

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

**RECEIVED**  
APR 11 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 FOR SANCTIONS AGAINST  
RESPONDENTS FOR THEIR WILLFUL VIOLATIONS  
OF SCACR 209(b) & (c) and 210(c)

(1). That Appellant Charles Taylor, (hereinafter Appellant), respectfully move this court  
for sanctions against the Respondents for their willful violation of SCACR 209(b)(c)  
and 210(c), and that the reasons and proof for the requested sanctions are as follows:

(2). That Appellant is a seriously disable individual (exhibit A-B attached) who live alone and on a fixed SS disability income of \$1000 a month; that was supplemented by a, \$650 a month rental house income, but;

(3). That the rental house was destroyed from 6-1-13 as detailed in the Appellant's initial briefs, pending filing the final briefs (*ready*) & Record on Appeal (*ready*-1,250 p.'s per copy x 17), and;

(4). That Respd's sent Apln't a big box containing almost 1,100 mixed p.'s (exhibit C attached) (*Desig. of Matter*) from where they just-evidently-emptied out their whole case file of every document generated (*from the beginning 6-1-13 to when they sent the items 2-24-16*) including hundreds of just plain old back and forth correspondences, (*you can imagine the sheer number of such from 6-1-13 to 2-24-16*), and all old discovery matter, including all whole depositions etc. (*everything and anything*) to make mass for 1, 100 pages and demanded that disable Appellant include all of it in the Record on Appeal; *relevant or not; duplicative or not; never presented to the lower court or not; never copied to Appellant or not; never referenced in their brief or not; et al. etc.*; even though they all well knew most of it was not relevant to anything on Appeal, & some, 1 to 2 or more times duplicative, &/ or was never presented in the lower court, &/ or was never copied to the Appellant, & / or was never referenced in their brief, et al. etc. etc.; (*as for: example-s*):

(5). RECORD ON APPEAL;

VOLUME 1 of 3 pp. 1-500

- a. R. pp. 56-63 and 64-71 (both same answered by same Respondent Rahal)
- b. R. pp. 373-374 (unsigned affidavit of someone)
- c. R. pp. 390-500 (collection of their case long file minutiae etc.)

VOLUME 2 of 3 pp. 501-1000

- d. R. pp. 501-574 (continued collection of their case long file minutiae etc.)
- e. R. pp. 575-720 (whole long hearing transcript)
- f. R. pp. 721-914 (Respondent Rahal whole long deposition)
- h. R. pp. 995-1000 (Respondents' witness Reginald Morton whole deposition)

VOLUME 3 of 3 pp. 1001-1250

- i. R. pp. 1001-1026 (complete Morton full deposition)
- j. R. pp. 1027-1038 (Respondents' Misc.)
- k. R. pp. 1039-1133 (Appellant's whole long deposition)
- L. R. pp. 1034-1049 (Respondents' interrogatories etc.) and;

(6). That all p.'s Respd's submitted Apln't had to & did put them all in the record as evidence by the record page #'s above, & Apln't caution Respd's' beforehand as in (exhibit D attached), and;

(7). That it is disconcerting, that Respondents claims *falsely-as all other* in their 4-4-16 letter directed to the Clerk of Court, that Apln't fail to include in the Record on Appeal their designation marked Exhibit B. That's not only false but doubly so, because not only is it included R. p. 363 but it's 1 of those items they sent doubles R. p. 1034 demanding it all be included in the Record; & there is another item also they marked as Exhibit B R. p. 375; and so it is easy to see the kinds of confusion the Respondents created for later trying to get the Record, after it's ready for filing, strike, so that the disable Appellant would have to throw it all in the trash can and do the same almost impossible all over again out of his said meager income, which necessitated Appellant having to sell his few house possession to pay for the 1<sup>st</sup> Briefs & ROA completions, and if

Ordered-in effect—to throw them all away & do it over again, will have to sell some of his medical equipment to pay for it, such as his pain controlling (back spinal injury) electric tens unit, and;

