STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM SUMTER COUNTY

COURT OF COMMON PLEAS

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

FINAL REPLY BRIEF OF APPELLANT

CHARLES TAYLOR, APPELLANT
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FOR THE APPELLANT PRO SE

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REPLY TABLE OF AUTHORITIES

REPLY CASES

Incorporate same as in Appellant's Main Brief, and;

REPLY TO RESPONDENTS STATEMENT OF ISSUES ON APPEAL

1. That Respondents purposefully misstated &/or did not accurately state the 6 main issues Appellant raised on appeal, *see* (Appellant's Final Brief p. 1 and Respondents' Final Brief p. 1) & that therefore the court should strike, disregard, not consider the Respondents' *statement of issues on appeal*, consider only the Appellant's *statement of issues on appeal*, and/or consider Respondents' right to accurately state such *statement of issues on appeal* waived, *see* Hambros Reserve, Ltd. v. Faitz, (1992) CA4th 129, 11 CR 2d 638; essentially in pertinent part, that the failure to address each ground on appeal will be considered waived; & (The Respds' brief are limited to issues raised in Aplnt's brief), &

2. That because Respondents purposefully misstated and/or did not state accurately the 6 main issues Appellant raised on appeal, as stated above in number 1, therefore all Respondents' arguments flowing therefrom and/or made pursuant thereto and/or made thereon, are necessarily, purposefully, misstated, and/ or, not accurately stated; and likewise, as in number 1 above, the court should strike, disregard, not consider the Respondents' arguments, consider only the Appellant's arguments, and/ or consider Respondents' right to such Respondent arguments waived, *see,* same authority above and, Handy v. Shiells (1987) 190 CA3d 512, 519, 235 CR 543; and; Oliver v. Board of Trustees of Eisenhower Medical Center (1986) 181 CA3d 824, 832, 227 CR1; and; Wickham v. Southland Corp. (1985) 168 CA3d 49, 54, 213 CR 825; essentially in pertinent part, that on appeal, a Respondents' failure to state issues etc. accurately, the court can waive their arguments; and *see* Beckley v. Uhe, 221 S.C. 334, 339, 70 S.E. 2d 346 (1952) that ("[F]acts improperly stated in the brief will not be considered.").

REPLY TO RESPONDENTS INTRODUCTION

Regrettably, Resp's forges ahead with misstating *(see p.1 above)* the admitted facts et al. in this case--which came about due to facts that can't be overcome by even all the misstating by Respondents no matter how hard they try-from the date of this incident 6-1-13 to the present; which facts, among a plethora of others, the essential ones in a nutshell-that the Respondents asked the lower court and now the SC Court of Appeals to overlook are that the Respondents, on said date above, rented to third party, a Reginald Morton, a U-Haul truck in a drug deal with no driver's license & knew, by Rahal's own *judicial admissions*, that R. Morton had no driver's license; & with which truck, Reginald Morton proceeded to tear up Charles Taylor ("Appellant")'s rental house because he was seething mad because Appellant had them evicted by the Hon. Judge Kristy F. Curtis for Reginald Morton's drug dealing and gun running, and for non-rent payment; which rental house ultimately collapsed which Appellant had to clean it up and carry it off at his own expense. That one of the other central facts in this case ***is*** that, Respd's got together with Reginald Morton as stated (*who was just out of jail on bail on 6-1-13*) & forged sign his dying sick father (*here in the rental house in bed on 6-1-13*) name on the 3 U-Haul truck rental documents (**1.***the rental contract,* **2.***the u-haul equipment damage responsibility requirement, and* **3.***the R & D Tag*) to make it appear that Odell Morton had been there and did it. The forgery was later *judicially admitted*, among others, in discovery by Respondent Roy Rahal himself. Thus, the renting of the U-Haul truck to Reginald Morton, with no driver's license, the forging of the 3 rental documents & their lying about it, *until Rahal's judicial admissions beginning 2-11-14, (R. p. 34), under oath and signed by counsel,* are central paramount admitted facts that the Respondents ask to be overlooked, and essentially, the lower

