

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2014-CP-1100052
Appellate Case No. 2014-000981

Lisa Randolph and George Randolph,

Appellants,

v.

Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General,
and Cherokee County, and Blacksburg Police Department, Defendants, Of
Whom Cherokee County and Blacksburg Police Department are the Respondents.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)

COUNTY OF CHEROKEE)

LISA RANDOLPH and GEORGE)
RANDOLPH,)

Plaintiffs.)

v.)

DOLGENCORP, LLC, d/b/a DOLLAR)
GENERAL STORE # 76751, a/k/a)
DOLLAR GENERAL, and CHEROKEE)
COUNTY, and BLACKSBURG POLICE)
DEPARTMENT,)

Defendants.)

IN THE COURT OF COMMON PLEAS

**ORDER GRANTING MOTION TO
DISMISS OF DEFENDANTS
CHEROKEE COUNTY AND
BLACKSBURG POLICE
DEPARTMENT**

C.A. No. 2014-CP-110052

This matter came before the Court on motions to dismiss of Defendants Cherokee County and the Blacksburg Police Department. A hearing was held before this Court on March 31, 2014. Plaintiffs appeared pro se at the hearing.¹ Stephanie H. Burton appeared on behalf of Defendants.

In their Complaint, Plaintiffs allege that on December 7, 2013, Plaintiff Lisa Randolph purchased three bags of cat litter from the Dollar General store located at 500 West Cherokee Street, Blacksburg, South Carolina. (Complaint ¶ 13). When paying for the cat litter Plaintiff Lisa Randolph alleges that she noticed a discrepancy between the price charged at the register and the price advertised on the shelf. The register displayed a price of \$9.35 per bag of cat litter while the shelf advertised a price of \$8.95 per bag. (Complaint ¶ 14).

¹ The Court acknowledges and appreciates the respectful demeanor presented by the plaintiffs. Nevertheless, the plaintiffs were encouraged during the hearing to seek proper legal advice. This Court continues to encourage the plaintiffs to obtain advice from legal counsel.

Plaintiffs further allege that Plaintiff Lisa Randolph confronted the Dollar General cashier and the store manager about the price discrepancy and requested that the register price be changed to reflect the advertised price on the shelf but that the store manager refused to alter the price. (Complaint ¶ 16) Plaintiff Lisa Randolph thereafter called 911 to report the allegedly unlawful conduct of Dollar General. (Complaint ¶ 25). The Dollar General manager also called 911 seeking to remove Plaintiff from the store (Complaint ¶ 36).

Plaintiffs allege that an officer with the Blacksburg Police Department was dispatched to the Dollar General Store and, after talking with the store manager and Plaintiff Lisa Randolph asked Lisa Randolph to leave the store and placed Plaintiff on trespass notice. (Complaint ¶ 16) Plaintiffs claim that they subsequently obtained a copy of the police report which listed the store manager as the complainant, instead of Lisa Randolph. (Complaint ¶¶ 94, 97). Throughout their Complaint, Plaintiffs generally allege that the police officer accepted the representations of the Dollar General Store Manager instead of those of Lisa Randolph. (*See, e.g.*, Complaint ¶¶ 43-47).

On March 31, 2014, the Defendants moved the Court to dismiss Plaintiff's claims pursuant to Rules 12(b)(5) and 12(b)(6) of the South Carolina Rules of Civil Procedure

After reviewing the Complaint, the motions to dismiss, Plaintiffs' responses to the motions, and considering the arguments presented at the hearing, the Court hereby grants the Defendants' Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure

CONCLUSIONS

In their thirty-seven-page Complaint, the Plaintiffs plead a variety of claims against both Cherokee County and the Blacksburg Police Department. All of the claims reflect Plaintiffs'

general theory that Cherokee County and the Blacksburg Police Department failed to hold Dollar General responsible for the price discrepancy of the cat litter

Plaintiffs' claims against Cherokee County

Plaintiffs do not allege facts specific to Cherokee County other than the fact that Lisa Randolph called 911. In their third cause of action, Plaintiffs claim that Cherokee County denied their rights under the Victim's Bill of Rights. S.C. CONST art 1 sect 24 This claim fails because the Victim's Bill of Rights does not create a private right of action against public entities or public employees. S.C. CONST art. 1 sect. 24 (B) ²

Plaintiffs also appear to generally claim that Cherokee County violated their civil rights under the first, fourth, fifth, eighth, ninth, thirteenth, and fourteenth amendments to the United States Constitution, although Plaintiffs do not specify the nature of the constitutional violations. Many of the constitutional amendments identified in the Complaint do not apply here and the Plaintiffs fail to properly plead facts required to assert a claim against a governmental entity under 42 U.S.C. § 1983.

Plaintiffs' claims against Blacksburg Police Department

In their Complaint, Plaintiffs assert a number of claims against the Blacksburg Police Department including: denial and deprivation of victim's rights, abuse of process, libel and slander, official misconduct, abuse of authority and breach of duty, denial of due process, conspiracy to commit larceny, violations of various civil rights; and loss of consortium

Several of the claims asserted by Plaintiffs do not constitute causes of action recognized under South Carolina law. Beyond this, Plaintiffs fail to plead facts sufficient to state a cause of action against the Blacksburg Police Department

² Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section.

As discussed above, Plaintiffs' claims relying upon the denial of victim's rights fail because the Victim's Bill of Rights does not create a private right of action against public entities or public employees. S.C CONST. art. 1 sect. 24 (B).³

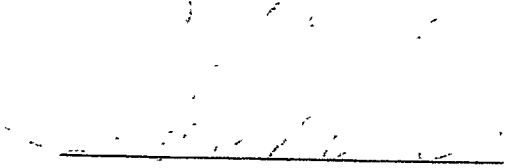
In addition, the South Carolina Tort Claims Act applies to all of Plaintiffs' tort claims against the Blacksburg Police Department and the exceptions to the waiver of sovereign immunity found in South Carolina Code Section 15-78-60 bar Plaintiff's claims here.⁴ Furthermore, the Tort Claims Act bars recovery of punitive damages. S.C Code § 15-78-120

Finally, to the extent that the Complaint purports to assert constitutional claims, Plaintiffs fail to properly plead facts required to assert a claim against a governmental entity under 42 U.S.C. § 1983

CONCLUSION

The Court hereby grants Defendants Cherokee County and Blacksburg Police Department's Motions to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. Plaintiff's claims are dismissed without prejudice.

AND IT IS SO ORDERED



J. Mark Hayes
Judge, Seventh Judicial Circuit

April 29, 2014
Spartanburg, South Carolina

³ Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section.

⁴ Applicable exceptions to the waiver of sovereign immunity include adoption, enforcement or compliance with any law, the exercise of discretion or judgment by the governmental entity or employee, failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee. S.C Code § 15-78-60 (+). (5)

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-11-0052

Lisa Randolph

DOLGENCORP, LLC d/b/a Dollar General
Store #76751 a/k/a Dollar General

George Randolph
PLAINTIFF(S)

Cherokee County Blacksburg Police Dept.
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC, Rule 41(a), SCRPC (Vol. Nonsuit), Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC, Bankruptcy Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed; Reversed; Remanded; Other

NOTE. ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court

This matter came before the court on motions to dismiss filed by the defendants Cherokee County and Blacksburg Police Department. After reviewing the motions, the responses to the motions, the materials in the clerk of court's file and considering the arguments presented, the court requests that Ms. Burton prepare a formal order granting the motions to dismiss these two defendants. She is to prepare an order that addresses all of the grounds argued, except the ground related to the mailing issue. Since the order will address the merits of the other grounds, the mailing issue can be referenced in the order, but not made a basis for this court's decision.

The sincerity of the plaintiffs' position is not questioned by this court. It is obvious from their 37-page complaint which contains 125 numbered paragraphs (and numerous subparagraphs) wherein they seek a judgment of \$9,000,000.00, that the plaintiffs believe they have been wronged by the sale of the cat litter for \$9.55 instead of the advertised price of \$8.95 and by the subsequent handling of their grievances. The plaintiffs' sincerity was also reflected in the extensive response filed to the present motions and their respectful conduct during the hearing.

Nevertheless, the defendants are correct in the substance of their motions. The SC Tort Claims Act significantly restricts civil action which can be brought by a citizen against the State, and it expressly forbids an award of punitive damages. Additionally, even though the legislature created the Vicum Rights Act, it did not create a private right to sue under that statute.

At the hearing the court encouraged the plaintiffs to seek advice of legal counsel. The court again encourages the plaintiffs to seek a review of their case with legal counsel.

The final order of this court on this matter will be the formal order once it is drafted, submitted to the court, signed by the court and filed by the court.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2132
Judge Code

4/2/2014
Date

For Clerk of Court Office Use Only

This judgment was entered on the 4th day of April, 20 14 and a copy mailed first class or placed in the appropriate attorney's box on this 7th day of April, 20 14 to attorneys of record or to parties (when appearing pro se) as follows.

Lisa Randolph George Randolph
703 W. Carolina St
Blackstone SC 29102
ATTORNEY(S) FOR THE PLAINTIFF(S)

Mary LaFare Stephanie Burton
3710 Landmark Dr, Ste 109 308 E. Saint John Street
Columbia SC 29204 Spartanburg SC 29302
ATTORNEY(S) FOR THE DEFENDANT(S)
[Signature]
CLERK OF COURT

Court Reporter:

90 21 10 17-101-014

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 LISA RANDOLPH, and)
 GEORGE RANDOLPH,)
) Plaintiffs,)
 vs.)
)
 DOLGENCORP, LLC,)
 d/b/a DOLLAR GENERAL STORE # 76751,)
 a/k/a DOLLAR GENERAL, and)
 CHEROKEE COUNTY, and)
 BLACKSBURG POLICE DEPARTMENT,)
) Defendants)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

012014CP-110052
 COMPLAINT
 (Jury Trial Requested)
 W. MCREE
 PM 4 19
 FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, S.C.

The Plaintiffs, above-named, complaining of the Defendants, above-named, allege and say

**FOR A FIRST CAUSE OF ACTION
 (Victim of Larceny)**

- (1) That the parties hereto and the subject matter of are within the jurisdiction of the Honorable Court
- (2) That Plaintiff, Lisa Randolph, is a citizen and resident in the County of Cherokee, State of South Carolina
- (3) That Plaintiff, George Randolph, is a citizen and resident in the County of Cherokee, State of South Carolina
- (4) That the Defendant, Cherokee County, is a political subdivision within the State of South Carolina and therein governs within this political subdivision of the State of South Carolina
- (5) That the Defendant, Blacksburg Police Department (hereinafter BPD), is a governmental agency having law enforcement jurisdiction and authority within the town of Blacksburg in the County of Cherokee, South Carolina
- (6) That at all times material, Defendants, Cherokee County and BPD, were organized and operational as government organizations and having authority in the exercise of powers within, and conveyed by political subdivision, and otherwise lawful within jurisdiction of each as conveyed

(7) That at all times material, Defendant, Dolgencorp, LLC (hereinafter Dolgencorp), was operating and conducting retail business operations for its own purposes at and from physical address location 500 West Cherokee Street, Blacksburg, South Carolina and also being known to the general public as Dollar General.

(8) That the Defendant, Dolgencorp, is a for-profit business entity, and operates a retail publicly accessible accommodation (hereinafter Store) in Blacksburg, South Carolina, and for its own purposes

(9) That at all times material, the Defendant, Dolgencorp, during the course and scope of operating its Store does use, and exercise for its own purposes, discretionary actions, procedures, processes, methods, and materials to advertise its merchandise for sale and chooses, and did choose to physically advertise merchandise, its attributes and such elements to include advertised price, solely at the discretion of the Defendant, Dolgencorp, and as truthful at such time as might be purchased in the following particulars:

- (a) Acting to physically show and display retail merchandise available for purchase;
- (b) Acting to create and maintain an electronic description of retail merchandise,
- (c) Acting to create and maintain an individual merchandise electronic purchase price not ordinarily visible to a buyer prior to purchasing merchandise during a business financial transaction;
- (d) Conducting financial business transactions wherein merchandise is sold and transferred in exchange for money collected and received from the buyer;
- (e) Acting to create merchandise advertising material containing information so as to transform electronic merchandise purchase information into printed advertised material facts and displayed to consumers and potential buyers prior to business conducted, or business not conducted to exchange merchandise for money
- (f) Acting to physically affix display merchandise advertising materials proximate and sufficient for a consumer to discern from advertised information content and reach an informed purchase decision based on advertised descriptions and prices.

and to be followed where any advertised merchandise price differs from the same in higher purchase price.

(13) That on 7 December, 2013, at approximately 10:00AM, Plaintiff, Lisa Randolph, observed the advertised price of cat litter proximate to the rear of the Store being advertised physically and literally for \$8.95 per box and did rely on the purchase price being \$8.95 when she moved approximately 70 pounds of cat litter all in 3 boxes from the back of the Store to the checkout registers proximate to the front of the Store.

(14) That Defendant, Dolgencorp, after having set the electronic purchase price of this cat litter to \$9.35 and knowing the physically advertised price still being \$8.95 did sell Plaintiff, Lisa Randolph, the cat litter at a price higher than the advertised price and complete the business financial transaction therein unlawfully taking from her more money than advertised in exchange for the cat litter and all in violation of the laws of State of South Carolina.

**FOR A SECOND CAUSE OF ACTION
(Breach of trust with fraudulent intent)**

(15) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim

(16) That Plaintiff, Lisa Randolph, still being at the Store checkout register, informed two (2) employees for Defendant, Dolgencorp, of the unlawful business practice conducted in completing the electronic business sale transaction. These two (2) employees being Defendant, Dolgencorp, Store Manager and Defendant, Dolgencorp, cashier, while having actual and constructive knowledge of this unlawful business conduct, refused to act in mending the electronic purchase price in consideration of the Defendant, Dolgencorp, already acting to set and physically display to the general public a lower advertised price.

(17) That the Store cashier asked the Store Manager for Defendant, Dolgencorp, if she should amend the \$9.35 purchase price to the physically advertised \$8.95 price.

(18) That the Store Manager instructed the cashier to maintain and charge the \$9.35 purchase price as being correctly \$9.35 and to disregard as meaningless and not material, the physically displayed \$8.95 advertised price and as presented to the general public.

(19) That Plaintiff, Lisa Randolph, then further informed the Defendant, Dolgencorp, two (2) above-mentioned employees the advertised price of the same cat litter was then, and had remained \$8.95 for a period spanning more than one month immediately prior to 7 December, 2013, and that charging Plaintiff, Lisa Randolph, more than the advertised price was unconscionable business conduct. Upon being so informed, the Defendant, Dolgencorp, still refused any action in remedy and still maintaining Defendant, Dolgencorp, business conduct lawful.

(20) That Defendant, Dolgencorp, did unlawfully take money from Plaintiff, Lisa Randolph, and wherein financially gaining from unlawful business conduct. The Defendant, Dolgencorp, displayed moral turpitude during the course and practice of this unlawful business conduct and all in violation of the laws of State of South Carolina.

(21) That as above-mentioned, the Store Manager having given the Store cashier explicit instructions and thereafter the cashier while explicitly following and completing these instructions did unlawfully breach the trust of Plaintiff, Lisa Randolph, and by intention did defraud her of money unlawfully exchanged for cat litter

(22) Plaintiffs suffer financial, physical, mental, and emotional damages, injury, and harm in losing money unlawfully gained by Defendant, Dolgencorp, wherein acting to make profitable unlawful business conduct and all in violation of the laws of the State of South Carolina.

**FOR A THIRD CAUSE OF ACTION
(Denied and Deprived Victim's Rights)**

(23) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim

(24) That at all times material, Plaintiff, Lisa Randolph, had her cellular telephone (hereinafter cell-phone) in her possession. Prior to the completion of, and during the financial transaction recording and processing being conducted to effect completion in exchanging merchandise for money by the

Defendant, Dolgencorp, the Plaintiff, Lisa Randolph, did then call the Defendant, Cherokee County, 911 operations using her cell-phone to report suspicion of crime and criminal conduct in the following particulars in that:

- (a) She was the victim of unlawful business conduct wherein financially damaged,
- (b) Defendant, Dolgencorp, and through its employees was the entity engaged in unlawful behavior;
- (c) She was purchasing merchandise advertised by Defendant, Dolgencorp, for sale at \$8.95;
- (d) The Defendant, Dolgencorp, had set an electronic purchase price different and higher than physical advertised price physically displayed to the general public;
- (e) She needed law enforcement help and assistance in creating and sustaining a factual report typically prepared by a law enforcement official;
- (f) She needed help and assistance in the preservation and protection of evidence in the possession of Defendant, Dolgencorp, and being favorable to her and unfavorable to Defendant, Dolgencorp, and being material to facts asserted and not being in question.