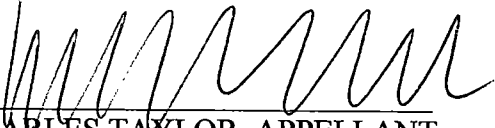
(7). That Respondents certified falsely that they included no matter that was irrelevant to the appeal violating SCACR 209(b) that in pertinent part states; *Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal. A party shall not include any matter in his designation which is not relevant to the appeal;* & they violated sec. (c).*the Designation shall be accompanied by a certificate signed by the party's counsel of record that the Designation contains no matter which is irrelevant to the appeal;* & they violated Rule 210(c) in pertinent part states; *The Record shall not, however, include matter which was not presented to the lower court or tribunal;* such as for all above example-s; R. pp. 373-374, 410, 412-418, 440-443, 451, 457, 466, 471, 474-475, 484, 489, 494, 500, & 100's others in box from Respd's demanding inclusions, *see* (exh. C attached), &;

(8). That on top of all that, Respondents filed their 2-10-16 (*pending motion*) to now strike Appellant's already prepared final Briefs and Record on Appeal, so that at a minimum, the disable Appellant would have to throw it all in the trash can & do it all over again, and;

(9). That it is all a calculated strategy (*sinister*) to wear down and wear out the disable Appellant until he gives up & quit this case, which is just a continuation of the same strategy from day one to the present; hence; the length of this—rather simple case, really; see facts in Apln't briefs &; Note: how few of Respds' 1100 p.'s they in fact (relevantly) refers to in their brief; & really, this whole appeal can be decided w/ total references (*all parties*) to a few hundred p.'s or so, as in the end will show re what's relevant; & all Respds' other p's was just junk matter-to burden Apln't; &

(10). That accordingly, Appellant urges this court to deny all Respondents' pending motions and let disable Appellant's *ready to file* Final Briefs & Record on Appeal, be filed and to award him whatever other relief this court deem fair and appropriate for Respondents violating the rules in full and/ or in part as above stated and/or as otherwise stated in Appellant returns to their motion &/or letters etc., of which Appellant's last return is dated 4-7-16, &/or otherwise per Appellant's Motion to Strike dated 2-24-16; and prays that all or part of such be ordered as this court sees fit. Appellant pleas to have this case heard / reviewed on its full merits and if he loses, he's satisfied.

