

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

CASE NUMBER: 2014-CP-40-03104
15 3381

Terry Douglas Campbell

SC Department of Corrections

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or 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:

ORDER INFORMATION

After careful consideration, the Plaintiff's Motion to Alter or Amend the order granting summary judgment is respectfully denied.

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT 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 |
|-------------------------------------------|---------------------------------------|--------------------------------|
| | | |
| | | |

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 Janya L. G. Judge Code 2756 Date 11/23/2015

For Clerk of Court Office Use Only

This judgment was entered on the 25 day of Nov, 2015 and a copy mailed first class or placed in the appropriate attorney's box on this 25 day of Nov, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

SCRPC Form 4C (10/2011)

Clerk of Court

SCANNED

Jeanette W. [Signature]

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

) Civil Action Number: 2015-CP-40-3381

Terry Douglas Campbell,

) Plaintiff,

v.

) The State of South Carolina; Director of South
) Carolina Department of Corrections, Bryan
) Stirling; Warden Bernard McKie; Officers Lt.
) McLaughlin and Aubrey Pounds,

) Defendants.

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SC Court of Appeals
RICHLAND COUNTY
FILED
JEANNETTE W. MCBRIDE
CLERK
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ORDER

This matter is before the Court upon the motion of Defendants for an Order dismissing this action in its entirety. Among other grounds, Defendants sought an Order dismissing this action as time-barred by the applicable statute of limitations. A hearing was held in this matter before the undersigned on November 5, 2015. Present at the time and offering arguments were Plaintiff, who appeared *pro se*, and Steve Spreewers, counsel for Defendants. After carefully considering the arguments made and the matters on file in this case, the Court finds that this matter should be dismissed with prejudice.

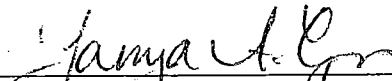
Because the Defendants are all governmental entities, or employees of governmental entities affirmatively alleged to have been acting within the scope of their official duties, this matter is controlled by the provisions of the South Carolina Tort Claims Act (TCA). The TCA is the exclusive remedy for any tort committed by an employee of a governmental entity. S.C. Code Ann. § 15-78-70(a). The TCA has a two-year statute of limitations, found in S.C. Code Ann. § 15-78-110. That section provides that “any action brought pursuant to this chapter is forever

barred unless an action is commenced within two years after the date the loss was or should have been discovered” S.C. Code Ann. § 15-78-110.

This matter arises out of Plaintiff’s trip and fall at Kirkland Correctional Institution while he was an inmate there. According to the Complaint, this trip and fall occurred on March 4, 2013. However, based on the Clerk’s stamp on the face of the Complaint, the Complaint was not filed until June 8, 2015. Because this matter is controlled by the specific statute of limitations found in the TCA, the Court finds that this matter is time-barred since more than two years elapsed between the injury and the filing of the Complaint.

IT IS THEREFORE ORDERED that the claims asserted by Plaintiff against Defendants be dismissed with prejudice.

AND IT IS SO ORDERED.



The Honorable Tanya A. Gee
Presiding Circuit Court Judge

Dated: November 16, 2015

Columbia, South Carolina