(25) That the Plaintiff, Lisa Randolph, in calling and reporting the explicit business conduct in question as lawful or unlawful was sufficient to require a law enforcement investigation to determine facts, evidence, and conduct so as to make available those elements necessary to establish business conduct as being and having elements, or not being and not having elements, indicating crime or criminal conduct..

(26) That while no determination rendered and preserved by a law enforcement agency official exists defining explicit business conduct as criminal or not criminal conduct, the Plaintiff, Lisa Randolph, is a victim of unlawful business conduct and thereby invoked the duties of the Defendants in the protections and rights afforded and as provided in the Victim's Bill of Rights in the State of South Carolina and so as to preserve and protect victim's rights to justice and due process.

(27) Plaintiff, Lisa Randolph, explicitly described unlawful business conduct as criminal to Defendant, Cherokee County, during the course of her call to 911. She further described explicitly the

same conduct to Defendant, Cherokee County, while reporting the presence of evidence favorable to her claim being present and within the Store premises, and in the possession of Defendant, Dolgencorp and still visible to her.

(28) Defendant, Cherokee County, did not provide awareness, protections, and rights consistent with victim's rights and failed to recognize reported conduct as being unlawful, as bearing potential criminal intent, having significant potential threat to the general public, or failed in conveying any such awareness of Defendant, Dolgencorp, business conduct so given by official relay to Defendant, BPD.

(a) That Defendant, BPD, explicitly describes the law enforcement subject of response as to a "verbal dispute" and being between the Defendant, Dolgencorp, and the subject, Plaintiff, Lisa Randolph, and being without absent any written record described unlawful.

(b) That Defendant, BPD, explicitly describes and maintains the law enforcement subject of response as was and being a "verbal dispute" wherein observing the Defendant, Dolgencorp Store advertised price being different from the amount collected by Defendant, Dolgencorp, at the time of sale between the Defendant, Dolgencorp, and the subject, Plaintiff, Lisa Randolph, and being absent written record of any crime, criminal conduct, or unlawful business conduct.

(29) That Defendant, BPD, explicitly describes and maintains the law enforcement subject of response as was and being a "verbal dispute" wherein observing both the Defendant, Dolgencorp, Store advertised price and the different higher amount complained of by Plaintiff, Lisa Randolph, to all Defendants, and with the higher purchase price recorded in the receipt examined by Defendant, BPD, and all the while still remaining absent written record of any crime, criminal conduct, or unlawful business conduct.

(30) That Defendant, Cherokee County, received four (4) notices descriptive of potential crime from the Plaintiff, Lisa Randolph, and during her 911 call for help wherein being three (3) specific instances as actual in describing potential crime and one (1) specific instance as being constructive in

describing potential crime and all the while still remaining absent written record of any crime, criminal conduct, or unlawful business conduct and ascribed to any party or others present.

(31) The Defendants, each and all, failed to report or make record of any crime, criminal conduct, or unlawful conduct so as to deny the Plaintiffs any recognition as victims thereby depriving the Plaintiffs any rights, protections, and privileges as accorded to all victims as citizens and residents in the State Of South Carolina.

(32) The Defendants, each, all, and together, acted, allowed, reported, and so minimized so as to discredit the Plaintiff, Lisa Randolph, and such that Defendant, Dolgencorp, unlawful business conduct be ever characterized as lawful by the Defendant, BPD, and Defendant, Cherokee County, within the State of South Carolina

(33) Plaintiff, Lisa Randolph, was then, and into the future remains permanently injured, harmed, and damaged wherein being deprived and denied rights as afforded lawfully and some being in the following particulars all victim rights to

- (a) Protection from intimidation and harm,
- (b) Treatment with dignity and compassion;
- (c) Knowledge of the criminal justice system;
- (d) Preservation of property;
- (e) Due process in court proceedings;
- (f) Restitution and compensation;
- (g) Provide the Plaintiff, Lisa Randolph, any notice or information such that Victim's Rights were, or might be available and in effect pending a determinative investigation by a law enforcement agency official acting within lawful jurisdiction.

(h) Provide protective instructions such that the Plaintiff, Lisa Randolph, should, or might consider to preserving her rights and invoking her protections pending a lawful investigation.

(i) Ask the Plaintiff, Lisa Randolph, for information, or provide such information to the initial responder so as to provide for reach back or to raise visibility in a claim of potential criminal

conduct identified and central to any investigation and determination of the presence of any facts not in question as to being lawful or unlawful.

(34) Plaintiff, Lisa Randolph, was denied the rights and protections accorded to victims of crime and criminal conduct specific to criminal financial damage and unlawful business conduct as lawfully required by the Victim's Bill of Rights in the State of South Carolina.

**FOR A FOURTH CAUSE OF ACTION
(Abuse of Process)**

(35) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim.

(36) Defendant, Dolgencorp, Store Manager, was aware and observed Plaintiff, Lisa Randolph, calling and speaking with Defendant, Cherokee County, and 911 Operator. Upon Plaintiff, Lisa Randolph, having relayed the 911 Operator question and request for the location address, the Store Manager verbally exclaimed, and on others present hearing such, did elicit laughter from other Defendant, Dolgencorp, employees and consumers being present to hear, that since the Plaintiff Lisa Randolph was having problems in obtaining police presence, the Store Manager would "show her how it's done". Plaintiff, Lisa Randolph, while still on the call with the 911 Operator then asked another individual, Dossie Faison (hereinafter Mr. Faison), being also present, for assistance in providing the address by going outside to observe if any visible Store premises address was present.

(37) Still while the Plaintiff, Lisa Randolph, was conversing with the 911 Operator, the Defendant, Dolgencorp, Store Manager initiated a secondary call to Defendant, Cherokee County, 911 operations, did speak with a 911 Operator, identified herself as the Defendant, Dolgencorp, Store Manager, requested law enforcement service to physically remove an irate customer, and terminated the call.

(38) The Defendant, Dolgencorp, did not respond with, or provide, the street address requested during the Plaintiff, Lisa Randolph, initial and primary 911 call. The Defendant, Dolgencorp, did not provide the street address during the secondary call to Defendant, Cherokee County, 911

operations. The Defendant, Cherokee County, 911 Operator did not ask for, or request a street address during the secondary 911 call made by Defendant, Dolgencorp, Store Manager

(39) Defendant, Dolgencorp, Store Manager having constructive and actual knowledge, failed in the following particulars and in mitigation to:

(a) Inform the Defendant, Cherokee County, of Plaintiff, Lisa Randolph, having first called the Defendant, Cherokee County, 911 operations;

(b) Inform Defendant, Cherokee County, that the Plaintiff, Lisa Randolph, call to Defendant, Cherokee County, as still active and in progress;

(c) Inform Plaintiff, Lisa Randolph, that the Defendant, Dolgencorp, 911 call had been terminated and that a responder request was in effect and active,

(d) Inform Defendant, Cherokee County, of any facts in question or allegations material and all as above-mentioned;

(e) Inform Plaintiff, Lisa Randolph, that as the Store Manager for Defendant, Dolgencorp, she had asked for police service in having the Plaintiff, Lisa Randolph, forcibly removed from the Store premises and in false pretense stated the Defendant, Lisa Randolph, as being simply an "irate customer"

(40) The Store Manager for Defendant, Dolgencorp, then removed herself from inside the Store premises and moved to the Store premises parking lot outside and waited to intercept the Defendant, BPD, and responding Police Officer.

(41) That Defendant, BPD, arrived and parked in the Store parking lot. Before the Police Officer exited his vehicle, the Store Manager approached the vehicle, initiated, and maintained a private conversation until such time as both Defendants, BPD and Dolgencorp, Police Officer and Store Manager entered the inside Store premises and then moving to the rear of the Store where the cat litter and cat litter advertised price was visible. Plaintiff, Lisa Randolph, was also situated in the rear Store premises and present proximate to the two (2) Defendants, the cat litter, and the advertised price of the cat litter.

(42) The Defendant, Dolgencorp, employee Store Manager, while having constructive and actual knowledge, did act to withhold, obscure, diminish, preclude, redirect, distract, deflect, and deny

any law enforcement investigation in determining any relevant facts and material facts not in question and facts in question being material so as to prevent the Defendant, BPD, from interviewing those parties present and others present and collect such evidence as might be available to support the facts of conduct being lawful business conduct or unlawful business conduct of the Defendant, Dolgencorp and being solely in the discretion of Defendant, BPD and absent any lawful discretion of Defendant, Dolgencorp .

(43) The Plaintiff, Lisa Randolph, was interviewed by the Defendant, BPD, directly and indirectly by the Store Manager and as was allowed by Defendant, BPD. Without ever providing Plaintiff, Lisa Randolph, opportunity to provide and present facts, as she could, and while giving the Defendant, Dolgencorp, such attention that he ordered others present to cease speaking so that the Store Manager might continue, the Defendant, BPD, with merit did weight the Store Manager claims as favorable and weighted the Plaintiff, Lisa Randolph, claims unfavorable and all in bias and without any showing of just cause.

(44) That the Defendant, BPD, in giving more weight and being favorable to the Store Manager, Defendant, Dolgencorp, and having contrary physical evidence favorable to the Plaintiffs, did act and set aside such evidence The Defendant, BPD, further allowed, Defendant, Dolgencorp, omission of physical evidence to the contrary and favorable to the Plaintiffs and so was then set aside. Such evidence thereafter abandoned from official inclusion of such facts in evidence even whereas not being in dispute by any party

(45) That Defendant, BPD, acted to choose as primary conduct focusing on providing service to eject the Plaintiff, Lisa Randolph, from the Store premises, and to make unfounded and secondary the complaints of the unlawful business conduct of Defendant, Dolgencorp by the Plaintiff, Lisa Randolph The Defendant, BPD, acts to remain present to observe the advertised price altered therefore so as to being a claimed correct price as a conclusion of a law enforcement investigation. The Defendant, BPD, acts to make and see the advertised price be changed to protect the general public are the same acts ensuring Defendant, BPD, is an accessory after the fact in Defendant, Dolgencorp, unlawful business conduct and so inflicting and sustaining as lawful the financial damages to the Plaintiffs and thereafter

still claiming as lawful these financial damages and being lawful in wherein sanctioning the taking of money from the Plaintiffs and the keeping as profit gained in violation of the laws of the State of South Carolina

(46) That the Defendant, BPD, ignored preponderance of evidence, truthful and untruthful statements, and in applying the elements of probable cause and duties to investigate. The Defendant, BPD, was grossly negligent in turning a blind eye to evidence supporting further action as probable cause in protecting the Plaintiffs from being harmed, damaged, and injured then and into the future.

(47) Plaintiff Lisa Randolph suffered harm, damage, loss and injury inflicted by tortuous interference conducted by Defendant, Dolgencorp, in her exercise of her rights and privileges allowed, provided, and sustained by and in, due process, equal protection, freedom of speech, and to sustain and protect her liberty to seek justice as remedy and rights to be whole and be made whole upon being so victimized. The Plaintiffs damages are magnified by the behavior of the Defendants in shielding in Color of Law such that criminal behavior is washed clean and deemed officially lawful and defended by law enforcement as officially lawful conduct of the Defendant, Dolgencorp, unlawful business conduct

FOR A FIFTH CAUSE OF ACTION
(Libel and Slander)

(48) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim.

(49) The Defendant, BPD, Police Officer did observe the cat litter and cat litter advertised sale price to be \$8.95. Upon his observing the \$8.95 advertised price, he asked the Store Manager to explain the advertised price then being \$8.95.

(50) That the Defendant, BPD, Police Officer, Plaintiff, Lisa Randolph, Mr. Faison, other Defendant, Dolgencorp, employees, and other members of the general public all being present did hear the Store Manager verbally exclaim and assert that:

(a) She herself while being the Store Manager for Defendant, Dolgencorp, had recently changed the advertised price of the cat litter to \$9.35;

(b) Plaintiff, Lisa Randolph, had thereafter tampered with unlawfully to change and alter the advertised price of the cat litter to \$8.95,

(c) Members of the general public unlawfully tampered with, changed and altered the Defendant, Dolgencorp, advertised prices frequently and often.

(51) Mr. Faison, being present and hearing the Store Manager accuse the Plaintiff, Lisa Randolph, of changing and altering the advertised price of the cat litter to be \$8.95 did verbally exclaim in response, "that's a lie!"

(52) That the Defendant, Dolgencorp, Store Manager accusation that the Plaintiff, Lisa Randolph, had unlawfully altered the advertised price of the cat litter to be \$8.95 did thereby intentionally slander the Plaintiff, Lisa Randolph.

(53) That the Defendant, BPD, acted so as to ignore this slander in public and thereby give merit in public to the Defendant, Dolgencorp claims of Plaintiffs criminal conduct. The Defendant, BPD, only responded by demeaning Mr. Faison in telling him to cease speaking and to remain silent.

(54) That the Defendant, BPD, then did examine by touching and visual scrutiny the placement, construction, content and manner of the cat litter advertised price displayed and verbally stated he could, "see how this is possible." That Defendant, BPD, added further merit and weight favorable to the Store Manager in slandering the Plaintiff, Lisa Randolph, in offering conjecture and supposition absent any evidence and so as to raise preponderance in the Defendant, Dolgencorp, slander as defensible as supporting an accusation as truth absent evidence in support favorable to the Defendants and directly contrary to evidence present and being favorable to the Plaintiffs.

(55) That Defendant, Dolgencorp, by its Store Manager did make public record requesting forced removal of the Plaintiff, Lisa Randolph, in calling Defendant, Cherokee County, 911 operations, that the same Store Manager accused Plaintiff, Lisa Randolph, in the public of a crime and criminal conduct. That Defendant, BPD, made no oral or written objection and thereby provided Defendant, Dolgencorp, credibility in so slandering as above-mentioned and was then, and is permanent libel and slander of Plaintiff, Lisa Randolph and wherein both Defendants did act to sustain slander as being true

and all the while being in conflict with, and contrary to evidence and facts readily available and visible to Defendant, BPD, establishing preponderance in the Defendant, Dolgencorp, accusations as being true or as being slander

(56) Plaintiff, Lisa Randolph stands harmed, damaged, and injured in her good name, reputation, character, integrity, morals, ethics, competence professional and personal, being less than honest, and dishonest both professionally and personally, all in public and all in violation of the laws of the State of South Carolina.

**FOR A SIXTH CAUSE OF ACTION
(Official Misconduct, Abuse of Authority, Breach of Duty)**

(57) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim.

(58) That with all parties above-mentioned and others in the general public still being present and hearing, Plaintiff, Lisa Randolph, did deny and claim as untrue any and all unlawful acts and conduct as was purported in the slander and libel above-mentioned and all being false as to any wrongful conduct or acts as were, or might be alleged as her own or as her being a party to any unlawful conduct therein.

(59) Plaintiff, Lisa Randolph, did say to, refer to, and show to Defendant, BPD, material facts not in question, evidence present and favorable to her claim of Defendant, Dolgencorp, unlawful business conduct and by increasing preponderance and prima facie to remove any reasonable doubt in the following particulars whereby and wherein:

(a) She gave over for examination her receipt showing Defendant, Dolgencorp, collecting a purchase price for cat litter and being \$9.35;

(b) Referring directly to the advertised price affixed to the Store shelf the cat litter sale price and being \$8 95;

(c) Directly stating her reliance on the cat litter sale price as being the same as the purchase price and being \$8.95;

(d) Directly stating her reliance on advertised sale price as being the same as a purchase price was the same as any member of the general public would expect and being entirely expected and customary in the State of South Carolina;

(e) That on information and belief, in the State of South Carolina any same merchandise purchase price being different and higher than an existing publicly visible advertised price is unlawful business conduct even absent the seller having actual or constructive knowledge of the purchase price being higher than the advertised price;

(f) That on information and belief, in the State of South Carolina whereby any seller has actual and constructive knowledge of any same merchandise purchase price being higher than the advertised price is potentially unlawful business conduct and potentially demonstrates intentional criminal conduct;

(g) That on information and belief, any seller having actual and constructive knowledge of any same merchandise purchase price being higher than the then same in advertised price and proceeds to engage in, or complete a financial transaction is potentially criminal business conduct raised to larceny in violation of the laws of the State of South Carolina,

(h) She directed his attention to, and claimed the importance of the Store video surveillance camera dome positioned so as to have direct line of sight to both the cat litter and all constructive physical elements used by the Defendant, Dolgencorp, to publicly display the advertised price of the cat litter,

(i) She referred to video surveillance records having potential and significant importance in establishing existing or new facts as favorable and unfavorable wherein being facts not in dispute or in dispute.

(60) That Defendant, Dolgencorp, Store Manager then directed the Police Officer for Defendant, BPD, to remove Plaintiff, Lisa Randolph, and Mr. Faison, from the Store premises then and permanently into the future.

(61) The Defendant, BPD, Police Officer still being present in the rear of the Store then carrying out the request of Defendant, Dolgencorp, speaking directly to Plaintiff, Lisa Randolph, and to Mr. Faison, in the following particulars did.

