

December 5, 2016

Lesley M. Coggiola-Disciplinary Counsel
Office of Disciplinary Counsel
Post Office Box 12159
Columbia, South Carolina 29211

Norma Jett and Allison D. Hood
Post Office Drawer 909
Bamberg, SC 29003

Attn: Honorable Jenny Abbott Kichings
Clerk of Court
South Carolina Court of Appeals
PO BOX 11629
Columbia, SC 29211

Jeanette McBride- Clerk of Court
Richland County Court of Common Pleas
Post Office Box 2766 Columbia, South Carolina 29202

RE: NOTICE OF COMPLAINT AGAINST NORMA JETT and Alison D. Hood per RULE 19 for Alleged
Violations of **RULE 407 SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT**

Greetings,

Please accept this as formal Notice and COMPLAINT against Norma Jett & Alison D. Hood of Ness and
Jett, LLC with the Office of Disciplinary Counsel under RULE 19 Investigation and Screening. Enclosed
please find a copy of the Complaint and it's supporting documents as well as Proof of Service.

Thank you in advance.

Sincerely, I am,



Biafra Monique Curtis
PO BOX 21294
Hilton Head Island, SC 29925

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SC Court of Appeals

Lesley M. Coggiola-Disciplinary Counsel
Office of Disciplinary Counsel
Post Office Box 12159
Columbia, South Carolina 29211

RE: Complaint and request for Screening and Investigation per RULE 19 SC Judicial Department
and RULE 407 SC Rules of Professional Conduct

I am writing to you to submit complaints against:

Attorney Norma Ann Turner Jett-SC Bar Card #12995
Ness & Jett, LLC
PO BOX 909
Bamberg, SC 29003
803-245-5178

Attorney Alison Dennis Hood-SC Bar Card #77128
Ness & Jett, LLC
PO BOX 909
Bamberg, SC 29003
803-245-5178

Greetings,

After enduring several seemingly biased and unjust experiences, I started to read and review methods of recourse for what I deem to be violations of my rights and failures of ethical and legal regulations and standards that are requirements of conduct of the Attorney's in the below referenced case. My Complaints against these attorneys are with reference to my case:

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Judge L. Casey Manning, Fifth Judicial Circuit
Case No:2016-CP-001239
Biafra Monique Curtis, Pro Se Appellant
V.

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al., Respondent(s)

PLEASE BE CLEAR THAT I AM NOT SEEKING INFLUENCE TOWARDS ANY ELEMENT OF MY CASE. MY DESIRE IS THAT THESE ATTORNEYS ACTIONS ARE INVESTIGATED AND SCREENED IN THE EFFORT TO REQUIRE THEM PERFORM ACCORDING TO THE PROFFESIONAL RULES OF CONDUCT AND STOP ATTEMPTING TO USE UNDERHANDED TACTICS TO MANIPULATE THE COURT SYSTEM BECAUSE THE FACTS ARE THE FACTS AND THEY SPEAK FOR THEMSELVES.

Below please find a list of the issues that I believe to be unethical, illegal, underhanded, violations of the standards of Professional Conduct and worthy of investigation. I have attached documentation to support each and every element of my complaints.

BACKGROUND

My argument is that I submitted Complaints to SLED to request investigations into the acts and omissions of the Trooper who investigated my automobile accident, Trooper Willie McCauley Jr., who literally admitted that he "discarded" the name and contact information of the driver of the tractor trailer which caused the accident that I was the victim of after taking months to complete the investigation and revising the accident to produce a total of 4 accident reports with the final outcome being that the information that he "discarded" was indeed the person who was responsible for the accident, but at the scene, he made the decision to "discredit" this individual because "he kept changing his story". My complaints also requested investigations into the efforts of his superiors Sgt. Nicklous King, Lt. William Taylor, Cptn. Anthony Grice to conceal McCauley's actions and their failure to discipline the Trooper according to the Agency's Policy and Procedure for disciplinary action and report him to the Office of Professional Responsibility as requyred. My complaints also included my efforts request assistance from Colonel Mike Oliver and Director Leroy Smith who also neglected to "pass along" these policy violations to the proper Department that is assigned to investigate complaints submitted to it.

After submitting my complaints along with supporting documentation to SLED, I received a letter from Chief John T. Bishop of SLED advising me to contact the OPR because they are the proper department to investigate such complaints (See enclosed letter). I followed his instructions, submitted the complaints and documentation to Chief K.D. Phelps and spoke with him as well. He stated that he was "appalled" at the way the investigation was handled and assured me that an investigation was warranted and would be conducted. I received a letter from him confirming this (See enclosed letter). Approximately five days later, I received a letter from Warren Ganjehsani, General Counsel for the SC Department of Highway Safety informing me that I was attempting to re-engage the Department regarding a complaint that the SC Insurance reserve Fund found no liability on behalf of the Officers and that he deemed the matter closed and there would be no further comment (See enclosed letter). PLEASE NOTE: The SC Insurance Reserve Fund is NOT the agency that is tasked with the duty to investigate allegations of officer misconduct. This agency reached their conclusion of decidability without even interviewing the main witness who is listed on ALL 4 of the accident reports (It had to be revised repeatedly because of inaccurate information due to incomplete interviewing and failure to collect written statements by the investigating officers). The written statements which were collected were gathered by Carl Woods, a former SC Highway Patrolman and former Private Investigator. It was at the point that I received this final letter indicating that no

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further efforts would be made to investigate the true events that occurred that I concluded that I would get no due process, that there was a systematic pattern of neglect and efforts to conceal the acts and omissions of those involved and I have no choice, so I filed a lawsuit.

Prior to this accident, I was healthy, happy and excited about the rest of my life. I am a single parent who had a very healthy, active relationship with my son. I had a successful career in which I was ranked as a top producer in the company that I worked in while receiving many nominations for "Most Valuable Player" and awards for my performance as "Top Revenue Generator" for 1st Qtr of 2012 as well "#1 in Core Sales" throughout the entire company of over 200 employees with my yearly gross earnings in excess of \$50,000 with an excellent benefit package for myself and my son which included health insurance, dental insurance, vision insurance and life insurance. I also served as the Broker in Charge and Owner of my own real estate firm on Hilton Head Island. As a result of this accident and the discarding of information of the responsible party by the trooper assigned to work the accident scene, this led to me losing my career and benefits at the Communication company in which I worked for, I had to relinquish my real estate broker's license and forfeit my ownership interest in my real estate company as a result of my pending health condition and inability to work. I loss two vehicles, was forced to move out of my home which is now in pre-foreclosure, my credit rating has declined due to my inability to work am attempting to survive with over half of my yearly income deleted. I NOW have in excess of \$300,000 of medical bills and debt and a continuing pile of mounting medical bills as I will need lifetime medical care and therapy. I have had two spinal surgeries, had to learn to walk again, still have a herniated disc in my lowerback as well as two annular tears and I have been diagnosed with major depression, severe anxiety and PTSD and will require a lifetime of therapy and medications.

At first, I believed that I was simply the subject of an automobile accident, but at this point, I feel as though I am a victim of a crime in which my victimization is continuing to this very moment. Basically, I have had to conduct my own investigation regarding this accident in seeking the identity of the parties who caused it which exposed policy and procedure requirements that are in place to prevent these exact circumstances from occurring. Simply put, has Trooper McCauley not played judge and jury on the side of the road that day and simply attached the name and contact information of the gentleman whom he collected it from and attached it to the accident report as he was required to do according to his Policy Manual Instructions for Writing Accident Reports:

1. **Section 56-5-1270** Owners, Operators and Law Enforcement Officers shall make written reports of certain accidents and investigations. The second paragraph states-and I quote-" Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident that results in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses, within twenty-four hours after completing the investigation, must forward a written report of the accident to the Department of Motor Vehicles including the names of interviewed participants and witnesses." And

2. **Section 56-5-1340** Accident reports shall be without prejudice and confidential; use; permissible disclosures-and I quote "All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles, Department of Public Safety, or other State agencies having use for the records for accident prevention purposes."

My complaints against the attorneys are based on the fact that they committed the actions below and I request formal investigations into the ethical, legal and moral duties and their relevancy to RULE 407 SC Rules of Professional Conduct.

1. Attempt to have case dismissed and intentionally overlooked and never responded to pg. 19 #27 of the Original Complaint. The argument, they repeatedly presented refused to acknowledge, address or even respond to these key elements of the complaint. Please note that though other elements of the case were allegedly determined to be outside of the statute of limitations, these particular issues remain so triable and the complaint was filed within the required statutes. Please see:
 - **EXHIBIT 1**-Original Complaint PG 19, #27
2. Attempt to conceal false statements made in their Motion to Strike document containing their statement that Warren Ganjehsani cannot and did not refuse investigation when they had previously been provided with proof that he did when copies of his letter were submitted to both the attorney's and well as to the court prior to their efforts to remove these documents from the record. Please see:
 - **EXHIBIT 1**- Original Complaint-PG 19, #27 referencing Warren Ganjehsani
 - **EXHIBIT 2**-Ness & Jett Document titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" PG 4, #7, sentence 3-"Defendants deny that defendant Ganjehsani can refuse or did refuse to allow an ethics investigation" dated December 21, 2015.
 - **EXHIBIT 3**-Ness & Jett "Motion to Exclude Matter from record on Appeal" Specifically, Defendants' Attorneys Discovery "Response and Objection" dated September 2, 2016
 - **EXHIBIT 4**-Curtis "Response and Objection to Motion to Exclude Matter from Record on Appeal" dated September 16, 2016
 - **EXHIBIT 5**-Ganjehsani Letter dated June 10, 2015
 - **EXHIBIT 6**-Order denying "Motion to Exclude Matter" dated October 26, 2016

3. Attempt to conceal facts by attempting to strike from record "Notices of Scheduling for Hearing (which came from the court, itself) informing all parties that the hearing date was scheduled for May 18, 2016 in the attempt to conceal the fact that the actual Order for said hearing was signed and dated on **May 16, 2016**, two days prior to hearing. Please see:

- **EXHIBIT 7**-Ness & Jett "Motion to reform Record on Appeal" request to strike Notices of Scheduling for Hearing, request to strike Bishop letter and request to strike letter from chief K.D. Phelps of OPR
- **EXHIBIT 8(A & B)**-Notice of Hearing scheduled for May 18, 2016 at 9:30am
- **EXHIBIT 9(A & B)**-Form 4- Judgement Coversheets with dates changed (handwritten)
- **EXHIBIT 10**-Order from May 18, 2016 Hearing which is signed and dated on May 16, 2016 (see signature on final page by Judge L. Casey Manning) therefore proving his decision was made prior to hearing and removing any opportunity for due process.

4. Request to strike letter from Cptn John T. Bishop Letter of SLED (South Carolina Law Enforcement Division) where in the final paragraph of his letter, he advises Curtis to contact the SC Dept. of Public Safety Office of Professional Responsibility. Also, on PG 18, #26 & the top of PG 19 of Original Complaint cite the information received from Bishop. Please see

- **EXHIBIT 11**-Bishop Letter dated May 6, 2015 when he advises in the 3rd paragraph to contact SC OPR (SC Dept. of Public Safety's Office of Professional Responsibility. Also see **EXHIBIT 1**-Original Complaint

5. Attempt to conceal facts by trying to strike from record KD Phelps letter when it WAS cited in Original Complaint, PG 19 #27. This letter to both the attorney's and well as submitted to the court prior to their efforts to remove these documents from the record. Please see

- **EXHIBIT 12**-Phelp's Letter dated June 5, 2015 acknowledging receipt of information that I provided with my complaint and indicating that the Dept. of Public Safety would conduct a thorough inquiry into my complaint and notify me when the inquiry is completed. It was 5 days later when I received the letter from Ganjehsani basically refusing to allow an ethics investigation BY THE PROPER DEPARTMENT, which is the department of OPR who is the proper authority to investigate complaints and not a third party insurance company

whose sole job is to deny claims or liability. This 3rd party insurance company denied liability without even interviewing the main witness who is listed on the accident reports (all 4 of them -which Chief Phelps was appalled at the fact that it had to be revised so many times). Also see **EXHIBIT 1**-Original Complaint PG 19, #27 and **EXHIBIT 5**-Ganjehsani Letter dated June 10, 2015

6. False statement that, Jury Demand was mentioned for the first time recently, when it was requested on the Civil Action Coversheet and ALL subsequent documents presented to the courts. Please see
 - **EXHIBIT 13**-Original Civil Action Coversheet-Requesting Jury Trial and also see **EXHIBIT 1**-Original Complaint PG 19
7. False statement that arguments were mentioned for the first time recently, when on these issues were in the Original Complaint, Appellants Initial Brief, Designation of Matter, prior documents which have been filed in the courts as well as elements that can be verified by the hearing transcripts. Please see
 - **EXHIBIT 14**- Appellant's Initial reply Brief- stating the true arguments of the Complaint which are triable and enforceable, which VALID documentation has been provided to support.
 - **EXHIBIT 15**-Designation of Matter to be Included in the Record on Appeal
 - **EXHIBIT 16**-Transcripts from the Hearing which documents the true elements
8. Continued victimization of Biafra Monique Curtis by aiding and abetting Respondent(s) in their attempts to conceal the acts and omissions of said respondent(s) by and through their attorneys.
 - **EXHIBIT 17**- Appellants Record on Appeal dated November 21, 2016
 - **EXHIBIT 18**- Appellants "Response to Motion to Exclude Matter from Record on Appeal and Notice of Intent to submit Complaints per RULE 19

At this point, it seems to this writer that there is a possibility of attempts of fraud on the court or at least evidence that the judicial process may have been polluted by way of fraudulent actions and omissions, as per; "McNallyv. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v Holzer, 816 F.2d. 304, 307: ""Fraud in its elementary common law sense of deceit - and this is one of the meanings that fraud bears in the statute, see United States v.Dial, 757 F.2d 163, 168 (7th Cir. 1985) - includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud or evidence that false representation does

not constitute fraud. "Any false representation of material facts made with knowledge of falsity and with intent that it shall be acted on by another in entering into contract, and which is so acted upon, constitutes 'fraud,' and entitles party deceived to avoid contract or recover damages. "Barnsdall Refining Corn. v. Birnam Wood Oil Co. 92 F 26 817 or evidence that defendants attorney(s) are not guilty of Sham Pleading. "Those which are inherently false and must have been known by interposing party to be untrue." Pentecostal Holiness Church, Inc. v. Mauney, Fla App., 270 So.2d 762, 769. or evidence tha tdefense attorney(s) did not promote the functions of Aider and Abettor. "One who advises, counsels, procures, or encourages another to commit a crime, himself being guilty of some overt act or advocacy or encouragement of his principal, actually or constructively present when crime is committed, and participating in commission thereof by some act, deed, word, or gesture, Turner v Commonwealth, 268 Ky. 311,104 S.W. 2D 1085, and sharing the criminal intent of the principal."

