

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

NOV 20 2015
SC Court of Appeals

Appeal From The Richland County
Court of Common Pleas From Orders of
Honorable G. Thomas Cooper, Jr.,

Appellate Case No.: 2015-000740

Case No.(s): 2013-CP-40-03078
2007-CP-40-03742.

**Subsequent Interlocutory Orders of (Former) Circuit Court Judge,
Honorable J. Michelle Childs:**

Case No.(s): 2007-CP-40-03742
2009-CP-40-02442

**Subsequent Interlocutory Order of Circuit Court Judge,
Honorable De Andrea Gist Benjamin:**

Case No.: 2009-CP-40-02442

Clarence S. Gregory, Appellant,
Verses

Riley Pope & Laney, LLC, Law Firm, Attorney(s) and Counselor(s)
at Law; Individually and Individually named; Theodore D. Riley,
T. Lowndes Pope, LeRoy Free Laney, Nikole H. Boland, Of Whom
All are sued In Their Individual and Professional Capacities,
Riley Pope & Laney, LLC, Limited Liability Contractor(s)(LLC);

AND

Heath McAlvin Stewart, III, Individually and Individually named,
Of Who, Formerly Employed with Riley Pope & Laney, LLC, Law
Firm, An Agent Attorney Is Sued In His Individual and

Professional Capacities, Et Al.;

All Whom are named as Defendants,
Of Which Riley Pope & Laney, LLC, Is The Respondent.

RECORD ON APPEAL

VOLUME IV OF IV

CLARENCE S. GREGORY, #227394

C/O BROAD RIVER CORRECTIONAL INST.,
MURRAY UNIT, B-WING RM. 234
4460 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA
ZIP CODE 29210-4012

APPELLANT PRO'SE

RILEY POPE & LANEY, LLC
C/O DAMON C. WLODARCZYK, ESQUIRE
ATTORNEY(S) AND COUNSELOR(S) AT LAW
2838 DEVINE STREET
POST OFFICE BOX 11412
COLUMBIA, SOUTH CAROLINA 29211-1412
ZIP CODE 29211-1412

RESPONDENT

DAMON C. WLODARCZYK, ESQUIRE FOR
RESPONDENTS'

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Clarence S. Gregory, #227394
C/O Broad River Correctional Inst.,
Murray Unit, B-Wing Rm. 234
4460 Broad River Road
Columbia, South Carolina
Zip Code 29210-4012

VIA U.S. REGULAR MAIL

June 25, 2013

TO: The Honorable Jeanette W. McBride, Clerk
Court of Common Pleas, Richland County
Fifth Judicial Center
1701 Main Street, Room 205
Post Office Box 2766
Columbia, South Carolina 29202-2766 (sic)
Zip Code 29202-2766

Gregory, Clarence S. #227394 vs. Riley Pope & Laney, LLC Et AL.
C/A NO.: 2013-CP-40-03078

SUBJ: Respectfully Request For Filing & Return

Dear Ms. McBride, Clerk of Court:

In reference to the above-subject matter, please find enclosed the following in reference to Defendants' Counsel Filed Notice of Motion And Motion To Dismiss, Under Rule 12 (b), of the South Carolina Rules of Civil Procedure, below:

- 2-Original Plaintiff's Notice of Motion/Motion TO Strike, Rule 12 (f), & Motion To Object;
- 2-Original Plaintiff's Notice of Motion/Motion For An Order of Dismissal, Under Rule 12/Rule 8, Doctrine of Equitable Estoppel, Equitable Tolling And Gap Tolling, Compelling Order For Defendants' Counsel To File Their Answer;
- 2-Copies of Defendants' Counsel Rule 12 (B), Motion To Dismiss;
- 2-Copies of Defendants' Counsel LeRoy F. Laney's Filed, September 06, 2007, Answer, Paragraph #36;
- 2-Copies, Plaintiff's Reply To Defendants' Counsel Answer, Dated

2013

607

September 24, 2007;

2-Copies, Defendants' Counsel, Notice/Motion For Summary Judgment, Dated October 26, 2007;

2-Copies, Defendants' Counsel Heath M. Stewart, III, Filed Dated May 07, 2009, Notice/Motion For Summary Judgment;

2-Copies, Presiding Judge G. Thomas Cooper, Jr., March 26, 2008, Order;

2-Copies, Presiding Judge J. Mitchell Childs' June 14, 2010, Order;

2-Copies, Defendants' Counsel Heath M. Stewart, III, Cover Letter, Notice/Order, For Deposition Hearing, Dated August 18, 2008;

2-Copies, Appellants' (Clarence Gregory, #227394), Petition For An Writ of Mandamus (C/A NO.: 2013-CP-40-00137), 1-16 Page(s);

2-Copies, Appellants' (Clarence Gregory, #227394), Appendix Exhibit(s), 1-33, Pages;

2-Copies, Appellants' (Clarence Gregory, #227394), Disposition of The South Carolina Supreme's Action, 1-12 Page(s);

2-Copies of Mr. Larry C. Smith, Office of Richland County Attorney's Disposition To Appellant's Petition, For Writ Of Mandamus, Dated February 27, 2013;

Plaintiff's Affidavit of Service, By Via United States Regular Mail;

608

608

PERSONALLY APPEARED before me, CLARENCE S. GREGORY, #227394, who, being first duly SWORN depose and says:

That, I am the Affiant And Plaintiff, pro'se, I have hereby served/mailed an Original Copies of the above listed legal correspondances records as "material Facts" upon the following parties;

The Honorable Jeanette W. McBride, Clerk, Court of Common Pleas, Fifth Judicial Center, County of Richland, 1701 Main Street Room 205, Post Office Box 2766, Columbia, South Carolina 29202-2766.

Mr. Damon C. Wlodarczyk, Attorney And Counselor For, Riley Pope And Laney, LLC, Law Firm, 2838 Devine Street, Post Office Box 11412, Richland County, Columbia, South Carolina 29211-1412.

That, I am on this date have served these parties the same from within the South Carolina Department of Corrections, at Broad River Correctional Institution (BRCI), 4460 Broad River Road, Columbia, South Carolina 29210-4012; bearing proper Via United States' First Class Mail, on this 26th day of June, 2013.

Respectfully Submitted,

Clarence S. Gregory

RICHLAND COUNTY,
COLUMBIA SOUTH CAROLINA
29210-4012

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST.
MURRAY UNIT, B-WING RM. 234
4460 BROAD RIVER ROAD
COLUMBIA, S.C. ZIP CODE 29210-4010

C/A NO.: 2013-CP-40-03078

PLAINTIFF'S COVER LETTER/AFFIDAVIT
OF SERVICE

26 June 2013
Engelbert

My Commission Expires April 4, 2016

Cc: Mr. Damon C. Wlodarczyk, Attorney & Counselor For Riley Pope & Laney, LLC/ Dated: 06/25/2013

608

608

PERSONALLY APPEARED before me, CLARENCE S. GREGORY, #227394, who, being first duly SWORN depose and says:

That, I am the Affiant And Plaintiff, pro'se, I have hereby served/mailed an Original Copies of the above listed legal correspondances records as "material Facts" upon the following parties:

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Mr. Damon C. Wlodarczyk, Attorney And Counselor For, Riley Pope And Laney, LLC, Law Firm, 2838 Devine Street, Post Office Box 11412, Richland County, Columbia, South Carolina 29211-1412.