(a) Say to Plaintiff, Lisa Randolph, and Mr. Faison, that both had to leave the Store premises immediately or be arrested;

(b) Begin escorting Plaintiff, Lisa Randolph, and Mr. Faison, from inside the Store premises to the Store premises parking lot and in disregard of their property not being in their possession;

(c) Instruct Plaintiff, Lisa Randolph, and Mr. Faison, that he would arrest and jail either or both should either fail to leave the Store premises;

(d) Instruct Plaintiff, Lisa Randolph, and Mr. Faison, that both of their names were on a permanent trespass list such that each were forever barred from being present on Defendant, Dolgencorp, Store premises and property;

(e) Upon reaching the Store parking lot outside, instruct Plaintiff, Lisa Randolph, and Mr. Faison, that if either or both were at any future time observed on the Defendant, Dolgencorp, Store premises that either or both would be arrested and jailed on sight;

(f) Instruct Plaintiff, Lisa Randolph, and Mr. Faison, to leave the Store premises and wherein he would remain to observe their ejection completed;

(g) That in failing to instruct and allow Plaintiff, Lisa Randolph, to take possession of the three (3) boxes of cat litter and other property belonging to the Plaintiffs still being inside the Store did humiliate, intimidate, and illicit fear of arrest in forcing the Plaintiff to beg permission to reenter the Store so as to regain possession of her property.

(62) Plaintiff, Lisa Randolph, asked the Defendant, BPD, if the Police Report she had requested during her call to Defendant, Cherokee County, 911 operations would be available and contain a full, complete, and true accounting of the incidents and events having transpired and as above-mentioned. The Defendant, BPD, did respond that "a Police Report" would be available from the Defendant, BPD, on or about 9 December, 2013.

(63) Plaintiff, Lisa Randolph, did hear and interpret the response received from the Defendant, BPD, as incomplete, less than forthcoming, perceived as uncooperative, and so being biased and further elevating her concern, suspicion, and awareness of the Defendant, BPD, conduct as less than fair, failing in being objective, failing in being impartial, failing by biased treatment from the Defendant, BPD, and in favor of Defendant, Dolgencorp. The Defendant, BPD, presented circumstances adversarial between Defendant, BPD and Plaintiffs and where already adversarial between the Defendant, Dolgencorp and the Plaintiffs.

(64) Defendant, BPD, failed in, and during Official Conduct in applying and following, failed in not applying and not following ordinary law enforcement procedures commonly necessary and required to enforce the laws of the State of South Carolina, and failed in the following particulars whereby and wherein the Defendant, BPD,:

(a) Did not act to be objective in determining facts;

(b) Did not recognize unlawful conduct described and prohibited within the State of South Carolina codified in statutory law,

(c) Did not recognize criminal conduct described and prohibited in the State of South Carolina codified in criminal statutory law;

(d) Did not recognize Plaintiff, Lisa Randolph, having lost money as a consequence of the unlawful business conduct of Defendant, Dolgencorp,

(e) Did not recognize Defendant, Dolgencorp, as the sole financial beneficiary in receiving money taken from Plaintiff, Lisa Randolph, during unlawful business conducted even wherein the victim of such conduct had asked for emergency assistance and protection, and remained present and fully cooperating;

(f) Did show aggravated bias towards the Plaintiffs and deference favorable to Defendant, Dolgencorp, and unfavorable to Plaintiff, Lisa Randolph, while officially acting under Color of Law,

(g) Did not recognize or distinguish separation of crimes in progress from crimes already committed;

(h) Did not enforce the laws of the State of South Carolina wherein law enforcement discretionary authority is not allowed by statute.

(i) Did so act as to use and abuse the powers held to the Judiciary wherein adjudicating post criminal conduct and crime already in evidence in failing to enforce the laws of the State of South Carolina, and then so acting as civil and criminal recovery, and remedy afforded only in due process reserved solely for discretionary application by the State of South Carolina Judiciary,

(j) While having actual and constructive knowledge otherwise, did exceed law enforcement authority by rendering judgment wherein a commission of crime and criminal conduct was already committed and there being sufficient evidence of proving unlawful or criminal conduct being present and such being presented to him for his investigation and statutory duty to exercise arrest, jail, and bail authority vested in the Defendant, BPD;

(k) Did not conduct a law enforcement investigation so as to determine material facts and evidence present and available for preservation and reporting and therein showing prejudice favorable to the Defendant, Dolgencorp, and both biased and unfavorable to the Plaintiffs.

(l) Did act under Color of Law to destroy and act to allow the destruction of evidence favorable to the Plaintiffs and unfavorable to Defendant, Dolgencorp, and wherein under Color of Law so stating in official reporting and so sanctioned as approved and closed by the Defendant, BPD.

(65) Defendant, BPD, supported and defended the unlawful business conduct of Defendant. Dolgencorp, as being lawful conduct and thereby precluded, defended, excluded, and shielded the Defendant, Dolgencorp, from claims of damage to the Plaintiffs, as to any unlawful act, unlawful conduct, or unlawful manner and so in all as above-mentioned did use unlawful Color of Law powers and all in violation of the laws of the State of South Carolina

(66) Defendant, BPD, did harm, damage, and injure Plaintiff, Lisa Randolph, in failing to exercise due care during objective consideration in enforcing law and due diligence in acting within law enforcement authority wherein being negligent, grossly negligent, biased, reckless, and careless in protecting Plaintiff, Lisa Randolph, from being a victim of financial damages in unlawful conduct, in

fact in law. Defendant, BPD, did act and speak to accept, believe and apply such advice, information, and description as given by Defendant, Dolgencorp, as a legal authority in lawful business conduct as given and presented to the Defendant, BPD, by Defendant, Dolgencorp, and thereby set aside, preempt, and ignore the purpose, authority, and laws of the State of South Carolina. Plaintiff, George Randolph, observed and perceived the conduct of the Defendants as a presentation of collusion to deny Plaintiff, Lisa Randolph, due process in seeking civil remedy

(71) Plaintiff, George Randolph, asked the Police Officer if the Store video surveillance had been reviewed and who thereby responded by shaking his head indicating no surveillance had been reviewed while saying such Store surveillance was “disk based”.

(72) Plaintiff, George Randolph, observed the Defendant, Dolgencorp, Store Manager altering so as to destroy the existing \$8.95 advertised price of the cat litter in the immediate presence of the Defendant, BPD, Police Officer also observing said destruction and while both of these Defendants were conversing and discussing how often and how frequently members of the general public alter and change Defendant, Dolgencorp Store advertised prices

(73) Plaintiff, George Randolph, asked the Police Officer of any law enforcement intent to conduct any other or further law enforcement investigative procedure, process, or act and received no response. Upon Plaintiff, George Randolph, observing the destruction of evidence in an investigation prior to qualified and quantified valuation in fact, the inappropriate nature of the interaction between these defendants, an apparent conclusion and closure of any other law enforcement conduct, then departed the Defendant, Dolgencorp Store premises

(74) Plaintiffs assert violations of law in denying due process failing to preserve rights and privileges in due process whereby evidence of unlawful business conduct was jointly and collectively destroyed as jointly conducted by the Defendant, BPD, and the Defendant, Dolgencorp, thereby depriving and denying plaintiffs, and as husband and wife, access to evidence favorably to the Plaintiffs and unfavorable to the Defendants, in tampering with a reported crime scene and whereby unlawfully creating and providing Defendant, Dolgencorp, potential defense in denial.

fact in law. Defendant, BPD, did act and speak to accept, believe and apply such advice, information, and description as given by Defendant, Dolgencorp, as a legal authority in lawful business conduct as given and presented to the Defendant, BPD, by Defendant, Dolgencorp, and thereby set aside, preempt. and ignore the purpose, authority, and laws of the State of South Carolina. Plaintiff, George Randolph, observed and perceived the conduct of the Defendants as a presentation of collusion to deny Plaintiff, Lisa Randolph, due process in seeking civil remedy.

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(74) Plaintiffs assert violations of law in denying due process failing to preserve rights and privileges in due process whereby evidence of unlawful business conduct was jointly and collectively destroyed as jointly conducted by the Defendant, BPD, and the Defendant, Dolgencorp, thereby depriving and denying plaintiffs, and as husband and wife, access to evidence favorably to the Plaintiffs and unfavorable to the Defendants, in tampering with a reported crime scene and whereby unlawfully creating and providing Defendant, Dolgencorp, potential defense in denial.

(75) Plaintiffs are permanently harmed, damaged, and injured by Defendant, BPD, inflicting set-aside of the State of South Carolina Victims Bill of Rights, State of South Carolina Constitutional Rights and Amendments thereto, United States Constitutional Rights and Amendments thereto, set aside of law so as to fail to enforce, charge, arrest, jail, bail, or otherwise acting as lawfully required failing to fully conduct the business of a law enforcement agency and concurrent to failing in remaining within the full scope and business of a law enforcement agency and being jointly involved with a business entity engaged for profit while operating a public accommodation transacting business with the general public officially reported by a citizen as engaging in unlawful business conduct

**FOR AN EIGHTH CAUSE OF ACTION
(Victim –Conspiracy to/to commit Larceny)**

(76) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim

(77) Plaintiff, George Randolph, having returned to his home and his wife also present at her home and being as same, did locate, identify, and preserve evidence and therein gaining actual and constructive knowledge of additional and accumulated Defendant, Dolgencorp, unlawful business conduct

(78) That with actual and constructive knowledge of being unlawful conduct therein, that on or about 23 November, 2013, Defendant, Dolgencorp, conducted and attempted to conduct the same unlawful business conduct and wherewith, Plaintiff, Lisa Randolph, conducted herself the same wherein saying to, Defendant, Dolgencorp, that selling merchandise advertised to the general public for more than the then prevailing price as then advertised, and also being physically displayed to the general public, as then being in all ways unlawful business conduct and all in violation of the laws of the State of South Carolina.

(79) That with actual and constructive knowledge, Defendant, Dolgencorp, did then amend the cat litter \$9.35 purchase price to \$8.95 as was then advertised

Defendant, Dolgencorp, was criminally successful in unlawful business conduct on the third occasion above-mentioned and as occurred on or about 7 December, 2013, and all as above-mentioned

(84) That when the Defendant, Dolgencorp, criminal conduct was reported in progress to Defendant, Cherokee County, and thereafter with Defendant, BPD, responding, did maliciously and unlawfully act to protect and preserve unlawful business conduct in perpetuity and for such purposes as continued accrual of unlawful profit derived by deceiving the general public That Defendant, Dolgencorp, did act with immunity on December 7, 2013, and Defendant, BPD unlawfully protected such unlawful business conduct under threat of arrest. That Defendant, Dolgencorp, unlawful business conduct being protected by sham legal process enforced by Defendant, BPD, law enforcement powers, and wherein each unit of cat litter sold contains forty cents in unlawful profit gained by protected deception under Color of Law. That wherein the Defendants conspired to make and represent to the general public as lawful business conduct and wherein the taking of more money from any member of the general public as being lawful financial conduct, and enforced as rightful and privileged, is a perversion of the law so egregious as to be unconscionable and all in violation of the laws of the State of South Carolina

(85) That any person being and having membership by right in the general public, and also being and including the Plaintiffs membership in the general public, and who in reliance on the advertised price and having then decided to purchase merchandise based on advertised price and with such business entity as the seller of such merchandise having knowledge of such unlawful business conduct intentionally takes more from the general public than is then advertised, serves and makes each such member of the general public a victim of larceny where committed and a victim of unlawful business conduct where attempted.

(86) That the Defendant, Dolgencorp, charging and taking money above the advertised price knowingly and while having actual and constructive knowledge of being unlawful, engages in and commits larceny. Where such larceny occurs or is suspected of occurring, each victim bears a responsibility to report any of these crimes and any unlawful conduct to a law enforcement authority having jurisdiction to enforce the laws of the State of South Carolina. The Plaintiffs being victims and

Defendant, Dolgencorp, was criminally successful in unlawful business conduct on the third occasion above-mentioned and as occurred on or about 7 December, 2013, and all as above-mentioned.

(84) That when the Defendant, Dolgencorp, criminal conduct was reported in progress to Defendant, Cherokee County, and thereafter with Defendant, BPD, responding, did maliciously and unlawfully act to protect and preserve unlawful business conduct in perpetuity and for such purposes as continued accrual of unlawful profit derived by deceiving the general public. That Defendant, Dolgencorp, did act with immunity on December 7, 2013, and Defendant, BPD unlawfully protected such unlawful business conduct under threat of arrest. That Defendant, Dolgencorp, unlawful business conduct being protected by sham legal process enforced by Defendant, BPD, law enforcement powers, and wherein each unit of cat litter sold contains forty cents in unlawful profit gained by protected deception under Color of Law. That wherein the Defendants conspired to make and represent to the general public as lawful business conduct and wherein the taking of more money from any member of the general public as being lawful financial conduct, and enforced as rightful and privileged, is a perversion of the law so egregious as to be unconscionable and all in violation of the laws of the State of South Carolina.

(85) That any person being and having membership by right in the general public, and also being and including the Plaintiffs membership in the general public, and who in reliance on the advertised price and having then decided to purchase merchandise based on advertised price and with such business entity as the seller of such merchandise having knowledge of such unlawful business conduct intentionally takes more from the general public than is then advertised, serves and makes each such member of the general public a victim of larceny where committed and a victim of unlawful business conduct where attempted.

(86) That the Defendant, Dolgencorp, charging and taking money above the advertised price knowingly and while having actual and constructive knowledge of being unlawful, engages in and commits larceny. Where such larceny occurs or is suspected of occurring, each victim bears a responsibility to report any of these crimes and any unlawful conduct to a law enforcement authority having jurisdiction to enforce the laws of the State of South Carolina. The Plaintiffs being victims and

having responsibility to report such crime, and having rights to protect themselves from being damaged by such crime, did report such unlawful conduct to the Defendants each and all. That the Plaintiffs reported such crime and did rely on the Defendant, BPD, to enforce the laws of the State of South Carolina.

(87) That the Defendant, BPD, did then use discretion in exercising the broad powers of a law enforcement agency and being lawfully conveyed by sovereign authority of the State of South Carolina. That the Defendant, BPD, did by arrest authority act to set aside the laws of the State of South Carolina solely favoring the Defendant, Dolgencorp. That the Defendant, BPD, did by threat of arrest authority entrusted by the public did act to enforce and protect the larcenous business conduct and crime of larceny already committed by the Defendant, Dolgencorp.

(88) That the Defendant, BPD, did then use law enforcement powers in discretion wherein giving immunity to Defendant, Dolgencorp, in unlawfully profiting from larceny and also by ejecting and then permanently barring by threatening the Plaintiff, Lisa Randolph, with arrest, and so in did never allow her the right to complain honestly of facts in being a victim of larceny. That the Defendant, BPD, did then use law enforcement powers in discretion wherein giving immunity to the Defendant, Dolgencorp, and in taking the liberty of the Plaintiffs, to report larceny attempted or committed upon victims and being members of the general public as solicited to purchase merchandise sold by the Defendant, Dolgencorp.

(89) That the Defendant, BPD, and in discretion, did chose not to enforce the laws of the State of South Carolina, did enforce as a right of the Defendant, Dolgencorp, to conduct and commit larceny on members of the public, and then so act as to immunize such business conduct, using threat of arrest authority, the Defendant, Dolgencorp, from any complaints made by victims of larceny among the general public and into the future. That the Defendant, Dolgencorp being held immune to larceny in business conduct, and with such immunity granted and enforced by the Defendant, BPD, and wherein unlawful conduct reported by the general public then being prosecuted against the general public by the Defendant, BPD, and so serving to hide such crimes from the general public under a sham legal process of trespass.

(90) That the Defendants used false pretenses denying criminal business conduct and so being protected and immunized by the Defendants, all and jointly, being therein conspiracy to conduct and commit crimes and wherefrom all victims being solicited and enticed from the general public wherein seeking and maintaining unlawful business profit and the unlawful keeping of circumstances so as to engage in, and continue to engage in such unlawful conduct permanently into the future.

(91) That the Defendant, Dolgencorp, did so use the Defendant, BPD, as a for profit enforcement arm and defense, and did entice the Defendant, BPD, to abuse law enforcement authority under false pretense, and to abuse discretion in same, to officially act in ejecting and permanently barring the Plaintiff, Lisa Randolph, from the Store premises and all being conduct unconscionable.

(92) The Plaintiffs, and being husband and wife, are harmed, damaged, and injured by the criminal conduct above-mentioned mentally, emotionally, financially, and physically lost liberty, false arrest using false pretense, lost general public membership, expenses and future expenses in extended routine travel acquiring household products and other merchandise used routinely, daily, and otherwise frequently, and the permanent invasion of privacy in forever being made a subject of the Defendant, BPD

**FOR A NINTH CAUSE OF ACTION
(Libel and Slander)**

(93) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim.