Court agreed-awarded Respondents summary judgment and denied Appellant's summary judgment in its order of Nov. 11, 2015 written Nov. 20, 2015, notwithstanding all the above etc., which Appellant assigns prejudicial & reversible court err. This appeal then followed, filed December 1, 2015, because, among other things, Appellant requested a jury trial but it was denied by way of the said summary judgment to Respondents. The foregoing is the gist of a few Aplnt's appeal issues to this court. Appellant would most respectfully now ask the court's attention here, to *see* Respds' introduction p. 2-3 in their brief for comparison re the misstating vs. this reply p. 2-3 (*for the flavor of the full appeal & really the main issues to be resolve especially reference Rahal's judicial admissions*); and the court will clearly see Respondents' strategy to win by complaining incessantly (*in the lower court & continues here*) of accusing Appellant of bad litigation tactics & his pleadings not in compliance with the rules, etc. etc., and note that the Appellant cites precisely (*to the actual* R. p. *numbers*) re the now completed Record On Appeal & final briefs.

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[1] Note: That this footnote and any related thereto above, omitted, because such was resolved by this Court's 5-6-16 Order.

REPLY TO RESPONDENTS STATEMENT OF THE CASE

1. That, essentially & succinctly, this action was file 10-9-2013 & last amended 6-9-15, &;

2. That the nature of this action, in a few words here, is that the Respondents rented a third party, one Reginald Morton, a U-Haul Truck, in a drug deal, with no driver's license, with which truck he came and intentionally tore up Aplnt's rental house and fled north (jumped bail) to Baltimore, Maryland and Appellant only real option was to sue these Respds' (vicariously) for all his damages already shown/seen in the main brief total p.'s &;

3. That the 2 causes of action for damages in the amended 6-9-15 complaint are: (1).gross negligence & (2) IIED; seeking property $175, 000.00+, and IIED $25,000,000.00+, plus punitive damages & why these amounts + punitive damages, reasons in main brief p.4-9; &

4. That the nature of their Defense is basically, they claim they cannot be held liable for Reginald Morton damages (*in* main brief p. 4 & 9) under the Graves Amendment U.S.C. 30106 (2005) which states in pertinent part, that, auto rental companies can't be held (vicariously) liable (*except* for negligence and criminal wrongdoing) as charged in the instant case, *see* (Graves Amendment Respds' Brief p. 16) & (Aplnt's Brief p. 15-3 E), &

5. That the Court, after 10-14-15 motions hearing, awarded the Respondents summary on 11-11-2015 order written 11-20-15 & Appellant filed Notice of Appeal Dec. 1, 2015 and;

6. That Appellant did not file a motion for reconsideration because, among other reasons, all issues now raised on appeal was properly preserved for appeal, and that the court instructed / ordered the parties not to file anything further at end of the hearing on Appellant's 3 & Respondents' 2 motions including each's motion for summary judgment.

REPLY TO RESPONDENTS STATEMENT OF FACTS

That here the Respondents deliberately chose to misstates some of the facts that are most salient such as--(*Respondents says in their Brief p. 6-8* and *Appellant* replies)--as follows;

1. Respd's, "*the record evidence, however, establishes that it was Odell Morton, Reginald Morton's father, who rented the U-Haul Truck from Respondent El Cheapo.*"; & to which Apln't replies, as to who Resp'd Rahal says he, himself, rented said truck to *see* (Rahal's Depo: (R. p. 754 L 19-25) and (R. p. 755 L 3-5) and (R. p. 759 L 8-13); and (R. p. 862 L 10-14 & 19-25) and (R. p. 863 L. 1) and (R. p. 746 L 13-15); and (R. p. 764 L 1-4 & 13-14); and (R. p. 793 L 14 -19); and (R. p. 788 L 24-25); and (R. p. 789 L 4-6 & 9-14 & 18-19) and (R. p. 794 L 4-5 & 8) and (R. p. 762 L 1-3 and 8-15 & 19-22); and (R. p. 795 L 5-12 & 19-25) and (R. p. 878 L 22 - 25); and (R p. 879 L 1-3 & 8-10) and add to above *see* (Respds' Interrog. Ans. R. p. 34); and Reginald Morton's own statement that he rented the truck, *see* (R. p. 39);

and thus the court can see, the foregoing was no "*mere slip of the tongue*", it's the truth seen with one's own eyes; which again, shows the intentional misstatements by the Respondents, as was their conduct all throughout and, as seen, continues on up to this court *see* (Aplnt's Main Brief sec. 4 of 6 p. 28-34 for sanctions for earlier violations), &;

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[2] Reply to Respds' 3 qt. p. ft. notes-their brief p. 6, 8, 12, 15, 16, 19, 20, 32, 35, Apln't ask court to disregard them for combining w/all p.'s therein to violate SCACR 208(b)(5), by failing to comply with Rule 267, Respondents got an unfair advantage in briefing.

