

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

RECEIVED

STANLEY D. LINDER #137337,

JUL 09 2015

CASE NO. 2014-CP-08-0610

Plaintiff, SC Court of Appeals

Familiar Case.

v.

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS, SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL,
and STATE OF SOUTH CAROLINA,

Defendants.

ORDER GRANTING DEFENDANTS'
MOTIONS TO DISMISS

CLERK OF COURT
BERKELEY COUNTY, SC

2014 AUG -6 PM 3:18

LEEDS

This matter came before the Court upon the Defendants' three (3) Motions to Dismiss and Plaintiff's Motion for Default. The Plaintiff appeared *pro se*. J. Matthew Johnson, Esquire, of Corrigan & Chandler LLC appeared on behalf of the Defendants.

The Complaint sets forth a claim that the Defendants, the State and two of its agencies, the South Carolina Department of Corrections and the South Carolina Office of the Attorney General, were negligent. Plaintiff's claim, therefore, falls under the South Carolina Tort Claims Act ("TCA"), S.C. Code Ann. §§ 15-78-10, *et seq.*

In his Complaint, the Plaintiff alleged that his injury began in "August of 2011." Complaint, p. 2, ¶ 1. Pursuant to the TCA, all claims must be commenced within two (2) years after the date of loss was or should have been discovered or they are forever barred, unless a verified claim is submitted to the Budget and Control Board, in which case the statute of limitations is three (3) years. *See* S.C. Code Ann. § 15-78-110. There is no indication that Plaintiff filed a verified claim which would avail him of the three (3) year statute of limitations. Accordingly, the two (2) year statute of limitations applies and would have run by the last day of August, 2013.

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8/6/14
JM

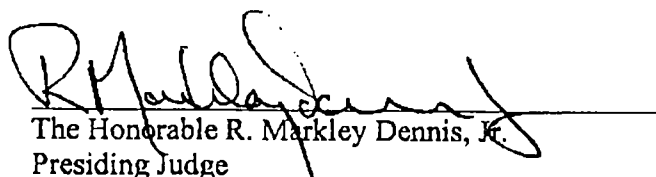
RMDgk

Plaintiff's Complaint was filed by the Berkeley County Clerk of Court on March 21, 2014. This is well after the statute of limitations ran. Even accepting the January 6, 2014 date that Plaintiff signed his Complaint, Plaintiff was still well outside the statute of limitations.

Accordingly, based upon the allegations as set forth in Plaintiff's Complaint, Plaintiff's claims against the Defendants are barred by the TCA statute of limitations, S.C. Code Ann. § 15-78-110. Therefore, Defendants' Motions to Dismiss should be granted and Plaintiff's case should be dismissed with prejudice. Because the Plaintiff's case should be dismissed with prejudice, Plaintiff's Motion for Default is moot.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Motions to Dismiss are **GRANTED** and Plaintiff's claims are dismissed, with prejudice.

AND IT IS SO ORDERED.


The Honorable R. Markley Dennis, Jr.
Presiding Judge

Worshers Corner, South Carolina
August 4, 2014

RMD 8/12

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
STANLEY D. LINDER #137337,)
Plaintiff,)
v.)
SOUTH CAROLINA DEPARTMENT)
OF CORRECTIONS, SOUTH)
CAROLINA OFFICE OF THE)
ATTORNEY GENERAL, and STATE)
OF SOUTH CAROLINA,)
Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO. 2013-CP-40-7410

what case is this?

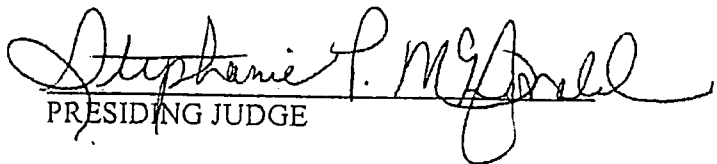
ORDER

WHEREAS, a hearing on multiple motions has been scheduled in the above-entitled case for Tuesday, July 29, 2014 commencing at 9:30 a.m.; and

WHEREAS, Plaintiff is an incarcerated individual housed at MacDougall Correctional Institution; and

WHEREAS, pursuant to S.C. Code Ann. § 24-1-130, the South Carolina Department of Corrections is responsible for transporting inmates to Court when directed to do so by court order;

IT IS HEREBY ORDERED that the South Carolina Department of Corrections shall transport Plaintiff STANLEY D. LINDER, Inmate No. #137337, to the Berkeley County Courthouse, 300-B California Avenue, Moncks Corner, SC on Tuesday, July 29, 2014 at 9:30 a.m. for appearance in the above-entitled case.