(94) That on or about 10 December, 2013, Plaintiff, Lisa Randolph, was present at the Defendant, BPD, Police Station to retrieve a copy of the Defendant, BPD, Police Report of the above-mentioned conduct, incidents and events. Defendant, BPD, could not locate any Police Report filed under, or containing reference to Defendant, Lisa Randolph, calling 911. After Defendant, BPD, asked Plaintiff, Lisa Randolph, for other identifying party and timing information, a Police Report was located under a "Dollar General" filing containing identifier Case Number 2013-00592 (hereinafter Police Report) and a Police Report "Certified True Copy" was provided to her.

(95) That the Defendant, BPD, Police Report bears designation as completed, administratively closed, approved, closed, and marked for no follow up investigation. The same Police Report is closed to

any other processing, or automatic due process except to the disposition of the document under existing, or not existing, Defendant, BPD, retention Policy and/or Procedures

(96) That on information and belief, Plaintiffs assert typical law enforcement retention Policy for Police Reports is permanent retention. Plaintiffs further assert that any material or perceived flaw, bias, misrepresentation, opinion, omission, or commission purporting judgment or opinion as fact, and any false statement therein, is subject to discovery according to any prevailing retention Policy in force, enforced, and applied, or where no Policy exists or is enforced

(97) That the Plaintiff, Lisa Randolph, already being publicly accused of being dishonest, of engaging in criminal conduct, and of committing a crime involving moral turpitude. Criminal accusations so made were made in the presence of Defendant, BPD and judged officially sufficient, in both weight and merit, that the law enforcement powers of Defendant, BPD, were used to make available a permanent record available to the community and the general public, and in the form of Police Report and so being reliable and available to the general public and as being received by the general public in good faith and without question. The published Defendant, BPD, Police Report states, represents, reports, and makes permanent public record of being the truth and truthful. The Plaintiffs deny such and claim the Police Report as biased, misrepresenting fact, false in constructive and actual commission, bearing false constructive and actual omission, as the Police Report, and as written in the Police Report and in the following particulars:

- (a) There being a single "Complainant";
- (b) That the single Complainant is solely the Defendant, Dolgencorp,
- (c) That there are two (2) "subjects",
- (d) That Plaintiff Lisa Randolph is one (1) of two (2) "subjects",
- (e) That Defendant, BPD, under Color of Law, observed no fact, no statement of fact, no evidence being physical or otherwise, whether in view or in review, and wherein viewed in separation, joined, or by accumulated merit and weight, as sufficient to demonstrate preponderance favorable to Plaintiff, Lisa Randolph, claiming and reporting Defendant, Dolgencorp, unlawful business conduct.

(f) That Defendant, BPD, under Color of Law, observed no fact, statement of fact, evidence being physical or otherwise, whether in view or in review, and wherein viewed in separation, joined, or by accumulated merit and weight, as sufficient to demonstrate beyond reasonable doubt, and favorable to Plaintiff, Lisa Randolph, claiming and reporting Defendant, Dolgencorp, malicious unlawful business conduct

(g) That with actual and constructive knowledge, the Defendant, BPD, in summary judgment concluded to declare as being true in the following particulars that:

1 The "correct" price of the cat litter being \$9.35 at all times while the Police Officer was therein present;

2 The "correct" price of the cat litter being \$9 35 even prior to the Police Officer arriving wherein Plaintiff, Lisa Randolph, purchased the cat litter as advertised by Defendant, Dolgencorp, for \$8.95,

3 The "correct" price of the cat litter as the purchase price and while before, during, and after Defendant, BPD, was and was not physically present on or about the Store premises;

4 The \$8 95 advertised price did not make unlawful Defendant, Dolgencorp, selling of the merchandise at a price higher than the price advertised to the general public,

(h) That with actual and constructive knowledge, the Defendant, Dolgencorp, was truthful in stating and reporting to Defendant, BPD, as truth that the two (2) subjects had purchased the cat litter.

(i) That with actual and constructive knowledge, the Defendant, Dolgencorp, was truthful in stating and reporting to Defendant, BPD, as truth that the subjects had purchased four (4) boxes of cat litter.

(j) That with actual and constructive knowledge, the Defendant, BPD, withheld such information as was present and identified the Plaintiff, Lisa Randolph, as being a victim and sole victim of financial damages

(98) The Defendant, BPD, and the Defendant, Dolgencorp, did and have slandered the Plaintiff, Lisa Randolph, by demeaning her name, reputation, and person in public, bearing accusations of

criminal conduct in public, ignoring her as a financial victim of criminal conduct, ejecting her from the general public Store premises, and restricting her liberty as then was and so restricted in her liberty forever in the future.

(99) Defendant, BPD, failed to enforce the law wherein the victim, Plaintiff Lisa Randolph, did then, and will into the future suffer harm, damage and injury resulting from bias, prejudice, misconduct, and in failing to apply and exercise due diligence in investigating and enforcing the law.

(100) Defendant, BPD, failed to recognize and act within the law wherein the victim, Plaintiff Lisa Randolph, did suffer damage and will continue to suffer damage resulting from the failure to apply due care in recognizing unlawful business conduct while investigating and enforcing the law.

(101) Defendant, BPD, failed to apply due diligence and due care in preempting and preventing unlawful conduct harming the Plaintiff, Lisa Randolph, and who did suffer damage and will continue to suffer damage resulting from Defendant, BPD, aggravated misconduct.

(102) Plaintiff, Lisa Randolph, was slandered by Defendant, Dolgencorp while Defendant, BPD, was present and while other members of the public were present and did hear the Plaintiff be accused of criminal conduct and wherein unlawful conduct was occurring.

(103) Plaintiff, Lisa Randolph, suffers from libel and slander wherein she reported unlawful conduct, reported unlawful conduct to 911 with no recorded response thereafter, then named a "subject" in the Defendant, BPD, Police Report and wherein unlawful conduct is explicitly described by the Defendant, BPD, in the Police Report and misrepresented as a statement made by subject and Plaintiff, Lisa Randolph. The Defendant, BPD, Police Report identifies the Plaintiff, Lisa Randolph, as a subject and whereas she is the sole financial victim who lost money during the unlawful business conduct of Defendant, Dolgencorp. The Defendant, BPD, Police Report identifies the Defendant, Dolgencorp, as the Complainant and is the sole beneficiary of the money lost by the Plaintiff, Lisa Randolph. The public conduct, words, statements, recordings and writings of the Defendants portray the Plaintiff, Lisa Randolph, in light falsely demeaning in being a subject of the Defendant, BPD; as complained of and claimed criminal by the Defendant, Dolgencorp; as forcibly ejected, banned and barred by the Defendant,

BPD, under Color of Law, as wherein recorded calling Defendant, Cherokee County, as in reporting unlawful conduct perpetrated by the Defendant, Dolgencorp, as where from, such conduct, practice and acts by Defendant, Dolgencorp, are investigated and then to be all declared and as all being as lawful conduct as in conclusion and maintained in record and as written by the Defendant, BPD, Police Report.

(104) That the Plaintiff, Lisa Randolph, and all as above-mentioned having already suffered financial damages, suffers additional and recurring financial damages, is then abused of her rights, protections, and privileges, and suffers in damages to her good name, character, and reputation.

FOR A TENTH CAUSE OF ACTION
(Violations in Civil Rights and Consumer Rights)

(105) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim.

(106) The Plaintiff, Lisa Randolph, asserted her right to speak with her government concerning unlawful business conduct by initiating a 911 call reporting potential unlawful conduct. The Defendants, Cherokee County and BPD, acted to transfer and so place in suspension any law enforcement investigation of potential crime. That the Defendants, all together, individually, and jointly, having acted to suspend such lawful investigation, did act to transfer the duties and obligations of law enforcement to the law enforcement agency, Defendant, BPD, and then while having such enforcement and discretionary powers in jurisdiction, the Defendant, BPD, then acted solely to maintain the reports and complaints and as all above-mentioned as being suspended, not actionable, and so as to close and claim law enforcement duty as satisfied and as being satisfied

(107) That the Defendant, BPD, has or has not made available to the Plaintiffs, any record where the subject of unlawful conduct reported by the Plaintiff, Lisa Randolph, was removed from suspension and made active thereafter in continuing to investigate the Plaintiffs claims

(108) The Plaintiffs First, Fourth, Fifth, Eighth, Ninth, Thirteenth, and Fourteenth Amendment Rights were then and are violated beginning proximate with the above-mentioned and beginning on or about 19 October, December, 2013, and continuing thereafter and all as above-mentioned.

(109) The Plaintiff, Lisa Randolph, received no response from petitioning the Defendant, BPD, for process in unlawful business conduct. That the Plaintiffs, having the right to petition the Defendant, BPD, plainly requires such petition be acknowledged by the Defendant, BPD. That absent any response by the Defendant, BPD, in the Plaintiffs petition for help and assistance and absent the Plaintiffs response or acknowledgment in evidence, the Plaintiffs right to petition was then denied and still remains deprived.

(110) That no petition for assistance exists beyond the Plaintiff calling 911, and that for such petition to exist, any record or a record of investigation with statement of the petition disposition held by the Defendant, BPD, is therefore essential to the Plaintiffs right to petition as civil cause.

(111) That the Defendant, BPD, having no record or statement of disposal or status of the Plaintiffs petition to investigate unlawful business conduct, denies the Plaintiffs rights to petition

(112) That the Defendant, BPD, in denying the Plaintiffs rights to petition did tarnish, diminish, and dilute the Plaintiffs rights.

(113) That the Defendant, BPD, in denying the Plaintiffs rights to petition and rights to due process further denied the Plaintiffs rights in substantive due process

(114) That the Defendants denied and deprived the Plaintiffs of right to pursue, right to enjoy, right to be free, right to be free of persecution in reporting unlawful business conduct and unlawful official conduct, in any manners so as suppressing and oppressing the Plaintiffs fundamental rights

(115) The Defendant, BPD, omitted material evidence in the Police Report and showing the unlawful conduct of the Defendant, Dolgencorp, showing the Defendant collected more than the price advertised to the general public, seeing the price advertised as claimed by the Plaintiffs, and then thereafter ejecting the Plaintiff, Lisa Randolph, from the Store premises and thereafter making the Police Report and the Police Report writing so as to show the Plaintiff, Lisa Randolph, in false light under Color of Law.

(116) That Defendants, failed in due process to the Plaintiffs in duty required by Defendant, BPD. Unlawful and criminal acts were alleged to the Defendant, BPD, by the Defendant, Dolgencorp, and being therein unlawful and criminal acts of the Plaintiff, Lisa Randolph.

(117) That the Defendant, BPD, investigates and adjudicates in contradiction to evidence and then proceeded to punish the Plaintiff, Lisa Randolph, in taking of her liberties, in restricting her liberties, denying her rights to justice, denying her right to seek restitution, and denying her right to seek recovery. That the Defendant, BPD, denied and poisoned further by bias and misrepresenting circumstances did interfere and serve expressly to deny the Plaintiffs civil rights.

(118) That the Defendants, in denying the Plaintiffs right to petition and with barring the Plaintiff, Lisa Randolph, from the Store Premises permanently did inflict cruel and unusual punishment upon the Plaintiffs. That the Defendants, did and have restricted the liberty of the Plaintiffs in denying access to the closest public accommodation engaged in the selling of convenience, discount, household, and other merchandised items. That Defendants, Dolgencorp and BPD, deny the Plaintiff, Lisa Randolph, all future access to the Store and said Store being the sole business of its type within walking distance of the Plaintiffs residence therein denies and deprives the Plaintiffs rights vested to the general public and consumer rights all, and in supply and demand market purchase access in ordinary supplies in all consumer merchandise and goods

(119) That the Defendants denied and deprived access to the Store and removed permanently the Plaintiffs access to commerce and commercial information thereby depriving the Plaintiffs the rights to be informed, and rights to be informed consumers.

(120) That the Defendants denied and deprived, denying and depriving, access to the Store and then permanently removing the Plaintiffs access to commerce and commercial information is there depriving the Plaintiffs all rights to be informed, and all rights to be informed as consumers.

(121) That the Defendant, BPD, did further inflict physical and financial damages upon the Plaintiffs wherein by permanently barring physical access to the Store denied and denies, denying and depriving permanently, the Plaintiffs consumer rights in commerce and access to goods and merchandise

(122) That the Defendant, BPD, was grossly negligent in denying the Plaintiffs rights to substantive due process and such rights be observed and maintained at all times and so forever preserved

(123) That Defendant, BPD, abridged the Plaintiffs rights by enforcing false pretense in trespass and thereby denying the Defendant, Lisa Randolph, equal protection of law, due process of law, and liberties reserved to the general public absent cause

(124) That the Defendants, imposed and enforced without cause and without process of law involuntary servitude and as being without benefit to the Plaintiffs and being beneficial to the Defendants unlawful business conduct shielded in Color of Law and with false light.

(125) That the Defendant, BPD, was grossly negligent in providing and conducting service to remove the Plaintiff, Lisa Randolph, from the Store premises before providing and conducting response to the Plaintiff, Lisa Randolph, having reported unlawful business conduct of Defendant, Dolgencorp.

(126) That Defendant, BPD, denying the Defendant, Lisa Randolph, equal protection of laws and wherein violations of laws having financial victims of unlawful business conduct, and being criminal violations of the laws of the State of South Carolina.

(127) That the Defendants intentionally inflicted emotional and mental distress grossly negligent and observing the Defendant, Dolgencorp, having inflicted emotional and mental distress being unconscionable

(128) That the Defendants, individually and all, failed in duty, obligation, preservation, and commitment to so use such checks and balances as exist to ensure the rights, duties, and privileges of all men and women be afforded to and kept secured to all citizens equally

(129) That the Defend, BPD, and the Defendant, Dolgencorp, jointly act and restrict, acted and restricted physical and financial liberties of Plaintiff, Lisa Randolph, in barring her from physical and economic access rights of consumers and the general public. The Plaintiffs were, are, and will have suffered and suffer damages in increased travel and transportation costs and expenses wherein traveling to the closest general public access likened to a Wal-Mart in similar goods and merchandise adds twenty additional miles to each and every round trip Using Federal 2014 mileage reimbursement set as fifty six cents (\$0.56) per mile and with Plaintiff, Lisa Randolph, actuarial life expectancy, the Plaintiffs must pay an amount equal to \$11.20 in expenses added to each of the Plaintiffs consumer visits to the closest

Wal-Mart in lieu of denied access to the Store. The Plaintiff, Lisa Randolph, actuarial expectancy currently predicts the Plaintiffs incurring additional expenses of approximately forty thousand dollars and as is set in the above variables.

FOR AN ELEVENTH CAUSE OF ACTION
(Loss of society)

(130) Plaintiffs incorporate herein all paragraphs above as if repeated verbatim.

(131) Plaintiff, George Randolph, asserts his wife and also a Plaintiff herein, did inform him of the conduct of the Defendant, Dolgencorp, on more than ten (10) occasions and for more than three (3) months prior to the culmination of events occurring on or about 7 December, 2013, and being proximate to Defendant, Dolgencorp, business conducting advertised pricing schemes.

(132) Plaintiff, George Randolph, asserts that the phrase "price fixing" being a phrase used first by him as comparative behavior in and during discussions with his wife and Plaintiff beginning in or around September, 2013, or earlier. He further informed his wife across the same period by characterizing the Defendant, Dolgencorp, business practices relevant to advertised versus purchased price discrepancies as being an unlawful conduct and stipulated to her the consumer impact as being more of a nuisance to the consumer and a work product obligation of the seller wherein examining available facts. He further stipulated that higher than advertised purchase pricing was the responsibility of the Defendant, Dolgencorp, and also being and containing some allowance favorable to the Defendant, Dolgencorp, in latitude in timing and specifically the time needed by the Defendant, Dolgencorp, to update and maintain manually advertised prices consistent with automated electronic purchase price updates

(133) Plaintiff, George Randolph, wherein the same period conversing with his wife, explained his opinion and belief that the benefit of doubt was appropriate even where unlawful business conduct was occurring where such conduct was absent intent and specifically not intentional conduct. He also asserted as reasonable that while not the responsibility of the general public in maintaining merchandise consistent and congruent in advertised and purchased price, that the most appropriate first action was to

exercise good faith and by informing the Defendant, Dolgencorp, of any monetary difference between what the Defendant, Dolgencorp, was advertising as sale price and collecting as purchase price at the time the sale was transacted

(134) Plaintiff, George Randolph, asserted to his wife also Plaintiff, that upon and with his wife having actual and constructive knowledge wherein she herself previously informed the Defendant, Dolgencorp, of the inherent deception in advertising merchandise price at lower than the dollar amount collected during a financial transaction being a cause in good faith and obligation in civic duty to protect herself from unlawful acts with moral turpitude and so serving to protect the general public from the same wrongful conduct and practice of Defendant, Dolgencorp

(135) That with information and belief, and in concert as above-mentioned, Plaintiff, Lisa Randolph, did conclude without doubt that the Defendant, Dolgencorp, was intentionally deceiving her and the general public, that a pattern of Defendant, Dolgencorp, unlawful business conduct was then evident, and that Defendant, Dolgencorp, had then knowingly acted to profit by and from repeated unlawful conduct. Having membership in the general public and duties therein to all. Plaintiff, Lisa Randolph, called Defendant, Cherokee County, immediately prior to the Defendant, Dolgencorp, committing a crime and for profit, all the while being prior repetitions of the same and being failed attempts at unlawful and profitable business conduct.

