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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

RECEIVED
FEB 26 2016
SC Court of Appeals

Hon. George C. James, Jr., Circuit Court Judge

Appellate Case No: 2015-002481

Charles Taylor,.....Appellant

v.

Stop "N" Save, Inc., d/b/a,
El Cheapo Plus #7 and Roy Rahal,.....Respondents

APPELLANT'S MOTION TO STRIKE 100%
FALSE FOOTNOTE FROM RESPONDENTS'
BRIEF

(1). That Appellant Charles Taylor, (hereinafter Appellant), respectfully hereby move to strike from Respondents', 2-10-16 Brief, a deliberate and 100% false footnote therein see (Resp'd's Brief p. 8 footnote section beginning on L-1) in which the Respondents falsely alleges that Odell Morton gave a deposition in this case, and then alleges all that followed therein, based on the false claim, and which brief was signed on p. 42, and;

(2). That Odell Morton never gave a deposition in this case, see (Apln't Ini. Brf. p.20 para. 2 L.1 and p.31 para. 2 L.'s 1-2), and;

(3). That the Respondents had earlier represented to the lower court that Odell Morton did not sit for a deposition see (Hear. Trans. p. 24 L.21-24 / exhibit A attached), and;

(4). That this false claim by Respondents is huge, because if they slipped this one by, it could by itself possibly change the outcome of this whole case to their favor maybe for sure & they know it, and;

(5). That's because, whereas Appellant alleges that Odell Morton have not spoken a word in this case, if untrue, Appellant's credibility would be seriously undermine, if not fatal, in the eyes of this court for the outright falsehood instead of Respondents' credibility being seriously undermined, if not fatal, in the eyes of this court for the outright falsehood as it should be, and;

(6). That what Odell Morton said or didn't say in this case will likely turn this case one way or the other see (Aplnt's Initial Brief, Resps' Brief, & Aplnt's Reply brief, all on file) for the reasons why, and;

(6). That the reason this is a serious matter, is because similar conduct, but worse, happened in this very case in the lower court, see (Aplnt's Intial Brief p. 28 section 4 of 6 thru p.34) as the main base of Respondents' prevailing in the lower court prompting this appeal, and;

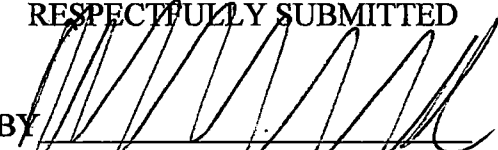
(7). That Respondents are bent on winning this case by hook or by crook, all else notwithstanding, and;

(8). That they will no doubt, now as before when caught, claim it's all just one big mistake, see: (Aplnt's Reply Brief p. 6 para. 5, and, p. 9 second L. from bottom), and;

(9). That Respondents have used such footnotes, some ¾ p. long, see (Respsd's Brief p. 6, 8, 12, 15, 16, 19, 20, 32, & 35) to cheat the rules & Apln't see (Aplnt's Reply Brief p. 5. Footnote, and;

(10). That it is clear, if left unsanctioned, Respondents' conduct will not stop, thus-Appellant ask this Court to accordingly sanction Respondents by striking their brief, or in the alternative, strike all footnotes in their brief-to, if not put an end to such conduct, at least maybe curb it somewhat.

RESPECTFULLY SUBMITTED

BY 
CHARLES TAYLOR, APPELLANT
332 MYRTLE BEACH HIGHWAY
SUMTER SOUTH CAROLINA 29153
(803) 609-7990 APELLANT PRO SE

Sumter, South Carolina

February 24, 2016

¹. That it seems the Respondents will do anything to avoid compensation per their actions that led to the destruction of Appellant's rental house with a U-Haul rental truck, exhibit B attached.

1 perhaps the Court can interpret that as being,
2 raising a genuine issue of material fact for a fact
3 finder. But that's not what it says, Your Honor.
4 And even if I take the affidavit at face value and
5 say that it has the ability to in the Court's eyes
6 raise a genuine issue of material fact as to whether
7 Odell was there, the two pieces of evidence don't
8 contradict each other as I hopefully just explained.
9 That Rosa McBride individual could have seen
10 Mr. Odell in bed earlier in the day, and that can
11 coexist and not raise a genuine issue of material
12 fact for the fact that the two sworn deponents in
13 this case say they showed up at the rental place,
14 Odell was there, Odell showed his valid driver's
15 license. What the Court would have to do to say
16 raise a general issue of fact is they'd have to
17 ignore all of that evidence, and they'd have to
18 ignore the signature on the rental agreement and
19 they'd have to — so I don't think it raises a
20 general issue of material —

21 THE COURT: What did Odell say in his
22 deposition?

23 MR. SORTIANO: Odell did not sit for a
24 deposition. Your Honor, when Mr. Culbreath traveled
25 to Maryland to get Reginald's deposition Mr. Odell.