PRESIDING JUDGE

Charleston, South Carolina

July 24, 2014

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INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES

MacDougall

OCT 17 2014

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

MacDougall Corr. Inst. Mailroom

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By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Stanley Linder

SCDC# 137337 INMATE SIGNATURE: Stanley Linder

I plan to file this action in the SC County of _____.

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period* \$ 125.10
- (2) Twenty percent (20%) of line 1 \$ 25.02
- (3) Account balance - current date \$ 10.01
- (4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # _____ \$ 0

**NOTE to COURT: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1787

*Admission date is noted here if inmate incarcerated less than six months / /

Prepared by [Signature]
Financial Accounting Branch - SCDC

Date 11/25/14
file/acmist/urepared 797

STATE OF SOUTH CAROLINA, COURT OF APPEALS

The Honorable: Mrs. JENNY Abbott KITCHINGS, Clerk
Post Office Box 11689
Columbia, S.C. 29211

Case NO. 2015 - 0001388

07-07-2015

Stanley Linder, Appellate

v.

Matthew J. Friedman, Former Assistant Attorney General
And Allen Wilson, Attorney General

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JUL 09 2015

Re. Proof of Service

SC Court of Appeals

I, Appellate, LINDER Above Certify that I have
This 7th day of July served a
Copy of this objection TO DISMISSED TO the
TO THE Clerk of Court by U.S. Mail, properly
addressed To: Mrs Honorable: Jenny Abbot KITCHINGS

Mr. Stanley Linder #137337
M.C.I. 1516 Oldsilliant Rd.
Ridseville, SC 29472

Mr. Eugene P. Corrigan III,
Attorneys AT LAW
POST OFFICE BOX 547
Charleston, SC 29402

STATE OF SOUTH CAROLINA

COURT OF APPEALS

The Honorable: Jenny Abbott Kitchinas, Clerk
Post office Box 11629
Columbia, South Carolina 29201

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JUL 09 2015

SC Court of Appeals

Case NO. 2015-000188

Stanley Linder / Appellate / Plaintiff.

07-07-2015

Macdonald Correctional Institutions
1516 Olds Mill Road
Ridgelyville, SC 29472

Re. Objection TO Dismiss Above Case.

Dear Honorable: V. Claire Allen,

Enclosed please find copies of The E.H. Cooper in which I send to The Honorable: Jenny A. Kitchinas in January or February of 2015, along with The Order Dismissing my lawsuit back in July 29 2014. You wrote me a letter if not you but Mrs. Kitchinas declaring that Judge R. Markley Dennis was schedule in some other city or county at that time. However, here are Proof of deficiencies I have met TO Proceed in Forma Pauperis

However, Mrs. Honorable: V. Allen, I am not asking for information or help from you, I just need you to be honest and strictly by the LAW, that is how Mrs. Honorable: J.A. Kitchinas got where she is at. There are some honest court STAFFS in our courts, I never had what happened to me as what the defendant had done to me, I've gotten beat up because of what they've done to me, Mrs. ALLEN!, And I want Justice!. Sincerely,

MR. EUBENE P. CORRIGAN 3RD, ESQ.
P.O. BOX 547
Charleston, SC 29402

Stanley Linder
Ridgelyville, SC

Stanley Lindz # 137337
M.C.I., 1516 Oldsilliard Rd.
Ridseville, S.C. 29472

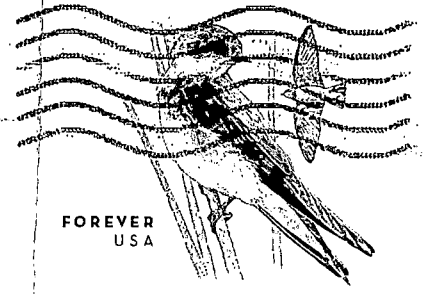
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07 JUL 2015

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PIANEY BOWES



FOREVER
USA

Bank Swallow

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JUL 07 2015

RECEIVED

MacDougall Corr. Inst.
Mailroom

JUL 09 2015

SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS

HONORABLE: JENNY A. KITCHINGS, Clerk

Post Office Box 11629

COLUMBIA, S.C. 29211

29211+1629