(136) Plaintiff, George Randolph, and the husband of Plaintiff, Lisa Randolph, being present observed his wife and observing his wife suffer as.

- (a) Ejected from a public accommodation by the police;
- (b) Barred permanently from the closest household store by the police;
- (c) Victimized financially by unlawful business conduct in the presence of the police;
- (d) Suspected in criminal conduct in a police report;
- (e) Ignored calling for public emergency assistance;
- (f) Privacy violated by the police;
- (g) Slandered in the public;

(h) Libeled in the public,

(i) Denied rights, protections, and privileges in the public forever into the future.

(137) Plaintiff George Randolph and as above mentioned had arrived at the Defendant, Dolgencorp, store premises as Plaintiff Lisa Randolph was in the parking lot and complying under threat of arrest by the Defendant, BPD. She conveyed the above-mentioned events while Plaintiff George Randolph observed her demeanor and bearing as devastated, highly distressed, shocked, humiliated, distraught, anxious, intensely frustrated, depressed, agitated, being in anguish, suffering intense stress, and remaining in fear of arrest

(138) Plaintiff, Lisa Randolph, suffering major diminished ability to function as was previously normal and usual for her prior to 7 December, 2013, was unable to be my wife and to enjoy in all ways previous to that day, being still my wife and unable to be my wife as a direct proximate cause of the Defendants wrongful conduct, absence of conduct, and unlawful conduct.

(139) From the period beginning with December 7, 2013, until 10 December, 2013, the Plaintiffs discussed together what were considered facts material to all of the above-mentioned. Each of these Plaintiff conversations resulted and ended in acknowledging the importance of, reliance on, and placing faith in the Police Report being complete, true, and actionable for and by the Plaintiffs.

(140) That on 10 December, 2013, Plaintiff, Lisa Randolph, returned home with the Police Report crying uncontrollably, and then being hysterical being unable to comprehend any legal, moral or ethical reason as to the Police Report and content therein gave the Police Report to Plaintiff, George Randolph her husband for explanation.

(141) That with having information and belief, Plaintiff, George Randolph, could not provide any legal, moral or ethical reason as to the Police Report and content therein to his wife and Plaintiff, served exactly to destroy her moral compass, ethical balance, and faith in law and law enforcement. In all ways physical, emotional, mental, and social, the wife of Plaintiff, George Randolph, became not his wife upon seeing Plaintiff, George Randolph, finish reading and reviewing the Police Report and unable to rationalize the content therein.

(142) That on 12 December, 2013, Plaintiff, George Randolph, went to the Defendant, BPD, premises and asked if a Police Officer was available to discuss the content of the Police Report That Plaintiff, George Randolph, and Plaintiff Lisa Randolph, before acted so as to mitigate potential accumulation of damages in unlawful profit to Defendant, Dolgencorp, Plaintiff, George Randolph, continued to attempt mitigation of damages with Defendant, BPD.

(143) The Police Officer available and being the same Police Officer present on 7 December, 2013, at the Store premises acting under Color of Law, and being the author of the Police Report above-mentioned offered to discuss the above-mentioned events and results.

(144) That Plaintiff, George Randolph, asked the Police Officer for information on the nature of the above-mentioned trespass list and specifically for the procedures that allow public and Plaintiff, Lisa Randolph, recourse to have the name of the Plaintiff, Lisa Randolph, removed from said trespass list.

(145) Plaintiff, George Randolph received a nonverbal response and being the Police Officer nonchalantly shrugging his shoulders

(146) The Plaintiff, George Randolph, informed the Police Officer of the Plaintiffs having located additional receipts showing merchandise advertised and purchased and being favorable to the claims made by the Plaintiffs and by Plaintiff, Lisa Randolph

(147) The Plaintiff, George Randolph, then received a verbal response from the Police Officer stating that in a Police Report he, the Police Officer, could only enter information and facts he could prove The Police Officer then abruptly terminated the conversation and departed the premises to other purposes

(148) The Plaintiff, George Randolph, returning home and Plaintiff, Lisa Randolph, being informed of the above-mentioned and again asking for an explanation of the Police Report, did receive no more than the above and without any recourse to further mitigation. Plaintiff, George Randolph, observed his wife and Plaintiff, withdraw, be silent, unaware of her surroundings, confused, and then crying in anguish and continuing to observe repetitions of the same behavior from such treatments and damages by the Defendants and all in violation of the laws of the State of South Carolina.

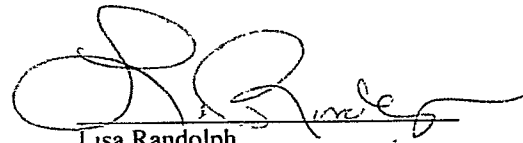
(149) Plaintiff, Lisa Randolph, asserts damages by and being less than fifty (50) percent loss of society, loss of consortium, proximate to the Defendants, each and together injuring and damaging and into the future her husband as in each and all above mentioned.

(150) Plaintiff, George Randolph, asserts damages by and being more than fifty (50) percent loss of society, loss of consortium, proximate to the Defendants, each and together injuring and damaging and into the future his wife as in each and all above mentioned.

(151) The Plaintiffs are informed and believe that they have suffered substantial harm, injuries, and damages, some being and are permanent, and that they are entitled to judgment against the Defendants, and each of them, in a fair, just, and equitable sum of money for actual damages.

(152) Further, Plaintiffs are informed and believe that they are entitled to punitive damages in a substantial amount by virtue of the official misconduct, unlawful business conduct, all rights so denied, all rights so deprived, gross negligence and recklessness of the Defendants, all in an appropriate amount

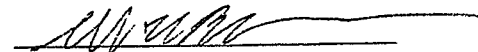
WHEREFORE, the Plaintiffs pray for Judgment against the Defendants in an amount not to exceed \$9,000,000.00, said sum to include all actual damages, punitive damages, costs incurred in the bringing of this lawsuit, and for such other and further relief as may seem just and proper to the Court



Lisa Randolph
Plaintiff
203 West Carolina Street
Blacksburg, S. C. 29702
(864) 425-2771

Randolph, South Carolina

January 24, 2014



George Randolph
Plaintiff
203 West Carolina Street
Blacksburg, S. C. 29702
(864) 425-0207

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 LISA RANDOLPH, and)
 GEORGE RANDOLPH,)
) Plaintiffs,)
)
 vs.)
)
 DOLGENCORP, LLC,)
 d/b/a DOLLAR GENERAL STORE # 76751,)
 a/k/a DOLLAR GENERAL, and)
 CHEROKEE COUNTY, and)
 BLACKSBURG POLICE DEPARTMENT,)
) Defendants)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, SC
 2014 JAN 24 PM 4 18
 RANDY W. MOBEE

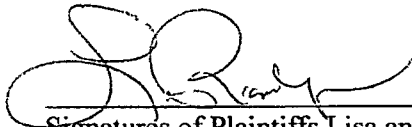
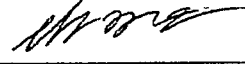
CERTIFICATE OF EXEMPTION

Docket No. 014010908

We certify that this action is exempt from mediation based on the following:

Other showing of exceptional circumstances, and with Plaintiffs having information and belief, the Plaintiffs in this action stipulate no representation as to, or for, the general public and do wherewith stipulate reliance on membership in, and within, the general public. As stipulated so above, the Plaintiffs civil actions having causes in criminal conduct and actions intertwined inseparable in business conduct with parties in governing authority and victims as might be in the general public and with the Plaintiffs having such elements as state and federal rights in and within the general public, this civil action may not be hidden from the Honorable Court in successful mediation except at the discretion of the Honorable Court as so ordered.

The Plaintiffs rights and duties are joined with the general public and in consumer commerce and with the plaintiffs having no right to effect adjudication of this civil action in private mediation of cause and having statutory penalty. So as not to interfere, or act in interfering with general public interest in good faith, the Plaintiffs must claim exemption from mediation in private.

Date: 24-Jan-2014  

 Signatures of Plaintiffs Lisa and George Randolph

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 LISA RANDOLPH and GEORGE)
 RANDOLPH,)
)
 Plaintiffs,)
)
 v)
)
 DOLGENCORP, LLC, d/b/a DOLLAR)
 GENERAL STORE # 76751. a/k/a)
 DOLLAR GENERAL, and CHEROKEE)
 COUNTY, and BLACKSBURG POLICE)
 DEPARTMENT,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS

**DEFENDANT CHEROKEE COUNTY'S
 MOTION TO DISMISS**

C A. No. 2014-CP-110052

FILED
 11/11/14
 11:10 AM
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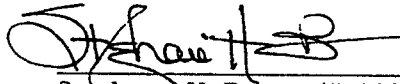
TO. PLAINTIFFS LISA RANDOLPH AND GEORGE RANDOLPH, PRO SE:

Defendant Cherokee County will move the Court, at such date and time as the Court shall direct, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, for an order dismissing Plaintiffs' claims against Cherokee County as a matter of law. This motion will be made upon the following grounds:

1. Plaintiffs' Complaint fails to state facts sufficient to constitute a cause of action against Cherokee County and it must be dismissed as a matter of law
2. Plaintiffs' claims against Cherokee County are barred by the applicable exceptions to the waiver of sovereign immunity under the South Carolina Tort Claims Act §§ 15-78-60(4), (5), and (6).
3. Plaintiffs' claim for punitive damages against Cherokee County is barred by S.C Code § 15-78-120(b).

4. Defendant Cherokee County is entitled to an order dismissing Plaintiffs' claims against it as a matter of law

This motion is based upon the pleadings filed in this action and upon applicable common and statutory law.



Stephanie H. Burton (#13089)
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sburton@gibbesburton.com
Telephone: (864) 327-5000
Facsimile: (864) 327-5001

Attorneys for Defendant County of Cherokee

February 20, 2013
Spartanburg, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

IN THE COURT OF COMMON PLEAS

LISA RANDOLPH and GEORGE)
RANDOLPH,)

**DEFENDANT BLACKSBURG POLICE
DEPARTMENT'S TO DISMISS**

Plaintiffs,)

v)

C A No. 2014-CP-110052

DOLGENCORP, LLC, d/b/a DOLLAR)
GENERAL STORE # 76751, a/k/a)
DOLLAR GENERAL, and CHEROKEE)
COUNTY, and BLACKSBURG POLICE)
DEPARTMENT,)

Defendants.)

SHB
#1

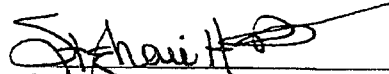
TO PLAINTIFFS LISA RANDOLPH AND GEORGE RANDOLPH, PRO SE.

Defendant Blacksburg Police Department will move the Court, at such date and time as the Court shall direct, pursuant to Rules 12(b)5) and 12(b)(6) of the South Carolina Rules of Civil Procedure, for an order dismissing Plaintiffs' claims against Blacksburg Police Department as a matter of law. This motion will be made upon the following grounds:

- 1 Plaintiffs' attempted service by United States Postal Service Priority Mail is not proper service pursuant to Rule 4 of the South Carolina Rules of Civil Procedure and Plaintiffs' Complaint should be dismissed.
- 2 Plaintiffs' Complaint fails to state facts sufficient to constitute a cause of action against Blacksburg Police Department and it must be dismissed as a matter of law.

3. Plaintiffs' claims against Blacksburg Police Department are barred by the applicable exceptions to the waiver of sovereign immunity under the South Carolina Tort Claims Act §§ 15-78-60(4), (5), and (6).
4. Plaintiffs' claim for punitive damages against Blacksburg Police Department is barred by S.C. Code § 15-78-120(b).
5. Defendant Blacksburg Police Department is entitled to an order dismissing Plaintiffs' claims against it as a matter of law.

This motion is based upon the pleadings filed in this action and upon applicable common and statutory law.



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Attorneys for Defendant Blacksburg Police
Department

February 26, 2013
Spartanburg, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 LISA RANDOLPH, and)
 GEORGE RANDOLPH,)
) Plaintiffs,)
 vs.)
)
 DOLGENCORP, LLC,)
 d/b/a DOLLAR GENERAL STORE # 76751,)
 a/k/a DOLLAR GENERAL, and)
 CHEROKEE COUNTY, and)
 BLACKSBURG POLICE DEPARTMENT,)
) Defendants)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

**PLAINTIFFS RESPONSE IN OPPOSITION TO
 DEFENDANT, CHEROKEE COUNTY
 MOTION TO DISMISS**

CASE No. 2014-CP-110052

FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, S.C.
 2014 MAR 21 3:32
 BRAND / W MOBLE

TO: DEFENDANT, CHEROKEE COUNTY

Plaintiffs, Lisa Randolph and George Randolph, herein oppose each and all grounds for dismissal of the Plaintiffs' Complaint and claims against Defendant, Cherokee County, in matters of law. As such and further, the Plaintiffs dispute, oppose, and answer all and individually each of the four (4) groundings numbered in the Defendant's motion and claims as being pursuant to the South Carolina Rules of Civil Procedure (SCRCP) and being specific to Defendant's stated Rule 12(b)(6), SCRCP, grounding pursuant to matters of law and specifically in S.C. Code §§ 15-78-60(4), (5), and (6) and S. C. Code § 15-78-120(b) of the South Carolina Tort Claims Act (SCTCA)

Plaintiffs Response in Opposition to Defendant's One (1)

1. The Defendant to orally argue for dismissal as a matter of law pursuant to Rule 12(b)(6), SCRCP, and as excerpted in part stating:

".. except that the following defenses may... be made by motion .. (6) failure to state facts sufficient to constitute a cause of action . "

2. The Plaintiffs dispute the grounds presented as fact to the Honorable Court by the Defendant as being flawed as presented and therefore not grounded in law where asserting:

“Plaintiffs’ Complaint fails to state facts sufficient to constitute a cause of action against Cherokee County and it must be dismissed as a matter of law ”

3. Plaintiffs dispute, oppose, and immediate response being.

“Plaintiffs’ Complaint states facts sufficient to constitute a cause of action against Defendants, Cherokee County, Blacksburg Police Department, and Dolgencorp, LLC, pursuant to the SCRCF and all grounds therein made applicable matters of law pursuant to the SCTCA ”

4. Plaintiffs dispute, oppose, and immediately respond as:

5. On information and belief, and in this matter and proceedings before the

Honorable Court, the Plaintiffs’ Complaint should and must be:

- (a) Interpreted as being truthful, and;
- (b) Liberally construed in matters of law, and;
- (c) Viewed favorable to Plaintiffs, where Pro Se, and;
- (d) Examined for the presence of any reasonable recovery potential under any

legal premise or theory of law.

6. The Plaintiffs’ Complaint does contain allegations of facts required to constitute a cause of action and as pursuant to Rule 8(a), SCRCF, and all in consideration pursuant to Rule 8(e)(2). The Plaintiffs’ Complaint further addresses in particulars being pursuant to Rule 9, SCRCF, and having special pleadings therein.

7 Plaintiffs Complaint alleges and narrates sufficient facts surrounding the Defendant’s involvement in the Third Cause of Action and continuing extent thereafter and having a direct connection to unlawful conduct as alleged facts in temporal sequence from in the First Cause of Action and Second Cause of Action. As alleged in the Complaint and being subject to judgment, the Defendant bears potentially liability to the Plaintiffs in civil action to

recover actual and punitive damage claims made pursuant to S.C. Code § 15-75-60 as matters in law pursuant to any violation of S.C. Code §§ 16-17-735(b), (c), and (d) and all being so alleged as stated in the Complaint as matters of law.

8. The Plaintiffs allege; as fact, and among others, as unlawful, a sham legal process employed wherein the Defendant participated therein, and as fact identifying the close proximate time and location of such unlawful conduct and acts, those persons and facts as identifying such persons so involved natural or otherwise, as fact the Plaintiffs as victims of such unlawful conduct and acts, and as fact the Plaintiffs' damages and as in fact being damaged. Further, the Plaintiffs' access to the Honorable Court is the sole lawful method available to the Plaintiffs in seeking relief in a just and proper manner. Moreover, the Plaintiffs access to discovery proceedings and showing such in evidence by preponderance is the Honorable Court's most prevalent procedural method available to seek and determine the truth, such as it is. and before any weight of truth made evident can be provided to the discretion of the Honorable Court such that it deems relevant, proper and admissible.

