the Defendant had “proper notice of date, time and place of trial”? Please also note on page 1 of notice that the Clerk of Court actually signed the form on March 26, which, again, is AFTER the trial that this form was to notify Defendant of. Further to this failure to notify the Defendant, the Plaintiff’s attorney sent Richard G. Campanaro notice of trial date and time. This letter was dated March 23 but contains no official court notice. The date stamp is March 23; the post office processed it on March 24 and it was received on March 27, two days after the trial. How did the Plaintiff’s attorney obtain knowledge of the trial date and time but not the Defendant? It would seem, at best, that the Court failed in it’s responsibility to keep the Defendant notified of various important matters in this case.

2. The Court failed to respond to any of the Defendant’s motions for mediation and/or dismissal throughout the entire process. There was no notification from the Court of denial or acceptance. These motions (attached and noted in the Table of Contents) included **(a)** early notification to the Court of an address change by the Defendant to a different state, which the Court indicated it was not aware of); **(b)** motion requesting the Court to transfer the case to Mediation pursuant to Court Annexed Alternative Dispute Resolution Rules; **SEE APPENDIX C.** **(c)** motion for dismissal originally filed on January 23, 2015 and requested again on March 16, 2015; **SEE APPENDIX D (TWO REQUESTS)** **(d)** requests of the Court to have Plaintiff respond, in kind, to Requests for Production and Defendant’s Request for Interrogatories, which were never received by Defendant.
3. The Courts “Findings of Fact”. The Court determined that Mr. Campanaro had proper notice of trial date but “failed to attend court”. Thus, upon motion of the Plaintiff, the Defendant’s general denial answer was stricken for lack of prosecution. Subsequently, the court stated that

“upon the evidence” the (1) “plaintiff loaned the Defendant money on three occasions for the Defendant’s use, once by check to the Defendant, once by a check to pay the Defendant’s debt to the South Carolina Department of Revenue and once cash to stave of an eviction.” These findings of fact are false and, in fact, there was absolutely no evidence of a loan (no stated interest rates, no stated re-payment structure, no loan document whatsoever). If there was “evidence” it should have been made available to the Defendant prior to trial. Further, the court found that (2) the total amount of loans was \$12,494.00. This, too, is absolutely incorrect. If there was any amount of money stipulated, it should have been part of the Plaintiff’s response to the “Defendant’s Request for Production” , which was never provided.

Statement of the Case:

On or around May 28, 2014, Plaintiff, David F. Ford, II, filed a lawsuit against Richard. G. Campanaro claiming a loan was made to Mr. Campanaro and was left unpaid. Prior to civil action, the Plaintiff tried to “strong-arm” Mr. Campanaro into signing an agreement of debt, threatening him in the process. When Mr. Campanaro refused to sign the agreement of debt, Mr. Ford engaged the services of his current attorney who sent the defendant a notice, dated May 20, 2014, outlining payment terms acceptable to the Plaintiff, but added that the agreement needed to be returned by the next day (May 21, 2014) otherwise civil action would take place. **SEE APPENDIX E.** In addition, prior to the Civil Action, Mr. Campanaro lived in Columbia, So. Carolina but, just previous to being notified of the claim, he accepted a job offer requiring relocation to Pennsylvania. On or around May 5, 2015, Defendant denied the claims of the Plaintiff and also notified the Court of his new address. Mr. Campanaro maintains that money, in the amount of \$10,000 (not \$12, 494.00) was exchanged, but that it was for a business venture both parties had entered into and that the Plaintiff, for unexplained reasons, decided not to pursue, but only after the Defendant

had spent a total of approximately 96 hours creating marketing material and establishing meeting and training protocols. Further, business was affected and closed upon by the Defendant and any subsequent commission as a result of the sale was to be placed in an LLC (of which Mr. Ford was to be a member, as agreed upon by both parties). Upon the closing of the case, the client, whom Mr. Ford referred, backed out without explanation, causing the Defendant a loss of approximately \$17,000.

Ultimately, a trial was held on March 25, for which Mr. Campanaro was given no notice of. The trial Judge found in favor of the Plaintiff but did so, apparently, on the basis of the Plaintiff's verbal claims, because there was absolutely no evidence of any loan provided to the Defendant or to the Court via Defendant's Requests for Production.

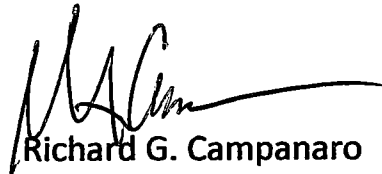
Conclusion:

The Defendant's denies that there was any loan made by the Plaintiff to the Defendant.

Defendant also claims that the Court failed to provide him with any timely notice of trial; that all such notices were presented to him after the trial; and that the Judge erred in finding in favor of the Plaintiff. Therefore, Defendant requests that either a new jury trial be held or that the matter be transferred to Mediation pursuant to Court Annexed Alternative Dispute Resolution Rules.

Respectfully Submitted:

June 2, 2015



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