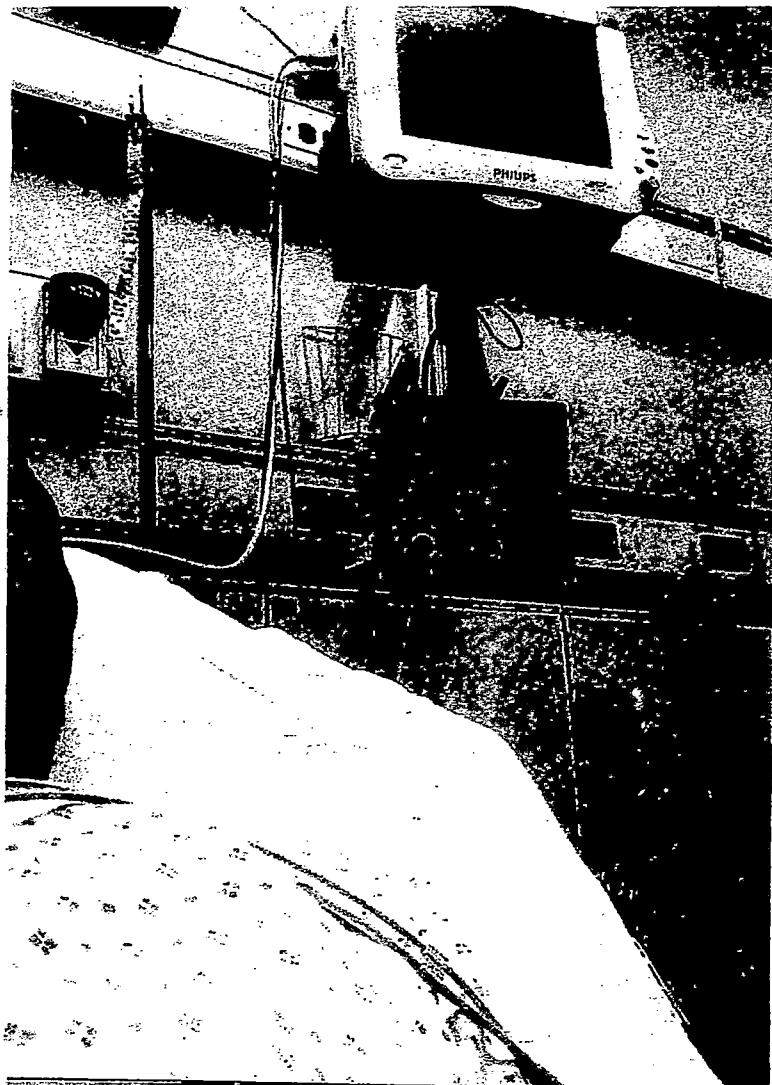
RESPECTFULLY SUBMITTED

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

Sumter, South Carolina,

April 8, 2016

- 
1. That simply said; Appellant have no doubt at all, that upon full review of this case on appeal, that this court will be nothing short of surprise and appalled at the Respondents conduct from the beginning 6-1-13 to the present, including as per all the above to page 1; and also note here;
  2. That the Respondents are no amateurs when it comes to making & signing false statements etc, see: Aplnt's. Initial Brief esp. p.28 sec. 4 of 6 & (Ex. E-H attach) until the final briefs & ROA is file; or Apln't will be happy to send a special ready copy of each to this court upon request to decide the pending motions with; after which rulings Mrs. Smith of clerk's office says the finals should then be filed depending on that order-ruling & any new filing deadline therein per SCACR 240(b).



**ROA**  
**p.170**

**EXHIBIT A**  
w/ Aplnt's 4-8-16 motion  
to SC Court of Appeals



p.12  
w/ plaintiff's 6-22-15  
memorandum supporting his  
summary judgment motion



A Lexington Medical Center Physician Practice

540 Physicians Lane, Sumter, SC  
(803) 778-1941 • FAX: (803) 938-9513  
SumterCardiology.com

**EXHIBIT B**  
w/ Aplnt's 4-8-16 motion  
to SC Court of Appeals

## Nuclear Stress Test Instructions

**Dear Patient:** Charles Taylor

Your doctor has recommended that you have a Nuclear Stress Test. Special medications are ordered specifically for your test, therefore, please give a 24-hour notice if you are unable to keep your appointment.

### Instructions:

1. Please inform the technologist if you may be pregnant.
2. Please allow 2 ½ to 4 hours for this test.
3. Do not take any medication the day of your test, unless otherwise instructed. **\*\*Diabetic Patient See #5\*\***
4. Drink 2 cups of water before you arrive.
5. Do not eat after midnight unless you have an afternoon appointment, then you may have a light breakfast (toast, cereal, bagel, etc.) It is okay to brush your teeth if you are fasting. **\*\*If you are diabetic and take medication for your diabetes, only take ½ of the diabetic medications with a light breakfast 2 hours before your appointment time, even if you have a morning appointment.\*\***
6. **No caffeine.** This includes caffeine-free coffee, tea, or sodas the day of the test.
7. Wear comfortable clothes and walking shoes.
8. You may eat and drink after the stress portion is complete. You may bring a snack.

**PLAINTIFF'S ITEM #38**  
re: Defendants Roy Rahal / El  
Cheapo Deposition 6-2-15  
SC Civil Case # 2013-CP-43-1808

Appointment Date: Thur. June 11, 2015 Time: 2:30

A.M.  P.M.

Location: Dr M. Jacobs office

p.13

w/ plaintiff's 6-22-15

If you have any questions, please call Nancy or Margaret at (803) 778-1941 ext.

memorandum supporting his  
summary judgment n

**ROA**

**p.171**

**ABOUT THE TEST:** An IV will be placed in your arm for the administration of a small amount of radioactive material to allow imaging of your heart. We will take a series of pictures while you are lying still on an imaging table. A treadmill stress test will be done after this time. If you are unable to exercise a drug can be given through the IV to simulate exercise. After the stress portion, another series of pictures will be taken.