9. On information and belief, the Plaintiffs' Complaint alleges and maintains therein facts asserted as; with inseparably intertwined official and private actors, conceptual legal frameworks intertwined, direct dollar damages and damages at large, inseparably intertwined events and event sequences, inseparably intertwined with the interests of the general public, and pleadings to special matters, and each, all, and others therein preserved

10. Plaintiffs so oppose and dispute the Defendant's motion to dismiss all as aforementioned and the Defendant's motion to dismiss must be denied

Plaintiffs Response in Opposition to Defendant's Two (2)

11. The Defendant to orally argue for dismissal as a matter of law pursuant to South Carolina Tort Claims Act (SCTCA) and specifically S.C. Code §§ 15-78-60(4), (5), and (6), and stated in the following lettered particulars:

- (a) *“(4) adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies . ”,* and,
- (b) *“(5) the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.. ”,* and;
- (c) *“(6) civil disobedience, riot, insurrection, or rebellion or the failure to provide the method of providing police or fire protection...”*

12. The Plaintiffs dispute the grounds presented below as matters of law to the Honorable Court by the Defendant as being flawed by presumption, omission, matters of discovery, and therefore not grounded in matters of law

“Plaintiffs’ claims against Cherokee County are barred by the applicable exceptions to the waiver of sovereign immunity under the South Carolina Tort Claims Act §§ 15-78-60(4), (5), and (6) ”

13. Plaintiffs therefore respond in opposition in part to each of the three (3) grounds asserted by the Defendant in separating well settled matters of law from unsettled questions requiring discovery, the services of a Trier of Fact for disposition, and to every reasonable extent possible to settle all relevant matters of law necessary for prescribed judicial efficiencies in the Plaintiffs seeking proper relief and relief. As such, the Plaintiffs agree and concur with the Defendant’s assertion of governmental sovereign immunity as an applicable element of matters before the Honorable Court in general but do not concur or agree with the application of such as relevance absolute in matters of law to this civil action under the Defendant’s motion.

14. On information and belief, the Plaintiffs' recognize the broad powers and immunities granted as codified by S.C. Code § 15-78-60(4), further stipulate that the Defendant enjoys these immunities as a matter of law, and moreover, recognizes that no absolute grant of immunity is stated or implied by this statutory sub-part wherein

(a) The Plaintiffs hold that this specific statutory sub-part creates the framework allowing governmental political subdivision immunity in choosing to act or not to act, to recognize or not recognize, to enforce or not to enforce, to comply or not comply, and all with those component elements directly embedded in this statute's sub-part as listed.

(b) Plaintiffs further recognize the inherent elements herein as requiring good faith in observation of duties assumed and therefore incurred, and such execution of those duties incurred as is required in matters of law made so relevant.

(c) Plaintiffs assert that the matter before the Honorable Court bears essential elements raising questions as bad faith acts potentially involving intertwined public and private actors and acts. As such, where grounds in sovereign immunity may exist for the Defendant, any joined private actor enjoys no such immunity, thereby making discovery essential within the Plaintiffs' civil action prior to trial and thereafter presented and further developed during trial as the Honorable Court allows, and thereafter be adjudicated by trial to conclusion.

15. On information and belief, the Plaintiffs' further recognize the broad discretionary powers and immunities granted such as codified in S.C. Code § 15-78-60(5), further assert that the Defendant enjoys broad discretion and those immunities as prescribed in this statutory

subpart as defined and being a matter of law, and moreover, recognizes again that no absolute grant of immunity is stated or implied by this statutory sub-part wherewith:

(a) Plaintiffs have in no way asserted any claim or claims such that the Plaintiffs also insert a statutory conflict with the tenant elements of sovereign immunity as codified in this statutory subpart as a matter of law.

(b) The Plaintiffs have not asserted the Defendant is without the discretionary powers granted within this statute subpart or that the Defendant is absent sovereign immunity should damage arise as a result of such discretion exercised properly.

(c) As the statutory subpart so states, the Defendant's immunity in discretion is explicitly and precisely bounded as codified within this statutory subpart but and as constructed is most certainly not a statutory grant of absolute immunity.

16. On information and belief, the Plaintiffs' recognize the broad protection of powers and immunities granted as codified by S.C. Code § 15-78-60(6), further stipulate that the Defendant enjoys the statutory protections afforded as listed in this statute subpart, and again recognize that no absolute grant of immunity is stated or implied by this statutory subpart as intentionally constructed and such that:

(a) The Plaintiffs claims introduce no grounds applicable so as to be disallowed as a matter of law by the application of sovereign immunity in statutory law absent the Defendant also asserting absolute statutory immunity, and;

(b) The Plaintiffs have made no claims applicable in law to sovereign immunity pursuant to this subpart excerpt "*...civil disobedience, riot, insurrection, or rebellion .*", and;

(c) As to the second and last subpart fragment excerpted and being “ *..or the failure to provide the method of providing police or fire protection...*” the Defendant certainly did not fail to provide the method to provide such protection and provided such to the general public prior to the claims of the Plaintiffs, and;

(d) As such, this creates no question as a matter of law and does create a question to be determined in the proceedings of discovery, trial, and adjudication thereafter where such exists. The Plaintiffs currently assert no such claim or claims at this time relevant to this statute subpart.

17. Plaintiffs have made no claim or claims at this time subject to the Defendant’s assertions of being barred in sovereign immunity premised as proscribed, prescribed, included or excluded by the South Carolina Tort Claims Act (SCTCA) and codified in S. C. Code §§ 15-78-60(4), (5), and (6) as the Defendant claims.

18. The Plaintiffs additionally assert and stipulate the Defendant’s claim as a matter of law such that the South Carolina Tort Claims Act being the sole method available in seeking recovery and relief in tort. However, and consistent with this stipulation, such does not lawfully preempt, prohibit, or deny any civil action claim for recovery and relief from damages found by verdict or judgment pursuant to and resulting from any unlawful conduct or act serving to deny any individual’s rights, privileges, and immunities. Any lawful preemption otherwise certainly serves only to undermine the Constitution of the State of South Carolina and the Constitution of the United States.

19. Plaintiffs, and all as aforementioned above, do respond, dispute, and assert the Defendant’s motion to dismiss as a matter of law must be denied.

Plaintiffs Response in Opposition to Defendant’s Three (3)

20. The Plaintiffs dispute the grounds presented as fact to the Honorable Court by the Defendant as being flawed in premise and therefore not grounded in law:

"Plaintiffs' claims for punitive damages against Cherokee County is barred by S. C. Code § 15-78-120(b)."

21. Plaintiffs' single reference asserting any punitive damages were constructed as allowed as a matter of law and herein partially excerpted stating:

"...they are entitled to punitive damages in a substantial amount by virtue of ."

22. The Plaintiffs' reference to punitive damages above being the sole occurrence and followed by complaining of six (6) general areas and to three (3) Defendants altogether completely generalized by reference and so allowed constructed pursuant to Rule 8(a), SCRPC, and wherein partially excerpted states:

"...claims for punitive or exemplary damages shall be in general terms only and not for a stated sum.."

23. Plaintiffs additionally assert that removing a single reference to punitive damages explicitly allowed by Rule would only serve to preclude and deny Plaintiffs' access to best case construction. Plaintiffs assert that where the matter before the Honorable Court might reasonably raise any question of punitive damages stands as an element of proper case construction

24. Plaintiffs assert their claims as being proper and properly formed for the matter before the Honorable Court and do assert, respond, and all as aforementioned dispute the Defendant's motion to dismiss and such must be denied as a matter of law

Plaintiffs Response in Opposition to Defendant's Four (4)

25. The Defendant to orally argue for dismissal as a matter of law, and as excerpted in part stating:

“Defendant Cherokee County is entitled to an order dismissing Plaintiffs’ claims against it as a matter of law.”

26. The Plaintiffs oppose the Defendant’s motion to dismiss in its’ entirety and to each element of dismissal therein presented and disputed above and as follows. The Plaintiffs further ask the Honorable Court’s notice of the following constructive requirement of joinder already present in the Complaint as a matter of law and as properly needed and necessary to the Plaintiffs Complaint seeking remedy, restitution, recovery, and pursuit of being made whole in proper and just consideration of this matter before the Honorable Court and in these proceedings:

27 On information and belief, the Plaintiffs joined the minimum number of parties as Defendants as was allowable for best case construction and herein bears relevance to this Response to the Defendant’s motion such that a substantial overarch of Defendant’s motion to dismiss pursuant to Rule 8(e)(1) and (f), SCRPC, as a matter of law.

28 Plaintiffs Complaint asserts and alleges facts constructed in event sequenced frameworks of events in consideration being inseparably intertwined and compressed in the majority. Plaintiffs would further assert equally that the conceptual frameworks necessary also being inseparably intertwined. As such, Plaintiffs respectfully request the Honorable Court notice Plaintiffs application pursuant to Rule 18(a) and (b), SCRPC, and Rule 20(a), SCRPC, and wherein being Plaintiffs’ partial preservation of

“ .All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action...”

29 The Plaintiffs assert and have asserted questions of law and fact common to all current Defendants and to this Defendant being already presently raised as such in the Complaint and Plaintiffs’ claims and wherein discovery remains the most viable method to reduce trial

action and conduct in proceedings to solely addressing facts in dispute in deference and by means of already settled matters of law.

30. The Defendant's motion to dismiss would avoid the legal question in incurring and accruing duty to the Plaintiffs where the Plaintiff alleges she did in fact follow the instructions of the Defendant, at the Defendant's direction; was already carrying fresh damages; alleges multiple damages as consequences of thereafter; and still bearing damages accumulating and accruing

31. The Defendant's assertion of grounds to dismiss in sovereign immunity and to dismiss on grounds in barred punitive damage claims are exclusive to this Defendant and therein narrowly constructed to remove any potential liability of the Defendant to the Plaintiff in damages and would so serve as an immediate ending consequence to deny Plaintiffs access to justice in that any comparable weight in law in all matters of law applicable to the matter before the Honorable Court and prejudices the Plaintiffs' Complaint and claims seeking recovery.

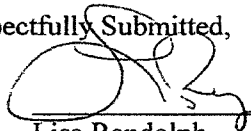
32. Plaintiffs moreover assert the Defendant's motion is prima facie codified by the SCTCA so omitting any elements overarching as matters of law. The Plaintiffs therefore respectfully ask the Honorable Court to notice S. C. Code § 15-78-100 wherein partially addressing complexity inherent to the matter before the Honorable Court and being grounded in proportional liability special verdict proceedings and to which the Defendant has been properly made subject.

33. On information and belief, Plaintiffs assert the SCTCA provided and required pursuant to S. C. Code § 15-78-70 that the Defendant be named and as such preserving the rights of the Plaintiffs to relief in a proper manner in proper proceedings prescribed. As a matter of law, the Plaintiffs have acted to preserve specifically pursuant to S. C. Code § 15-78-70(b) where

the resultant facts and evidence discovered and where after so admitted by the Honorable Court do not change the party liable, but may amplify or modify the properly liable party's capacity in such liability as is already claimed, discoverable facts available to so prove, and such allowing the Honorable Court to render judgment and regardless of being favorable to any party or no party to this civil action. As such, the Plaintiffs joinder of additional party defendants as might properly be required is properly preserved.

For all such as is in the Complaint and aforementioned above in this the Plaintiffs' response in opposition to the Defendant's Motion to Dismiss, the Plaintiffs pray the Honorable Court to so deny each and every element to dismiss and to deny the Defendant's Motion to Dismiss in its' entirety and all as in matters of law.

Respectfully Submitted,



Lisa Randolph
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George Randolph
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March 21, 2014

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 MAR 21 P 3:32
BRANDY W MCBEE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 LISA RANDOLPH, and)
 GEORGE RANDOLPH,)
 Plaintiffs,)
 vs.)
)
 DOLGENCORP, LLC,)
 d/b/a DOLLAR GENERAL STORE # 76751,)
 a/k/a DOLLAR GENERAL, and)
 CHEROKEE COUNTY, and)
 BLACKSBURG POLICE DEPARTMENT,)
 Defendants)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

RESPONSE IN OPPOSITION TO DEFENDANT,
 BLACKSBURG POLICE DEPARTMENT
 MOTION TO DISMISS

CASE No. 2014-CP-110052

FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, S.C.
 2014 MAR 21 PM 3:33
 BRANDY W. MOBBIE

TO: DEFENDANT, BLACKSBURG POLICE DEPARTMENT

Plaintiffs, Lisa Randolph and George Randolph, herein oppose each and all grounds for dismissal of the Plaintiffs' Complaint and claims against Defendant, Blacksburg Police Department, in matters of law. Plaintiffs restate Defendant's motion reference to "Rule 12(b)5)" to amend herein referencing same as Rule 12(b)(5), SCRPC, as simple corrective response pursuant to Rule 61, SCRPC. As such and further, the Plaintiffs dispute, oppose, and answer all and individually each of the five (5) groundings numbered in the Defendant's motion and claims as being pursuant to the South Carolina Rules of Civil Procedure (SCRPC) and specific to Defendant's Rules 12(b)(5) and(6), SCRPC, grounding pursuant to matters of law and specifically in S.C. Code §§ 15-78-60(4), (5), and (6) and S. C. Code § 15-78-120(b) of the South Carolina Tort Claims Act.

Plaintiffs Response in Opposition to Defendant's One (1)

1. The Defendant to orally argue for dismissal as a matter of law pursuant to Rule 12(b)(5), SCRPC, and as excerpted in part stating:

"...except that the following defenses may...be made by motion... (5) insufficiency of service of process..."

2. The Plaintiffs dispute the grounds presented as fact to the Honorable Court by the Defendant and as being flawed by Defendant's assertion stating premised factual context and therein not being present such that no grounds as matters of law are present:

"Plaintiffs' attempted service by United States Postal Service Priority Mail is not proper service pursuant to Rule 4 of the South Carolina Rules of Civil Procedure and Plaintiffs' Complaint should be dismissed."

Plaintiffs moreover respond in opposition and by asserting grounds as a matter of law and fact being without dispute:

"At all times material, the Plaintiffs specifically did not employ, did not make use of, and did not attempt service of process using United States Postal Service (USPS) Priority Mail."

Plaintiffs further assert herein undisputed fact being contemporaneous with matters of law wherein:

"Plaintiffs' process of service by United States Postal Service Priority Mail Express is proper as a class of mail in perfecting service pursuant to Rule 4(d)(6), SCRPC "

3. The Plaintiffs further assert as a matter of law pursuant to Rule 12(b)(5), SCRPC, that the Defendant's grounds, even if grounded in law, must also rest in undisputed facts wherein the moving party asserts facts so supporting any matter of law so asserted.

4. The Plaintiffs stipulate reliance on the proper descriptive and definitive information provided and available to the general public from the quasi-governmental authoritative source and such being the United States Postal Service (USPS). The Plaintiffs therein assert and provide as facts not in dispute the following particulars publicly available and provided to the general public from the USPS and so being authoritative in that:

(a) The USPS currently accepts, qualifies, and classifies all mail items according to service types to meet the acceptance requirements applicable to every item of mail the USPS will accept for subsequent delivery. There exists currently and exactly

six (6) classes of USPS mail publicly defined and described authoritatively by the USPS as acceptable for delivery and are as follows:

- (1) "Priority Mail Express"
- (2) "Priority Mail"
- (3) "First-Class Mail"
- (4) "Standard Mail"
- (5) "Periodicals"
- (6) "Package Services and Standard Post"

(b) Plaintiffs and for their own purposes did use the class of mail termed "Priority Mail Express" commonly known as "Express Mail" and not being strictly excluded in perfecting process of service and such being an available USPS class of mail available to perfect process of service, and;

(c) Plaintiffs further assert that perfected process of service using the class of mail termed "Priority Mail" is not strictly excluded as a class of mail available to perfect process of service.

5. The Plaintiffs must respectfully ask the Honorable Court for notice of this response as a matter of law as upon the assertion of the Defendant. Where a party asserts a matter of law resting within non-factual context, the Plaintiffs must either; raise an objection in law or so expand Plaintiffs' civil action in substantive due process so as to allow non-factual premises when proceeding as the moving or non moving party, wherein matters of law are before the Honorable Court.

6. The Plaintiffs respectfully stipulate the Honorable Court supporting tenant of not requiring any communication between a represented party and any party represented Pro Se or in Counsel Pro Per and excepted by the single prevalent allowance of advice being "seek counsel".

7. The Plaintiffs so oppose and dispute the Defendant's grounds to dismiss as not proper matters of law and therefore Defendant's motion to dismiss must be denied.

Plaintiffs Response in Opposition to Defendant's Two (2)

8. The Defendant to orally argue for dismissal as a matter of law pursuant to Rule 12(b)(6), SCRCF, and as excerpted in part stating:

" ..except that the following defenses may... be made by motion.. (6) failure to state facts sufficient to constitute a cause of action ..."