2. That as to who Respondent Rahal say, himself, forge sign the 3 U-Haul truck rental Documents i.e. **1.***the rental contract*, **2.***the u-haul damage responsibility requirement,* and, **3.***the R and D Tag*, *see* (Rahal's Depo: (R. p. 770 L 8 - 10 & 22 – 25) and (R. p. 771 L 1-8 & 14-25) and (R. p. 772 L 1-16) and (R. p. 762 L 1-3 & 8-15 & 19-22); *and see the* (3 U-Haul Truck Rental Documents R. pp. 920-924), and;

3. That Respondents says, "*Further, the record evidence demonstrates that Odell Morton possessed a valid Maryland driver's license at the time of the rental transaction*"; to which Apln't replies, *see* Aplnt's Main Brief p. 17 para. 3-F & *see* (R. p.36), proving that Odell Morton could not have had a valid driver's license on 6-1-13, and;

4. That Respondents says, in pertinent part here that, "*there is no evidence in the record, that the U-Haul truck made contact w/ Aplnt's house*" to which Apln't replies *see* letter from Repwest Ins. Co. to Reginald Morton re damages "*claim*" (R. p. 301) &;

5. That so, the Respondents, " *Statement of Facts*", is more accurately, "*Statement of Misfacts*," as , again, was their conduct all through this case--unabated--per above; & that the Respondents' conduct is so brazen and intentional, it boggles the mind &;

6. That despite Respondents misstating, ("*that there is none*"), the Aplnt's evidence was & is so clear that the only *real issue* this court will face will be deciding the, *Graves Amendment,* which it's believed S C Courts have not had an opportunity to address until now. *see* snapshot issue in (Appellant' Main Brief p. -**i**- at Bottom, and then in the Main Brief p. 15 sec. 3 para 3-E), w/ the Background Being, all else in that Brief.

REPLY TO RESPONDENTS ARGUMENTS

Incorporating same as in Appellant's Main Brief, and;

1. That Respondents' arguments didn't directly rebut Appellant's arguments on appeal; because Respondents purposefully misstated &/or did not accurately state the 6 main issues Appellant raised on appeal, *see* (Appellant's Final Brief p.1 and Respondents' Final Brief p. 1), and that therefore, the court should strike, disregard, not consider the Respondents' *statement of the issues on appeal*, consider only the Appellant's *statement of the issues on appeal*, and / or consider Respondents' right to accurately state such *statement of issues on appeal* waived, *see* Hambros Reserve, Ltd. v. Faitz, (1992) CA4th 129, 11 CR2d 638; and (The Respondents Reply Brief is limited to issues raised in Appellant's Main Brief), and;

That because Respondents purposefully misstated and/or did not state accurately the 6 main issues Appellant raised on appeal, as stated in number 1 above, therefore all Respondents' arguments flowing therefrom and /or made pursuant thereto and / or made thereon, are necessarily, purposefully, misstated, and/or not accurately stated; and likewise, as in number 1 above, the court should strike, disregard, not consider the Respondents' arguments, consider only Appellant's arguments, and/or consider Respondents' right to such Respondents arguments waived, *see* same authority above and, Handy v. Shiells (1987) 190 CA3d 512, 519, 235 CR 543; and Oliver v. Board of Trustees of Eisenhower Medi. Center (1986) 181 CA3d 824, 832, 227 CR1; and; Wichham v. Southland Corp., (1985) 168 CA3d 49, 54, 213 CR 825; essentially in pertinent part, that on appeal, a respondent's failure to state issues etc., accurately,

the court can waive their arguments; and *see* Beckley v. Uhe, 221 S.C. 334, 339, 70 S.E.2d 346 (1952) that ("[F]acts improperly stated in the brief will not be considered."); and that based on all the foregoing, Respondents' arguments in their brief did not & could not rebut Aplnt's main issues raised on appeal nor his subsequent arguments. Therefore all 6 main issues raised on appeal by the Appellant and all his subsequent arguments must stand as true because they were unrebutted and/or not properly and/ or sufficiently rebutted by the Respondents in their brief as stated and shown above.