JESSICA A. WALLER  
Direct Dial: 803.724.1722  
jwaller@gwblawfirm.com



Gallivan, White & Boyd, P.A.  
ATTORNEYS AT LAW

**EXHIBIT C**  
w/ Aplnt's 4-8-16 motion  
to SC Court of Appeals

COINTEL  
803.779.1833 -  
803.779.1767 - FAX  
www.gwblawfirm.com

February 24, 2016

**VIA EMAIL: ugcards@aol.com AND FEDERAL EXPRESS**

Charles E. Taylor  
332 Myrtle Beach Hwy.  
Sumter, SC 29153

Re: *Charles Taylor, Appellant v. Stop 'N' Save, Inc., d/b/a El Cheapo Plus #7 and Roy Rahal, Respondents*  
Appellate Case No.: 2015-002481  
GWB File No.: 8566-1

Dear Mr. Taylor:

Yesterday, I received your correspondence dated February 20, 2016, in which you again demanded a copy of each item designated by Respondents to be included in the record on appeal. I am also in receipt of your email correspondence sent earlier today, February 24, indicating that in fact, you are in possession of most of the items included in Respondents' designation of matter.

As I stated in my previous correspondence to you, the rules do not require us to provide this documentation to you, but as a courtesy and in effort to facilitate the efficient resolution of this appeal, we are doing so. Enclosed you will find a copy of every item we have designated to be included in the record on appeal. It totals 1,072 pages. This should alleviate any need for you to seek an extension to file the record on appeal.

By copy of this letter, I am notifying the court of appeals of the documentation sent to you.

With kind regards, I am

Very truly yours,

GALLIVAN, WHITE & BOYD, P.A.

  
Jessica A. Waller

JAW/ct

cc: The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

February 13, 2016

Gray T. Culbreath, Esq. of  
Gallivan, White & Boyd, P.A.  
Defense's Lead Counsel  
Post Office Box 7368  
Columbia, SC. 29202

RE: Charles Taylor, Appellant

vs.

Stop "N" Save, Inc., d/b/a, El Cheapo Plus #7 and Roy Rahal, Respondents  
C/A No: 2015-002481

**RECEIVED**

FEB 16 2016

SC Court of Appeals

**EXHIBIT D**

w/ Aplnt's 4-8-16 motion  
to SC Court of Appeals

Dear Mr. Culbreath:

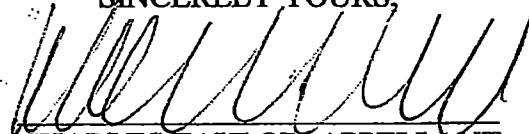
As to your designation of matter: you want included in the Record on Appeal, many of such items I never had in my possession &/or do not have in my possession. Accordingly, please provide me promptly, a copy of each page you want included. This will prevent any confusion on the matter.

I caution you to be mindful of what can properly be included under the rules as you surely knows and certifies. I will move by motion, to the Court of Appeals, to strike any other at your expense, and for sanctions for any you ask to be included, simply for spiteful reasons, just to up the cost to disable appellant and delay in preparing the Record on Appeal.

If I don't received such from you before February 19, 2016, I will take that as your permission to include in the Record on Appeal only those item listed in your designation that is in my possession.

Also, I ask that you state the total number of pages you are sending and provide the clerk of court with a copy of each page & the total number you're sending me. **This is to prevent a later dispute, to cause ROA delay, claiming what was sent & what was not included in the Record on Appeal.**

SINCERELY YOURS,



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

Cc: Clerk of Court SC Court of Appeals  
Please clock & return extra copy in the SASE  
Cc: Office of SC Court Administration

EXHIBIT E  
W/ Applt's 4-8-16 motion  
to SC Court of Appeals

1 it. Do you want me to?

2 A. Yeah. That would be great. Yes, please.

3 Q. Okay. Did you intentionally rented  
4 Reginald Morton a U-Haul truck on June 1, 2013?

5 A. Yes.

6 Q. Okay. I want to show you Item No. 5.

7 MR. TAYLOR: Item No. 5, please, sir.

8 (Exhibit No. 5 was marked for  
9 identification.)

10 MR. CULBREATH: Yeah. It looks like

11 11.

