

County of Dorchester

L Aquinca D. Davis ^{# 271815}
plaintiff

V.

Joseph McFadden
and Bryan Stirling Respondent

Motion for stay
of proceeding to
Enforce a judgement

Plaintiff respectfully moves this honorable
Court for an stay of plaintiffs appeal from
the Court of common pleas judgement in case
Number 2014CP1802104 pursuant to rule 62 (B)
and 52(B) of B.C rules of civil procedure.

L Aquinca D. Davis
L Aquinca D. Davis
12-23-15

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County of Dorchester

#271845
LAQuinces D. Davis
plaintiff

v.

Joseph McAden
and Bryan Stirling Respondents

Certificate

of

Service

RECEIVED
DEC 30 2015
SC Court of Appeals

I LAQuinces D. Davis hereby certify that the enclosed documents are true and have been served on the following defendants by depositing them in U.S. postage service addressed to Cheryl Graham 5200 Jim Bilton Blvd St. George S.C. 29477 and Attorney general PO Box 11549 and the court of appeals for S.C. and S.C. SUPREME COURT this 23rd day of December 2015

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Statement of facts

On November 4, 2015 Plaintiff received an Notice of Case Scheduling in case number 2014 CP1802104, three years after the Case was filed and the statute of limitations had run out for refiling. Whereas Rule 40(f) states all cases shall be transferred to the jury trial roster that has remained on the general docket for a year. On November 23, 2015 Plaintiff received correspondence from the Court stating that no Affidavit of Service was on file and gave plaintiff 10 days to serve defendants plaintiff on the 24th of November sent an

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summons and complaint to the Attorney general and court as well as an Affidavit of service and proof of exactly when plaintiff received the notice. Yet because of the thanksgiving holiday the documents did not reach the court until the evening of the case scheduling hearing. On December 17, 2015 plaintiff received a order of dismissal for improper service upon defendants plaintiff properly served the defendants according to rule 4 and would like for the court to specify what exactly was improper about the service. Whereas plaintiff is afforded and held to the standard of pro se litigants in Estelle v Gamble 97 sct 285 "A document filed Pro se is to be liberally construed and a pro se complaint however inartfully pleaded must be held to

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a less standard than formal pleadings drafted
by lawyers All Pleadings shall be so construed
as to do substantial justice." In light of
the supreme courts holding trial court abused
its discretion in dismissing plaintiffs meritorious
claim.

L. Aquino D. Davis
L.A. JAMES D. DAVIS

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#271815

To: Clerk Cheryl Graham

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R.E Computing time for filing
Rule 59(e) and 62(b) and 52(B)
motions.

Plaintiff has enclosed a copy of
the envelopes received on December 17, 2015
10 days from that date excluding Saturdays
and Sundays and Christmas holidays renders
these motions timely please send me a
clock stamped copy of the motions please.

~~L. Aquino D. Davis~~
L. Aquino D. Davis

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L Aquinas D. Davis #27185

4460 Broad River Rd.

Columbia S.C 29218



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S.C. Court of Appeals
1815 Sumter St Suite 200
Columbia S.C 29201

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