This writer is now concerned with Offenses Against Public Justice.

SECTION 16-9-10. Perjury and subornation of perjury.

(A)

(1) It is unlawful for a person to wilfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State.

(2) It is unlawful for a person to wilfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

(B)

(1) A person who violates the provisions of subsection(A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

(C) A person may be convicted under this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement.

HISTORY: 1962 Code Section 16-201; 1952 Code Section 16-201; 1942 Code Section 1397; 1932 Code Section 1397; Cr. C. '22 Section 332; Cr. C. '12 Section 340; Cr. C. '02 Section 253; G. S. 2531; R. S. 217; 1712 (2) 487; 1993 Act No. 184, Section 89.

SECTION 16-9-20. Subornation of perjury in civil actions.

(A) It is unlawful for a person to:

(1) wilfully induce, procure, or persuade another person by any means to commit perjury in initiating a civil action or proceeding; or

(2) wilfully induce, procure, or persuade another person to give false, misleading, or incomplete testimony while under oath in a civil action or proceeding.

(B) A person who violates the provision of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months and fined not less than two hundred dollars.

HISTORY:1962 Code Section 16-202; 1952 Code Section 16-202; 1942 Code Section 1398;1932 Code Section 1398; Cr. C. '22 Section 333; Cr. C. '12 Section 341; Cr. C.'02 Section 254; G. S. 2532; R. S. 218; 1712 (2) 487; 1993 Act No. 184, Section90.

SECTION 16-9-30. False swearing before persons authorized to administer oaths.

It is unlawful for a person to wilfully and knowingly swear falsely in taking any oath required by law that is administered by a person directed or permitted by law to administer such oath.

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

HISTORY:1962 Code Section 16-203; 1952 Code Section 16-203; 1942 Code Section 1400;1932 Code Section 1400; Cr. C. '22 Section 335; Cr. C. '12 Section 343; Cr. C.'02 Section 256; G. S. 2534; R. S. 220; 1833 (2) 485; 1993 Act No. 184, Section166.

This request for investigation and screening is based on the fact that documents were indeed provided regarding the information which had previously been submitted to the court and were repeatedly overlooked and ignored AND are apart of the official court records and transcripts, yet the Respondent(s) Attorney's are continuing to display a reckless and seemingly intentional continued pattern of victimization against the Appellant in the attempt to conceal acts and omissions.

It's time for transparency to be brought forward and for actions and records to be examined.

I do hereby request that the Civil Action Coversheet, Summons, Complaint, Answer, All Orders, Motions and specifically ALL exhibits and supporting documentation which has been submitted to the court by both sides be carefully reviewed. I hereby request that this review be used to support the initiation of investigation and reprimands into the ACTS and Omissions of Attorney Norma Jett and Alison D. Hood for:

An alleged willful effort by any public official (Attorney, IRS, etc.,)or other Administrators to avoid, or hide facts and to deceive both the Court and this Appellant on issues substantially material to this case rising to any level and is attempted "fraud on the Court" which vitiates the entire proceeding and would make void the orders and judgments of the previous court and are of no legal force or effect.

NOTICE OF DECEPTIVE PRACTICES-BRINGING FRAUD ON THE COURT. The attorney's speech and writing concerning the double-speak wordsmithing, mis-truths, and mis-givings of the legal-eze "industry" are to be sweetened with tasteful influence, but that olfactory sensors are to remain in full alert in comprehension and detection of flatulence complementary to the source. I insert a statement here by the Supreme Court to wit: Bridges v. California, 314 U.S. 252, 289-290, wherein Justice Frankfurter stated, "Judges as persons, or courts as institutions, are entitled to

no greater immunity from criticism than other persons or institutions . . . Judges must be kept mindful of their limitations and their ultimate public responsibility by a vigorous stream of criticism expressed with candor however blunt".

The recipients of this document, specifically, Norma Jett and Alison D. Hood are asked to rebut the facts contained herein. Pursuant to Federal Rules of Civil Procedure, Rule 8(d), all facts not rebutted are admitted as true.

Rule 8(d) Effect of failure to deny.

"Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided."

Consequently, anything not denied WITH EVIDENCE that is just as forceful as that presented here, and denied under penalty of perjury by a person with personal knowledge, shall be admitted for the purposes of resolving this dispute. All facts thereby admitted shall be used to enforce an "estoppel in pais" or an "estoppel by default", as described below:

"Silence is a species of conduct, and constitutes an implied representation of the existence of facts in question. When silence is of such character and under such circumstances that it would become a fraud, it will operate as an estoppel". [Carminév. Bowen, 64A. 932]

"Where failure to disclose a material fact is calculated to induce a false belief, the distinction between concealment and affirmative misrepresentation is tenuous. Both are fraudulent."

[Chicago Park Dist. v. Kenroy, Inc.] 78 Ill. 2d 555, 37 Ill Dec 291, 402 NE 181, appeal after remand (1st Dist) Ill App 3d 222, 63 Ill Dec 134, 437 NE2d 783.

"The one acts negatively, the other positively; both are calculated, in different ways, to produce the same result." [United States v. Holzer, (CA7Ill) 816 F2d 304]

"The former, as well as the latter, is a violation of the principles of good faith. It proceeds from the same motives and is attended with the same consequences;" [Indiana State Ethics Commission v. Nelson (Ind App) 656NE2d 1172]

"...and the deception and injury may be as great in the one case as in the other." [37Am.Jur. 2d, Fraud and Deceit, Section 144]

When an order or decision is obtained any attorney or judge, by willfully and knowingly withholding information contained in files, well established principles of law and judicial policy are violated and the attorney's are educated, knowledgeable, or crafty in the "crafts" of "Word-Smithing" or "Spin-Doctoring" utilizing improper procedures of Administrative or Judicial Remedys. GIDEON v. WAINRIGHT, 372 U.S. 335, "A state cannot, by invoking the power to regulate the professional conduct of an attorney, infringe in any way on the right of individuals

and the public to be fairly represented in lawsuits authorized to effectuate a basic public interest, laymen cannot be expected to know how to protect their rights when dealing with practiced and careful adversaries."

It is this writer's opinion that the respondent(s) are liable for constitutional deprivation by direct deprivation and failure to remedy wrongs. "Federal employees may become personally liable for constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violations." (Gallegosv. Haggerty, Northern District of New York, 689 F.Supp. 93).

This letter is to serve as "Notice" to all parties involved, especially, to the Respondent(s) attorney's concerning the issues aforementioned. The responsibility and duties of Attorneys who knew, or should have known, to make determinations concerning alleged activities, upon known facts of evidence, had proof, that the respondents had defected against actual Policy, Procedure and Law in this regard before this action was initiated against the respondents. The purpose and intent of this NOTICE is to bring realistic value and measurement to the table of justice before this forum, knowing that accusations, even when unreal and especially when unreal, have created extreme mental distress, pain, suffering and severe financial collapse. , i.e., The damage is irreparable and irreversible. The damage is the direct result of decisions of those of authority who are attempting to destroy my right of Truth, who should have made realistic determinations(knew, or should have known) before submitting such damaging comments and documents to the courts.

When an official mis-represents Truth by means other than by facts of evidence, which may lead to proof, to be determined in oral examination, written rebuttals, and declarations on the record, it is deemed the willful failure of that official to properly address the issues of conduct according to the complaints and/or standing, constituting a willful effort by those officials to avoid, or hide, these facts and to deceive both the Court and this Appellant on issues legally material to this case rising to this level is "fraud on the Court", which vitiates the entire proceeding and makes void the orders and judgments of the lower court of no legal force or effect, therefore, dismissing and/or expunging documents from the case records should be forever denied, with restoration of Truth, Rights, and Compensation as a tort remedy. And, Appellant hereby NOTICES the Attorneys that it should be so Ordered.

And, Appellant further NOTICES the that Attorney's be sanctioned and further barred from this case until such reviews of the accuracy of this document and its enclosures can be adjudicated before the proper disciplinary body.

NOTICE OF WRONGFUL INFORMATION

Appellant, hereby, charges that "wrongful information", which is the entering, editing, registering, recording, or submitting to the court wrongful information regarding any living man/woman, when there is an INJURED PARTY, is a Tort (damage, injury, or wrongful act done willfully, negligently, or in circumstances establishes liability upon the "Actor" bringing forward

the wrong information.

Appellant, in all cases, at any time, reserves the right to administer "Waiver of Tort", if, at his/her discretion determines justice would be better served than by a charge of Wrongful Information with remedy of Tort.

NOTICE OF NO IMMUNITY FOR UNLAWFUL ACTS.

Actus Reus: A wrongful deed, which renders the actor criminally liable when combined with mens rea, a guilty mind. Concerning actions outside the scope of employment and for willful and wanton conduct causing injury in violation of due process and civil rights of the Claimant are not limited by the Governmental Immunities Act; "Conduct wrongful under Section 1983 cannot be immunized. Conduct by persons acting under color of state law which is wrongful under 42 U.S.C. Section 1983 cannot be immunized by state law." *Mucci v. Falcon School Dist.* No. 49,655 O, 2d 422 (1982); and, "A state actor cannot avoid liability under a state immunity provision in an action brought under 42 U.S.C. Section 1983." *City of Lakewood v. Brace*, 919 P.2d 231 (1996).

Concerning actions within the scope of employment in violation of the law, official misconduct, and judicial misconduct as limited to by the Governmental Immunities Act; "This section operates as a waiver of a public employee's immunity for willful and wanton acts but does not operate as a waiver of a public entity's immunity for such acts." *King v. U.S.*, 53 F. Supp.2d 1056 (1999). *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 69 S.Ct. 1457 (1949): suits agent govt agents: personal if without authority.

"If those actions are such as to create a personal liability, whether sounding in tort or in contract, the fact that the officer is an instrumentality of the sovereign does not, of course, forbid a court from taking jurisdiction over a suit against him. *Sloan Shipyards Corp. v. Emergency Fleet Corp.*, 1922, 258 U.S. 549, 567, 388. As was said in *Brady* [337 U.S. 682, 687] + *v. Roosevelt S.S. Co.*, 1943, 317 U.S. 575, 580, 428, the principle that an agent is liable for his own torts 'is an ancient one and applies even to certain acts of public officers or public instrumentalities.'"

"An instrumentality of Government he might be and for the greatest ends, but the agent, because he is agent, does not cease to be answerable for his acts." *BRADY v. ROOSEVELT STEAMSHIP CO.*, 317 U.S. 575 (1943)

Appellant has no record or evidence that neglect and irresponsibility grants immunity. "Immunity fosters neglect and breeds irresponsibility while liability promotes care and caution, which caution and care is owed by the government to its people." (Civil Rights) *Rabon vs Rowen Memorial Hospital, Inc.* 269 N.S. 1, 13, 152 SE 1d 485, 493

Appellant has no record or evidence that officers are not deemed to know the law, as per; "Officers of the court have no immunity, when violating a constitutional right, from liability. For they are deemed to know the law." *Owen v Independence*, 100 S.Ct. 1398

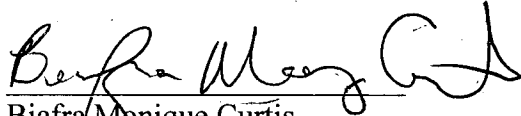
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When an official mis-represents Truth by means other than by facts of evidence, which may lead to proof, to be determined in oral examination, written rebuttals, and declarations on the record, it is deemed the willful failure of that official to properly address the issues of conduct according to the complaints and/or standing, constituting a willful effort by those officials to avoid, or hide, these facts and to deceive both the Court and this Appellant on issues legally

Appellant reserves the right to request that the truth be ascertained and justly determined.

I, biafra-monique-curtis, Sui Juris, solemnly affirm and verify that I have read the foregoing, and know its contents to be true to the best of my knowledge, except as to the matters which are therein stated on my information or belief, and as to those matters, I believe them to be true. This instrument is submitted upon good faith effort that is grounded in fact, warranted by existing law for the investigation and screening of the so named Attorneys for proper purposes, and not to cause harassment and unnecessary delay, so help me God.

December 5, 2016


Biafra Monique Curtis
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

RULE 407
SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT

PREAMBLE: A LAWYER'S RESPONSIBILITIES

[1] A lawyer, being a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are Rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

[4] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal

institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

[8] A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal

authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

EXHIBIT "1"

RECEIVED

DEC 08 2016

SC Court of Appeals

COUNTY OF RICHLAND

BIAFRA MONIQUE CURTIS

Plaintiff(s)

CIVIL ACTION COVERSHEET

2015CP400 5172

vs.

South Carolina Department of Public Safety,
 Warren Ganjehsani, Mike Oliver, Leroy Smith,
 Kenneth Phelps, Anthony Grice, William Taylor,
 Nicklous King, Willie McCauley, Jr., Ada Schmidt,
 Aaron Canzater and Cherie Young, individually
 and in their official capacities, et al.

Defendant(s)

Submitted By: Biafra Monique Curtis

Address: PO Box 21294

Hilton Head Island, SC 29925

SC Bar #:

Pro Se

Telephone #:

843-684-3118

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

☒ ~~JURY TRIAL~~ demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.

☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts

- ☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199)

Torts - Professional Malpractice

- ☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
 Previous Notice of Intent Case #
 20 ____-CP-_____
☐ Notice/ File Med Mal (230)
☒ Other (299) NEGLIGENCE,
 DERELICTION OF DUTY,
 CIVIL RIGHTS

Torts - Personal Injury

- ☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399)

Real Property

- ☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499)

Inmate Petitions

- ☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599)

Administrative Law/Relief

- ☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture—Consent Order (850)
☐ Other (899)

Judgments/Settlements

- ☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)

Appeals

- ☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)

Special/Complex /Other

- ☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510)

- ☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799)

Submitting Party Signature:

Biafra Monique Curtis

Date:

8-24-15

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

SCCA / 234 (06/2013)

Page 1 of 2

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Biafra Monique Curtis, Pro Se

Plaintiff,

-versus-

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Defendant(s)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No: _____

SUMMONS

RICHLAND COUNTY
FILED
2015 AUG 24 AM 11:29
JEANNETTE M. MORRIS
C.C.P. & G.S.