9. The Plaintiffs dispute the grounds presented as fact to the Honorable Court by the Defendant as being flawed as presented and therefore not grounded in law where asserting:

"Plaintiffs' Complaint fails to state facts sufficient to constitute a cause of action against Blacksburg Police Department and it must be dismissed as a matter of law."

10. Plaintiffs dispute, oppose, and immediate response being:

"Plaintiffs' Complaint states facts sufficient to constitute a cause of action against Defendants, Blacksburg Police Department, Cherokee County, and Dolgencorp, LLC, pursuant to the SCRCF and all grounds therein made applicable matters of law pursuant to the SCTCA."

11. Plaintiffs dispute, oppose, and immediately respond as:

12. On information and belief, and in this matter and proceedings before the Honorable Court, the Plaintiffs' Complaint should and must be:

- (a) Interpreted as being truthful, and;
- (b) Liberally construed in matters of law, and;
- (c) Viewed favorable to Plaintiffs, where Pro Se, and;
- (d) Examined for the presence of any reasonable recovery potential under any

legal premise or theory of law.

13. The Plaintiffs' Complaint does contain allegations of facts required to constitute a cause of action and as pursuant to Rule 8(a), SCRC, and all in consideration pursuant to Rule 8(e)(2). The Plaintiffs' Complaint further addresses in particulars being pursuant to Rule 9, SCRC, and having special pleadings therein.

14 Plaintiffs Complaint alleges and narrates sufficient facts surrounding the Defendant's involvement in the Third Cause of Action and continuing extent thereafter and having a direct connection to unlawful conduct as alleged facts in temporal sequence from in the First Cause of Action and Second Cause of Action. As alleged in the Complaint and being subject to judgment, the Defendant bears potentially liability to the Plaintiffs in civil action to recover actual and punitive damage claims made pursuant to S.C. Code § 15-75-60 as matters in law pursuant to any violation of S.C. Code §§ 16-17-735(b), (c), and (d) and all being so alleged as stated in the Complaint as matters of law.

15. The Plaintiffs allege; as fact, and among others, as unlawful, a sham legal process employed wherein the Defendant participated therein, and as fact identifying the close proximate time and location of such unlawful conduct and acts, those persons and facts as identifying such persons so involved natural or otherwise, as fact the Plaintiffs as victims of such unlawful conduct and acts, and as fact the Plaintiffs' damages and as in fact being damaged. Further, the Plaintiffs' access to the Honorable Court is the sole lawful method available to the Plaintiffs in seeking relief in a just and proper manner. Moreover, the Plaintiffs access to discovery proceedings and showing such in evidence by preponderance is the Honorable Court's most prevalent procedural method available to seek and determine the truth, such as it is, and before any weight of truth made evident can be provided to the discretion of the Honorable Court such that it deems relevant, proper and admissible.

16. On information and belief, the Plaintiffs' Complaint maintains therein; inseparably intertwined official and private actors, conceptual legal frameworks intertwined, direct dollar damages and damages at large, inseparably intertwined events and event sequences, inseparably intertwined with the interests of the general public, and pleadings to special matters, and each, all, and others therein preserved.

17. Plaintiffs so oppose and dispute the Defendant's motion to dismiss all as aforementioned and the Defendant's motion to dismiss must be denied.

Plaintiffs Response in Opposition to Defendant's Three (3)

18. The Defendant to orally argue for dismissal as a matter of law pursuant to South Carolina Tort Claims Act (SCTCA) and specifically S.C. Code §§ 15-78-60(4), (5), and (6), and stated in the following lettered particulars:

- (a) *"(4) adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies..."*, and;
- (b) *"(5) the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee..."*, and;
- (c) *"(6) civil disobedience, riot, insurrection, or rebellion or the failure to provide the method of providing police or fire protection..."*

19. The Plaintiffs dispute the grounds presented below as matters of law to the Honorable Court by the Defendant as being flawed by presumption, matters of discovery, and therefore not grounded in matters of law:

"Plaintiffs' claims against Blacksburg Police Department are barred by the applicable exceptions to the waiver of sovereign immunity under the South Carolina Tort Claims Act §§ 15-78-60(4), (5), and (6) "

20. Plaintiffs therefore respond in opposition in part to each of the three (3) grounds asserted by the Defendant in separating well settled matters of law from unsettled questions requiring discovery, the services of a Trier of Fact for disposition, and to every reasonable extent possible to settle all relevant matters of law necessary for prescribed judicial efficiencies in the Plaintiffs seeking justice and relief. As such, the Plaintiffs agree and concur with the Defendant's assertion of governmental sovereign immunity as an applicable element of matters before the Honorable Court in general but do not concur or agree with the application of such as relevance absolute in matters of law to this civil action under the Defendant's motion.

21. On information and belief, the Plaintiffs recognize the broad powers and immunities granted as codified by S.C. Code § 15-78-60(4), further stipulate that the Defendant enjoys these immunities as a matter of law, and moreover, recognizes that no absolute grant of immunity is stated or implied by this statutory sub-part wherein:

(a) The Plaintiffs hold that this specific statutory sub-part creates the framework allowing governmental political subdivision immunity in choosing to act or not to act, to recognize or not recognize, to enforce or not to enforce, to comply or not comply, and all with those component elements directly embedded in this statute's sub-part as listed.

(b) Plaintiffs further recognize the inherent elements herein as requiring good faith in observation of duties assumed and therefore incurred, and such execution of those duties incurred as is required in matters of law made so relevant.

(c) Plaintiffs assert that the matter before the Honorable Court bears essential elements raising questions as bad faith acts potentially involving public and private actors and acts. As such, where grounds in sovereign immunity may exist for the Defendant,

any joined private actor enjoys no such immunity, thereby making discovery essential within the Plaintiffs' civil action prior to trial and thereafter presented and further developed during trial as the Honorable Court allows, and thereafter be adjudicated by trial to conclusion.

22. On information and belief, the Plaintiffs' further recognize the broad discretionary powers and immunities granted such as codified in S.C. Code § 15-78-60(5), further assert that the Defendant enjoys broad discretion and those immunities as prescribed in this statutory subpart as defined and being a matter of law, and moreover, recognizes again that no absolute grant of immunity is stated or implied by this statutory sub-part wherewith:

(a) Plaintiffs have in no way asserted any claim or claims such that the Plaintiffs also insert a statutory conflict with the tenant elements of sovereign immunity as codified in this statutory subpart as a matter of law.

(b) The Plaintiffs have not asserted the Defendant is without the discretionary powers granted within this statute subpart or that the Defendant is absent sovereign immunity should damage arise as a result of such discretion exercised.

(c) As the statutory subpart so states, the Defendant's immunity in discretion is explicitly and precisely bounded as codified within this statutory subpart but and as constructed is most certainly not a statutory grant of absolute immunity.

23. On information and belief, the Plaintiffs' recognize the broad protection of powers and immunities granted as codified by S.C. Code § 15-78-60(6), further stipulate that the Defendant enjoys the statutory protections afforded as listed in this statute subpart, and again recognize that no absolute grant of immunity is stated or implied by this statutory subpart as intentionally constructed and such that:

(a) The Plaintiffs claims introduce no grounds applicable so as to be disallowed as a matter of law by the application of sovereign immunity in statutory law absent the Defendant also asserting absolute statutory immunity, and;

(b) The Plaintiffs have made no claims applicable in law to sovereign immunity pursuant to this subpart excerpt "*...civil disobedience, riot, insurrection, or rebellion...*", and;

(c) As to the second and last subpart fragment excerpted and being "*...or the failure to provide the method of providing police or fire protection...*" the Defendant certainly did not fail to provide the method to provide such protection and provided such to the general public prior to the claims of the Plaintiffs, and;

(d) As such, this creates no question as a matter of law and does create a question to be determined in the proceedings of discovery, trial, and adjudication thereafter where such exists. The Plaintiffs currently assert no such claim or claims at this time relevant to this statute subpart.

24. Plaintiffs have made no claim or claims at this time subject to the Defendant's assertions of being barred in sovereign immunity premised as proscribed, prescribed, included or excluded by the South Carolina Tort Claims Act (SCTCA) and codified in S. C. Code §§ 15-78-60(4), (5), and (6) as the Defendant claims.

25. The Plaintiffs additionally assert and stipulate the Defendant's claim as a matter of law such that the South Carolina Tort Claims Act being the sole method available in seeking recovery and relief in tort. However, and consistent with this stipulation, such does not lawfully preempt, prohibit, or deny any civil action claim for recovery and relief from damages found by verdict or judgment pursuant to and resulting from any unlawful conduct or act serving to deny

any individual's rights, privileges, and immunities. Any lawful preemption otherwise certainly serves only to undermine the Constitution of the State of South Carolina and the Constitution of the United States.

26. Plaintiffs, and all as aforementioned above, do respond, dispute, and assert the Defendant's motion to dismiss as a matter of law must be denied.

Plaintiffs Response in Opposition to Defendant's Four (4)

27. The Plaintiffs dispute the grounds presented as fact to the Honorable Court by the Defendant as being flawed in premise and therefore not grounded in law:

"Plaintiffs' claims for punitive damages against Blacksburg Police Department is barred by S. C Code § 15-78-120(b)."

28. Plaintiffs' single reference asserting any punitive damages were constructed as allowed as a matter of law and herein partially excerpted stating:

"...they are entitled to punitive damages in a substantial amount by virtue of .."

29. The Plaintiffs' reference to punitive damages above being the sole occurrence and followed by complaining of six (6) general areas and to three (3) Defendants altogether completely generalized by reference and so allowed constructed pursuant to Rule 8(a), SCRCPC, and wherein partially excerpted states:

"...claims for punitive or exemplary damages shall be in general terms only and not for a stated sum.."

30. Plaintiffs additionally assert that removing a single reference to punitive damages explicitly allowed by Rule would only serve to preclude and deny Plaintiffs' access to best case construction. Plaintiffs assert that where the matter before the Honorable Court might reasonably raise any question of punitive damages stands as an element of proper case construction.

31. Plaintiffs assert their claims as being proper and properly formed for the matter before the Honorable Court and do assert, respond, and all as aforementioned dispute the Defendant's motion to dismiss and such must be denied as a matter of law.

Plaintiffs Response in Opposition to Defendant's Five (5)

32. The Defendant to orally argue for dismissal as a matter of law, and as excerpted in part stating:

"Defendant Blacksburg Police Department is entitled to an order dismissing Plaintiffs' claims against it as a matter of law "

33. The Plaintiffs oppose the Defendant's motion to dismiss in its' entirety and to each element of dismissal therein presented and disputed above and as follows. The Plaintiffs further ask the Honorable Court's notice of the following constructive requirement of joinder already present in the Complaint as a matter of law and as properly needed and necessary to the Plaintiffs Complaint seeking remedy, restitution, recovery, and pursuit of being made whole in proper and just consideration of this matter before the Honorable Court and in these proceedings:

34. On information and belief, the Plaintiffs joined the minimum number of parties as Defendants as was allowable for best case construction and herein bears relevance to this Response to the Defendant's motion such that a substantial overarch of Defendant's motion to dismiss pursuant to Rule 8(e)(1) and (f), SCRCF, as a matter of law.

35. Plaintiffs Complaint asserts and alleges facts constructed in event sequenced frameworks of events in consideration being inseparably intertwined and compressed in the majority. Plaintiffs would further assert equally that the conceptual frameworks necessary also being inseparably intertwined. As such, Plaintiffs respectfully request the Honorable Court

notice Plaintiffs application pursuant to Rule 18(a) and (b), SCRPC, and Rule 20(a), SCRPC, and wherein being Plaintiffs' partial preservation of:

"...All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action..."

36. The Plaintiffs assert and have asserted questions of law and fact common to all current Defendants and to this Defendant being already presently raised as such in the Complaint and Plaintiffs' claims and wherein discovery remains the most viable method to reduce trial action and conduct in proceedings to solely addressing facts in dispute in deference and by means of already settled matters of law.

37. The Defendant's motion to dismiss would avoid the legal question in incurring and accruing duty to the Plaintiffs where the Plaintiff alleges she did in fact follow the instructions of the Defendant, at the Defendant's direction; was already carrying fresh damages, alleges multiple damages as consequences of thereafter; and still bearing damages accumulating and accruing.

38. The Defendant's assertion of grounds to dismiss in sovereign immunity and to dismiss on grounds in barred punitive damage claims are exclusive to this Defendant and therein narrowly constructed to remove any potential liability of the Defendant to the Plaintiff in damages and would so serve as an immediate ending consequence to deny Plaintiffs access to justice in that any comparable weight in law in all matters of law applicable to the matter before the Honorable Court and prejudices the Plaintiffs' Complaint and claims seeking recovery.

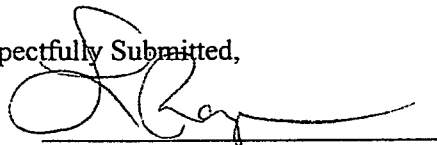
39. Plaintiffs moreover assert the Defendant's motion is prima facie codified by the SCTCA so omitting any elements overarching in matters of law. The Plaintiffs therefore

respectfully ask the Honorable Court to notice S. C. Code § 15-78-100 wherein partially addressing complexity inherent to the matter before the Honorable Court and being grounded in proportional liability special verdict proceedings and to which the Defendant has been made subject.

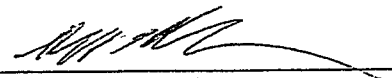
40. On information and belief, Plaintiffs assert the SCTCA provided and required pursuant to S. C. Code § 15-78-70 that the Defendant be named and as such preserving the rights of the Plaintiffs to relief in a proper manner in proper proceedings prescribed. As a matter of law, the Plaintiffs have acted to preserve specifically pursuant to S. C. Code § 15-78-70(b) where the resultant facts and evidence discovered and admitted by the Honorable Court do not change the party liable, but may amplify or modify the properly liable party's capacity in such liability as is already claimed, discoverable facts available to so prove, and such allowing the Honorable Court to render judgment and regardless of being favorable to any party or no party to this civil action.

For all such as is in the Complaint and aforementioned above in this the Plaintiffs' response in opposition to the Defendant's Motion to Dismiss, the Plaintiffs pray the Honorable Court to so deny each and every element to dismiss and to deny the Defendant's Motion to Dismiss in its' entirety and all as in matters of law.

Respectfully Submitted,



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March 13, 2014

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 MAR 21 11:33
BRANDY W MCREE

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Defendant's Exhibits:	Marked:	Received:
(None)		

Court's Exhibits:	Marked:	Received:
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Reporter's Note: Some names in this transcript are spelled phonetically.

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$.75 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT."

1 March 31, 2014

10:00 A.M.

2 (Off-the-Record Comments)

3 (Brief Pause)

4 THE COURT: I've got down that this is two motions we're dealing
5 with at the same time?

6 MS. BURTON: Yes, sir.

7 THE COURT: I've got down this is two motions to dismiss; one is
8 on the behalf of Cherokee County and one is on behalf of Blacksburg Police
9 Department.

10 I'll be more than happy to hear from you.

11 MS. BURTON: Thank you, Your Honor. Stephanie Burton and
12 Nathan Quinn (phonetic) on behalf of Defendants Cherokee County and
13 Blacksburg Police Department.

14 And I'm going to address the — the procedural issue first with respect
15 to the Blacksburg Police Department. The Plaintiffs have failed to properly
16 serve the summons and complaint.

17 With respect to that Defendant, the Plaintiffs attempted to serve the
18 Blacksburg Police Department by mailing a copy of the summons and
19 complaint, using the United States Postal Service Priority Mail, which is not
20 proper service under the Rules of Civil Procedure.

21 And so I would submit to the Court that the Plaintiffs' complaint, with
22 respect to Defendant Blacksburg Police Department, should be dismissed for
23 lack of proper service.

24 With respect to Cherokee County and Blacksburg, this case, as best I
25 can tell, from the very lengthy complaint, is about \$1.20. Mrs. Randolph

1 alleges that she went to the Dollar General location in Blacksburg, South
2 Carolina, on December the 7th, 2013. And that she went to the back of the
3 store and got three boxes of cat litter.

4 She contends that the store had a label I guess, above the cat litter,
5 saying that was eight dollars and ninety-five cents (\$8.95) a box. And that,
6 when she went up to the front of the store with the three boxes of cat litter,
7 they rang it up as \$9.35 a box, so forty cents (\$.40) difference for the three
8 boxes is how I came up with the \$1.20.

9 In the complaint, the Plaintiffs allege that, after the Dollar General rang
10 up the cat litter, for the \$.40 additional price, Ms. Randolph got on her cell
11 phone and called 911 and talked to a dispatcher apparently.

12 Whereupon, the store manager, according to the Plaintiffs' complaint,
13 also called 911. And a police officer. from the Blacksburg Police Department,
14 was dispatched to the store.

15 The Plaintiffs' complain vehemently in the complaint that Dollar
16 General is engaged in some sort of price fixing or some sort of price hiking.
17 And that the police officer, who responded to the scene and noted in his
18 report that there was a verbal altercation, should have prosecuted Dollar
19 General or should have determined that Dollar General was engaged in some
20 sort of unlawful and illegal conduct.