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Respectfully Submitted,

Clarence S. Gregory

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST.
MURRAY UNIT, B-WING RM. 234
4460 BROAD RIVER ROAD
COLUMBIA, S.C. ZIP CODE 29210-4010

C/A NO.: 2013-CP-40-03078

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RICHLAND COUNTY,
COLUMBIA SOUTH CAROLINA
29210-4012

26 June 2013
Engelbert

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Clarence S. Gregory, #227394
C/o Broad River Correctional Inst.,
Murray Unit, B-Wing Rm. 234
4460 Broad River Road
Columbia, South Carolina
Zip Code 29210-4012

VIA U.S. REGULAR MAIL

June 25, 2013

TO: Riley Pope & Laney, LLC Law Firm
C/O Mr. Damon C. Wlodarczyk, Attorney & Counselor at Law
2838 Devine Street
Post Office Box 11412
Richland County
Columbia, South Carolina Zip Code 29210-4012

RE: Gregory, Clarence S. #227394 -vs- Riley Pope & Laney, LLC, Et AL
Case Assigned Number: 2013-CP-40-03078

SUBJECT: Enclosed, find Plaintiff's Motion To Strike, Rule 12 (F),
S.C.R.C.P., Motion To Dismiss/Objection Pursuant Under
The Doctrine Of "Equitable Estoppel, Equitable Tolling
And Gap Tolling.

Dear Mr. Wlodarczyk/Defendants' Counsel:

In reference to the above-subject matter, please find
enclosed Plaintiff's Notice/Motion To Strike, Defendants' Counsel
Rule 12 (b), Motion To Dismiss, insufficient defenses and
Affirmative Defense under Rule 8 (c), of the South Carolina Rules
of Civil Procedure;

Please find a Notice/Motion to Dismiss, under Rule 12 and
Rule 8, under the "doctrine of equitable estoppel, equitable
tolling and Gap Tolling.



Please also find enclosed a list of Plaintiff's Exhibit(s) attached in a letter form to the Honorable Jeanette W. McBride, Clerk of Court's Cover Letter, included with an Sworn Affidavit.

By service upon this receipt of this Cover letter, I have this date, have served upon the Defendants' Counsel, namely, Mr. Damon C. Wlodarczyk, of the Riley Pope & Laney, LLC, Law Firm, 2838 Devine Street, Post Office Box 2 11412, Columbia, South Carolina Zip Code 29211-1412.

26 June 2013
Eugene Kelly

My Commission Expires April 4, 2016

Respectfully submitted, I am

RICHLAND COUNTY,

S/

COLUMBIA, SOUTH CAROLINA 29210

CLARENCE S. GREGORY, #227394

Dated: June 25TH, 2013

PRO"SE

Cc: The Honorable Jeanette W. McBride, Clerk, Court of Common Pleas, Fifth Judicial Center, Richland County

60

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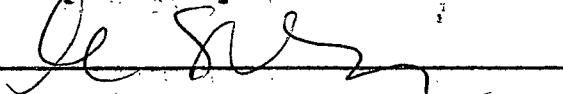
26 June 2013
Eugene Kelly

My Commission Expires April 4, 2016

Respectfully submitted, I am

RICHLAND COUNTY,

S/



COLUMBIA, SOUTH CAROLINA 29210

CLARENCE S. GREGORY, #227394

Dated: June 25TH, 2013

PRO"SE

Cc: The Honorable Jeanette W. McBride, Clerk, Court of Common Pleas, Fifth Judicial Center, Richland County

609

Clarence S. Gregory, #227394
C/o Broad River Correctional Inst.,
Murray Unit, B-Wing Rm. 234
4460 Broad River Road
Columbia, South Carolina
Zip Code 29210-4012

VIA U.S. REGULAR MAIL

June 25, 2013

TO: Riley Pope & Laney, LLC Law Firm
C/O Mr. Damon C. Wlodarczyk, Attorney & Counselor at Law
2838 Devine Street
Post Office Box 11412
Richland County
Columbia, South Carolina Zip Code 29210-4012

RE: Gregory, Clarence S. #227394 -vs- Riley Pope & Laney, LLC, Et AL
Case Assigned Number: 2013-CP-40-03078

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And Gap Tolling.

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Rule 12 (b), Motion To Dismiss, insufficient defenses and
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Please find a Notice/Motion to Dismiss, under Rule 12 and
Rule 8, under the "doctrine of equitable estoppel, equitable
Tolling and Gap Tolling.

611

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,
Plaintiff,

C/A NO.: 2013-CP-40-03078

vs.

Riley Pope & Lasey, LLC, Law Firm,
Attorney(s) And Counselor(s) at Law;
Individually And Individually named,
Theodore D. Riley, T. Lowndes Pope,
LeRoy Free Laney, Nikole H. Boland,
Of Whom, All Are Sued In Their
Individual And Professional Capacities,
Riley Pope & Laney, Limited Liability
Contractor(s) (LLC);

PLAINTIFF'S NOTICE OF
MOTION AND MOTION TO
STRIKE, RULE 12 (F), SCRPC
DEFENDANT'S COUNSEL-RULE
12 (B) & RULE 8 (C), SCRPC
DEFENSE(S) AND AFFIRMATIVE
DEFENSE(S) IN THEIR MOTION
TO DISMISS

AND

Heath McAlvin Stewart, III, Individually
And Individually Named, Of Whom Formerly
Employed With Riley Pope & Laney, LLC,
Law Firm, An Agent Attorney is Sued In
His Individual And Professional
Capacities, Et Al,

PLAINTIFF'S MOTION IN
OBJECTION AND MOTION FOR AN
ORDER TO DENY DEFENDANT'S
COUNSEL RULE 12 (B), MOTION
TO DISMISS AND FILE ANSWER
TO PLAINTIFF'S COMPLAINT

All Of Whom Are Named, As,

Defendant(s).