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is served upon you, and to serve a copy of your answer to this Complaint upon the subscriber and the address shown below within thirty (30) days (thirty five (35) days if served by United States Postal Mail) after service thereof, exclusive of the date of such service, and if you fail to answer the Complaint, judgement by default will be rendered against you for the relief demanded in the Complaint.

BIAFRA MONIQUE CURTIS

BY:

Biafra Monique Curtis
Biafra Monique Curtis

P.O. Box 21294

Hilton Head Island, SC 29925

Phone 843-684-3118

Plaintiff, *Pro Se*

Hilton Head Island, SC 29925

August 9, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Biafra Monique Curtis, Pro Se

Plaintiff,

-versus-

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Defendants

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No: _____

**COMPLAINT
(JURY TRIAL DEMANDED)**

RICHLAND COUNTY
FILED
2015 AUG 24 AM 11:28
JEANNETTE W. MOBRIDGE
C.C.P. & G.S.

And herenow comes the Plaintiff, complaining of the Defendants, respectfully alleges the following:

1. The Plaintiff, Biafra Monique Curtis, is an African - American female and citizen and resident of Beaufort County, South Carolina and was at the time of these occurrences a top producing salesperson for Hargray Communications in Bluffton South Carolina. The Plaintiff has had an extensive career in sales spanning many years and maintained an excellent work record receiving numerous nominations, awards and recognitions as top revenue generator throughout the entire company, number one in core sales, nominations and many other accolades with plans of retiring from this occupation at the age of 65 years old. Prior to September 27, 2012, she was healthy, happy, and excited about life. She was a single parent with a very healthy, active relationship with her child. She had a very successful career in which she was ranked Top Producer in the company while receiving many nominations for "Most Valuable Player" and awards for my performance as "Top Revenue Generator" for 1st

Quarter of 2012 as well “#1 in Core Sales” throughout the entire Company of over 200 employees with yearly gross earnings in excess of \$50,000 per year with an excellent benefit package for herself and child, which included health insurance, dental insurance, vision insurance, and life insurance. She is now disabled, has lost her career, and because of her deteriorated health condition, lost out on the remaining months of an active relationship with her child, which can never be recovered. Her bills became delinquent, her credit was destroyed and she nearly lost her home to foreclosure.

2. The Defendant, South Carolina Department of Public Safety, (hereinafter “Department”), is an agency of the State of South Carolina with its principal place of business in Richland County, South Carolina, where it maintains and operates its municipal offices and services. This agency has the responsibility for law enforcement functions of the state of South Carolina, including the training and supervision of Highway Patrol officers.

3. The Defendant, Warren Ganjehehnsani, (hereinafter “Ganjehehnsani”) is a citizen and resident of the Lexington County, South Carolina area, and at all times mentioned herein is the General Counsel for the State of South Carolina Department of Public Safety thereby representing the South Carolina Highway Patrol.

4. The Defendant, Mike Oliver, (hereinafter “Oliver”) is a citizen and resident of the Richland County, South Carolina area, and at all times mentioned herein is a Commander of the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Mark Keel.

5. The Defendant, Leroy Smith, (hereinafter “Smith”), is a citizen and resident of the Richland County, South Carolina area, and at all times mentioned herein is the Director of the South Carolina Department of Public Safety. The Defendant, has had an extensive career in law

enforcement serving as the director of the Florida Department of Highway Safety and Motor Vehicles prior to becoming be the director of the South Carolina Department of Public Safety.

6. The Defendant, Kenneth Phelps, (hereinafter "Phelps"), is a citizen and resident of the Lexington County, South Carolina area, and at all times mentioned herein is a Trooper with Troop Seven (7) of the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

7. The Defendant, Anthony Grice, (hereinafter "Grice") is a citizen and resident of the Clarendon County, South Carolina area, and at all times mentioned herein is the Captain of Troop Seven (7) of the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

8. The Defendant, William Taylor, (hereinafter "Taylor") is a citizen and resident of the Calhoun County, South Carolina area, and at all times mentioned herein is a Trooper with Troop Seven (7) of the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

9. The Defendant, Nicklous King, (hereinafter "King"), is a citizen and resident of the Clarendon County, South Carolina area, and at all times mentioned herein is a Trooper with Troop Seven (7) of the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

10. The Defendant, South Carolina Highway Patrol Trooper Willie McCauley Jr, (hereinafter "McCauley, Jr."), is a citizen and resident of the Orangeburg, South Carolina area, and at all times mentioned herein is a Trooper with Troop Seven (7) of the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

11. The Defendant, Cherie Young (hereinafter "Young") is a citizen and resident of the Lancaster County, South Carolina area, and at all times mentioned herein is a Telecommunications Operator with the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith. Young was awarded Telecommunications Operator of the Year in 2009 and it was stated that she excels in her knowledge of the Computer Aided Dispatch (CAD). Young's CAD, NCIC, Fatality entries are complete and packed with information to ensure compliance with Policies and Procedures put forth by the Department of Public Safety.

12. The Defendant, Aaron Canzater (hereinafter "Canzater") is a citizen and resident of the Richland County, South Carolina area, and at all times mentioned herein is a Telecommunications Operator with the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

13. The Defendant, Ada Schmidt (hereinafter "Schmidt") is a citizen and resident of the Richland County, South Carolina area, and at all times mentioned herein is a Freedom of Information Officer (FOIA) with the South Carolina Highway Patrol thereby an employee of the State of South Carolina Department of Public Safety being under the supervision of Smith.

14. On September 27, 2012, at approximately 2:30pm, on South Carolina Interstate I-26 and traveling Westbound, the Plaintiff was involved in an automobile accident that she did not cause or contribute to, but sustained multiple injuries as a result of. According to the Plaintiff, she was traveling in the far left lane when the tractor trailer that was in the right lane next to her suddenly and without notice came into her lane, completely overtaking the lane, causing her to lose control of her vehicle, run off the road into the median at which time she lost

further control of her vehicle as the back of it spun around and traveled back across two lanes of highway, dropping down approximately five (5) feet into a ditch and only coming to a stop after hitting an embankment.

15. There were three (3) people stopped at the scene, one of which being the driver of the truck that actually ran the Plaintiff off the road (hereinafter "Anonymous"). The second (2nd) person being a gentleman we have identified as Bobby Hudson (hereinafter "Hudson") and the third (3rd) gentleman later to be discovered as Carl Culpepper (hereinafter "Culpepper").

16. The Plaintiff states that when her vehicle came to rest, Culpepper was the first person that she saw running towards her vehicle holding a badge up in the air. The Plaintiff began to get out of the car and met Culpepper a few steps away from the vehicle. She asked if he saw that truck run her off the road. Culpepper said yes and proceeded to ask the Plaintiff if she was ok. She told him that her neck hurt but everything else was ok while checking herself for cuts or abrasions. The Plaintiff retrieved her cell phone from the vehicle and then the driver of the truck that caused the accident appeared along with another truck driver whom we know as Hudson. Anonymous and Culpepper assisted the Plaintiff away from the vehicle over to a shady area to sit down on the ground with Hudson following. The Plaintiff then attempted to call a friend to inform her of the accident, but was not able to communicate effectively. She handed her phone to Hudson who spoke to Stacey Olden (hereinafter "Olden") and provided the facts of accident and the location of the closest hospital that the Plaintiff would likely be taken to. Hudson revealed a tag # that he was able to retrieve from the car that came on to the highway and stated that he would give it to the officer. Soon thereafter, a first responder fire truck arrived. It was later discovered that this fire truck was dispatched from Jamison Fire Department to secure the scene until other emergency personnel arrived. The Plaintiff states that while waiting

for the ambulance and police to arrive, this truck driver, Anonymous, stated in front of all who were present that he overtook her lane to avoid hitting a car that pulled out in front of him. The Plaintiff told Anonymous that she never, at any time, saw a car. She then states that Culpepper took the names of everyone at the scene on a small pad and she assumed he was a police officer who saw everything and that is why he had a badge and collected the information.

17. The Plaintiff was transported to Orangeburg Regional Hospital by ambulance and had CT scans and X-rays. Shortly thereafter, Stacey L. Olden (hereinafter "Olden"), arrived at the hospital. Later, South Carolina Trooper, Willie McCauley, Jr. arrived at the hospital and asked Plaintiff to tell him what happened. She gave him a statement (same as items 14,15 and 16 above). He told her that the witnesses at the scene told him that a car that came on to the highway, came across all lanes of traffic onto the highway, ran her off the road and then drove away. The Plaintiff disputed this information with him just briefly and he abruptly left the hospital room and returned a few minutes later, gave her an FR-10 form and left. The Plaintiff was released later that day after being treated for whiplash and inflammation in her neck, back and shoulders. With a quickly deteriorating condition, immediately following, the Plaintiff had several spinal procedures to no positive result before undergoing a major spine surgery, a dissection and fusion at the C 5-6 level. She then had intense physical and occupational therapy 4 (four) days per week for 6 (six) months to strengthen and learn to use the left side of her body (arm and leg), which included the necessity of a walker before she was able to adapt to walking alone with a cane that she still has use for.

18. There are a total of 5 (five) witnesses who testify that the Plaintiff's statement of facts of the accident are accurate. The 1st (first) being Bobby Hudson (hereinafter "Hudson"), the only witness who is listed on all 4 (four) of the accident reports. The 2nd (second) witness,

Carl Culpepper, hereinafter ("Culpepper"), the 3rd (third), James Lamb (hereinafter "Lamb"). Lamb is a witness who is not reported by any of the other witnesses as being seen present at the same, but was located from the 911 call log. Lamb states that he spent some time talking to the Plaintiff at the scene and heard the driver of the truck that caused the accident identify himself as the driver and state that he could not help the accident. The 4th (fourth) witness, Erin Tyler, (hereinafter referred to as "Tyler"), was a passerby who saw the entire accident was not able to stop at the scene, but immediately called in to 911 to report what she saw. The fifth (5th) witness, Stacey Olden (hereinafter "Olden") was at the hospital when McCauley arrived and witnessed was reported to the Trooper at the time the Plaintiff gave her statement to him. Olden asserts by sworn affidavit that she did indeed speak to Hudson who informed her of the details of the accident and told her that the Plaintiff would be taken to Orangeburg Regional Hospital. She also states that the Plaintiff did indeed tell McCauley, Jr. the exact details of items 14,15 and 16 above.

19. The Plaintiff states that a little over one (1) week after the accident, she contacted McCauley to request the accident report, names and contact information for the three men that were at the scene along with their statements. McCauley stated that he did not have the information of two of the men because he discredited them as witnesses and discarded their statements and contact information. He stated that the only credible witness would be listed on the accident report which could take up to thirty (30) days to be prepared. The plaintiff was in shock and extremely outraged when the trooper gave her descriptions of the men whom he discredited. The Plaintiff asked for the tag # of the car that Hudson had at the scene and McCauley Jr. stated it didn't come back registered to any vehicle so he discarded it as well. After restating to him several times that one of those gentlemen was driving the truck which caused the

accident, the trooper stated that he would attempt to locate the information. After spending the next three (3) weeks waiting for McCauley Jr. to "track down" the contact information for the driver of the truck and the tag # of the car, the Plaintiff contacted McCauley Jr.'s Sergeant Nicklous King to present her complaint against McCauley Jr. and to request assistance. King said he would look into it by speaking with McCauley Jr. and reviewing video camera footage. After receiving no return call for two (2) weeks, the Plaintiff called and left a message for King. He later called her back with an rude and unprofessional attitude, stating that he spoke to McCauley Jr and he did not have additional information on the truck driver or the tag #. King stated that McCauley, Jr. informed him that when he arrived, he did not have his video camera on so there is no video footage available. The Plaintiff learned that current video dash cam policy stipulates that officers operating a patrol vehicle equipped with an in-car video recording system activate the in-car system, including the audio portion, as soon as the blue lights and/or siren begin to flash. Once activated, the system is to remain on as long as the officer interacts with the individual(s). In all cases involving enforcement activities, once the audio and video recording has begun it is not to be stopped, paused, turned off or otherwise interfered with at any time until the enforcement event is concluded. When a trooper turns on blue lights the video recording system activates automatically. The trooper does; however, have to turn on his lapel microphone once he exits the vehicle. To promote a department culture where inappropriate actions are not tolerated, the director of the Department openly voiced his positions on a number of issues such as lying and providing misleading information, and has indicated that those taking such actions will be dismissed. The Department has had a sensitivity training program in place for nearly fifteen (15) years. All troopers receive it when they first join the patrol, and it is part of the department's annual in-service training. All trooper trainees receive

this training while undergoing patrol training, and all troopers, from the colonel on down, undergo refresher courses every year during in-service training. As the plaintiff understands the policy, the goal has been to treat all motorists in a uniform manner which does not condone troopers not following departmental policies and procedures and the purpose of the camera is to catch the truth; it's there to show what really happened. All of the defendants in this complaint had knowledge that this imperative policy had been violated, yet they participated in a "code of silence" and attempted to downplay the violation which created the climate for conspiracy to conceal the acts and omissions of all defendants. Each of them collectively and individually had a duty to report the actions of McCauley Jr. to the Office of Professional Responsibility. They each had a duty to report the inactions of other officers to the Office of Professional Responsibility as well. As a result of these behaviors, each and every officer and participant should be disciplined for their willful failure to supervise and are individually and officially guilty of corruption and bare the liability each of the occurrences that they had knowledge of.

