

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS

COPY CIVIL ACTION COVERSHEET

-CP-

Attended VI

L. Kirgil Smith
129 Hunsbaker Dr
Winnbrook, SC 29180

Plaintiff(s)

2015 SEP - 8 P 12:28

Defendant(s)

2015 CP 3203115

Submitted By:

Address:

Epaine W. Williams
300 Ashley Oaks Ct
Lafayette, SC 29190

SCSC Bar #:

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Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20 -CP- , Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699)
Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (510)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)

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Submitting Party Signature:

[Handwritten Signature]

Date:

9-8-15

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

B-10-15

Dear Judge Morgan,

I am writing you to humbly and respectfully request that you re-open the case that was dismissed with prejudice taken L. Kyle Doh and Elaine W. Chavis. I could fabricate some reason for not showing up in your court room on the 4th of August but I have an academic calendar instead of my normal calendar and it is completely different from what I am accustomed to, so I placed the court date on the 11th of August. Therefore, if you will please re-open the case # 2015 CV 321 080631 it certainly would be appreciated.

I realize that Mrs. Chavis' attorney was present on the court date but I simply inadvertently placed the wrong date on my calendar.

I sincerely apologize and once again, I am

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Re Opened Case

respectfully requesting that you seriously consider
re-opening the record to case.

I have tried many times to get MS. Chain
to do what she has promised me time after
time to sign the contract on the property located
on Roubly Rd in South Congress with my
successor whatever. If you should decide
and re-open the case, I can't tell you how
much it would be appreciated by the parties on
my side of the case including a witness to
my first introducing MS. Chain to the contract
and her agreeing to sign said contract.

I look forward to hearing from you.
Sincerely

L. Virgil Porter

L. Virgil Porter

Granted by
Judge Morgan

3rd Trip
to Pack up sand
Contract =
247.44

4th Trip to
Pack up Contract =
247.44

Filing Fee
82.36

For
Rehance Damages
Grand Total \$
1664.38

addition
Expenses

Left Contract w/ MS. Chain

88 miles x 2.48 per gal =

218.24

1st trip to pick up sand contract

38 x 2 = 76 miles

@ 2.46 per gal =

186.96

Bonefish 58.68 meal

2nd trip to ~~pick~~ up sand contract

38 x 2 = 76 miles per gal

= 185.44

meal @ Bonefish

62.68

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2015 CP 3203115

STATE OF SOUTH CAROLINA

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COMMON PLEAS CASE NUMBER

COUNTY OF LEXINGTON

2015 CV 321080631
MAGISTRATE CIVIL CASE NUMBER

MAGISTRATE CIVIL CASE NUMBER

L. Kay Porter

APPELLANT(S)

VS.

Elaine W. Adams

RESPONDENT(S)

IN THE COURT OF COMMON PLEAS
NOTICE OF CIVIL/CRIMINAL APPEAL

The plaintiff defendant (circle one), L. Kay Porter hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Lexington.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 8th day of September, 2015.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

Magistrate's Name Judge Morgan
Name of Court magistrate court

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- 1) Court was scheduled to begin at 10 AM in the magistrate's court room - Judge Morgan was late to show up on the bench - all parties involved was waiting for Judge Morgan
- 2) Asked permission to go to restroom - permission granted by Deputy Mallin - for Judge Morgan was late
- 3) While I was in restroom Judge Morgan shows up! It was 12 to 13 minutes late!

Dated: 9-8-2015

Appellant (or his attorney) L. Kay Porter

(next page)
~~over~~

4) Just before I returned to Court room for the restroom Judge Morgan came in and immediately dismissed the said case - Just before he dismissed the case, he actually made a young man who was with me ready to make some comments, feel threatened by telling him that if he didn't ~~throw his small talk~~ ^{then his case show over to Deputy Clerk} ~~away~~ he would send him to jail for 30 days!

5) When I returned to court room all parties involved were during the court room and Judge Morgan had left the premises after he sat on the bench for roughly 2 minutes.

Judge Morgan said the court room that court was scheduled to begin at 10 AM so he was going to dismiss my case even though he was late.

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6) With the above behavior of Judge Morgan described I am therefore appealing Judge Morgan's Poor Judgment decision - Utterly!!

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LEXINGTON SC

2015 SEP - 8 P 12 28

FILED