TO: MR. DAMON C. WLODARCZYK.
DEFENDANT'S COUNSEL:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, by way of Pro'se,
do hereby, respectfully request this Honorable Court for an Order
pursuant to Rule 12 (f), of the South Carolina Rules of Civil
Procedure, to deny Defendants' Counsel Rule 12 (b) Motion to
Dismiss and Order Defendant's Counsel To File Their Answer to the
Complaint base on the following grounds:

612

1) That, Defendant's Counsel made an attempt to assert defenses in their "Motion to Dismiss" on page Two (2), Paragraph Two (2), and Paragraph Three (3). Defendant's Counsel defenses are "insufficient, redundant, and defectively asserted, by asserting term language "even if" theory; (Emphasis)

2). That, Rule 12 (b), requires Defendants' Counsel to plead or assert a "defense, not a theory defense:"

3). That, accordingly, Defendants' Counsel (sic) defense is not in compliance with Rule 12 (b), S.C.R.C.P.;

4). That, Defendants' Counsel Rule 8 (e), S.C.R.C.P., affirmative defense, statute of limitations has not been asserted sufficiently or properly. Defendant's Counsel asserted an theory

of an affirmative defense, by using the term language "even if," reflecting doubt, in their asserted defense on page 1, such attempted assertion is not in compliance with Rule 12 b, of the South Carolina Rules of Civil Procedure.

5) That, Defendants' Counsel made an attempt to assert a defense of "lack of subject matter jurisdiction, Rule 12 (b) (1), by using a term language, "even if," contrarywise, such assertion a defense is not in compliance with the Rule 12 (b), the Plaintiff request to "strike Defendants' Counsel insufficient theory defenses and insufficient affirmative defense, pursuant to Rule 12 (F), of the South Carolina Rules of Civil Procedure.

612

1) That, Defendant's Counsel made an attempt to assert defenses in their "Motion to Dismiss" on page Two (2), Paragraph Two (2), and Paragraph Three (3). Defendant's Counsel defenses are "insufficient, redundant, and defectively asserted, by asserting term language "even if" theory; (Emphasis)

2). That, Rule 12 (b), requires Defendants' Counsel to plead or assert a "defense, not a theory defense:"

3). That, accordingly, Defendants' Counsel (sic) defense is not in compliance with Rule 12 (b), S.C.R.C.P.;

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611

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,
Plaintiff,

C/A No.: 2013-CP-40-03078

vs.

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Attorney(s) And Counselor(s) at Law;
Individually And Individually named,
Theodore D. Riley, T. Lowndes Pope,
LeRoy Free Laney, Nikole H. Boland,
Of Whom, All Are Sued In Their
Individual And Professional Capacities,
Riley Pope & Laney, Limited Liability
Contractor(s) (LLC);

PLAINTIFF'S NOTICE OF
MOTION AND MOTION TO
STRIKE, RULE 12 (P), SCRPC
DEPENDANT'S COUNSEL - RULE
12 (B) & RULE 8 (C), SCRPC
DEFENSE(S) AND AFFIRMATIVE
DEFENSE(S) IN THEIR MOTION
TO DISMISS

AND

Heath McAlvin Stewart, III, Individually
And Individually Named, Of Whom Formerly
Employed With Riley Pope & Laney, LLC,
Law Firm, An Agent Attorney is Sued In
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Capacities, Et Al,

PLAINTIFF'S MOTION IN
OBJECTION AND MOTION FOR AN
ORDER TO DENY DEPENDANT'S
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TO DISMISS AND FILE ANSWER
TO PLAINTIFF'S COMPLAINT

All Of Whom Are Named, As,

Defendant(s).

TO: MR. DAMON C. WLODARCZYK.
DEFENDANT'S COUNSEL:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, by way of Pro'se,
do hereby, respectfully request this Honorable Court for an Order
pursuant to Rule 12-(b), of the South Carolina Rules of Civil
Procedure, to deny Defendants' Counsel Rule 12 (b) Motion to
Dismiss and Order Defendant's Counsel To File Their Answer to the
Complaint base on the following grounds:



613

Furthermore, based upon discovery, there are no Rules, Statutes or Constitutional provision to permit the Defendants' Counsel or the Plaintiff to conjunctively assert a defense or an affirmative defense under such term language "even if or but if, going or attached with an defense asserted in a Motion to Dismiss.

CONCLUSION

WHEREFORE, for the reasons set forth herein, Plaintiff prays that this Court grants him an Order to "Strike" Defendants' Counsel insufficient defenses and affirmative defense in their Motion to dismiss and file their Answer to the Complaint.

Respectfully Submitted,

[Handwritten signature]
S/

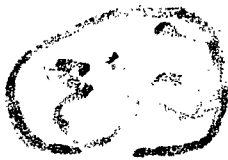
RICHLAND COUNTY,
COLUMBIA, SOUTH CAROLINA
29202-4012

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST.
MURRAY UNIT, B-WING RM 234
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210-4012

2013-CP-40-03078

PLAINTIFF NOTICE/MOTION TO STRIKE,
RULE 12 (F), SCRCP/ MOTION TO DENY

DATED: JUNE 24, 2013



614

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,
Plaintiff,

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LeRoy Free Laney, Nikole H. Boland,
Of Whom, All Are Sued In Their Individual
And Professional Capacities, Riley Pope &
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(LLC);

PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR AN
ORDER TO DISMISS, DEFENDANTS
COUNSEL RULE 12 (B) (1), (6),
AND RULE 8 (C), SCRPC, MOTION
TO DISMISS, PURSUANT TO THE
DOCTRINE OF EQUITABLE TOLL,
EQUITABLE ESTOPPEL AND GAP
TOLLING

AND

MOTION FOR AN ORDER TO COMPEL
DEFENDANTS' COUNSEL TO FILE
ANSWER TO PLAINTIFF'S
COMPLAINT.

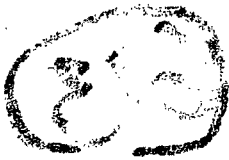
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Law Firm, An Agent Attorney is Sued In
His Individual And Professional
Capacities, Et Al.,

ALL OF WHOM ARE NAMED, AS.

TO: MR DAMON C WLODARCZYK,
DEFENDANTS' COUNSEL:

Defendant(s)

YOU WILL PLEASE TAKE NOTICE that Plaintiff, by way of Pro'se,
do hereby, respectfully request this Honorable Court for an Order,
pursuant to the provision of the Doctrine of Equitable Estoppel,
Equitable Telling and Gap Telling, to deny/dismiss Defendants'
Counsel Rule 12 (b) Motion, To Dismiss Plaintiff's Cause(s) of
Action in His Complaint on the following grounds:



614

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,
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LeRoy Free Laney, Nikole H. Boland,
Of Whom, All Are Sued In Their Individual
And Professional Capacities, Riley Pope &
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(LLC);

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ORDER TO DISMISS, DEFENDANTS
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AND RULE 8 (C), SCRPC MOTION
TO DISMISS, PURSUANT TO THE
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And Individually Named, Of Whom Formerly
Employed With Riley Pope & Laney, LLC,
Law Firm, An Agent Attorney is Sued In
His Individual And Professional
Capacities, Et Al.,

MOTION FOR AN ORDER TO COMPEL
DEFENDANTS' COUNSEL TO FILE
ANSWER TO PLAINTIFF'S
COMPLAINT.

ALL OF WHOM ARE NAMED, AS.