20. McCauley also told King that when he arrived, all truck drivers identified themselves as only witnesses and stated that a blue car was the cause of the accident and that this blue car drove away. He stated that he only used one of the witness, Hudson, accounts of what happened in the accident report because he seemed most credible and Hudson even supplied the tag # of the blue car that drove away but after running the tag#, it did not come back as valid, so he discarded it. The Plaintiff and King went back and forth about the relevancy of this information and the Plaintiff explained to him that the accident report was wrong and that further witness statements were needed to correct these inaccuracies. She told him how imperative it was that he located the driver of the truck. He then told the Plaintiff that even if they did locate the identity of the truck driver, he could

use the defense of the sudden emergency doctrine as a defense. The Plaintiff then realized that she would get no further assistance from him because it seemed like he, just as McCauley Jr. had played judge and jury and came to their conclusions already. She stated to King that she was emotionally distraught by the fact that both of these officers of the law, who have a sworn duty to protect the rights of citizens, were defending the man whom had negatively changed her life forever, without considering that in doing so, she was denied any/all right of equal protection under the law. Because of the actions of McCauley, she has no way to pursue and recourse against the at fault party. She also told him that in her opinion, the matter became a criminal incident the moment she gave her statement to McCauley because the driver of the truck had a duty to report that he was involved in the accident and failed to do so. The Plaintiff again stated that she never, at any time saw a blue car. It was only the truck that caused the accident and asked for the name and contact information of King's supervisor. King then agreed to investigate more to see if there was information that he could obtain. The Plaintiff suggested that he collect written statements from the witnesses who called in to 911. King agreed and then contacted Tyler and Culpepper, and they gave him an account of what happened. After verifying these facts, he agreed to amend the accident report to reflect that it was in fact the truck that caused the accident, but this cannot be done until McCauley Jr. returns from leave in a week or so. The report was still amended incorrectly.

21. The Plaintiff spent the next few months having information collected regarding additional witnesses from CAD call logs and 911 recordings. After the multiple failures and refusals to conduct a thorough investigation by McCauley and King, the Plaintiff had her own investigation conducted. She provided this information to the King who stated that he

interviewed the witnesses, but still failed to obtain any written statements from any of them. The accident report was revised three (3) times and the final report still resulting in the omission of key information. The fourth (4th) and final report does not include the name, contact information of the at fault truck driver and his statement. It does not show that he remained at the scene and spoke with McCauley Jr. It also neglects to mention that a tag# of the car was provided to McCauley by Hudson at the scene and finally, the accident report does not contain any statements from witnesses. A true and accurate accident report was supposed to be made available to the Plaintiff within thirty (30) days by the Department of Public Safety/Motor Vehicles. Please note that to date, a true and accurate accident report has not been produced. All of the defendants in this complaint had knowledge that these imperative policies had been violated, yet they participated in a "code of silence" and attempted to downplay the violations. This created the climate for conspiracy to conceal the acts and omissions of McCauley. Each of the Defendants collectively and individually had a duty to report the actions and inactions of each other to the Office of Professional Responsibility. As a result of these behaviors, each and every officer and participant should be disciplined for their willful failure to supervise and are individually and officially guilty of corruption and bare the liability each of the occurrences that they had knowledge of. The Plaintiff alleges that each of the defendants have Violated their Oath of Office, Violated her Civil Rights, Co-conspired to conceal the acts and omissions of McCauley, Dereliction of Duty for not reporting to the Office of Professional Responsibility, Violating the North American Charter of Rights and Freedoms policy on Equal Protection Under the Law, Crimes of Moral Turpitude for having vast, detailed knowledge of direct policy violations resulting in negligence and harm to an individual. While remaining silent and electing to intentional ignore the Plaintiffs complaints which caused

emotional distress. The Defendant's conduct was intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress. As a proximate result of defendant's discarding information, their acts and omissions specifically violate constitutionally protected rights as well as statutes and policy and procedure of the Department and thereby are liable for the consequences of breach of duty and should make restitution to the Plaintiff. The actions and inactions of the Defendants, their repeated refusals, failures and denials and the consequences proximately caused by it, as hereinabove alleged, plaintiff suffered severe humiliation, mental anguish, and emotional and physical distress, and has been injured in mind and body as follows: Major Depression, Anxiety, Cervical Disc Disorder, Annular tears in her lumbar and will need a lifetime of care and therapy and prays for \$11,148.000 in damages.

22. The Plaintiff states that quite a bit of time passed while she was recovering from surgery, going through therapy and did not have time to dedicate to pursuing this as naturally her health was her primary concern. During this time, she was able to have some research done into federal and state laws as well as DPS and SC Highway Patrol rules, regulations and requirements with a focal point of specific statutes regarding policy and procedure. After reaching no resolution with McCauley, Jr. and King, the Plaintiff requested a meeting with their direct supervisors Lieutenant William Taylor and Captain Anthony K. Grice. On July 9th, 2013, The Plaintiff attended a meeting at the Troop Seven (7) building McCauley Jr., King, Taylor and Grice. Despite her obvious disability, all of the Defendants showed insensitivity and attempted to intimidate her by taking her down some dark, concrete stairs which presented a discomfort for her to navigate. They led her into an underground room where she sat at a table with McCauley Jr., King, Taylor and Grice while

she explained in great detail her concerns with the way that the accident was investigated. Again, she provided a summary of the accident, a timeline of events showing all of the steps that she went through and expressed how stressful the ordeal was. The Plaintiff presented four (4) amended accident reports and CAD call Reports to support the accuracy of her facts. She shared her deteriorating health conditions, loss of her job and the mounting medical costs that she had. She literally showed awards that she had received at the job that she lost and would have retired from, a bundle of medical bills with just one which she specifically placed in Grice's hand, alone being \$88,000. She spoke of how she is in pain every day of her life and will most likely be forever. The Plaintiff states that she made the statement that "we would not be sitting here if this trooper (McCauley) would not have played judge and jury on the side of the road and simply done what his training, policy and procedures required." She went on to say "If the trooper (McCauley) had his video camera activated, if he would not have discredited the "alleged witness" who we now know is the driver of the truck that caused the accident, if he would not have discarded this man's name, contact information, statement and if he would have not discarded the tag# which was provided to him at the scene and even then, if he would have upgraded the status of the accident once the Plaintiff gave her statement which then became a victim reporting a crime to an officer. In this meeting, McCauley admitted that he discarded the name, contact information and statement of the truck driver. He stated that he deemed him non-credible because he kept changing his story. He also admitted that he discarded the tag # that was provided to him at the scene by Hudson. McCauley states that he called it in and it did not come back registered to any vehicle so he discarded it. The Plaintiff stated that her tag# was EGY 865, however, the tag# which is entered in the CAD log shows a tag# of "G"GY 865

for the second vehicle. At some point between McCauley, Taylor (call taker), and Grice (call taker), falsified information was input into the system. It is not clear specifically who input the false information, but all three of them knew or should have known that it was false information. After the Plaintiff showed the CAD Call dispatch records to Grice, he became frustrated and sent McCauley to make copies of the documents that the Plaintiff provided. The Plaintiff also pointed out that it took thirty-nine minutes for McCauley to arrive at the scene. Grice then instructed Taylor to re-conduct the investigation, re-interview witnesses to address McCauley's mistakes. The Plaintiff requested written statements and have not received this to date. The Plaintiff also requested to be provided with an accurate accident report after it has been corrected and this has not been done to date. The Plaintiff requested the correct car tag number that was provided to Trooper McCauley be located or tracked in the system in which he states that he called it in and to date, have not received this. In addition, the Plaintiff also requested that efforts be made to discover the identity of the truck driver, to date, the Plaintiff has received NONE of this information. In this meeting, the Plaintiff specifically provided Lt. Grice with two tag#'s of "persons of interest" that with a photo, possibly the Plaintiff, and/or one of the other witnesses or even Trooper McCauley could identify him, to date, the Plaintiff has not received any of this. The Plaintiff received a request from Taylor to provide him with the calls in to 911 and SCHP dispatch reports of the accident. On September 19, 2013 she provided the information, however, once again, felt that this information would have and should have been more easily obtained and accessed directly by SCHP. She also requested written statements to be collected from all witnesses including McCauley and King. The Plaintiff states that throughout the next six (6) months, she had multiple conversations

with Taylor who continued to assure her that he was still investigating. However, no results were ever produced.

23. On January 21, 2014, the Plaintiff sent an email request to FOIA asking for specific information about the policy and procedure requirements for troopers assigned to investigate traffic accidents. This request was responded to by Ada Schmidt (hereinafter "Schmidt") who stated that she is not the proper person to answer the questions, but instead of forwarding this request to the Office of Professional Responsibility or to her immediate supervisor, she gave the Plaintiff instructions on contacting the supervisor of the same troop that the plaintiff inquired about the wrong doing of. Hence begins the Plaintiffs suspicion of a conspiracy to conceal these incidents. A few days later, on January 25, 2014, the Plaintiff emailed Taylor to request a general status update and to request the production of written statements/affidavits of the witnesses. This email was not responded to. The Plaintiff states that she received a call from Taylor on February 13, 2014 informing her that he and Grice have concluded their investigation and no results were found. The plaintiff immediately followed up by email, dated February 13, 2014, with both gentlemen to thank them for their efforts and to inquire as to what reprimands would be made to the trooper. She received a return email from Grice indicating that personnel matters are not disclosed outside of the agency. He also assured her that matters that should be corrected with any of his employees are addressed as needed. After being informed that the investigation had been concluded, the Plaintiff sent an email to FOIA (Freedom of Information Act) to inquire if there is an updated accident report. Schmidt, again, directed the Plaintiff back to contacting the supervisor of the same troop that the plaintiff inquired

about the wrong doing of and never answered or responded to the request regarding

final accident report.

24. On September 27, 2014, the Plaintiff sent a final notice of her intent to file a lawsuit along with supporting documents to Governor Nikki Haley, South Carolina Attorney General Alan Wilson, South Carolina Department of Public Safety Director Leroy Smith and South Carolina Highway Patrol Commander Mike Oliver. She received a call from Marty Roberson (hereinafter "Roberson") with Adair Horne, the insurance company that represents the South Carolina Insurance Reserve Fund. He informed her that he was assigned to investigate and settle her complaint. After providing all information to him, Roberson allegedly completed his investigation and later informed her that he found no liability on the part of the officer because McCauley stated that he did not throw away any evidence. According to Roberson, he not able to contact Hudson, the witness who is listed on all four (4) accident reports. She also received a letter stating Roberson's decision from Warren Ganjehsani (hereinafter "Ganjehsani"), General Counsel for the South Carolina Department of Public Safety informing the Plaintiff of the same. To this day, they have failed and refused to address the part of the complaints regarding acts and omissions the troopers superiors.

25. On March 6, 2015, the Plaintiff sent an email to FOIA Officer, Schmidt, to request under the FOIA, any and all accident reports. She also sent an email to Grice, Taylor and Roberson requesting by order of the FOIA, ALL interviews, questionnaires and reports collected in their investigation. On or around March 9, 2015, she received a copy of her email request to Grice along with a copy of the same accident report, dated February 6, 2013, as well as copies of two (2) memorandums addressed to Grice from Taylor and King

which detailed the results of their conclusions regarding the accident. The affidavits contain information in the affidavits prepared by Taylor and King. Taylor's affidavit is closer to the truth but still omits the specific, detailed knowledge that he has which is that McCauley admitted in the July 9, 2013 meeting that he did not have his video camera activated, "discarded" the tag# of the "blue sedan" and that he discarded the contact information along with the statement of the responsible truck driver. Sgt. Nick King's varying affidavit confirms in sentence number seven where, that Trooper McCauley did, in fact, talk to the "self proclaimed witness" whom was later confirmed to be the actual truck driver. This package also omits the written statements of Erin Tyler and Bobby Hudson, yet Hudson's name was used on all four (4) accident reports. In fact, neither of these affidavits EVEN mention Mr. Hudson, though King states that he spoke with ALL witnesses. His affidavit also omits any and all mention knowledge of the tag# which was provided to McCauley as well as the name, contact information and statement of the responsible party being "discredited and discarded" by the trooper under his command. He does acknowledge that McCauley did not have his video camera activated. King also fails to state why he didn't have the Plaintiff to look at the photo as well to attempt to identify the driver.

26. At the end of April, 2015, the Plaintiff sent a summary of events along with supporting documentation to South Carolina Law Enforcement Division (hereinafter "SLED") with a request that they investigate her complaints, but received a reply acknowledging receipt of her information, explaining that they only investigate matters of criminal misconduct by government agencies, corporations or individuals only after a review by a Solicitor, the Attorney General's Office, or at the request of the law enforcement agency of jurisdiction. It further informed her that SLED will not conduct an investigation

into this matter. And finally, it suggested that she contact the Department of Public Safety Office of Professional Responsibility. This letter was signed by John T. Bishop, Captain of Investigative Services.

27. At the end of May, 2015, the Plaintiff sent a letter along with supporting documentation to the Department of Public Safety Office of Professional Responsibility and then spoke with Chief K.D. Phelps who was shocked to learn that there were four (4) accident reports and that neither of them were accurate or complete even though she was supposed to receive a true and accurate report within 30 days of the accident. He was also in awe of that fact that the trooper, McCauley Jr., did not have his video camera on while investigating an accident. Within a week of reviewing this package, the Plaintiff received a letter from Chief Phelps acknowledging receipt of the information and assuring her that the department would conduct a thorough inquiry into her complaint and will take appropriate action and notify her when the inquiry is completed. Then, five (5) days later, she received a letter from Warren Ganjehsani, General Counsel for the South Carolina Department of Public Safety informing her that she was attempting to reengage the Department on the same allegations that were the basis of her claim against the agency in 2014. He informed her that the Department deems the matter closed and will not be commenting further. Finally, he advised her to contact Marty Roberson, the insurance agent with the SC Insurance Reserve Fund if she has information that IRF should consider in revisiting her claim. After recovering from the emotional distress of being assured that the matter would be investigated and then informed that it wouldn't, the Plaintiff felt that it doesn't seem to matter that she included two additional, written, notarized statements and from one of the witnesses that Marty Roberson supposedly couldn't locate. In light of the fact that Phelps

was unaware of this incident prior to the Plaintiff contacting [redacted]

within the Department had informed him of the Plaintiff's complaints.

28. The Plaintiff sent a final FOIA request for any/all accident reports on March 6, 2015 and never received a true and accurate accident report. The Plaintiff sent a FOIA request on July 7, 2015 for any/all Policy and Procedure Manuals which have yet to be received. In closing, the Plaintiff has exhausted all levels of procedure and provided her complaint with supporting documentation to the following members of command: Willie McCauley Jr., Nicklous King, William Taylor, Anthony Grice, Kenneth Phelps, Leroy Smith, Mike Oliver and Warren Ganjehsani. She has endured severe emotional distress, will forever live with a pain plagued body, irreparable financial anguish and prays for relief from the willfully negligent parties who had a sworn duty to protect her. She is seeking restitution for all. As a proximate result of said conduct, Plaintiff has suffered and continues to suffer bodily injury, extreme mental distress, humiliation and anguish, and other emotional and physical injuries, as well as economic losses, all to her damage in amounts to be proven at trial. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with the wrongful intention of injuring Plaintiff from an improper and evil motive, amounting to malice, and in conscious disregard of Plaintiff's rights. Plaintiff thus is entitled to recover punitive damages from Defendants in amounts to be proven at trial.