2. That Respondents' *judicial admissions* **was** considered & ruled on, part & parcel of the whole case, through & through, as the *judicial admissions* was being used as the basis in and/ or for summary judgment, et al. etc. in whole and/or in part from the time the admissions was 1st made beginning *February 11, 2015 see* (R. p. 34) through the 10-14-15 hearing */ and in all Appellant's filings etc. /* right through to the present, *see* (Appellant's Main Brief p. 3 para. 12 & onward throughout), and thus the *judicial admissions'* issue **is** preserved for appeal (esp. *because court order not to file anything further at the close of the Oct. 14, 2015 summary motions hearing), see* (Hear. Trans. R. p. 716 L 17 - 22 and Appellant's 10-26-15 Affidavit: R. p. 1160), and that; because the Respondents' admissions were **so** unequivocal and repeated **so** many times (see p. 5 above) **and** signed by their own counsels, thus they were no "*mere slip of the tongue*"; they were accordingly, "*judicial admissions*", notwithstanding the

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[3] That when such admissions are 'so deliberate, detailed & unequivocal (*see* p. 5 above) as to matters in the party's personal knowledge' that such will be held to be judicial admissions. *see Caponi v. Larry's 66, N.E.2d 1347 (Ill. Ct. App. 1992)* finding the party repeatedly testified, *unequivocally*, re condition of a brake pedal before an auto collision.

fact that the Respondents later tried to change them, and the court let them (*without a motion etc.*) for their summary and denial of Appellant's summary, *see* (11-11-15 and 11-20-15 Ct. Order: R. p. 5-25 and Appellant's Main Brief p. 3 para. 12 etc.), and notwithstanding the fact that the admissions were made in interrogatories & deposition (*both still sworn under oath though*), as Respondents now argue – excuses them, *see* (Respd's Brief p. 10-13) because they claim the admissions to be rather, "**evidentiary** admissions", which is rather peculiar since their whole defense and resulting summary & denial of Aplnt's summary et al. etc., is premised on, they said, "no evidence to put before a jury or otherwise, etc."; *see* (Respd's Brief / through & through) & now to get around their *judicial admissions* (*see* ft. note p. 8) they now admit, for the 1st time, there is & was, "**evidentiary** admissions" i.e. their "**judicial** admissions", which alone & at a minimum would have negated summary, at least to Respd's, in favor of the Appellants', & /or a jury trial as had been requested by Appellant, & is now prima facie proof, judicially admitted by Respondents, for this court's reversal of the lower court's order, in its entirety, as had been urged by Appellant in the filing of his appeal, *see* (Aplnt's Main Brief). And again, the Respondents' *judicial admissions* were considered & ruled on in the manner stated at top of this paragraph #2, notwithstanding Respondents' arguments to the contrary, *see* (Respd's Brief p. 10-13), and therein same, the Respondents speaks of their "explaining" their *judicial admissions* so as to warrant their escape from being bound to them, but to this day, there have been no "explaining" from Respondents to anybody as far as Appellant is aware, except their hinting that their admissions was just a "*mere slip of the tongue*", (re p. 5 above), and therefore it's a minor issue & no big deal & should be treated as *evidentiary admissions*

instead of *judicial admissions* **but** they didn't argue that position in the lower court & can't do so now for the 1st time on appeal, *see* State v. Knaffla, 309 Min. 246, 252, 243 N.W.2d 737, 741 (Min. 1976) essentially in pertinent relevant part; that the court of appeals, will not consider, for the first time on appeal, positions / arguments, etc. that were not raised or argued to the lower court; & *see*. State v. Grube, 531 N.W.2d 484, 489 (Min. 1995), in essential pertinent part, that, because this issue failed to be raised to the trial court, we decline to consider it for the first time on appeal; and *see* D'Amico v. Board of Medical Examiners, 11 Cal.3d 1 (1974) 520 P.2d 10 112 Cal. Rptr. 786, essentially in pertinent relevant part, that respondent may not assert new theory-argument on appeal to support a judgment, if otherwise proper, it would prejudice the appellant to do so; and *see* e.g. Kensington, 921 F.2d at 25, in essence & pertinent relevant part, that a vague reference to an issue will be deemed waived without expressly articulating argument and legal reasoning that flows from such; and *see* Onishea v. Hopper, 171 F.3d 1289, 1305 (11th Cir. 1999) essentially in pertinent relevant part, that Appellate Courts obviously will not consider new argument that conflicts with the theory presented in the lower court; having argued a related theory in the lower court will not preserve a new argument on appeal.; and;