12 MR. TAYLOR: Could I proceed? Can I  
13 proceed?

14 MR. CULBREATH: Yes.

15 BY MR. TAYLOR:

16 Q. You want me to wait while you --

17 A. Just one second, please.

18 Q. Okay. All right.

19 A. Okay.

20 Q. My question -- I want you -- I want you to  
21 look at the highlight section.

22 A. Okay.

23 Q. My question is what does it say?

24 A. It says, "El Cheapo states that the person  
25 that rented the subject U-Haul truck to Reginald

p.2

# **EXHIBIT F**

**w/ Aplnt's 4-8-16 motion  
to SC Court of Appeals  
FOR A FIRST CAUSE OF ACTION  
(gross negligence)**

From defendant Rahal's 7-14-14  
amended answers to plaintiff's  
6-9-14 amended complaint

4. Rahal is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of Plaintiff's Complaint and therefore, the allegations are denied.
5. Rahal is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of Plaintiff's Complaint and therefore, the allegations are denied.
6. Rahal is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint and therefore, the allegations are denied.
7. Rahal is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint and therefore, the allegations are denied.
8. Rahal denies that he rented a U-Haul truck to Reginald Morton. Responding further, Rahal admits that, in his capacity as the manager of El Cheapo, he rented a U-Haul truck to Odell Morton, the father of Reginald Morton, on or about June 1, 2013. Rahal denies the remaining allegations contained in Paragraph 8.
9. Rahal denies that Odell Morton did not have a valid driver's license at the time of the subject rental. Rahal is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9 of Plaintiff's Complaint and therefore, the allegations are denied.
10. Rahal states that S.C. Code Ann. § 56-1-440 speaks for itself and denies any portion of Paragraph 10 that is inconsistent with that Code section. Responding further, Rahal states that

23

**EXHIBIT G**

**w/ Aplnt's 4-8-16 motion  
to SC Court of Appeals**

punitive damages awards set forth in the decisions of *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996); *Cooper Industries, Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001), and *State Farm Mutual Automobile Insurance Company v. Campbell*, 538 U.S. 408 (2003), and their progeny.

**FOR A TWELFTH DEFENSE**

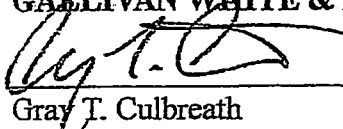
Rahal is still investigating the allegations in this case and hereby reserves the right to amend his Answer and hereby gives notice that it intends to rely upon such other defenses as may become available or appear during discovery proceedings in this case.

WHEREFORE, Rahal denies that Plaintiff is entitled to any relief from Rahal respectfully requests the following relief:

- (a) dismissal of Plaintiff's Complaint with prejudice;
- (b) costs expended;
- (c) trial by jury on all issues so triable; and
- (d) any and all other relief to which Rahal may reasonably be entitled.

**GALLIVAN WHITE & BOYD, P.A.**

By: \_\_\_\_\_

  
Gray T. Culbreath  
James E. Brogdon, III  
1201 Main Street, Suite 1200  
Post Office Box 7368(29202)  
Columbia, South Carolina 29201  
(803) 779-1833  
(803) 779-1767 (f)

ATTORNEYS FOR DEFENDANT ROY RAH

Columbia, South Carolina  
July 14, 2014

1 Q. You -- yes.

2 A. That's the first time I met him, yeah, as  
3 a customer walk in and want to rent a truck.

4 Q. On 6-1-13?

5 A. Yes, sir.

6 Q. And he walked in and wanted to rent a  
7 truck on 6-1-13?

8 A. Uh-huh.

9 Q. Uh-huh?

10 A. Yes. I'm sorry.

11 Q. Very well. Thank you.

12 A. Okay.

13 Q. Did you know that Reginald Morton did not  
14 have a valid driver's license on 6-1-13?

15 A. Yes.

16 Q. Didn't -- did you know that Odell Morton  
17 did not have a valid Maryland driver's license on  
18 6-1-13?

19 MR. CULBREATH: Object to the form.

20 BY MR. TAYLOR:

21 Q. He noted his objection. You want to  
22 answer it still? My -- I'll ask it again. Since he  
23 objected you might have lost track of the question.