TO: MR DAMON C WLODARCZYK,
DEFENDANTS' COUNSEL:

Defendant(s)

YOU WILL PLEASE TAKE NOTICE that Plaintiff, by way of Pro'se,
do hereby, respectfully request this Honorable Court for an Order,
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Action in His Complaint on the following grounds:

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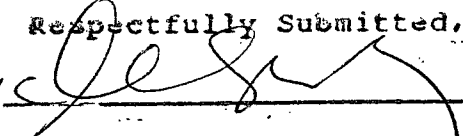
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Furthermore, based upon discovery, there are no Rules, Statutes or Constitutional provision to permit the Defendants' Counsel or the Plaintiff to conjunctively assert a defense or an affirmative defense under such term language "even if or but if, going or attached with an defense asserted in a Motion to Dismiss.

CONCLUSION

WHEREFORE, for the reasons set forth herein, Plaintiff prays that this Court grants him an Order to "Strike" Defendants' Counsel insufficient defenses and affirmative defense in their Motion to Dismiss and file their Answer to the Complaint.

Respectfully Submitted,

S/ 

RICHLAND COUNTY,
COLUMBIA, SOUTH CAROLINA
29202-4012

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST.
MURRAY UNIT, B-WING RM 234
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210-4012

2013-CP-40-03078

PLAINTIFF NOTICE/MOTION TO STRIKE,
RULE 12 (F), SCRCP/ MOTION TO DENY

DATED: JUNE 24, 2013

615

1) That, Defendants' Counsel in their attempt to assert a defense of the applicable statute of limitation, page 2, Paragraph 2, on an "even if" theory, "that even if the Complaint alleged facts sufficient to constitute a cause or causes of action against the Defendant(s) the claims are "time barred" by the applicable statute of limitations;

Plaintiff' Objective Reply:

On/or about 2010, until 2013, the Plaintiff has made many attempts to get the Clerk of Court's Office to return Plaintiff's first filed Summons & Complaint, (2010-CP-40-07452) which recently, dismissed, because the Clerk of Court did not return ~~to~~ the file Complaint;
to Plaintiff in a timely fashion to serve the opposing parties;

STATEMENT OF CASE

616

In additional to the 2010 matter, from 2010 up until August 2012, Plaintiff had many hindrance in filing and receiving legal documents from the Richland County Clerk of Court Office.

That, on/or about October 15, 2012, Plaintiff again sent a letter of request to the Richland County, Clerk of Court Office The Honorable Jeanette W. McBride, Court of Common Pleas, with a Summons & Complaint, etc., to file Plaintiff's said Summons & Complaint against Riley Pope & Laney, LLC, et al., under statutory provisions § 24-27-100 thru 150, under indigent and insufficient status;

That, on/or about October 30th, 2012, the Clerk of Court's Office, Ms. Judy N. Davis, returned the Plaintiff's summons and complaint, with an Court Order disposition of denial from the Chief Administrative Judge, James R. Barber, IV, DENYING to accept filing Plaintiff's claims or cause of action, under § 24-27-100 thru 150, changing Plaintiff's request into a motion to proceed IN Forma Pauperis; (See, Attached Order, Dated October 26, 2012)

That, said Plaintiff on or about November 02, 2012, returned the Summons & Complaint, with a Request to accept and filed; On or about November 14, 2012, with a copy of Plaintiff's Rule 59 (e) Motion, "un-filed" by the Clerk of Court's Office. (See, Attached)

That, on or about November 15, 2012, Mr. Paul D. Marriott, SCDC Staff, employed at the Broad River Correctional Institution, Business Office, contacted the Richland County, Clerk of Court's Office, and spoke with Ms. Judy N. Davis, who, assert to Mr. Marriott, to advise Mr. Clarence Gregory, #227394, not to send anymore legal request or summons and complaint to the Clerk of Court's Office.

(See, Attached)

2

That, on or about November 27, 2012, the Plaintiff received a letter of correspondence from the Honorable James R. Barber, III, Richland County, Court ~~px~~ (sic) Of Common Pleas, that, he received the Plaintiff's Notice/Motion, Rule 59 (e), to amend or reconsider, but the motion is not "filed." (See, Attached)

6/17

That, on or about January 02, 2013, the Plaintiff filed an "Petition for an Writ of Mandamus to the South Carolina State, Supreme Court (Filed Number: (Appellant Case No.: 2013-000024) Richland County, Court of Common Pleas, C/A No.: 2013-CP-40-00137; (See, Attached)

That, on or about January 17, 2013, the Honorable Daniel E. Shearouse, sent letter of request to the Honorable Jeanette W. McBride, Richland County Clerk of Court, requesting the Clerk to file a response to Plaintiff's Petition of an Writ of Mandamus, "specifically addressing the applicability statute of §§ 24-27-100 and 150.

That, the Clerk of Court remained in silence, and refrained from responding;

That, on/or about February 21, 2013, the Honorable Jean H. Total, S.C. Supreme Court, Chief Justice sent a letter of request to the Honorable Jeanette W. McBride, Clerk of Court, advising the Clerk of a "continuance treatment" as to why she (Jeanette W. McBride, Clerk), did not address the applicability of §§ 24-27-100 and 150, and "why petitioner's (the Plaintiff's) action has not been filed in light of those statutory provisions.

Further and finally, the Honorable Jean H. Total, requested Ms. McBride, to provide a response to the petition, that specifically addresses "why" petitioner's action has not been filed pursuant to §§ 24-27-100 and 150, within five (5) days of February 21, 2013. (See, Attached Exhibits)

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That, on or about February 27, the Richland County Attorney's
(Mr. Larry C. Smith) Esquire
office, was asked by the Honorable Jeanette M. McBride's Office
and staff (Ms. Judy N. Davis, Richland County, Clerk of Court
Manager Over Records) to assistance in responding the the petition
for a Writ of Mandamus, in reference to Plaintiff's filing claims
against Riley Pope & Laney, LLC, et al.

That, Mr. Larry C. Smith, Richland County attorney, apologize
for the Clerk's failure and error, and admits that the Clerk will
accept and file Mr. Clarence Gregory, #2273945 (sic) (Petitioner
Plaintiff's) CIVIL ACTION, under the statutory provisions of
§ 24-27-100 and 150, and again, apologize for any "delays."

(See, Attached Exhibits)

That, on or about May 22, 2013, the Clerk of Court's assistance
received Plaintiff's Summons & Complaint, etc., and filed it
C/A NO.: 2013-CP-40-03078;

That, the Richland County Sheriff Department, of Process of
Service, served the Plaintiff's Summons & Complaint, personally
and individually, on or about June 07, 2013;

(H)

019

I. ARGUMENT

That, it nearly took approximately three (3) years to enforce the Clerk of Court office to comply with their ministerial duty to perform it, filing Plaintiff's claims or causes of action.