But all that notwithstanding, there are no provisions in the law, the rules etc., allowing for Respondents to withdraw and/or change the truth *see* (p. 5, 6 above) even if it slipped out by a "*slip of the tongue*" or otherwise & replace it with a-falsehood; even if-as Respondents said, "..*interrogatory* (not deposition) *was subsequently clarified & explained / to whom they didn't say*), *see* (Respd's Brief p. 13 top para. L. 2-3); then

believing evidently that they could forever get away with using the falsehoods as the foundation for all Respondents' arguments etc., going from there forward & that no one would / could ever figure it all out; is exactly what happened from then to present.

But all that too aside; the Respondents have never admitted making a mistake in the 1st place, so then, why would they need to "*clarify & explain*" anything, *see* (Respd's Brief p. 13 L. 2-3), "*interrogatory* (not deposition) *was clarified & explained*" unless 1st admitting that, ooops, I/we made a mistake & I/we therefore need (ask) permission (*by motion to the court etc.*) to change it—none of which was ever done in this case and effectively, the Respondents ask the lower court and now this court to just over look all that, et al. etc., and award and now confirm judgement in their favor; and to not even consider all the resulting damages that the Respondents teamed up with Reginald Morton to cause the Appellant, which he suffered, suffers, and will suffer until his death, for which he sought and seeks damages for in this case in the amounts of, *see* (Appellant's Main Brief p. 4 paragraph 1-A and p. 9 para. 2-A); and;

3. That the subject forgery, et al. etc., was considered & ruled on, part & parcel, of the whole case, for the same reasons etc., as are stated, in para. #2 on p. 8 above; and; thus preserved for appeal (esp. *because court order not to file anything further at the end of the 10-14-15 motions hearing* see *hearing trans. R. p. 716 L. 17-22*), and;

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4. Reply to Respondents' Brief p.8 footnote 1st para. *see* (Aff'd: R. pp. 1151-1159 & R. p. 629 L. 9-25 & R. p. 630 L. 1-4 & Aplnt's Brief para. 3-H p. 18); Reply to 2nd para. Aplnt's ask court's attn. to *see* (App. Main Brf. p.14 para. 3-b) &; re last 3-L's re Odell's dementia etc- it verifies re 6-1-13 *see* (App. Main Brf. p.17 3-F); & knees replace, ht pacemaker, prostate canc, *see* (R. Morton Depo: R. p. 1007 L 1-2).

Appellant is relying on nothing in this appeal that was not properly put to the lower court, but in the unlikely event this court finds an issue or two otherwise, that given the nature of this case and the issues Appellant raises on appeal, all in his brief, he asks this court to still address such anyway, because justice requires it, Appellant argues, see *Singleton v. Wulff, 428 U.S. 106, 121 (1976), and Nat'l Ass'n of Social Workers v. Harwood, 69 F.3d 622, 627 (1st Cir. 19950, essentially in pertinent part, that, where justice requires it, the appeals court have the discretion to review and/or consider a matter, issue or argument, not otherwise properly preserved in the lower court; and* see *Whitaker Corp. v. Execuair Corp. 953 F.2d 510, 515 (9th Cir. 1992), essentially, in pertinent part, that in general, the touchstone is, whether the Appellant sufficiently apprised the trial court of the arguments, issues, and/or matter it is pressing on appeal, so that the trial court had an opportunity to consider it; and also* see *Kensington, 921 F.2d at 125 n.1., stemming from a policy of respecting the trial court's function as well as fairness to Appellant; & also* see *Bailey v. Int'l Bhd of Boilermaker, 175 F.3d 526, 529-30 (7th Cir. 1999), essentially, in pertinent part, that an appellate court can review any issue, even if a skeletal one, if fleshed out and emphasized on appeal where it is clear that the trial court recognized and considered the issue, matter, argument; &* see *Walton v. Mental Health Ass'n, 168 F.3d 661, 670* n.9 *(3d Cir. 1999), that essentially in pertinent part, that appeal courts generally agree that they will consider unpreserved issues, matters, arguments &*/or *waived matter,* only *under 'exceptional circumstances' such as where manifest injustice would result.*