24 A. Okay.

25 Q. Did you know that Odell Morton did not

**EXHIBIT H**  
w/ Apin's 4-8-16 motion  
to SC Court of Appeals

**ROA**  
**p.211**

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

RECEIVED

APR 11 2016

SC Court of Appeals

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

Appellate Case No: 2015-002481

Charles Taylor,.....Appellant

v.

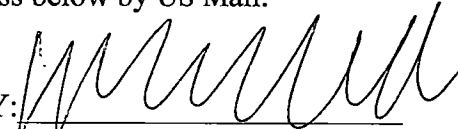
Stop "N" Save, Inc., d/b/a,  
El Cheapo Plus #7 and Roy Rahal,.....Respondents

PROOF OF FILING AND SERVICE

Appellant certifies that he filed (original + 6 copies) of his 4-8-16 Motion for Sanctions Against Respondents for their Willful Violations of SCACR 209(b) & (c) & 210(c), and Served same to counsel at his address below by US Mail.

April 8, 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.,  
James E. Brogdon, Esq., and  
Jessica A. Waller, Esq., of  
Gallivan, White & Boyd, P. A.

Post Office Box 7368  
Columbia, SC. 29202  
(803) 779-1833; AND

Randy J. Soriano, Esq., of  
Bryan Cave, LLP.

211 N. Broadway/Suite 3600  
St. Louis, Missouri 63102  
(314) 259-2384; AND

Julia L. Fenwick, Esq., of  
Bryan Cave, LLP.

1 Atlantic Center, 4th Fl.  
1201 W. Peachtree St., NW.  
Atlanta, Georgia. 30309  
(404) 572-6923

April 8, 2016

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

RECEIVED

APR 11 2016

SC Court of Appeals

RE: Charles Taylor, Appellant

vs.

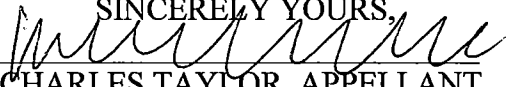
Stop "N" Save, Inc., d/b/a, El Cheapo Plus #7 and Roy Rahal, Respondents  
Appellate Case Number: 2015-002481

Dear Mrs. Kitchings:

Please find enclosed for filing, the following:

(1). Appellant's 4-8-16 Motion with the required \$25 filing fee; and same served to lead counsel listed below to his address listed below. Please clock and return the extra copy to me in the self-addressed stamped envelope. Please let me know, if there are any questions, that you may have.

SINCERELY YOURS,

  
CHARLES TAYLOR, APPELLANT  
332 MYRTLE BEACH HIGHWAY  
SUMTER SOUTH CAROLINA 29153  
(803) 609-7990 UGCARDS@AOL.COM

Cc: Defendants' Counsels of Record:

Lead-Gray T. Culbreath, Esq.  
James E. Brogdon, Esq., and  
Jessica A. Waller, Esq., of  
Gallivan, White & Boyd, P.A.  
Post Office Box 7368  
Columbia, SC. 29202  
(803) 779-1833; AND  
Randy J. Soriano, Esq., of  
Bryan Cave, LLP.  
211 N. Broadway/Suite 3600  
St. Louis, Missouri 63102  
(314) 259-2384; AND  
Julia L. Fenwick, Esq., of  
Bryan Cave, LLP.  
1 Atlantic Center, 4th Fl.  
1201 W. Peachtree St., NW.  
Atlanta, Georgia 30309  
(404) 572-6923

Charles Taylor  
332 Myrtle Bch Hwy  
Sumter SC 29153

**RECEIVED**  
APR 11 2016  
SC Court of Appeals

**COURT  
DOCUMENTS  
HANDLE W/ CARE!**

**UNITED STATES  
POSTAL SERVICE.**

**P**

**US POSTAGE PAID  
\$6.80**

Origin: 29150  
Destination: 29201  
1 Lb 5.60 Oz  
Apr 08, 16  
4585200150-30

1024

**PRIORITY MAIL® 1-Day**

Expected Delivery Day: 04/09/2016

**C**

**USPS TRACKING NUMBER**



9505 5111 5211 6099 2580 10

Clerk of Court  
SC Court of Appeals  
1015 Sumter Street  
Columbia SC 29201

**PRIORITY  
★ MAIL ★**

**TRACKED  
★ ★ ★  
INSURED  
★**