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SOUTH CAROLINA
COURT OF APPEALS

RECEIVED
Civil

action:

DEC 21 2015

2014-CP-30-00629

SC Court of Appeals

I Mosi Abay Bundu as Plaintiff Pro se am appealing the ORDER GRANTING DEFENDANTS MOTION FOR SUMMARY JUDGEMENT SIGNED AND GIVEN BY judge DONALD B HOCKER signed on November 23, 2015 and mailed by the clerks office with Plaintiff receiving it on or about November 24, 2015. Judge Hocker allowed the Attorney for the County Mr RUSSELL W. HARTER to write the judgement. Me HARTER took over one month to do so with me caling him on several occasions inquiring about the judgement statement, he appeared upset at my calling noting all the other things he was busy doing; Plaintiffff called judge Hockers office, they did not seem to concerned about the Plaintiff getting a timely response as was the case in previous motions presented to the court by the Plaintiff. The plaintiff asserts §§ 7-17-250 and 7-17-270 as bases and right to appeal.

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Mr. HARTER outlined the entire course of motions in this case and his reassertion that the Plaintiff did not file in a timely matter relating to the statute of limitations, He reasserted that he answered the initial filing in a timely manner which is not the case. Since Mr Harter re-opened this door and the plaintiff has not had his day in court (due process), it is fair to say that the Attorney for the defense was late in answering, had it been the Plaintiff the case would have been dismissed. Judge Addy failed to award the Plaintiff motion for summary judgement based on the late answer. The Plaintiff understands that a judge has discretion if the reason for being late has merit. Mr Harter simply shrugged his shoulders and asserted that it was do to his getting the case from I assume the counties attorney or the sheriffs department. Mr HARTER cites SECTION 15-78-100 as an affirmative defense to the Plaintiffs claim. The Plaintiff asserts the exceptions to this rule which allows anyone under 18, insane or those with a disability to be able to file withing a 3 year time limit which is what the Plaintiff did. As Mr. HARTER called for a dismissal in his answer based on his assertion that somehow Plaintiff should have filed and intention to file before Plaintiff could see if he could obtain an attorney or was well and focused enough relating to Plaintiffs disability to do so.

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I claim the exceptions provided by Section 15-3-40 as noted in my appeal exhibited and given to plaintiff during the motion hearing before judge HOCKER. Plaintiff is providing a cover letter that Mr HARTER submitted to judge HOCKER that was not sent back to plaintiff with the signed judgement by the same. It shows an apperarance of inappropriateness and collusion. Mr HARTER makes mention of many things outside of this motion pertaining to this case that This Plaintiff will make short commentary on, my initial amendment was simply stating that as an african American, plaintiff was a member of a protected class when plaintiff was cuffed at the door of his primary residence, ordered to the asphalt in Decemeber of 2011 and then placed in a squad car handcuffed when the enforcement team knew that therer were 3 white individuals involved in the case they were handling at that time. The second amendment came after the Plaintiff returned from vacation and found that law enforcemenent had done the same to plaintiffs grandson who was apartment sitting for plaintiff, held an assault rifle on him and entered the residence without a warrent, claiming shots were fired. Everyone on the plaintiffs street neighbors on both sides and at the intersection of Clemson and Mock street said there were no shots fired as they stood on the porch of 204 Mock street. There

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were two CADS that night, one for a dropped mobile call, they say. The one they did not mention was one relating to a convenience store robbery by a white man who ran behind all of the apartments, as noted by the residence they first approached whose fence the robber jumped twice in his attempt to escape. Plaintiff made the amendment knowing that it was a judges discretion to allow it if it related to / was like the original filing. The request for a change of Venue was made when I realized I may not get my due process and fairness in this county after judge Addys order around the late answer. None of the process has been or is moot. The Counties attorney is simply trying to prevent plaintiffs day in court. When this case was filed the clerks office indicated that plaintiff and the counties attorney should / would be getting together over the year before this case was coming to docket, I always called Mr HARTER, he never called me, and only mentioned arbitration possibilities one time. He submitted a letter indicating dates he would not be available. If this case had no merit and was filed late it should not have made it to one year to be placed on a docket, and despite of the mention of the tort statute of limitations, Mr HARTER said in court that it was just brought to his attention that plaintiff may be or was beyond the limitation. This case has not

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proceeded in a manner according to the rules, and they have shown distain for my Pro Se status in my opioion when the court recognizes that a citizen has this right and is giving not legal advice but support around the process when doing so. Since it is near christmas and the new year, plaintiff would appreciate if the process allows the court of appeals to contact plaintiff by email if Plaintiff is out of town.

Respectfully,
Mosi Abay Bundu Pro Se litigant
206B Mock Street
Laurens SC 29360
864-715-3073
mabundu@fastmail.fm

Day Of _____, 2015

Code of Laws of South Carolina 1976 Annotated
Title 15. Civil Remedies and Procedures
Chapter 78. South Carolina Tort Claims Act

Code 1976 § 15-78-110

§ 15-78-110. Statute of limitations.

Currentness

Except as provided for in Section 15-3-40, any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered; provided, that if the claimant first filed a claim pursuant to this chapter then the action for damages based upon the same occurrence is forever barred unless the action is commenced within three years of the date the loss was or should have been discovered.

Credits

HISTORY: 1986 Act No. 463, § 1; 1988 Act No. 352, § 9.

Notes of Decisions (36)

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Code 1976 § 15-78-110, SC ST § 15-78-110

Current through Acts 1 and 3 of the 2015 session.

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