In Bounds vs. Smith, 430 U.S. 817 (1977), the United States Supreme Court determined that prisoners (Plaintiff) in this case, have an absolute right to access to the Courts, both to allow them (prisoners) to attack their convictions and to "file" other lawsuits. The decision merely requires that "the right of access to the Courts not be impeded.

The right of access to the Courts is the "right to bring to Court a ^{lawsuit claim, or} ~~(grievance)~~ (sic) grievance that the inmate/prisoner (Plaintiff) wishes to present," and any violations of that right occur only when an inmate/prisoner (Plaintiff's) is "hindered" in his efforts to pursue a legal claim. See, Lewis vs. Casey, 518 U.S. 343 (1996).

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However, in the Plaintiff's case at hand, the Clerk of Court and the Chief Administrative Judge, of the Richland County Court of Common Pleas, denied said Plaintiff right to access to Courts and in doing so, ("hindered" ^(emphasis)) the Plaintiff from timely filing his claims or causes of action. (15-3-530, 15-78-60 etc.)

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Therefore, as a matter of law, Defendants' Counsel attempted assertion of affirmative defense, of statutory limitation period, in Defendants' Counsel filed Notice and Motion to Dismiss, on or about June 13, 2013, as a matter of law should be "estopped" under the doctrine of equitable estoppel, pursuant § 15-78-60, § 15-3-530 seq et; See, Region Bank vs. Schaurch, 582 S.E.2d 432, 354 S.C. 648 (sic) 648 (S.C. App. 2003; South Carolina Public Service Authority, 33 311 S.C. 29, 33, 426 S.E.2d 748, 751 (1993): *as a result of the Clerk's & Judges efforts;*

That, said Honorable Jeannette E. McBride, and her staff, had obligational and ministerial duty to speak and disclose truthfully to the Plaintiff, but refrained and remained in silence to Plaintiff's detriment; (See, Plaintiff's Statement of the Case, and Petition for A Writ of Mandamus, Filed No.; 2013-000024); Billion County School District No. 2 vs. Lewis Sheet Metal, 332 S.E.2d at 561;

Whether the Clerk of Court intentional or not is not an essential element of equitable estoppel, it is sufficient that Plaintiff "relied" on the Clerk of Court's words in her October 29, 2012, November 02, 2012, November 14, 2012, letters, and her conduct, on or about November 15, 2012, and her conduct, not responding to the Honorable Daniel E. Shearouse letter, dated January 17, 2013, called "continuance treatment." (See, Attached)

Plaintiff also "relied" on the presiding Judge James R. Barber, III, Order of Denial and Judge Barber, III, November

27, 2012, letter of correspondence, that Plaintiff's Rule 59 (e) SCRPC, Motion to amend or reconsider, was "un-filed" by the Clerk of Court's Office, which demonstrated a continuous treatment conducted (of hindering) Plaintiff's claim; of the Clerk of Court Office. (See, English vs. Pabst Brewing Co., 828 F.2d (4th Circuit 1987); Southern Development Land & Golf Co., LTD VS. South Carolina Public Services, 311 S.C. 29, 426 S.E.2d 748 (S.C. 1993);

2013

The Plaintiff is also entitled to "Gap tolling" because Plaintiff suffered emotional and mental stress, from the positional change, from filing a civil action to filing a Petition of an Writ of Mandamus in the S.C. Supreme Court; (See, Garden Sanctuary Church of God, 334 S.C. 150, 511 S.E.2d 699 (S.C. App. 1999));

That, Plaintiff lacked knowledge of the truth, that although the presiding Judge Barber, III, denied Plaintiff the right to file his civil suit, under §§ 24-27-100-150, the S.C. Supreme Court Chief Justice, Jean H. Toal, by letter, on or about February 21, 2013, at the bottom of page two in small print 1, (asserted;)

"1 Section 24-27-150, states that even if a prisoner's trust fund account does not contain sufficient funds to make the first time payment required by section 24-27-100, the civil action "may ~~still~~ (sic) STILL be filed, and payments of ten percent of the preceding month's income in the prisoners's trust account shall be made from that account as soon as funds are available."

(See, Attached, Exhibit)

WHEREFORE, for these reasons set forth established with material facts, Plaintiff's exhibits, attached, under the doctrine of equitable estoppel, Defendants' Counsel Rule 8 (c) AND Rule 12 (b), affirmative defense and defense of statute of limitation should be equitable estopped, and Plaintiff's claims and causes of action in his complaint, should be equitable tolled and gap tolled, as a matter of law. (ENCLOSED, PLAINTIFFS EXHIBITS)

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II. ARGUMENT

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That, said Defendants' Counsel in their attempt to assert and did assert a defense on page 1, paragraph 1, "That the Complaint fails to allege facts sufficient to constitute a cause or causes of action against the Defendant(s);"

Plaintiff Objective Reply:

That, Plaintiff did alleged facts sufficient to constitute a cause or causes of action, as referring to Plaintiff's Complaint, Statement of The Facts, Page 07, Paragraph 24, through 499;

On Plaintiff's paragraph 24, Plaintiff alleged, on/or about September 06, 2007, said Defendants' Counsel filed their "Answer" asserted in Paragraph (36, For A Fifteenth (15th) Defense), "The Plaintiff is Barred from recovery under the South Carolina Workers' Compensation Act as the Act provides for an exclusive remedy for injuries such as Plaintiff allegedly sustained."

That, on/or about September 24, 2007, said Plaintiff sent a reply disputing Defendants' filed asserted "Answer". (See, Attached)

That, on/or about January 10, 2008, as alleged in ¶ 26, in Plaintiff's Complaint (2013-CP-40-03078), a motion hearing was held before presiding Judge G. Thomas Cooper, JTA, and both the Plaintiff (Gregory T. #227394), and Defendants' Counsel Heath H. Stewart, III, appeared, in the Richland County, Court of Common Pleas.

In, ¶ 27, said Defendants' Counsel Stewart, III, and the Plaintiff were disputing the "issue" of Defendants' Counsel Stewart, III, "defense of that Plaintiff's claims were "barred" from recovery under the S.C. Workers' Compensation Act, exclusivity remedy/provision, which did or which said Defendants' Counsel Stewart, III, asserted as material fact in their October (sic) FILED Answer, dated September 06, 2007; (prima facie fact)"

7

That, as a matter of law, in the first hearing Court, presided by the Honorable Judge Cooper, Jr., the issue of "Plaintiff's claims are barred by the exclusive provision/remedy of the S.C. Workers' Compensation Act, was argued and disputed before presiding Judge Cooper, Jr. Court, dated January 10, 2008; by both parties;

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In that Court, it (The Honorable Judge Thomas Cooper, Jr.) had already determined the issues, facts, inferences, pleadings, Answer to Plaintiff's Complaint, established in the March 26, 2008, Order, as Plaintiff had alleged in the Complaint (2013-CP-40-03078) on Paragraph 128, ("that there are issues of facts to be resolved at trial, therefore, summary judgment is inappropriate and Defendants' counsel motion is denied.") (See, The Honorable Judge G. Thomas Cooper, Jr., Order, dated March 26, 2008).