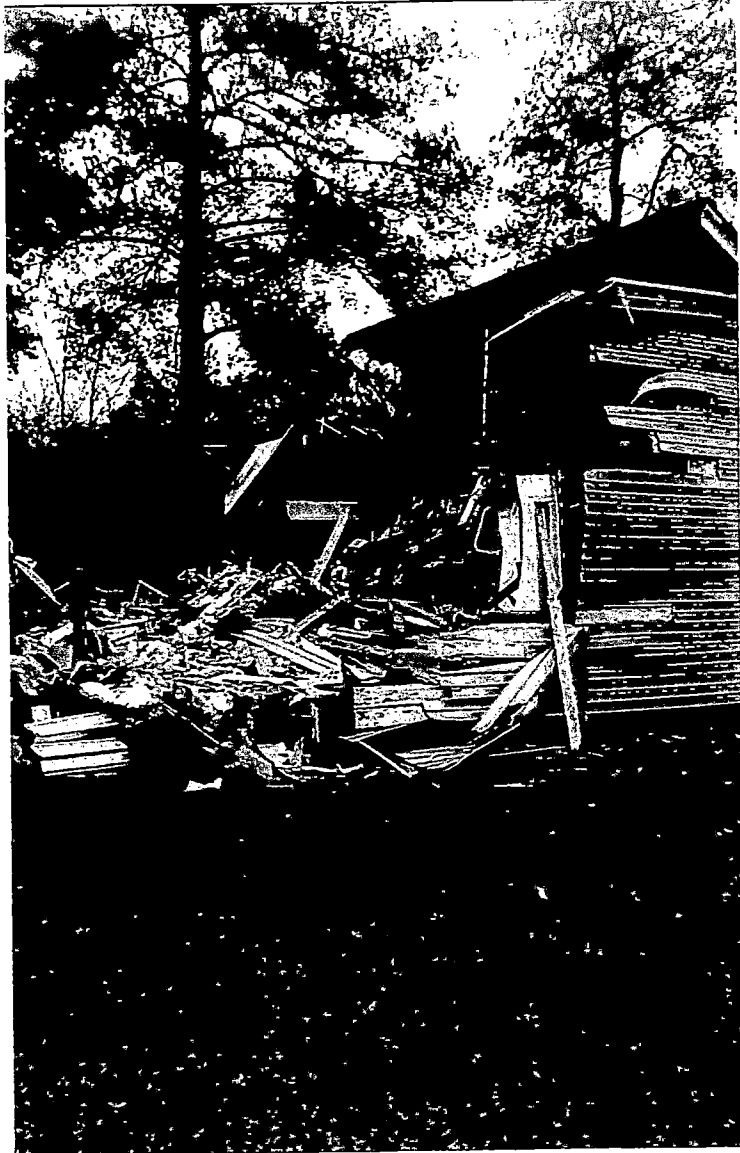


EXHIBIT B

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v.

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El Cheapo Plus #7 and Roy Rahal,.....Respondents

PROOF OF SERVICE:

I certify that I've served & filed Aplnt's 2-24-16 motion to strike from Respondents' Brief by depositing same in the, US Mail, postage prepaid; date of; Feb. 24, 2016, from Sumter, South Carolina, address to the Defendants' lead Counsel listed below at the address below.

February 24, 2016

BY: 
CHARLES TAYLOR, APPELLANT
332 MYRTLE BEACH HIGHWAY
SUMTER SOUTH CAROLINA 29153
(803) 609-7990

Defendants' Counsels of Record
Lead-Gray T. Culbreath, Esq.
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1 Atlantic Center, 4th Fl.
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Atlanta, Georgia. 30309
(404) 572-6923

February 24, 2016

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina
Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

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SC Court of Appeals

RE: Charles Taylor, Appellant

vs.

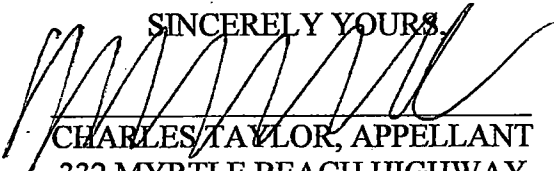
- Stop "N" Save, Inc., d/b/a, El Cheapo Plus #7 and Roy Rahal, Respondents
Appellate Case Number: 2015-002481

Dear Mrs. Kitchings:

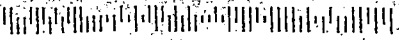
Please find enclosed for filing, the following:

- (1). The original & 6 copies of Appellant's 2-24-16 Motion to Strike from Respondents Brief with proof of Service, and same to Defendants' lead counsel, as listed below. Please clock and return the extra copy to me in the self-addressed stamped envelope, & the \$25 motion fee is enclosed

SINCERELY YOURS,


CHARLES TAYLOR, APPELLANT
332 MYRTLE BEACH HIGHWAY
SUMTER SOUTH CAROLINA 29153
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Cc: Defendants' Counsels of Record
Lead-Gray T. Culbreath, Esq.
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Sumter SC 29153



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