**FOR A FIRST CAUSE OF ACTION
AGAINST THE DEFENDANT DEPARTMENT
(Negligence, Gross Negligence)**

29. The plaintiff alleges paragraphs 1 through 28 aforesaid

30. 42 U.S. Code § 14141 - Unlawful conduct. It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

31. Plaintiff is informed, believes and thereon alleges that, at all times mentioned, each of the defendants sued herein was the agent and employee of each of the remaining defendants and was at all times acting within the purpose and scope of such agency and employment. All facts showing relationship of parties giving rise to defendant's duty to exercise due care towards plaintiff and equal protection under the law.

32. Plaintiff alleges Defendant(s), did willfully participate by having knowledge of acts and omission to act and failure to supervise fellow agents which constitutes a breach of duty and failure to protect which resulted in negligent, grossly negligent, willful and wanton acts by failing to carry out meaningful investigation of the events described herein and further by placing unreasonable reliance and belief on the acts of it's agents, particularly when he knew or should have known of the blatant violations of departmental regulations. Defendants, and each of them, unlawfully and intentionally and/or negligently denied Plaintiff adequate medical care, by refusing to allow her to seek financial remedy after a serious accident, during which she

sustained physical trauma and bodily injury. Defendants' actions and/or failures to act caused Plaintiff severe distress and subjected her to extreme emotional trauma. Plaintiff was unaware of her rights, emotionally traumatized, and unable to seek appropriate remedies, including the filing of a lawsuit during such time. As alleged herein, Defendants used denials of liability and intimidation to hold Plaintiff in financial oppression and captivity.

33. Negligent Infliction of Emotional Distress by the Defendants, and each of them, engaged in outrageous conduct towards Plaintiff, with the intention to cause or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress. To the extent that said outrageous conduct was perpetrated by certain Defendants, the remaining Defendants adopted and ratified said conduct with a wanton and reckless disregard of the deleterious consequences to Plaintiff. As a proximate result of said conduct, Plaintiff has suffered and continues to suffer extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all to her damage in amounts to be proven at trial. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice and in conscious disregard of Plaintiff's rights, entitling Plaintiff to recover punitive damages in amounts to be proven at trial.

34. Negligent Supervision that the Plaintiff is informed and believes and on that basis alleges that, when engaging in the wrongful conduct alleged herein, Defendants were acting as agents of each other. Each Defendant knew or reasonably should have known that the other Defendants were engaging in the wrongful conduct alleged herein, and that

this conduct would directly and proximately result in injury to Plaintiff.

Defendant knew or reasonably should have known that the other Defendants were in violation of legal requirements as alleged herein and each Defendant had the authority to supervise, prohibit, control, and/or regulate the other Defendants so as to prevent these acts and omissions from occurring. Each Defendant knew or reasonably should have known that unless they intervened to protect Plaintiff and properly to supervise, prohibit, control, and/or regulate the conduct of the other Defendants, those Defendants would perceive their acts and omissions as being ratified and condoned. Each Defendant failed to exercise due care by failing to supervise, prohibit, control, or regulate the remaining Defendants and/or by failing to protect Plaintiff. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has suffered and continued to suffer injuries entitling her to damages in an amount to be determined at trial.

35. Negligence Per Se that the Plaintiff is among the class of persons that the Policy and Procedure Manual and the Instructions for South Carolina Traffic Collision Report Manuals were designed to protect and for whose protection the foregoing statutes and regulations were adopted. Plaintiff's injuries are of the type that the foregoing statutes and regulations are intended to prevent. Defendants' violations of the foregoing statutes and regulations constituted negligence per se and created a presumption of negligence. As a direct and proximate result of Defendants' acts and omissions as alleged in this Complaint, Plaintiff has suffered and continues to suffer economic damages, in an amount, nature, and degree to be proven at trial. Defendants' conduct as described in this Complaint was malicious, fraudulent, and/or

oppressive, and done with a conscious disregard for the rights of the Plaintiff and for the deleterious consequences of the Defendants' actions. Each Defendant authorized, condoned, and/or ratified the unlawful conduct of all the other Defendants named in this action and of their agents and employees.

**FOR A SECOND CAUSE OF ACTION
AGAINST ALL DEFENDANTS
(Violation of Oath of Office)**

36. The Plaintiff realleges paragraphs 1-35 aforesaid.

37. Plaintiff alleges Violation of Oath of Office. Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe an oath.

a. Plaintiff has no record or evidence that Oaths of office are not required by all public officials, judges, law enforcement personnel, administrators, and many other persons who have voluntarily submitted themselves into the duties of said offices/positions and are given monetary and other benefits for such commitment. According to Article VI, Clause 3, of the Constitution, "All executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution..."

b. Plaintiff hereby makes explicit NOTICE and DECLARATION of one specific Right granted to Plaintiff by way of the Constitution of the United States; that being,

the right to demand an judicial, executive, and legislative
United States government and all sub-corporate governmental entities give their
required Oath to protect and defend my unalienable rights, given to me by my
Creator; that it be duly recorded and made available to all who may from time to
time be, questioned by corporate entities, or, accused of any infamous crime against
society.

**FOR A THIRD CAUSE OF ACTION
AGAINST ALL DEFENDANTS
(Violation of Civil Rights)**

38. The Plaintiff realleges paragraphs 1 through 37 aforesaid

39. Plaintiff alleges Violation of Civil Rights. The Plaintiff brings this civil action
for deprivation of rights under Title 28 USC 42 Section 1981, Section 1983. Every person
who, under color of any statute, ordinance, regulation, custom, or usage, of any State or
Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the
United States or other person within the jurisdiction thereof to the deprivation of any
rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the
party injured in an action at law, suit in equity, or other proper proceeding for redress,
except that in any action brought against a judicial officer for an act or omission taken in
such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory
decree was violated or declaratory relief was unavailable. For the purposes of this section,
any Act of Congress applicable exclusively to the District of Columbia shall be considered to
be a statute of the District of Columbia.

1. Deprivation of Due Process- Plaintiff has no record or evidence that without warning or even the hint of warning that the case would be considered or determined on the side of the highway by Trooper Willie McCauley, Jr. [a decision was entered] "This is not the fair hearing essential to due process. It is condemnation without trial", as per; Ohio Bell Telephone Co. v. Public Utilities Commission, 301 U.S. 292 (1937).

2. Uncapped emotional distress damages are recoverable under the post-Civil War Civil Rights Acts, 42 U.S.C. " 1981 and 1983. Patterson v. McLean Credit Union, 491 U.S. 164, 182 n. 4 (1989) (Section 1981); Hafer v. Melo, 502 U.S. 21, 31 (1991) (Section 1983).

3. The 1991 Civil Rights Act permits emotional distress damages in cases brought under Title VII, the Americans with Disabilities Act, 42 U.S.C. '12117(a), and the Rehabilitation Act of 1973, 29 U.S.C. '794(a)(1). See, generally, 42 U.S.C. ' 1981A (1991). These damages are capped based on the size of the employer. 42 U.S.C. ' 1981A(b)(3).

(a) Right of recovery

(1) Civil rights. In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e-5, 2000e-16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act [42 U.S.C. 2000e-2, 2000e-3, 2000e-16], and provided that the complaining party cannot recover under section 1981 of this title, the complaining party may recover

compensatory and punitive damages as allowed in subsection (b) of this section, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

(2) Disability in an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e-5, 2000e-16] (as provided in section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)), and section 794a(a)(1) of title 29, respectively) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) under section 791 of title 29 and the regulations implementing section 791 of title 29, or who violated the requirements of section 791 of title 29 or the regulations implementing section 791 of title 29 concerning the provision of a reasonable accommodation, or section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112), or committed a violation of section 102(b)(5) of the Act, against an individual, the complaining party may recover compensatory and punitive damages as allowed in subsection (b) of this section, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

(3) Reasonable accommodation and good faith effort In cases where a discriminatory practice involves the provision of a reasonable accommodation pursuant to section 102(b)(5) of the Americans with

section 791 of title 29.

(4) Despite their superior knowledge and special information, Defendants, and each of them, actively concealed from Plaintiff that she was entitled to legal protections under the law. Defendants actively concealed these known, material facts with the intent to induce Plaintiff to accept her medical and financial status, and for the purpose of preventing Plaintiff from asserting her rights in any legal forum available to her. Because of the Defendants' position of superior access to relevant knowledge and information about Plaintiff's rights, Plaintiff justifiably relied upon Defendants' false representations to her detriment.

(5) Consequently, the Plaintiff is entitled to exemplary and punitive damages in an amount to be proven at trial. Defendants caused Plaintiff to be constantly apprehensive that she would be subjected to intentional invasion of her right to be free from offensive and harmful physical contact. As a proximate result of said conduct, Plaintiff has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries and economic losses, all to her damage in amounts to be proven at trial. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff from an improper and evil motive amounting to malice and in

conscious disregard of Plaintiff's rights. Plaintiff thus is entitled to recover punitive damages from Defendants in amounts to be proven at trial.

**FOR A FOURTH CAUSE OF ACTION
AGAINST ALL DEFENDANTS
(Conspiracy to Conceal Acts and Omissions)**

40. The Plaintiff realleges paragraphs 1 through 39 aforesaid

41. "[T]he essential elements of a [42 U.S.C.] § 1985 claim are:

(1) a conspiracy;

(2) to deprive plaintiff of equal protection or equal privileges and immunities;

(3) an act in furtherance of the conspiracy; and

(4) an injury or deprivation resulting therefrom." Tilton v. Richardson, 6 F.3d 683, 686 (10th Cir. 1993).

42. The Plaintiff alleges the Defendants participated in a conspiracy to defeat enforcement of the laws. The liability of the supervisors referred to in this case is distinguishable from cases alleging vicarious liability on the part of a supervisor. Rather, there were two sets of duties involved. First, the trooper, as the pursuing officer, had a "duty to protect, reasonably investigate and record those findings." Second, the supervisors Under the Doctrine of Acquiescence as well as the Maxim in Law which states that "silence

shows consent" 6 Barb. [N.Y.] 2B, Qui non negat, fatetur and "He who does not deny, agrees," (Trayner, Maxim 503)

a. 42 U.S. Code § 1985 - Conspiracy to interfere with civil rights

(1) Preventing officer from performing duties. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with

intent to deny to any citizen the equal

property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.(R.S. § 1980.)

b. 42 U.S.C. 1986 - Neglect to prevent

(1) Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R.S. § 1981.)

(2) All of the Defendants are alleged to be co-conspirators with each other, in that each agreed to participate and participated in the furtherance of the objective of a civil wrongs as alleged in this Complaint. Plaintiff is informed and believes and thereupon alleges that each Defendant entered into a conspiracy and agreement with the other Defendants and/or subsequently joined said conspiracy and ratified the prior acts and conduct of the Defendants who had previously entered into said conspiracy. Plaintiff is currently unaware of when each Defendant joined said conspiracy and, upon

and willfully entered into said conspiracy, which continues until this day. The purposes of this ongoing conspiracy include, but are not limited to, the wrongs alleged herein. All Defendants' acts and failures to act as alleged herein were perpetrated in furtherance of the ongoing conspiracy.

There are other co-conspirators not named as Defendants in this Complaint, who may be called as witnesses pursuant to South Carolina Rules of Civil Procedure.

(3) Plaintiff is informed and believes and thereupon alleges that at all times material herein, each Defendant was completely dominated and controlled by his or her co-Defendants, each was the agent, representative, and alter ego of the others, and all aided and abetted the wrongful acts of the others.

Whenever and wherever this complaint refers to any act by a Defendant or Defendants, such allegations and references shall also be deemed to mean the acts and failures to act of each Defendant acting individually, jointly, and/or severally.

(4) Plaintiff is informed and believes and on that basis alleges that at all material times, each of the Defendants has acted as an employer and/or a joint employer within the meaning of 29 U.S.C. § 203(d), and Plaintiff is informed and believes and thereupon alleges that at all times material herein, each of the Defendants was the agent, employee and/or joint venturer of, or working in concert with, co-Defendants and was acting within the course and scope of such agency,

employment, and/or joint venture or concerted activity. To the extent that said conduct and omissions were perpetrated by certain Defendants, Plaintiff is informed and believes and thereupon alleges that the remaining Defendant and/or Defendants confirmed and ratified said conduct and omissions.

(5) Whenever and wherever reference is made in this complaint to any act by a Defendant and/or Defendants, such allegations and references shall also be deemed to mean the acts and failures to act of each Defendant acting individually, jointly, and/or severally. Whenever and wherever reference is made to individuals who are not named as Defendants in this complaint but are or were employees/agents of Defendants, or any of them, such references shall be deemed to mean that such individuals at all relevant times acted on behalf of Defendants within the scope of their employment.

c. 42 U.S. Code § 1988 –

(1) Proceedings in vindication of civil rights applicability of statutory and common law. The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions

necessary to furnish suitable remedies and punishment

law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

- a. Attorney's fees in any action or proceeding to enforce a provision of Public Law 92-318 [20 U.S.C. 1681 et seq.], the Religious Freedom Restoration Act of 1993 [42 U.S.C. 2000bb et seq.], the Religious Land Use and Institutionalized Persons Act of 2000 [42 U.S.C. 2000cc et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or section 13981 of this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title,

- b. Expert fees

In awarding an attorney's fee under subsection (b) of this section in any action or proceeding to enforce a provision of section 1981 or 1981a of this title,

**FOR ALL DEFENDANTS
AGAINST ALL DEFENDANTS
(Dereliction of Duty)**

43. The Plaintiff realleges paragraphs 1-42 aforesaid.

44. The Plaintiff alleges that the Defendants "Could have known and should have known".

1. All duly sworn "officials", public "servants", and others who allow violations to be executed and continue without objection "could have known and should have known" according to common logic, general understanding, and competency certifications by legislative authorities. Note this early use of the established doctrine, "could have known and should have known", ruled in the case of Lashley v. Koerber, California, 1945. In this 1945 case, the appellant court held a physician liable because he could have known and should have known. It was summarized that a physician could be expected to exercise a "... reasonable degree of skill and learning and care ordinarily exercised by other doctors of good standing in the community".