That, said Defendants' Counsel Stewart, III, as alleged in Plaintiff's Complaint paragraph 1 32, & 33, never challenged or appeal presiding Judge Cooper, Jr., "Finding;" and such failure to challenge or appeal the Court's findings, it became the law of the case; State Ex Rel. Medlock vs. Love Shop, LTD, 334 S.E.2d 528 (1985); Belton vs. State, 443 S.E.2d 554 (S.C. 1994):

That, in Plaintiff's Complaint (2013-CP-40-03078), paragraph 1 34, 135, 136, 137, 138, 1 10 (sic) Defendants' Counsel Stewart, III, instead of appealing Judge Cooper, Jr.'s March 26, 2008, "findings," Defendants' Counsel Stewart, III, filed motion for deposition, October 15, 2008, which as a result, deposition interrogation and hearing, did not produce any "new facts or new evidence, only cumulative or additional facts, which were predicated before the January 10, 2008, hearing; (See, Nelson vs. Charleston & W.C., Ry. Co., 98 S.E.2d 798 (S.C. 1957), cert. denied, 464 U.S. 827, 104 S Ct. 100, 78 LEd 2d 105 (1983);

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(2013-CP-40-03078)

That, in Plaintiff's Complaint, paragraph ¶ 37, said Defendants' Counsel Stewart, III, filed a second motion for summary judgment, pleading the same issues and facts, which had already been adjudicated in March 26, 2008;

That, in said Plaintiff's complaint (2013-CP-40-03078), paragraph ¶ 45, ¶ 46, ¶ 47, said Defendants' Counsel Stewart, III, induced and influenced the presiding Honorable Judge J. Michelle Childs, during a motion hearing, dated January 14, 2010, that "Plaintiff's claims are barred by the exclusivity provisions of the S.C. Workers' Compensation Act, and that he (Defendants' Counsel Stewart, III), claimed he never pleaded this assertion before the first Court (The Honorable Judge Cooper, Jr., Court) (Dated January 10, 2008):

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That, said Plaintiff "objected" to Defendants' Counsel assertion, and Plaintiff objected under the doctrine of res judicata collateral estoppel, etc., (See, Plaintiff's Complaint, paragraph ¶ 47, (2013-CP-40-03078); (See, Judge Childs' Order, April 05, 2010) ^{June 14, 2010}

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That, in the presiding Court's Order (The Honorable Judge J. Mitchell Childs' Findings, ^(Corrected June 14, 2010) Dated April 05, 2010, The presiding Court Ordered, Page 11, Paragraph 1, Lines 8-10, "That, Defendants' (Defendants' Counsel Stewart, III), did not raise workers' compensation exclusivity in their "previous" summary judgment order."

That, said Defendants' Counsel Stewart, III, induced the presiding Court, that they (Defendants' Counsel) never raised the issue. (CONTRARY TO FALSE assertion, see, Exhibits)

That, as a matter of law, such assertion by said Defendants' Counsel Stewart, III, was ^{Knowingly} "false, deceitful and misleading."

That, in Defendants' Counsel Stewart, III, Pleadings in their "Answer" ^(dated) filed on record, September 06, 2007, established a material fact that Defendants' Counsel Stewart, III, did raise and pleaded that Plaintiff's claims are "barred by the exclusivity provisions or remedy of the S.C. Workers' Compensation Act in their first Pleading, but failed to plead in ~~second~~ ^{second} Pleading; (See, Attached, Defendants' Defense, Paragraph 36, For A Fifteenth Defense); Therefore Def. Counsel waived it, Rule 8(c)

That, as a matter of law, such assertion by Defendants' Counsel Stewart, III, was false, and gave rise to a sufficient cause or cause(s) of action; *Civil Conspiracy, etc.*

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That, in Griggs vs. Griggs, 214 S.C. 177, 51 S.E.2d 622 (S.C. 1949); the S.C. Supreme Court held, "It is well settled rule of law, that where a defendant "neglect to plead" a matter or issue proper to his "defense," AT the proper time, he may never take advantage, of it, thereafter or later. (Rule 8 (c), of the South Carolina Rules of Civil Procedure)

In, Gibbs vs. Brooklyn Eastern District Terminal, 359 U.S. 231, 232-33, 79 S.Ct. 760, 761-62, 3 LEd 2d 770 (1959); Held, "No man may take advantage" of his own wrong." Jurisprudence principle law.

That, as a matter of law, Defendants' Counsel Stewart, III, in Plaintiff's Complaint (2013-CP-40-03078), Paragraph ¶ 37, ¶ 45 through paragraph ¶ 47, ^{1) knowingly} induced/influence, deceived and falsified and mislead the presiding Court (Judge Childs) in the January 14, 2010, motion proceedings, 2) neglect to plead the issue of barred by the exclusive provisions of the S.C. Workers' Compensation Act, Rule 8 (c), S.C.R.C.P., in the first Hearing Court, January 10, 2008, by motion; 3) Defendants' Counsel Stewart, III, plead the "Barred exclusivity provisions under the S.C. Workers' Compensation Act, issue, before second Hearing Court, which were "waived and abandoned, Rule 8 (c), SCRCF; 4) Defendants' Counsel Stewart, III, went behind the presiding Judge G. Thomas Cooper, Jr., back, in the same court of concurrent jurisdiction to another Judge with the same issue previously adjudicated and obtained a favorable summary judgment ruling; ^(by MOTION) in presiding, Honorable J. Mitchell Childs, Court, January 14, 2010;

10

WHEREFORE, BECAUSE said Defendants' Counsel Stewart, III, acts established a material fact, which Plaintiff have alleged a sufficient cause of action, said Defendants' Counsel in this Complaint (2013-CP-40-03078) as alleged in his paragraph(s) 1, supported by inferences, and material facts, which reasonably deducible therefrom should "entitle" Plaintiff to relief on such any theory, demonstrated in his case, .

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In, Sloan Const. Co., Inc., vs. Southco Grassing, Inc., (S.C 2008) 659 S.E 2d 158; Held, "If the facts alleged in the Complaint and inferences reasonably deducible therefrom would entitle the Plaintiff to any relief on any theory of the case, then Defendants' Counsel "Motion to dismiss" for failure to state facts sufficient to constitute a cause of action is "improper," as a matter of law.

For these reasons support by material facts, the Defendants' Counsel Motion to dismiss, under Rule 12 (b) (6), for failure to state facts sufficient to constitute a cause of action, should be dismiss, as a matter of law.

RICHLAND COUNTY,
COLUMBIA, SOUTH CAROLINA
29210-4012

Respectfully Submitted,

S/ Clarence S. Gregory

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST
MURRAY UNIT, B-WING RM. 234
4460 BROAD RIVER ROAD
COLUMBIA, S C. 29210-4012

C/A NO.: 2013-CP-40-03078

PLAINTIFF'S NOTICE/MOTION TO DENY
DEFENDANTS' COUNSEL RULE 12 (B), SCRPC
MOTION TO DISMISS

DATED: JUNE 24, 2013

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STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,

Plaintiff,

C/A NO : 2013-CP-40-03078

vs.