21 And because he did not do so, and in his police report lists the Dollar
22 General folks as the complainants and doesn't list Ms. Randolph as a
23 complainant, that somehow all myriad of rights have been violated by this
24 activity.

25 First, with respect to Cherokee County, because that's a little bit

1 easier, the only allegations in the complaint about Cherokee County are really
2 that a 911 call was placed by Ms. Randolph from her cell phone to complain
3 that Dollar General was engaged in all sorts of nefarious activity.

4 The causes of actions are not abundantly clear, but it appears that the
5 two claims perhaps asserted against Cherokee County are the third cause of
6 action, which — in which the Plaintiffs allege that Mrs. Randolph's rights,
7 under the Victims Bill of Rights have been violated and the tenth cause of
8 action in which the Plaintiffs allege that all kinds of constitutional rights have
9 been violated.

10 And those would be the First, Fourth, Fifth, Eighth, Ninth, Thirteenth,
11 and Fourteen Amendment Rights have been violated. There are no very
12 specific allegations with respect to Cherokee County.

13 First, with respect to this notion that there's a cause of action under the
14 Victims Bill of Rights, Section 24(b) of the Victims Bill of Rights specifically
15 says that, "Nothing in this section creates a civil cause of action on behalf of
16 any person against a public employee, agency, the State, or any agency
17 responsible for enforcement rights."

18 So clearly there is no cause of action for the violation of the Victims Bill
19 of Rights against any defendant.

20 With respect to the myriad of civil rights claims, the Plaintiffs have not
21 alleged facts against Cherokee County to support any of those claims.
22 Clearly they don't allege that there has been an unlawful search and seizure.

23 They don't allege a proper claim for violation of the right of due
24 process. They don't allege that anybody was incarcerated or became a
25 pretrial detainee or inmate to support a claim under the Eighth Amendment.

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I have no idea why they have asserted claims under the Ninth and Thirteenth Amendments because they certainly haven't asserted anything with respect to indentured servitude.

And so I would submit to the Court that there is no cause of action alleged against the Cherokee County — against Cherokee County.

Next, with respect to, Blacksburg, if we can it pass the service issue, we have the same problems. I believe that, with respect to Blacksburg, the Plaintiffs have also attempted to assert this Victims Bill of Rights claim, which is not a cause of action.

They have asserted what is labeled as an abuse of process cause of action in the fourth cause of action. But, then, when one looks at the facts, they mostly talk about Dollar General's conduct and that the Blacksburg Police Department should have investigated this unlawful price-fixing or criminal activity by Dollar General in changing the cat litter price.

They allege two causes of action that they call libel and slander. That would be the fifth and ninth causes of action.

In the fifth cause of action, the allegations are that the Dollar General store manager made certain comments about Mrs. Randolph and that the police officer didn't contradict the store manager. And somehow that's defamatory not to contradict somebody.

And, in the ninth cause of action, the Plaintiffs alleges essentially that the police report, which says that Dollar General is the complainant, somehow is defamatory with respect to Mrs. Randolph.

And I would submit to the Court that they have not alleged all of the elements of a cause of action for defamation. And, even if they had alleged

1 them, there's certainly a qualified privilege with respect to preparing a police
2 report by a police officer.

3 With respect to the police department, there is a cause of action, or an
4 alleged cause of action, a sixth cause of action, that is labeled, "The Official
5 Misconduct, Abuse of authority, and a Breach of Duty." And I'll confess to the
6 Court that I'm not sure exactly what the legal claim is they're attempting to
7 plead.

8 I would submit to the Court that, if you look at the pleading, they do not
9 plead any — anything that would constitute a legal cause of action in the
10 State of South Carolina.

11 The seventh cause of action alleges that Dollar General and the police
12 department denied due process of rights and, again, the Victims Bill of
13 Rights.

14 And, with respect to the police department, alleges that they colluded
15 with Dollar General to somehow destroy the Plaintiffs' right of due process;
16 although they don't allege that there's any life, liberty, or property interest that
17 was implicated or somehow denied by the police officer from the Blacksburg
18 Police Department.

19 It appears that, that allegation relates to the fact that the store
20 manager allegedly removed a sign near the cat litter that said it was \$8.95
21 and that the police officer should not have let the store manager remove that
22 sign. And that somehow the police officer had an obligation to keep the store
23 manager from doing that.

24 The eighth cause of action says that there's a conspiracy to commit
25 larceny. And I would submit to the Court that, that is not a legal cause of

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action. And that the Plaintiff has not alleged elements that would support -- if one were trying to make a conspiracy cause of action, has not alleged the necessary elements for a conspiracy in the State of South Carolina.

Again, the tenth cause of action alleges this whole host of constitutional rights, but does not state the facts to support any claim for violation of any Amendment to the United States Constitution, much less the myriad of amendments cited.

And lastly, in the eleventh cause of action, Mr. Randolph alleges a loss of consortium, which of course fails if Mrs. Randolph has not alleged a legal claim against any of the Defendants.

And I would submit to the Court -- and the complaint is very lengthy and I've read it several times, but I would submit to the Court that the Plaintiffs have not alleged facts that are sufficient to constitute any cause of action.

Certainly, with respect to Cherokee County, all they've alleged is that Cherokee County, I guess 911, responded to the calls from Mrs. Randolph and from Dollar General and dispatched an officer to the scene.

And, with respect to Blacksburg, the allegations appear to be that the police officer believed the Dollar General folks and didn't believe Mrs. Randolph, except that, that is not a legal claim in the State of South Carolina.

And so I would submit to the Court that, for the procedural reasons, with respect to the Blacksburg Police Department and with respect to the substance to both Defendants, that both Defendants are entitled to an order granting a motion to dismiss in this case.

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(Brief Pause)

THE COURT: Thank you very much. You all — you are Mr. Randolph and you're Mrs. Randolph?

MRS. RANDOLPH: Yes, sir.

THE COURT: All right. Thank you for — for coming.

MR. RANDOLPH: Yes, sir.

THE COURT: I just need to let you know, we are making a recording of everything that happens here. So, when you speak, just speak up loud enough so that both the court reporter and I can hear you.

And, at this time, I would like to hear from you as to whether you agree or disagree with counsel. And, if you disagree, let me know why you disagree with her.

And, also, if you agree with her on some things, let me know what those things are.

(Off-the-Record Comments)

MR. RANDOLPH: Well, we — we agree with the part up until Dollar General charged Lisa a — a dollar and twenty cents (\$1.20) more than they should have based on an \$8.95 advertised price and, then, being charged \$9.35 at the register.

When she pointed that out, had she had done on two prior occasions, they amended the transaction and gave her the \$.40 back for however many boxes of cat litter she bought.

So, in looking that up, that meets the test of petit larceny. There is a victim. She lost money because of it and it's against the law.

It — there is a — a question of — in our minds still of whether or not we

1 have exceeded the scope of the South Carolina Unfair Trade Practices Act,
2 which goes to the — the federal version.

3 But we can't get past that until we go through discovery, which —
4 which may lead — I can understand why there might be some confusion.

5 And the — the other thing that's — that's important, from the way we
6 see this, is that these are single acts done by joint parties.

7 A police report was derived solely based off information provided by
8 the store manager, which — which declares the correct price of merchandise
9 to be something different than what Dollar General advertises it.

10 So, the — going forward with the reason the County is — is — is
11 involved is because we don't know how to separate them in the single acts.

12 We have generally public available documents that show the county
13 characterizing this as a — a civil disturbance. And a police report showing
14 that my wife is — is a subject of that. And that the complainant is the — is
15 Dollar General.

16 Now, what actually happened was — of course, this is allegations that
17 she called 911 to report that they took her money. That's — that's really the
18 bottom line.

19 The Dollar General store manager — she gave fair warning at every
20 step of the game. Like I said, you know, "You — you just can't do this to
21 people." And she has some prior experience with these things.

22 "It's against the law. And I got no choice but to call and — and ask —
23 and I need a police report."

24 And, then, when the officer arrived, you know, this went from being a
25 subject of a civil disturbance to her being — being a — a subject in that police

1 report being — falling into the police officer's custody when he was — when
2 he arrived. And she had to stay there.

3 And, then, by the time she left the store, she was barred for — from
4 ever returning based off enforcing trespass lists.

5 I myself went up and inquired about these trespass lists and got no
6 information whatsoever from the police department.

7 From that — that's the — you know, until — we certainly don't think this
8 is fully flushed out. And we also — based off the — am I allowed to speak to
9 what Dollar General says? I just — they have answered.

10 **THE COURT:** Okay.

11 **MR. RANDOLPH:** Their — their answer is statutorily lacking. To
12 deny is — is a valid — you know, a defense to any kind of claim; deny is.
13 Under these circumstances, and according to statutory code, it is not
14 sufficient. And it became legally not sufficient when they acquired counsel I
15 believe.

16 But the burden of proof is — is specified under — under the South
17 Carolina Unfair Trade Practices Act saying that, if you have a process that —
18 that the general public uses, to acquire merchandise, and someone
19 challenges something in that process as being unlawful, the burden of proof
20 is on the person who is conducting the process.

21 They failed to meet that since December. And — and it's our — right
22 now our position is that the law is being occluded.

23 We know, you know, obviously folks are confused because — and we
24 — we would assert that this — there was a bit of untruth floating around from
25 the — if — if you start off with you advertised it for this; you charged more

1 than what you advertised for.

2 And — and, then, every — everyone starts doing things that we believe
3 they should not be doing. And certainly this store, we use — we used to use
4 it I'd say a hundred times a year.

5 It's, by miles, the closest store. We could almost walk to this; we don't
6 honestly. But it's — it's the closest one to us.

7 So every time we go to a store, we incur a financial loss now in
8 addition to the, you know, the \$1.20; which I agree that \$1.20 was a minor
9 thing.

10 This became very serious when it escalated into the police, the store
11 manager, and Cherokee County working together and throwing her out of the
12 store and leaving bad records purporting to her character all — everywhere.

13 So that's the — and, as far as the insufficiency of process of service,
14 the Defendant is asserting a class of mail, and priority mail is not in and of
15 itself satisfies sufficiency of service, but it's a vehicle to use it, just like first
16 class mail is.

17 We didn't use priority mail as — according to what she asserted.
18 We used express mail, what folks normally call it. And we set up — we called
19 the — we — we set up an electronic method so that, when that document, the
20 summons and complaint, were delivered, we would get instant notice in an
21 email.

22 And we got that notice. And we saw who signed it. We know who
23 signed it personally and know where she sits.

24 And our understanding is that, when process of services is questioned,
25 the burden of proof falls on whoever is claiming it was insufficient to show

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that it was delivered to the wrong person.

Now, we have a -- electronic images and the email that this .PDF file came in showing W. Mullinax (phonetic) signed for this, the summons and complaint.

As a matter of fact, based off the signature card at the post office, I would -- I am fairly certain that it was the post office who directed -- who redirected the summons and complaint, which was going to a valid street address, into a -- a box, a post office box, so that they could capture a correct signature when it was delivered. It's their standard operating procedure I believe.

I don't know if you need that, but I have it.

THE COURT: Is that the only one you have or a copy of it?

MR. RANDOLPH: Is it the only copy of it?

MRS. BURTON: No.

MR. RANDOLPH: We have more. Not here, but we have some at home.

THE COURT: All right. I mean, if it's not the only one that you have, give it to the clerk and we'll make it part of the record of this proceeding.

(Document handed up to the clerk.)

(Whereupon, Plaintiff's Exhibit 1 was marked for identification and admitted into evidence without objection.)

MR. RANDOLPH: And we've -- I think that we have addressed most of this in -- in the written response to -- to this motion.

I -- I don't know, if I should repeat it for the Court's sake, but, I mean

1 the — or everybody's sake here, but I — we — we pay attention to this. And
2 had there been insufficiency of service, had there been a shortfall in the
3 allegations of fact that must be in a complaint, and the — and the entire
4 structure of what must be in there, we — we would have either asked the
5 Court to dismiss it or we would have asked the Court to let us amend it.

6 That's what we would have done. That's why we stayed so — so
7 closely on top of how the summons and complaint were delivered to three
8 different Defendants.

9 We were very — it's a concerning issue for us. I mean, in — you
10 know, where we live, in the town, this really makes us look like less than good
11 people.

12 (Brief Pause)

13 MRS. RANDOLPH: And may I reiterate that I did ask the lady
14 that charged me the \$8.95. She said — and I said, "There's — it's advertised
15 in the back," and she said she didn't need to go in the back.

16 And the cash register was ringing up \$9.35. And I said, "But I've been
17 here two months prior getting cat litter all for two months every other week,
18 every week, and you charged me \$8.95 and you changed it."

19 And she said, "Well, we're not changing it today," and I said, "Well, if
20 you don't change it today, my only other recourse is to call 911 and have a
21 police report." And, Your Honor, that's what I did.

22 (Brief Pause)

23 THE COURT: All right. Okay. And — and I do have the written
24 positions that you all were kind enough to give the clerk. But I have not read
25 them, so, I'll — I'll do my best.

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MRS. RANDOLPH: Thank you.

THE COURT: All right. Anything — thank you very much.

MR. RANDOLPH: Thank you.

THE COURT: Anything in response?

MS. BURTON: No, Your Honor. I have nothing further. They — I don't know why we're talking about the Unfair Trade Practices Act because that claim is not even alleged in the complaint even against Dollar General. But certainly they couldn't allege it against one of the governmental entities who don't operate stores selling cat litter.

THE COURT: Okay. All right. I will take a look at it and let you know.

Now, Mr. and Mrs. Randolph, I do want to add — I believe that you all were in the courtroom with the other — with first case I did.

I want to encourage you to speak to a lawyer because I am of the very strong opinion, as I've said, it's not a wise thing to do for lay people to represent themselves in a court of law, especially a court that, you know, there's obviously a matter that's as important is to you all.

So, please — if you can't afford an attorney, please, reach out to the South Carolina Bar Association. They have a 1-800-number and they can do a lawyer referral for you to a lawyer that practices in certain areas as far as law. They also have a pro bono program.

As well as in Spartanburg, in this Circuit, which is Cherokee and Spartanburg County, we — we have a legal services agency that's located right across the street from the Carolina Cash Department Store.

If you go talk to them, they represent people free of charge in civil

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matters — in civil matters if you qualify for their services.

But thank you very much for coming.

MR. RANDOLPH: Thank you.

THE COURT: Just watch the mail and the clerk of court will advise you once I make a decision.

MRS. RANDOLPH: Thank you

MR. RANDOLPH: Thank you, sir.

(Off-the-Record Comments)

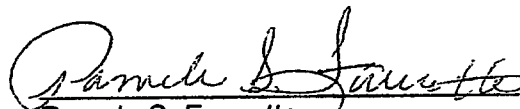
(Whereupon, the proceeding concluded at 10:41 a.m.)

REPORTER'S CERTIFICATE

I, the undersigned **PAMELA FAUCETTE**, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the court reporter at the foregoing proceeding; that the foregoing pages, numbered 1 through 16, were transcribed by me and represent a true and accurate transcript of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

June 1, 2014



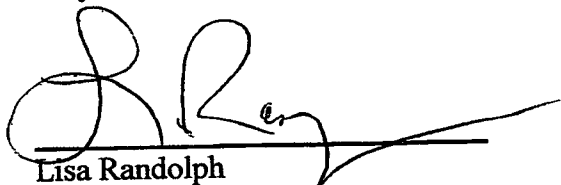
Pamela S. Faucette
Official Court Reporter
Seventh Judicial Circuit

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SC Court of Appeals

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

December 8, 2014



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DEC 16 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2014-CP-1100052
Appellate Case No. 2014-000981

Lisa Randolph and George Randolph,

Appellants,

v.

Dolgencorp, LLC, d/b/a Dollar General Store #76751, a/k/a Dollar General,
and Cherokee County, and Blacksburg Police Department, Defendants,
Of Whom Cherokee County and Blacksburg Police Department are Respondents.

PROOF OF SERVICE

We certify that on this date we served a copy of the Record on Appeal on the following Attorneys of Record and the Office of Court Administration, by depositing into the United States Postal Service (USPS) Mail with proper USPS first class postage, on December 8, 2014, addressed to:

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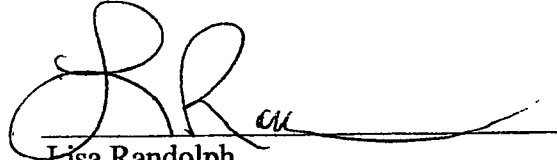
DEC 16 2014

SC Court of Appeals

WV

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December 8, 2014

A handwritten signature in black ink, appearing to be 'LR' followed by a long horizontal flourish.

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A handwritten signature in black ink, appearing to be 'GR' followed by a long horizontal flourish.

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