2. Considered was the doctrine of res ipsa loquitur (the thing speaks for itself), where the plaintiff does not cause the problem, and the Defendant(s) is assumed guilty if Defendant(s) knowingly allowed or caused the harm to happen, or was negligent in preventing that harm when Defendant(s) should have and could have prevented it. This precedent implies and applies to all people licensed by the public to be trusted by that public to perform in a capacity demanded of their profession and licensed to be rated as "competent". This precedent, then, reaches

the protection of that public. All professional people, bankers, real estate agents, car salesmen and certainly all government workers (politicians, Congress Persons), especially those elected to offices of trust and power, are affected by that court ruling, which must be considered a precedent of the land. All elected officials, certainly, could have known and should have known, or they must suffer the consequences of incompetency and dereliction of duty. As a direct and proximate result of Defendants' conduct as alleged in this Complaint, Plaintiff has lost wages and other benefits in amounts to be proven at trial. Further, the unlawful conduct of Defendants, and each of them, as alleged in this Complaint, was and continues to be malicious, fraudulent, despicable, and/or oppressive in that Defendants, and each of them, acted with full knowledge of the consequences to the Plaintiff as alleged in this Complaint, with the intent to violate the statutory and other rights of the Plaintiff, and/or with a willful, conscious, wanton, and reckless disregard for the Plaintiff's rights and for the deleterious consequences and cruel and unjust hardship resulting to Plaintiff.

**FOR A SIXTH CAUSE OF ACTION
AGAINST ALL DEFENDANTS
(Crimes of Moral Turpitude)**

45. The Plaintiff realleges paragraphs 1-44 aforesaid

46. Violation of Crimes of Moral Turpitude which a legal concept in the United States and some other countries that refers to "conduct that is considered contrary to community standards of justice, honesty or good morals." The concept of "moral turpitude"

might escape precise definition, but it has been described as "conduct of a depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." Plaintiff has no record or evidence that for more than a century the central meaning of procedural due process has not been clear, as per; "Parties whose rights are to be affected are entitled to be heard;" *Baldwin v. Hale*, 1 Wall. 223, 233. See *Windsor v. McVeigh*, 93 U.S. 274 ; *Hovey v. Elliott*, 167 U.S. 409 ; *Grannis v. Ordean*, 234 U.S. 385 . It is equally fundamental that the right to notice and an opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 Failure to Protect from Harm-6th Amendment (Failure to protect victim /witness) Plaintiff has no record or evidence that any Court has authority to do that which is clearly unlawful, as per; "The United States is forbidden by the fundamental law to take either life, liberty, or property without due process of law, and its courts are included in this prohibition." *Bass v. Hoagland*, 172 F.2d 205, 209 (1949); *DelVecchio v. Illinois Dept. of Corrections*, 8 F.3d 509, 514 (7th Cir. 1993). SC TITLE 23 Ch. 6 DPS Article 1 Sec. 23-6-30

1. As a direct and proximate result of these actions, Plaintiff has sustained damages, including extreme mental suffering, humiliation, emotional distress, physical injuries and economic losses, entitling her to damages in an amount to be proven at trial.
2. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff from an improper and evil motive amounting to malice, and in conscious disregard of

Plaintiff's rights. Plaintiff is thus entitled to recover punitive damages from Defendants in amounts to be proven at trial. Each of the Defendants and their agents intentionally and/or negligently made multiple representations of material fact in telling Plaintiff that they were not liable. These representations were in fact false. The truth was that the Individual Defendant, McCauley, acting within the course and scope of his duties with the Defendant Department failed to use due care in conducting his accident investigation and demonstrated erroneous and false assumption and presumption by discrediting the alleged witnesses and his statement when it turned out that this "alleged witness" was indeed the party who caused the Plaintiff's accident. By the act of discarding the contact information and statement of this alleged witness when it turned out that this "alleged witness" was indeed the party who caused the Plaintiff's accident. By falsifying information in official documents by inputting wrong tag # in CAD (Computer Aided Dispatch), by refusing to properly investigate (refused to contact witnesses), by preparing erroneous documents (four (4) accident reports), by intentional neglect of duty (failure to upgrade status after the victim reported a crime to him at the hospital, i.e. Plaintiff's statement and by attempting to conspire to conceal acts and omissions. When remaining Defendants became knowledgeable of his actions, they made the representations that they were false and/or had no reasonable ground for believing that the representations were true. Defendants made the representations with the intent to defraud and induce Plaintiff to simply go away. Each of the Defendants has had and continues to have both the means of obtaining and actual possession of superior knowledge and special information with regard to the facts relevant to a determination of Plaintiff's rights as a citizen. The superior knowledge and special information possessed by Defendants includes, but is not

limited to, knowledge of legal requirements for policy, procedure and liability by result of Defendants' position to obtain superior knowledge and their actual possession of such knowledge, each Defendant has gained an unconscionable advantage over Plaintiff, who was ignorant of facts relevant to her recoverable damages and rights and who was not in a position to become informed about such facts.

**FOR A SEVENTH CAUSE OF ACTION
AGAINST ALL DEFENDANTS
(Violation of SC Department of Public Safety Policy and Procedure)**

47. The Plaintiff realleges paragraphs 1-46 aforesaid

48. Disciplinary Action Policy Purpose

1. All employees of the Department of Public Safety are expected to conduct themselves in accordance with applicable laws, regulations, Agency Policies and generally acceptable work behaviors. Employees in supervisory positions will set an example by their conduct, attitude and work habits. This policy is created to ensure that disciplinary actions imposed by the Agency for unacceptable conduct are imposed in a consistent and fair manner and generally follow a progressive disciplinary plan. However, because it can be difficult to be all-inclusive or to assign a degree of severity to various offenses, the appropriate discipline will be determined after the particular circumstances of the case have been carefully considered. For these reasons, all supervisors will consult the Agency's Office of Human Resources prior to imposing any discipline or attempting to resolve any disciplinary matter. Employees should not construe any recommended actions contained herein to be a definitive course of action that the Agency will strictly

follow when administering discipline. The Agency reserves the right to impose any type of disciplinary action for any offense as deems appropriate, including dismissal from employment for a first offense.

2. Guidelines for Progressive Disciplinary Action

a. Destruction, Alteration or Falsification of Records (Level II Reprimand to Dismissal)

3. Interference with Other Employee's Work/ Co-conspiracy to conceal acts and omissions (Level II Reprimand)

4. Mishandling of Agency Funds or Documents- Spoilation of Evidence, Failure to Preserve Evidence (Level II Reprimand to Dismissal)

5. Willful Violation of Rules, Regulations or Policy (Level II Reprimand to Suspension)

6. Negligence in Following Rules, Regulation or Policies (Level I Reprimand to Level II Reprimand)

7. Negligent Authorized Operation of a State Vehicle Resulting in an Accident/Personal Injury (Level I Reprimand to Dismissal)

8. Refusal to Cooperate with Administrative Investigations (Written Reprimand to Dismissal)

9. Improper Conduct (Level I Reprimand to Dismissal)

10. Negligence in the Performance of Duty (Level I Reprimand to Dismissal)

11. Failure to Provide Accurate, Truthful and Complete Information (Level I Reprimand to Suspension)

12. Gross Negligence- Refusal to properly investigate and not to acknowledge victims report as a crime
13. Conduct Non-becoming of an Officer-
14. Negligent Infliction of Emotional Distress- Refusal to acknowledge victims report as a crime
15. Failure to supervise McCauley, King, Taylor, Grice and Smith

**FOR AN EIGHTH CAUSE OF ACTION
AGAINST ALL DEFENDANTS
(Systematic Neglect of Duty)**

49. The Plaintiff alleges paragraphs 1 through 48 aforesaid
50. The Plaintiff alleges that the trooper and the supervisors at the Department of Public Safety FAILED to perform their respective duties and there was an "absence of care that is necessary under the circumstances". The supervisors at the Department had an independent duty to monitor the acts of the troopers and take any actions deemed appropriate as reprimands and reporting the Troopers acts and omissions to the Office of Professional Responsibility. This duty is based on both the Department's own internal policy and on general standards of conduct recognized by law enforcement agencies, primarily the latter. These failures left an ongoing victimization of the Plaintiff which existed since the accident and will continue in the future do to severe emotional harm, serious economic harm including and not limited to major lifestyle changes do to medical bills loss of income.

1. All of the above are in violation of standards taught by the Department to its patrolmen, and known to the Defendant(s). The above actions were obviously negligent, reckless and malicious which led to everlasting lifetime injury which will require lifelong medical care and therapy.

2. All Defendants, and each of them, knew or reasonably should have known that the conduct described herein would and did proximately result in physical and emotional distress to Plaintiff. At all relevant times, all Defendants, and each of them, had the power, ability, authority, and duty to stop engaging in the conduct described herein and/or to intervene to prevent or prohibit said conduct. Despite said knowledge, power, and duty, Defendants negligently failed to act so as to stop engaging in the conduct described herein and/or to prevent or prohibit such conduct or otherwise protect Plaintiff. To the extent that said negligent conduct was perpetrated by certain Defendants, the remaining Defendants confirmed and ratified said conduct with the knowledge that Plaintiff's emotional and physical distress would thereby increase, and with a wanton and reckless disregard for the deleterious consequences to Plaintiff. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer serious emotional distress, humiliation, anguish, emotional and physical injuries, as well as economic losses, all to her damage in amounts to be

proven at trial.

By Biafra Monique Curtis
Biafra-monique; Curtis Date 8-24-15

WHEREFORE, plaintiff prays judgment against defendant as follows:

- a. For general damages for severe emotional distress and mental suffering.
- b. For medical, injury related expenses as well as future care in according to proof to be provided at trial;
- c. For lost wages in the sum of which to be provided at trial;
- d. For property damage in the sum of which to be provided at trial.
- e. For costs of suit herein incurred, proof of which to be provided at trial;
- f. For punitive damages in an amount to be determined by the finder of fact;
- g. For such other and further relief as the court may deem just and proper.

WHEREFORE, Plaintiff respectfully prays that this Court enters judgment against Defendants, and each of them.

DATED:

By Biafra Monique Curtis
biafra-monique; Curtis

8-24-15

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

DATED:

By Biafra Monique Curtis
biafra-monique; curtis

8-24-15

JEANETTE W. AIDRIDGE
C.C.P. & G.S.

2015 AUG 24 AM 11:29

NOEL AIDRIDGE
FILED

I, biafra-monique; curtis, am a Plaitiff in the above-entitled action. I have read the foregoing Summons and Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Beaufort County, South Carolina.

DATED: 8-24-15

Biafra May Court
(Signature)

ROSLAND COURT
FILED
2015 AUG 24 AM 11:29
JEANETTE W. MORRIS
C.C.P. & C.S.

NOTARY ACKNOWLEDGEMENT

On this 24th day of August, 201⁵, before me, the undersigned Notary

Public in and for the STATE OF SOUTH CAROLINA, appeared

Biafra Monique Curtis Self-identified as an indigenous woman

AS WITNESS my hand and seal.

A L Thompson Notary Public

My Commission Expires 03/28/2023

A L THOMPSON
Notary Public - State of South Carolina
My Commission Expires March 28, 2023

CERTIFICATE OF SERVICE

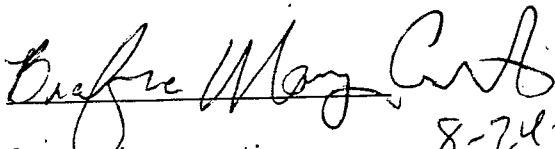
I, :biafra-monique :curtis hereby attest to the filing of the original copy of this Affidavit of Truth into the record of the Court of Common Pleas in and for Richland County, South Carolina and left additional copies with an associate of the United States Postal Services for delivery, with adequate postage paid, to the parties and entities named herein at the addresses given:

Mr. Warren Ganjehsani, SC BAR #17040
South Carolina Department of Public Safety
Office of General Counsel
10311 Wilson Blvd.
Blythewood, SC 29016

Mr. Warren Ganjehsani, SC BAR #17040
South Carolina Department of Public Safety
Office of General Counsel
PO BOX 1993
Blythewood, SC 29016

South Carolina Insurance Reserve Fund
1201 Main Street, Ste. 500
Columbia, SC 29201

Loretta E. Lynch
United States Department of Justice
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

By 
biafra-monique; curtis 8-24-15

RICHLAND COUNTY
FILED
2015 AUG 24 AM 11:29
JEANETTE W. MCBRIDE
C.C.P. & U.S.

EXHIBIT "2"

RECEIVED

DEC 08 2016

SC Court of Appeals

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Biafra Monique Curtis, Pro Se,)

Case Number: 3:15-cv-03753-MGL-PJG

v.)

South Carolina Department of Public)

Safety, Warren Ganjebsani, Mike)

Oliver, Leroy Smith, Kenneth)

Phelps, Anthony Grice, William)

Taylor, Nicklous King, Willie)

McCauley, Jr., Ada Schmidt, Aaron)

Canzater and Cherie Young,)

Individually and in their official)

Capacities,)

RESPONSES AND OBJECTIONS TO
PLAINTIFF'S DISCOVERY REQUESTS
MISCHARACTERIZED AS MOTION
FOR DISCOVERY

TO: BIAFRA CURTIS, *pro se*, PLAINTIFF:

The defendants hereby respond and object to plaintiff's discovery requests, mischaracterized as a Motion for Discovery and improperly filed in the Court, dated November 20, 2015, mailed November 23, 2015, received at some time between November 25 and 30, 2015, as follows:

Defendants note that the documents included in the package contain a reference to FRCP 36, however, no requests for admissions were included in the package. No item within the package constitutes a request for an admission. To the extent plaintiff considers any of her discovery requests to constitute requests for admissions, the defendants object and deny all requests for admissions.

Notwithstanding any objection herein, defendants assert all nonprivileged relevant information responsive to the plaintiff's requests and in the possession of defendants has been provided pursuant to the Freedom of Information Act.

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Defendants object to the discovery requests as exceeding the scope and limits set forth in FRCP 26(b)(1).

Defendants object to a "prayer" being included with discovery requests, as such is not a proper discovery request.

