

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

David Scot Lynd,

Plaintiff,

vs.

ISLE OF PALMS, DAWN CALDWELL,
individually and in her capacity as an
officer of the Isle of Palm Police
Department, and SOUTH CAROLINA LAW
ENFORCEMENT-DIVISION;

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-2824

ORDER GRANTING DEFENDANT
ISLE OF PALMS'
MOTION FOR SUMMARY JUDGMENT

FILED
SEP 29 PM 12:01
JULIE J. ARMSTRONG
CLERK OF COURT

This matter came before the Court on September 2, 2015 on Defendant Isle of Palms' motion for summary judgment on the grounds of the statute of limitations. This action against the Isle of Palms is governed by the South Carolina Tort Claims Act. S.C. Code § 15-78-10 *et seq.* All torts committed by a government employee while acting within the scope of an employee's official duties must be brought against the government entity. S.C. Code § 15-78-200. The Tort Claims Act provides a two year statute of limitations, unless a verified claim is filed within one year. S.C. Code § 15-78-110. No verified claim was filed in this case within one year, thus a two year statute applies. "[T]he statute of limitations begins to run when a person of common knowledge and experience would be on notice a claim might exist, not when the plaintiff discovers a witness to support or prove the case." Bayle v. SC DOT, 344 S.C. 115, 542 S.E. 2d 736 (Ct. App. 2001).

In the present case, Mr. Lynd asserts that Defendants' acts and omissions resulted in the loss of two jet skis which the Isle of Palms took into its possession in

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-10-2824

David Scot Lynd,

Dawn Caldwell, Individually and in her capacity as an officer of the Isle of Palms Police Department, and

PLAINTIFF(S)

South Carolina Law Enforcement Division
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. See Page 2 for additional information.
- 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

FILED
 2016 AUG - 3
 PM 4:36
 JULIE K. ARMSTRONG
 CLERK OF COURT

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: The Plaintiffs' Motion for Relief from Orders Granting Summary Judgment to Defendants South Carolina Law Enforcement and Dawn Caldwell is denied as untimely filed.

ORDER INFORMATION

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 (List amount(s) below)
n/a		\$
		\$
		\$
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.

David Scot Lynd
 Circuit Court Judge

2151
Judge Code

July 28, 2016
Date