Riley Pope & Laney, LLC, Law Firm,
Attorney(s) And Counselor(s) at Law;
Individually And Individually Named,
Theodore D. Riley, T. Lowndes Pope,
LaRoy Free Laney, Nikole MM Boland,
Of Whom, All are sued In Their Individual
And Professional Capacities, Riley Pope
& Laney, Limited Liability Contractor(s)
(LLC);

AND

Heath McAlvin Stewart, III, Individually
And Individually Named, Of Whom Formerly
Employed with Riley Pope & Laney, LLC,
Law Firm, An Agent Attorney, Is Sued In
His Individual And Professional
Capacities, et al.,

All Whom Are Named, As,

Defendant(s).

PLAINTIFF'S NOTICE OF
MOTION AND MOTION TO
AMEND OPPOSING MOTION

PURSUANT TO RULE 15 (C),
S.C.R.C.P
RELATION-BACK DOCTRINE

TO: MR. DANNON C. WLODARCZYK, AGENT ATTORNEY, EMPLOYED WITH RILEY
POPE & LANEY, LLC, ACTING AS DEFENDANTS' COUNSEL:

YOU WILL PLEASE TAKE NOTICE, that Plaintiff, by way of Pro'se,
do hereby, respectfully motion this Honorable Court to amend his
reply, which were presented before this Court on or about, June
24, 2013, in the form of a Notice/Motion to Oppose said Defendants'
Counsel filed Motion to Dismiss, under Rule 12 (b) of the South
Carolina Rules of Civil Procedure.

Plaintiff request to amend or correct an "defect" in the afore-
said Opposing motion, on Page 9, in the II. Argument, Paragraph 3,
line 4, demonstrating facts ruled in presiding Judge J. Michelle

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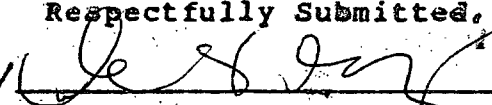
Line 4, demonstrating facts orally "ruled" and "writted" in the presiding Judge J. Michelle Childs' Order, dated April 05, 2010, which dated asserted by Plaintiff were "incorrect" the dated should have been asserted, June 14, 2010, Page 9, Paragraph 4, Lines 1-2;

Plaintiff also respectfully request to amend on Page 10, Paragraph 2, which Plaintiff cited case, Griggs vs. Griggs, 214 177 S.E.2d 622 (S.C. 1949); said Plaintiff amends case cited Eichman vs. Eichman, 329 S.E.2d 764 (S.C. 1985);

Based upon the said request to amend, under Rule 15 (c), of the South Carolina Rules of Civil Procedure, asserting the "relation-back doctrine, such amendments as requested it arose out of the transaction and such amendment would not prejudice the said Defendants' Counsel Rule 12 (b), S.C.R.C.P., Motion to dismiss.

For these reasons the Court should grant said Plaintiff's Rule 15 (c), SCRCP, Motion to amend, under the relation-back doctrine.

RICHLAND COUNTY,
COLUMBIA, SOUTH CAROLINA 29210
DATED: JULY 08, 2013

Respectfully Submitted,
s/ 

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST.
MURRAY UNIT, B-WING RM. 234
4460 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA
ZIP CODE 29210-4012

C/E NO.: 2013-CP-40-03078
PLAINTIFF'S NOTICE/MOTION TO AMEND

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH (5TH) JUDICIAL CIRCUIT

Clarence S. Gregory, #227394,

Plaintiff,

C/A NO : 2013-CP-40-03078

vs.

Riley Pope & Laney, LLC, Law Firm,
Attorney(s) And Counselor(s) at Law;
Individually And Individually Named,
Theodore B. Riley, T. Lowndes Pope,
LeRoy Free Laney, Nikole H. Boland,
Of Whom, All are sued in Their Individual
And Professional Capacities, Riley Pope
& Laney, Limited Liability Contractor(s)
(LLC);

AND

Heath McAlvin Stewart, III, Individually
And Individually Named, Of Who, Formerly
Employed with Riley Pope & Laney, LLC,
Law Firm, An Agent Attorney, Is Sued In
His Individual And Professional
Capacities, et al.,

All Whom Are Named, As,

Defendant(s).

PLAINTIFF'S AMENDED
REQUEST

PURSUANT TO RULE
15 (c), S.C.R.C.P.
RELATION-BACK
DOCTRINE

Page 9, Paragraph 3, II. Argument, Lines 1-5, (Amended) as provides,
That, in the presiding Court's Order (The Honorable Judge J. Mitchell
Childs' Findings) Dated June 14, 2010, the presiding Court ordered,
on Page 11, Paragraph ¶ 1, Lines 8-10, "That Defendants' (Defendants'
Counsel Heath M. Stewart, III), did not raise workers' compensation
exclusivity in their "previous" summary judgment order."

Plaintiff amends, case cited in, Eichman vs. Eichman, 329 S.E.2d
764 (S.C. 1985); In Eichmans' Court, the S.C. Supreme Court held,
"that despite husbands' contention that he "did not raise issue"
of "paternity" in previous support proceeding because he (husband)

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hope to preserve marriage," as a matter of law, "prior unappealed order" determining custody, support and visitation rights relating to child, "barred" husband, under doctrine of res judicata and collateral estoppel, from "raising issue of paternity in divorce subsequent proceeding initiated by wife. Judgment Affirmed

The S.C. Supreme Court agreed with the Family Court Judge and affirmed.

Further, holding, "the issue (paternity issue) was decided as a judgment based on the pleadings. There was submitted on the records before that Court, 1) the Complaint, (2) an Answer and Counterclaim, (3) a Reply to the Counterclaim, and (4) an Order of the Family Court issued on October 08, 1979;

In that same year, the husband filed an action in the same "Family Court" resulting in an order of October 08, 1979, which determined custody, support and visitation rights relating to this child.

Furthermore, there can be no question but that these "same parties" were previously before the same Family Court" relative to the same "subject matter" and that an adjudication was made. Certainly the husband (Eichman) could have raised the same issue in the former action (proceeding). Having failed to do so, he is therefore, now "barred" by the doctrine of res judicata and collateral estoppel.

The argument that he (husband) did not raise the issue because he "hope to preserve the marriage" is patently without merit.