Defendants object to the Requests for Production as overly broad, unduly burdensome, and vague.

Defendants object to the Interrogatories, in that the plaintiff, in violation of FRCP 33(a)(1), has served interrogatories exceeding the allowed number of twenty-five. Rather than simply respond to the first twenty-five (25) discrete subparts, defendants invite the plaintiff to trim her interrogatories to the allowed number or seek the Court's leave to serve additional interrogatories.

Defendants object to the interrogatories and requests for production to the extent they seek information which constitutes attorney-client privileged communication, or materials prepared in anticipation of litigation or for trial by any defendant, its attorneys, consultants, sureties, indemnitors, insurers, or agents, or communications with experts except to the extent specifically rendered discoverable by FRCP 26.

Defendants and their counsel object to being "instructed" how to respond to discovery requests, when responses are governed not by the plaintiff but by the Federal Rules of Civil Procedure.

Defendants assert all materials responsive to any proper discovery request have been provided to the plaintiff pursuant to a Freedom of Information Act request. Pursuant to FRCP 33(d), the defendants crave reference to those records for the information responsive to plaintiff's discovery requests.

12/2

Specific Responses and Objections to Requests for Production

1. Defendants object to Request 1, on the grounds the request is overly broad, vague, unduly burdensome, and unduly intrusive, in that it seeks, without limit of time or scope: a. "All" records concerning a South Carolina state agency, the South Carolina Department of Public Safety; and its individual employees who are defendants to this action;

b. "All" records, without limit of time or scope, concerning the individual defendants in this action, including "all" records every individual defendant has about himself or herself, whether or not those records are relevant to this action or likely to lead to the discovery of admissible evidence;

c. Records about, or perhaps records in possession of, nonparties, Adair Home Insurance Company, South Carolina Insurance Reserve Fund, and South Carolina Department of Motor Vehicles;

d. Records of insurers, all or part of which are protected and privileged from discovery under FRCP 26(b)(3)(A).

2 and 3. Defendants object to Requests 2 and 3, on the ground they are unduly burdensome, overly broad, and vague, and may be construed to seek information privileged from disclosure as attorney-client communications, and attorney work product and case and trial preparation materials protected from discovery by FRCP 26(b)(3)(A). Notwithstanding the objection, defendants have provided all nonprivileged relevant information to the plaintiff in compliance with a Freedom of Information Act request.

4 and 5. Defendants object to Requests 4 and 5, to the extent they seek information of nonparties, to the extent it seeks attorney-client communications, and to

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the extent it seeks information from the nonparty insurer for these defendants (protected under FRCP 26(b)(3)(A)). Defendants further object to the extent the discovery request implies any crime was committed by any defendant. Defendants further object to Request 5 as argumentative and not intended to elicit discovery. These defendants assert no crime nor misconduct was committed. These defendants do not bear the burden of proof in this action. Notwithstanding the objection, defendants believe all nonprivileged responsive material has been produced to the plaintiff pursuant to FOIA.

6. Defendants object to Request 6 as argumentative and not intended to elicit any discovery.

7. Defendants object to Request 7, as a Request to Produce may not be used to compel an Affidavit from any person, nor can an Affidavit ever be compelled. Defendants assert the nonprivileged information, if any, responsive to 7B, 7D, 7F, and 7G is included in the materials produced to plaintiff pursuant to FOIA. Defendants deny

~~that defendant Ganjehsani can refuse or did refuse to allow an ethics investigation.~~

Defendants object to the characterization in 7E of "false" vehicle tag, and assert any error in data entry was a human error. Defendants object to producing any information protected by FRCP 26(b)(3)(A). Defendants deny the accident should have been deemed criminal. Defendants deny any liability or causative role in any injury to the plaintiff.

8. There is no Request 8, but counsel is unaware why a list of witnesses is included in the discovery requests. If plaintiff's intention is to seek the direct contact information for any employee of the SCDPS, this information will not be provided, as SCDPS employees, whether or not named as individual defendants, should be contacted only through their undersigned counsel. If plaintiff's intention is to seek information held

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by nonparties, it will not be provided by these defendants and should be sought directly from its source. If plaintiff's intention is to seek information from defendants' insurer concerning this action, that information is protected from discovery by FRCP 26(b)(3)(A), and will not be disclosed by defendants.

Specific Responses and Objections to the Interrogatories

1 and 2. All information responsive to Interrogatories 1 and 2, which is in the possession of defendants and nonprivileged, has been produced pursuant to FOIA.

3. Objection is made to Interrogatory 3 on the ground it seeks information concerning attorney-privileged communications and trial preparation materials not discoverable under FRCP 26(b)(3)(A). Notwithstanding the objection, and without waiving any privilege but expressly reserving same, counsel discloses only that the responses are made in reliance on information provided to counsel by the defendants.

4 through 10. Objection is made as Interrogatories 4 through 10 are not proper interrogatories, but are argumentative and accusatory. Each defendant has been forthright in their conduct. Furthermore, each defendant is available for deposition by the plaintiff.

11. Objection is made to Interrogatory 11, as plaintiff is not permitted to dictate how a defendant answers a Complaint in a civil action.

12 through 29. Defendants object to interrogatories 12 through 29 on the grounds they are not proper interrogatories. Defendants further object as the interrogatories seek already in the possession of the plaintiff and information already provided pursuant to FOIA. Defendants further object to interrogatories 23 and 24 as seeking an opinion from defendants, and, at that, an opinion some of the defendants would be unqualified to state.

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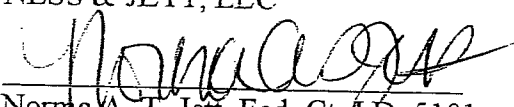
Defendants object to all interrogatories seeking standards, laws, or other information available to plaintiff through review of publicly available research materials. Defendants object to Interrogatories 25 and 26 as not proper interrogatories. Defendants object to Interrogatory 27 as not a proper interrogatory but a legal argument. Defendants object to Interrogatory 28 as not a proper interrogatory. Defendants object to Interrogatory 29 as not an interrogatory but an accusation, which defendants deny.

December 21, 2015

Bamberg, SC

By:

NESS & JETT, LLC


Norma A. T. Jett, Fed. Ct. I.D. 5101

Alison Dennis Hood, Fed. Ct. I.D. 11078

Post Office Box 909

Bamberg, SC 29003

(803) 245-5178

normajett@bellsouth.net

alisondhood@gmail.com

ATTORNEYS FOR ALL DEFENDANTS

12/6

EXHIBIT "3"

RECEIVED

DEC 08 2016

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016—001239

Biafra Monique Curtis.....Appellant

v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy
Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie
McCauley, Jr. Ada Schmidt, Aaron Canzater and Cherie young, individually and in
their Official Capacities.....Respondents

MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL

YOU WILL PLEASE TAKE NOTICE, RESPONDENTS, by and through their
undersigned attorneys, will move the Court for an Order striking portions of the
Record on Appeal, as designated by Appellant, pursuant to Rule 210 (c), SCACR, as
the designated matter was not submitted to the lower court and is therefore
extraneous and should not properly be included within the Record on Appeal.

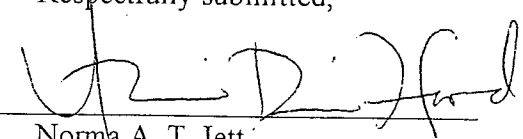
Particularly, Respondents request the following matter be stricken from the
Record on Appeal:

1. Defendants' Attorneys Discovery "Response and Objection" dated
December 21, 2015

This motion is based upon the Transcript of the Hearing on this matter, dated
May 18, 2016, which contains no clear reference to this discovery documentation
being submitted to the Court for consideration. The undersigned has no record of
the discovery responses ever having been submitted to the court or to the clerk.
Upon information and belief, this particular matter was not submitted to the lower
court, and Rule 210(c), SCACR prohibits its inclusion within the Record on Appeal.

September 2, 2016

Respectfully submitted,

By: 

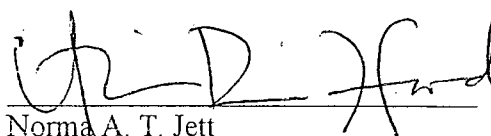
Norma A. T. Jett
Alison Dennis Hood
NESS & JETT, LLC
P.O. Box 909
Bamberg, South Carolina 29003
Telephone (803) 245-5178
Fax (803) 245-5384
ATTORNEY FOR ALL RESPONDENTS

CERTIFICATE OF SERVICE

This is to certify that I, Alison Dennis Hood, Attorney for ALL RESPONDENTS, along with Richard B. Ness of Ness & Jett, LLC, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **RESPONDENTS' INITIAL BRIEF AND INITIAL DESIGNATION OF MATTER, along with a MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL** in the matter captioned *Biafra Monique Curtis, Pro Se v. SCDPS, et al.*, Appellate Case Number: 2016-001239 to the following parties, at the following addresses:

Biafra Monique Curtis
P.O. Box 21294
Hilton Head, SC 29925

Bamberg, S.C.
Sept 2, 2016



Norma A. T. Jett
Alison Dennis Hood
Ness & Jett, LLC
P.O. Box 909
Bamberg, SC 29003
Phone: (803) 245-5178
Fax: (803) 245-5384
Attorneys for All Respondents

EXHIBIT "4"

RECEIVED

DEC 08 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

RECEIVED

SEP 19 2016

SC Court of Appeals

Case No:2016-CP-001239

South Carolina Department of Public Safety,
Warren Ganjeheh, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

RESPONSE TO MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL

YOU WILL PLEASE TAKE NOTICE, APPELLANT, moves the court for an Order objecting to striking any portions of the Record on Appeal and if, as stated in the defense attorneys motion to strike matter which was prepared, addressed to the United States District Court, signed, dated and mailed to the Appellant by use of the United States Postal Service, but not submitted to the lower court, then it seems to this writer that there is a possibility of fraud on the court or at least or evidence that the judicial process may have been polluted by way of fraudulent actions and omissions, as per; "McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v Holzer, 816 F.2d. 304, 307: ""**Fraud in its elementary common law sense of deceit - and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) - includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud or evidence that false representation does not**

constitute fraud. "Any false representation of material facts made with knowledge of falsity and with intent that it shall be acted on by another in entering into contract, and which is so acted upon, constitutes 'fraud,' and entitles party deceived to avoid contract or recover damages." Barnsdall Refining Corn. v. Birnam Wood Oil Co. 92 F 26 817 or evidence that defendants attorney(s) are not guilty of Sham Pleading. "Those which are inherently false and must have been known by interposing party to be untrue." Pentecostal Holiness Church, Inc. v. Mauney, Fla App., 270 So.2d 762, 769. or evidence that defense attorney(s) did not promote the functions of Aider and Abettor. "One who advises, counsels, procures, or encourages another to commit a crime, himself being guilty of some overt act or advocacy or encouragement of his principal, actually or constructively present when crime is committed, and participating in commission thereof by some act, deed, word, or gesture, Turner v Commonwealth, 268 Ky. 311, 104 S.W. 2D 1085, and sharing the criminal intent of the principal."

This writer is now concerned with Offenses Against Public Justice.

SECTION 16-9-10. Perjury and subornation of perjury.

(A)(1) It is unlawful for a person to wilfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State.

(2) It is unlawful for a person to wilfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

(B)(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

(C) A person may be convicted under this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement.

HISTORY: 1962 Code Section 16-201; 1952 Code Section 16-201; 1942 Code Section 1397; 1932 Code Section 1397; Cr. C. '22 Section 332; Cr. C. '12 Section 340; Cr. C. '02 Section 253; G. S. 2531; R. S. 217; 1712 (2) 487; 1993 Act No. 184, Section 89.

SECTION 16-9-20. Subornation of perjury in civil actions.

(A) It is unlawful for a person to:

(1) wilfully induce, procure, or persuade another person by any means to commit perjury in initiating a civil action or proceeding; or

(2) wilfully induce, procure, or persuade another person to give false, misleading, or incomplete testimony while under oath in a civil action or proceeding.

(B) A person who violates the provision of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months and fined not less than two hundred dollars.

HISTORY: 1962 Code Section 16-202; 1952 Code Section 16-202; 1942 Code Section 1398; 1932 Code Section 1398; Cr. C. '22 Section 333; Cr. C. '12 Section 341; Cr. C. '02 Section 254; G. S. 2532; R. S. 218; 1712 (2) 487; 1993 Act No. 184, Section 90.

SECTION 16-9-30. False swearing before persons authorized to administer oaths.

It is unlawful for a person to wilfully and knowingly swear falsely in taking any oath required by law that is administered by a person directed or permitted by law to administer such oath.

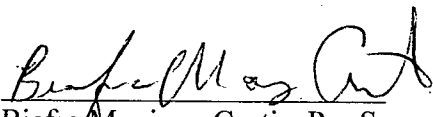
A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

HISTORY: 1962 Code Section 16-203; 1952 Code Section 16-203; 1942 Code Section 1400; 1932 Code Section 1400; Cr. C. '22 Section 335; Cr. C. '12 Section 343; Cr. C. '02 Section 256; G. S. 2534; R. S. 220; 1833 (2) 485; 1993 Act No. 184, Section 166.

My response to this motion is based on the fact that documents were indeed referred to during the final hearing regarding the information which had previously been submitted to the court and were repeatedly overlooked and ignored. Now that the defense has gotten caught with their pants down, it would be an atrocity and a continuation of the biased and one-sided treatment that represents the continued victimization of the appellant. They had both the letter from Phelps and Ganjesani in hand at the time that they prepared that fictitious document and they knew that it was false. Now that it is being pointed out, they want to strike it. No. Absolutely Not.

I certify that this response to motion contains no matter that is not relevant to this appeal.

September 16, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925

FORM 7
PROOF OF SERVICE OF RESPONSE TO MOTION TO EXCLUDE
MATTER TO BE INCLUDED ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No: 2016-001239

South Carolina Department of Public Safety,
Warren Ganjeheh, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent

V.