4. That Appellant's final briefs are substantially & sufficiently in compliance w/ SCACR &; Re the Court's 5-6-16 Order-resolving &/or negating anything further re this #4; and;

5. That Respondents' unreceived memorandums couldn't be objected to for said reasons; *in* (Appellant's Main Brief p. 14 paragraph 3-B); and;

6. That Appellant's arguments etc., re his gross negligence and IIED claims and requisite elements, are replete throughout the case / file / record, etc., beginning with the; *see* (Aplnt's 6-9-15 Amend. Compl. p.1 top; R. p. 27 & Main Brief p. 9 & et al. etc.) &;

7. That replying further as to; Respds' Brief p. 8 says--"*that appellant cannot rely upon facts and arguments that were never presented to, nor considered by the circuit court;* Apln't replies--"that appellant are not relying upon facts and arguments that were never presented to, nor considered by the circuit court, for all of the reasons stated in this brief and / or in appellant's main brief on the subject matter and related thereto; Respds' Brief p.10 says--"*appellant's arguments alleging respondents made judicial admissions & the preclusive effect thereof must fail as a matter of law;* Apln't replies--"that this must not fail as a matter of law for the myriad of reasons throughout this reply brief and appellant's main brief, and especially the last paragraph on bottom of

page 10 above; Respds' Brief p. 13 says—"*the circuit court properly granted respondents' motion for summary judgment and properly denied appellant's motion for summary judgment;* Apln't replies--"for the same said myriad of reasons in Apln't briefs, Apln't respectfully assigns err to the lower court's rulings, improperly granting Respondents' motion for summary judgment and improperly denying appellant's motion for summary judgment; Respds' Brief p. 14 says—"*summary judgment in favor of respondents was proper & the circuit court should be affirmed;* Apln't replies—"summary judgment in favor of respondents was improper due to err and the circuit court should be reversed, for the same myriad of reasons in appellant briefs; Respds' Brief p. 16 says--"*the circuit court properly held that the graves amendment bars appellant's claims for vicarious liability;* Apln't replies—"the circuit court improperly held that the graves amendment bars appellant's claims for vicarious liability for all of the same said reasons in the appellant briefs; Respds' Brief p. 21 says—"*the circuit court properly held that appellant's claim of gross negligence fails as a matter of law;* Apln't Replies—"the circuit court improperly held that appellant's claim of gross negligence fails as a matter of law; Respds' Brief p. 21 says—"*appellant's arguments regarding respondents' negligence are not preserved;* Apln't Replies—"appellant's arguments regarding respondents' negligence are in fact preserved for all of the reasons in this brief on and /or relating to the subject matter, and the same as to appellant's main brief; Respds' Brief p. 22 says—"*the circuit court properly found that appellant's gross negligence claim was barred as a matter of law;* Apln't Replies—"the circuit court improperly found that appellant's

gross negligence claim was barred as a matter of law for all of the reasons in this brief, relating to the subject matter, & same as to appellant's main brief; Respds' Brief p. 25 says—"*to the extent appellant's claim is considered a negligent entrustment claim, the circuit court properly granted respondents summary judgment;* Apln't Replies—"that he brought no such claim in the 1st instance, which he have repeated many times *see* (Am. Comp. p. 1 top right: R. p. 27) re the 2 causes of action, and thus believe it was court err, to rule on such non-issue-claim, and as to such in respondents' brief on p. 25(a) and 26(b), again , appellant brought no such claim and also says here, that it's indeed a wonder as to why Respondents' constantly tried to force upon appellant a claim for negligent entrustment and have kept up the drum beat--none stop--from beginning to present as seen; Respds' Brief p.28 says--"*the circuit court properly granted respondents summary judgment regarding appellant's iied claim;* Apln't Replies—"the circuit improperly granted respondents summary judgment regarding appellant's iied claim for all of the reasons in this brief and / or in appellant's main brief on the subject matter & relating thereto; Respds' Brief p. 28 says—"*appellant's arguments regarding iied are not preserved for appeal;* Apln't Replies—"that his arguments regarding the iied are in fact preserved for appeal for all of the reasons in this brief & / or in appellant's main brief on the subject matter & relating thereto; Respds' Brief p. 29 says—"*the circuit court's holding that appellant's iied claim fails as a matter of law was proper and should be affirmed;* Apln't Replies—"the circuit court's holding that appellant's iied claim fails as a matter of law was improper & should be reversed for all of the many reasons herein