Finally, again the husband did not appeal the prior order,

(2)

and as a result, an unappealed order, is the law of the case, binding upon all parties, even in subsequent proceedings; Citing from authorities held in, State ex Rel. Medlock vs. Love Shop, LTD., 334 S.E.2d 528 (1985);

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Furthermore, according to the authorities cited in, Belton vs. State, 313 S.C. 549, 443 S.E.2d 554 (S.C.1994), the S.C. Supreme Court held, "there is no "appeal" from one circuit court judge to another circuit court judge, a circuit court judge does "not" have authority and power to review, reverse, modify or over-rule any materials in the "findings" of another circuit court judge;

For to do so, that circuit court judge exceeded its authority and jurisdiction, entered into the authority and jurisdiction of the Appellate Court jurisdiction, § 14-3-330, such acts as aforesaid mentioned, is not in unified and harmony with the S.C. Constitution, Article V, Section 1 thru 11; Also citing from the Authorities held in, Blanton vs. Stathos, (S C. App. 2002.) 351 S C. 534, 570 S.E.2d 565; State vs. Duncan, 264, S.E. 2d 421 (S C. 1980);

Holding, "A judgment by a Court "without" jurisdiction of both parties and subject matter is "nullity, void and without any legal effect; Citing, Authorities in, State vs. Duncan, supra;

I. Presentation Of Material Facts

In Defendants' Counsel Wlodarczyk, Rule 12 (b) (sic) (b), SCRPC, Motion to Dismiss, asserting as a defense, Paragraph 1) "That the Complaint fails to allege facts sufficient to constitute a cause or causes of action against the Defendants;

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Let's take a close review and look at the Plaintiff's statement of facts in his filed Complaint in C/A No.: 2013-CP-40-03078;

and let's review the evidence of the material facts exist in the filed record before the Richland County Court of Common Pleas dated in the Defendants' Counsel summary judgment motion hearing, dated January 14, 2010, before presiding Judge J. Mitchell Childs, Order, dated June 14, 2010;

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1). Defendants' Counsel Heath M. Stewart, III, contends during that Court, during the aforesaid hearing, See, Presiding Judge J. Mitchell Childs' Order, Dated June 14, 2010, Page 8, Paragraph 3, line 3, provides:

(see, Plaintiff's Exhibits) #99, & #100;

"Defendants' contends that Plaintiff's action is "barred" from recovery under the Act as it provides the exclusive remedy for injuries such as Plaintiff allegedly sustained."

2). Plaintiff objected, under the doctrine of res judicata, collateral estoppel, etc. (See, Judge Childs' Order, June 14, 2010, Page 10, Paragraph 2, Lines 1-6, provides:

(see, Plaintiff's Exhibit) (#101)

"Plaintiff filed his motion in response on the grounds that Defendants' submit the same argument previously ruled upon in their prior summary judgment motion before the Honorable G. Thomas Cooper, Jr., by Order, dated March 26, 2008, the Court denied Defendants' motion for summary judgment on the grounds that there are material issues of fact for trial. Based on this ruling, Plaintiff argues that Defendants' are legally estopped by the doctrine of res judicata, collateral estoppels, laches, waiver and statutory [sic] limitation; (Judge Childs' Order)

3). Defendants' Counsel Stewart, III, contends that they did not raise workers' compensation exclusivity in their previous summary judgment order; (See, Judge Childs' Order, Dated June 14, 2010, Page 11, Paragraph 1, Lines 8-10, provides:

"Finally, Defendants did not raise workers' compensation exclusivity in their "previous" summary judgment order. Therefore, Plaintiff's Motion to barr [sic] Defendants' Counsel Summary Judgment Motion is DENIED."

(see, Plaintiff's Exhibit) (#102)

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II. Presentation of Material Facts

Plaintiff asserts, as a matter for the records, on file before the Richland County Court of Common Pleas, as submitted for review and examination before presiding Honorable Judge G. Thomas Cooper, Jr., in making an adjudication:

1) The Plaintiff's filed, Summons & Complaint June 05, 2007, C/A NO.: 2007-CP-40-03742 (03742) 2) Defendants' Answer, filed on/or about September 06, 2007, 3) Plaintiff's Reply, filed on/or about September 24, 2007, 4) Defendants' Counsel Discovery Response to Plaintiff's Request For Discovery, filed on/or about October 2007, 5) Defendants' Counsel Motion for Summary Judgment, filed on/or about October 26, 2007, 6) Plaintiff's Motion Opposing Defendants' Counsel Summary judgment Motion, filed on/or about November, December 2007; 7) January 10, 2008, Motion Hearing & Transcript of Record; 8). Judgment of Matter under Adversement, and 9) Presiding Judge Cooper, Jr., Findings or adjudication, ONZOR about March 26, 2008;

Plaintiff asserts, on/or about September 06, 2007, Defendants' Counsel LeRoy F. Laney, filed their "Answer" pleading For a Fifteenth defense, Page 5, Paragraph ¶ 36, provides:

"The Plaintiff is "barred" from recovery under the South Carolina Workers' Compensation Act as the Act provides for an "exclusive remedy" for injuries such as Plaintiff allegedly sustained." [See, Plaintiff's Exhibit] # 66;

Plaintiff disputed Defendants' Counsel 15th defense in his Reply, filed on the record, September 24, 2007; (See, Plaintiff's Exhibit # 67 and # 68);

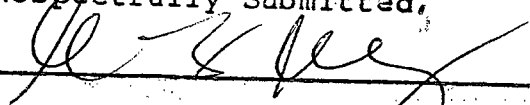
635

PLAINTIFF'S III. ARGUMENT

Defendants' Counsel contended and disputed before presiding Judge Childs, in the January 14, 2010, summary judgment hearing, that they did not raise the issue that Plaintiff's claims is "barred" FROM RECOVERY under the S.C. Workers' Compensation Act, etc., and such assertion made knowingly and intentionally represented a false representation as Plaintiff alleged in his filed Complaint C/A NO : 2013-CP-40-03078, in Paragraph ¶ 24 thru ¶ 49;

Finally, as a matter of law, Plaintiff has demonstrated evidence of material facts which sufficient constitute a cause or causes of action in his Complaint, against said Defendants' and for these reasons this Court should deny Defendants' Counsel Rule 12 (b) (6), Motion; and such evidence present, gives this Court Jurisdiction of The subject matter;

Respectfully Submitted,

s/ 

RICHLAND COUNTY
COLUMBIA, SOUTH CAROLINA
29210-4012

CLARENCE S. GREGORY, #227394
C/O BROAD RIVER CORRECTIONAL INST.
MURRAY UNIT, B-WING RM 234
4460 BROAD RIVER ROAD
COLUMBIA, S C. 29210-4012

6

C/A NO.: 2013-CP-40-03078

PLAINTIFF'S AMENDMENT, PURSUANT TO
RULE 15 (C), SCRCF, RELATION-BACK
DOCTRINE
DATED: JULY 08, 2013

CLARENCE S. GREGORY, # 227394
C/O BRCI, MURRAY UNIT, B-WING Rm. #234
4468 Broad River Road
Columbia, S.C. 29210-4012

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SC Court of Appeals

VIA U.S. Reg.

To: S.C. Court of Appeals
C/o Honorable Jenny A. Kitchings
Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211-1629

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