

*[Handwritten mark]*

LYNN W. LANCASTER

STATE OF SOUTH CAROLINA )  
COUNTY OF LAURENS )

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT

2015 NOV 24 P 12:33

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LAURENS COUNTY  
CLERK OF COURT

SC COURT REPORTERS' ASSOCIATION

Mosi A. Bundu, )  
 )  
Plaintiff, )

**ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

vs. )

Ricky W. Chastain, Sheriff of )  
Laurens County; Laurens County )  
Sheriff's Department; and Laurens )  
County SWAT Team; )

*Civil Action:*  
2014-CP-30-00629

Defendants. )

This matter came before me on October 14, 2015. There are various motions before the Court, including the Defendants' Motion for Summary Judgment, the Plaintiff's Motion to Amend his Complaint, and a Motion for Change of Venue.

The Plaintiff filed the Complaint with the Laurens County Clerk of Court on August 14, 2014. Thereafter, the Plaintiff filed an Amended Complaint dated September 12, 2014 and in the Amended Complaint, the Plaintiff sets forth factual details regarding his claim. The allegations of the Plaintiff's claim, based on the Amended Complaint, occurred on December 15, 2011. The Defendants filed a timely Answer, and in their Answer they asserted various defenses, including the Statute of Limitations and the South Carolina Tort Claims Act. Specifically, the Defendants asserted S.C. Code Ann. § 15-78-110 as an affirmative defense to the Plaintiff's claim.

Plaintiff also filed a Complaint and Motion for Restraining Order dated January 22,

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DB

2015 and by doing so appears to assert in this action a claim for events which occurred on January 5, 2015, a separate incident altogether.

The Defendants filed a Motion for Summary Judgment on August 28, 2015 setting forth various grounds, including the Statute of Limitations as is included in and part of the South Carolina Tort Claims Act, specifically S.C. Code Ann. § 15-78-110. The Motion for Summary Judgment sets forth additional grounds, as well.

S.C. Code Ann. § 15-78-110 provides that unless an action is brought pursuant to the South Carolina Tort Claims Act it is barred unless that action is commenced within two years from the date of the loss or within two years from the date from which or on which the loss should have been discovered. It is clear from the allegations of the Amended Complaint of the Plaintiff dated September 12, 2014 that the loss and/or incident which Plaintiff claims as the basis for that action occurred on December 15, 2011. This action was filed on August 14, 2014. Therefore, the Plaintiff's claim with reference to that incident of December 15, 2011 is barred by the South Carolina Tort Claims Act and its Statute of Limitations. \* (B)W

I find that the Defendants are entitled to Summary Judgment as to that claim.

As to the Plaintiff's Motion to Amend, the requested amendment is totally unrelated to the incident referred to in the action that the Plaintiff initiated back on August 14, 2014 and I find that it is inappropriate at this time to allow the requested Amendment at this date. Further, the Plaintiff is not prejudiced by the denial of his Motion to Amend.

As an accommodation to the Plaintiff at the time of the hearing the Court furnished

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DJA

the Plaintiff with a copy of S.C. Code Ann. § 15-78-110 to further explain the reasoning behind this Court's ruling.

I further find that any and all other motions of the Plaintiff and/or the Plaintiff's Motion for a Change of Venue is moot.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

- I. That the Defendants' Motion for Summary Judgment is granted and Civil Action number 2014-CP-4-30-00629 is dismissed with Prejudice.
- II. That the Plaintiff's Motion to Amend the Amended Complaint is denied.
- III. That the Plaintiff's Motion for a Change of Venue is denied as being moot.

IT IS SO ORDERED THIS 23 DAY OF Nov., 2015.



The Honorable Donald B. Hocker  
Circuit Court Judge

\* DBH It should be noted that the Plaintiff never filed a claim pursuant to the Tort Claims Act to invoke the 3yr. period.

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A TRUE COPY OF ORIGINAL

Lynn W. Lancaster  
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Lancaster County CCCP & GS