[5] Note: As to Reginald Morton et al. *see* what's in Aplnt's main brief not disputed/refuted.

and / or in the appellant's main brief on the subject matter and relating thereto; Respds' Brief p.33 & 34 says—"*the circuit court did not abuse its discretion in denying appellant's motion for leave to amend pleadings;* Apln't Replies--"the circuit did abuse its discretion in denying appellant's motion for leave to amend pleadings, for all of the reasons in this brief &/or in appellant's main brief on the subject matter and relating thereto; Respds' Brief p.36 says—"*the circuit court properly denied aplnt's motion for sanctions & should be affirmed;* Apln't Replies--"the circuit court improperly denied appellant's motion for sanctions and should be reversed, for all of the reasons in this brief &/or in appellant's main brief on the subject matter and relating thereto; Respds' Brief p.39 says--"*appellant's vexatious litigation conduct entitles respondents' to appropriate sanctions relief*; Apln't simply here Replies—"*see* section 6 of 6 p.38 in appellant's main brief;

Respds' Brief p. 40 L.8-10 says in pertinent part--"*he spends three pages associating Reginald Morton with murder, shootings, Federal ATF Agents, drugs, and guns, among other;* Apln't Replies--"it's worse than that because if appellant had the time and space, the whole story would show Reginald Morton is a seasoned, unforgiving, lifelong and dangerous criminal who even the respondents themselves indicated they do not trust him--his word, and / or do not wanted him to testify on their behalf; so

It is indeed odd they do not believe & trust Reginald Morton, but ask the lower & now this court to blindly & unequivocally do so, *see* (Rahal's Depo: R. p. 860 L.21-25 & R. p. 861 L. 1 & 3 & Respds' 3-20-15 letter making it clear--we do not represent Reginald Morton: R. p. 1178 & 1021 L 14-15 & 210 & 200-201) & so it's clear why they're for the time being, cuddling, protecting, speaking & speaking up for & helping Reginald Morton out—even though they admit in pertinent part that "Reginald Morton is not a party to this action" *see* (Respds' Brief p.40 footnote section on bottom); **therefore,** that replying further to, Respds' Brief *see* Aplnt's Main Brief, citing to the ROA.

REPLY CONCLUSION

Incorporated same as in Appellant's Main Brief;

RESPECTFULLY SUBMITTED,

BY:
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(803) 609-7990 APPELLANT PRO SE

Sumter, South Carolina
June 8, 2016

6. That the lower Court Judge, as he was required to do before granting summary SCRCP 56, reviewed all submissions, (presumably to including the whole case file), *see* (The instructions for order 1st full line; *"I have carefully reviewed all submissions & have considered the points raised"* (R. p. 5 L.1) (presumably to include all the ones raised in the file to); which file contains all Appellant's submissions filed-to include Appellant's sum. motion *see* (R. p. 156-320) & rule 11 & 15-36-10 sanc. mot. *see* (R. p. 92-131) and rule 15 motion for leave to amend *see* (R. p. 132-145) & all issues therein & related thereto.

7. That it's regrettable the whole case file can't be (basically was) put in ROA because it would constitute volumes 3 if it was done; but it would at least show conclusively that all the Appellant's issues, (plus more), raised on appeal were in fact raised to the lower court and would have been raised, again, in any rule 59(e) motion except for Judge's verbal order, to file nothing further, *see* (Hearing Trans: R. p. 716 L 17-25 & 717 L 1-7).

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

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

I certify Final Reply Brief of Appellant was filed, (1 original unbound & 14 bound copies), on the date below, by hand delivery to this court's clerk office, & same was served to lead counsel below, at his address below, by depositing same in the U.S. Mail, postage prepaid.

June 8, 2016

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

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

CERTIFICATE OF COMPLIANCE BY APPELLANT

Appellant certifies that his Final Reply Brief complies with Rule 211(b) SCACR.

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