Biafra Monique Curtis, Pro Se

Appellant

PROOF OF SERVICE

I certify that I have served the Proof of Service of Response to Motion to Exclude Matter on Appeal to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

September 16, 2016

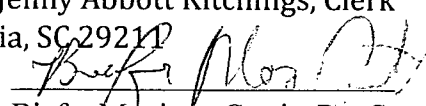

Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

EXHIBIT "5"

RECEIVED

DEC 08 2016

SC Court of Appeals



South Carolina Department of Public Safety

OFFICE OF GENERAL COUNSEL

P.O. Box 1993 • Blythewood, S.C. 29016

Tel: (803) 896-7965 • Fax: (803) 896-7967

June 10, 2015

Ms. Biafra Monique Curtis
P.O. Box 21294
Hilton Head Island, SC 29925

Re: Claim No. 87232

Dear Ms. Curtis:

You contacted the Department of Public Safety's Office of Professional Responsibility ("OPR") recently and sent OPR Chief K. D. Phelps an e-mail on June 8, 2015 in connection with an incident involving you on September 27, 2012. In your June 8th e-mail, you attempted to reengage the Department on the same allegations that formed the basis of a claim you made against this agency last year.

As you will recall from my October 29, 2014 letter to you, the Insurance Reserve Fund ("IRF") is the entity responsible for evaluating claims such as yours that are asserted against state agencies. Consequently, the Department forwarded your claim regarding this incident to the IRF for evaluation on October 3, 2014.

By letter dated November 18, 2014 (a copy of which is enclosed), the adjuster assigned to investigate your claim notified you that he was "unable to establish any liability on behalf of the SC Department of Public Safety for this incident." Insofar as the IRF has found that no liability exists in this matter, the Department declines to undertake further investigative efforts that would duplicate those already performed by the IRF.

For the foregoing reasons, the Department deems this matter closed and will not be commenting further on the circumstances surrounding your claim. Should you have any information that you believe the IRF should consider in revisiting your claim, you can contact the adjuster shown on the enclosed letter.

Sincerely,

Warren V. Ganjehsani
General Counsel

WVG/md

Encl.

cc: Chief K. D. Phelps

EXHIBIT "6"

RECEIVED

DEC 08 2016

SC Court of Appeals

The South Carolina Court of Appeals

Biafra Monique Curtis, Appellant,

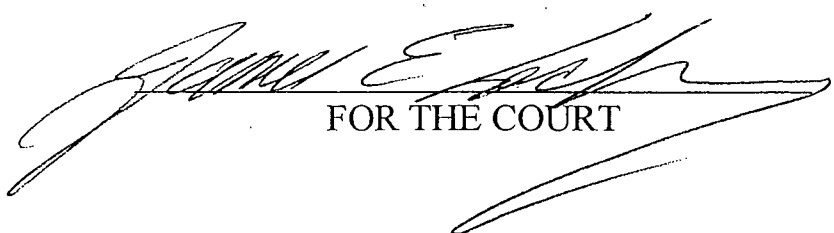
v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie McCauley, Jr., Ada Schmidt, Aaron Canzater and Cherie Young, individually and in their official capacities, et al., Respondents.

Appellate Case No. 2016-001239

ORDER

After careful consideration, Respondents' motion to strike is denied. Within thirty days of the date of this order, Appellant shall serve the record on appeal on Respondents and file a proof of service with this court.



FOR THE COURT

Columbia, South Carolina

cc:

Biafra Monique Curtis

Norma Anne Turner Jett, Esquire

Alison Dennis Hood, Esquire

FILED

October 26, 2016

EXHIBIT "7"

RECEIVED

DEC 08 2016

SC Court of Appeals

NESS & JETT, LLC
ATTORNEYS AT LAW
P.O. BOX 909
BAMBERG, SOUTH CAROLINA 29003

RICHARD B. NESS†*
NORMA A. T. JETT*

*CERTIFIED CIRCUIT COURT MEDIATOR
†AMERICAN BOARD OF TRIAL ADVOCATES

2878 MAIN HIGHWAY
Telephone 803/245-5178
Telecopier 803/245-5384

ALISON DENNIS HOOD
ADAM C. NESS
R. AARON NESS

JULIUS B. NESS
1916-1991

November 23, 2016

Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: *Biafra Monique Curtis v. SCDPS, et al.*
Appellate Case Number: 2016-001239

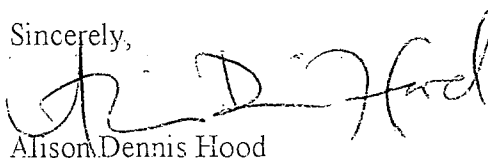
Dear Ms. Kitchings:

Please find enclosed an original and one copy of **Respondents' Motion to Reform Record on Appeal**, as well as a check for the filing fee.

By copy of this letter, I am serving a copy of these items on Appellant as shown below.

Thank you for your assistance.

Sincerely,



Alison Dennis Hood

ADH
Enclosures

cc: Biafra Monique Curtis
Appellant
PO Box 21294
Hilton Head Island, SC 29925

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016—001239

Biafra Monique Curtis.....Appellant

v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie McCauley, Jr. Ada Schmidt, Aaron Canzater and Cherie young, individually and in their Official Capacities.....Respondents

MOTION TO REFORM RECORD ON APPEAL TO COMPLY WITH
Rule 210, SCACR AND TO STAY THE TIME OF FINAL BRIEFING UNDER RULE
211, SCACR UNTIL THE RECORD ON APPEAL CAN BE SO REFORMED

YOU WILL PLEASE TAKE NOTICE, RESPONDENTS, by and through their undersigned attorneys, will move the Court for an Order seeking to reform the Record on Appeal to comply with Rule 210, SCACR. This motion also seeks a stay of the twenty-day time to serve final briefs, under Rule 211(a), as the serious defects within the Record on Appeal will complicate the process of replacing references in the briefing to correspond to the Record.

Particularly, Respondents request the following matter be stricken from the Record on Appeal:

1. Amended Designation of Matter, dated November 21, 2016, which is an expansion of the matter previously designated, some of which is objectionable on the basis of its content, and all of which is objectionable for its timing, having been included in the Record on Appeal without having been so designated until this late date. Appellant has failed to comply with Rule 209 in failing to timely designate certain matter, and for this reason all materials proposed for inclusion for the first time on this Amended Designation of Matter, included concurrently with the Record on Appeal, should be stricken from the Record on Appeal. This includes: Page 2-3, Notices of Scheduling for Hearing; Page 11, SLED Letter from Captain John T. Bishop; Page 12, Chief K. D. Phelps Letter; Page 40-42, Amended Designation of Matter; Exhibit 2 (un-paginated accident reports); and Exhibit 3 (un-paginated witness statements). As to the SLED letter from Captain John T. Bishop, letter from Chief K. D. Phelps, accident reports and witness statements, none of these were submitted to the lower court for consideration at the hearing on this matter, and for that additional reason, these items should be excluded from the Record on Appeal.

2. The Record on Appeal produced to Respondents on November 24, 2016 is deficient, in that it includes Exhibits that are unnumbered and were not included within the Designation of Matter, required under Rule 209. The Record on Appeal fails to conform to Rule 210, SCACR and these material errors must be corrected before final briefs can be completed. Exhibit 1 includes portions of the

transcript of testimony, and should be properly included within the record.

However, Exhibit 1 is not paginated.

3. The Index is not organized pursuant to Rule 210(c), SCACR.
4. The Record on Appeal contains argumentative statements, for the first time, and a demand for a jury trial, both of which are inappropriate within the Record of Appeal. This matter should be excluded. It is included within the Record on Appeal on Page 6 of the Index.

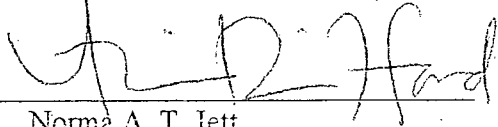
This motion is based upon the Record on Appeal served on Respondents on November 21, 2016.

Rule 210(c), SCACR prohibits the inclusion within the Record on Appeal of matter that was not presented to the lower court, not included on the Designation of Matter, not relevant to this appeal, and not submitted in the proper format.

Respondents request an Order granting a temporary stay with respect to final briefing under Rule 211(a), SCACR, until these issues can be resolved.

November 23 2016

Respectfully submitted,

By: 

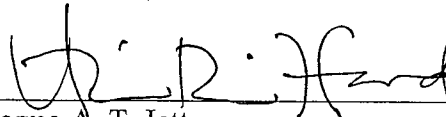
Norma A. T. Jett
Alison Dennis Hood
NESS & JETT, LLC
P.O. Box 909
Bamberg, South Carolina 29003
Telephone (803) 245-5178
Fax (803) 245-5384
ATTORNEY FOR ALL RESPONDENTS

CERTIFICATE OF SERVICE

This is to certify that I, Alison Dennis Hood, Attorney for ALL RESPONDENTS, along with Norma A. T. Jett of Ness & Jett, LLC, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **MOTION TO Reform the Record on Appeal** in the matter captioned *Biafra Monique Curtis, Pro Se v. SCDPS, et al.*, Appellate Case Number: 2016-001239 to the following parties, at the following addresses:

Biafra Monique Curtis
P.O. Box 21294
Hilton Head, SC 29925

Bamberg, S.C.
November 23 2016


Norma A. T. Jett
Alison Dennis Hood
Ness & Jett, LLC
P.O. Box 909
Bamberg, SC 29003
Phone: (803) 245-5178
Fax: (803) 245-5384
Attorneys for All Respondents

RECEIVED

DEC 08 2016

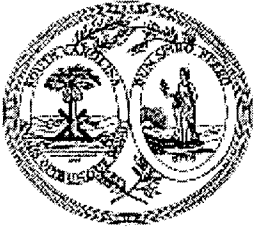
SC Court of Appeals

EXHIBIT "8" (A & B)

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

April 29, 2016



**Motion "MSTRIK - Motion to Strike" for Case: 2015CP4005172 -
Biafra Monique Curtis vs South Carolina Department Of Public Safety
, defendant, et al has been added to the following Motions Roster:**

958 - MOTION ROSTER MAY 18, 2016 COURTROOM

This hearing of this motion has been scheduled for 5/18/2016 at 9:30 AM.

RESCHEDULED The above referenced case is scheduled for a Motion Hearing before Judge L. Casey Manning in Courtroom 2-E. The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing. ALL ATTORNEYS MUST SEND A PROPOSED ORDER OR MEMORANDUM OF LAW BY Wednesday, May 11, 2016 FOR THE MOTION HEARING THAT IS BEING HEARD ON HARD COPY AND DISK:to <mailto:cmanninglc@sccourts.org>

Mail Notice To:

Biafra Monique Curtis
P O Box 21294

Hilton Head, SC 29925

Court Info:

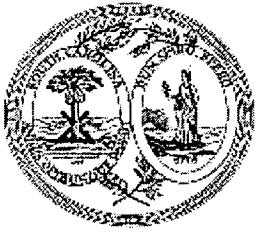
Richland County Common Pleas
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

April 29, 2016



Motion "MDISMS - Motion for Dismissal for failure to state a cause of action" for Case: 2015CP4005172 - Biafra Monique Curtis vs South Carolina Department Of Public Safety , defendant, et al has been added to the following Motions Roster:

958 - MOTION ROSTER MAY 18, 2016 COURTROOM

This hearing of this motion has been scheduled for 5/18/2016 at 9:30 AM.

RESCHEDULED The above referenced case is scheduled for a Motion Hearing before Judge L. Casey Manning in Courtroom 2-E. The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing. ALL ATTORNEYS MUST SEND A PROPOSED ORDER OR MEMORANDUM OF LAW BY Wednesday, May 11, 2016 FOR THE MOTION HEARING THAT IS BEING HEARD ON HARD COPY AND DISK:to <mailto:cmanninglc@sccourts.org>

Mail Notice To:

Biafra Monique Curtis
P O Box 21294
Hilton Head, SC 29925

Court Info:

Richland County Common Pleas
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

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DEC 08 2016

SC Court of Appeals

EXHIBIT "9" (A & B)

3

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **2015CP4005172**

Biafra Monique Curtis

RECEIVED

South Carolina Department Of Public Safety

Warren Ganjehsani

DEFENDANT(S)

PLAINTIFF(S)

AUG 10 2016

Submitted by:

SC Court of Appeals

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

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

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 33 day of Aug, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 33 day of Aug, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Biafra Monique Curtis

Alison Dennis Hood

Biafra Monique Curtis

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court

Jeanette W. McBride

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

Biafra Monique Curtis

FORM 4
RECEIVED

AUG 10 2016

SC Court of Appeals

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **2015CP4005172**

South Carolina Department Of Public Safety

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. No. suit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : _____

Motion to Strike is moot. Motion for Dismissal has been granted.

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 _____

Judge Code 2061

Date 5-18-16

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 23 day of May, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Biafra Monique Curtis

Alison Dennis Hood

Biafra Monique Curtis

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Janette W. McBride

EXHIBIT "10"

RECEIVED

DEC 08 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Biafra Monique Curtis, Pro Se,)

v.)

South Carolina Department of Public)

Safety, Warren Ganjehsani, Mike)

Oliver, Leroy Smith, Kenneth)

Phelps, Anthony Grice, William)

Taylor, Nicklous King, Willie)

McCauley, Jr., Ada Schmidt, Aaron)

Canzater and Cherie Young,)

Individually and in their official)

Capacities,)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case Number: 2015-CP-40-05172

RECEIVED

ORDER

AUG 10 2016

SC Court of Appeals

JEANETTE W. McBRIDE
C.C.P. & G.S.

2016 MAY 20 AM 9:18

RICHLAND COUNTY
FILED

Plaintiff filed this action in Richland County on August 24, 2015. Defendants filed their notice of removal to federal court on September 18, 2015. The initial Complaint stated several causes of action under 42 USC §1983, as well as various state law causes of action. The March 31, 2016 Order of Judge Mary Geiger Lewis dismissed all federal causes of action, including portions of the First cause of action (to the extent it relied on 42 USC §14141), and the Third cause of action (civil rights violations) and the Fourth cause of action (federal conspiracy) in their entirety. The case was then remanded to the Richland County Court of Common Pleas. The named defendants were heard on the balance of the motion to dismiss, pursuant to Rule 12(b)(6), on May 18, 2016 in Richland County Courtroom 2-E at 9:30 a.m. All Defendants moved for dismissal of the remaining state court causes of action on the following grounds:

1. The action is barred, as to all state law causes of action, by the applicable statute of limitations, set forth in S. C. Code §15-78-100;

SCANNED

consider all well-pled allegations as true." *Fabian v. Lindsay*, 410 S.C. 475, 481, 765 S.E.2d 132, 136 (2014).

CONCLUSIONS OF LAW:

These Defendants are entitled to dismissal of plaintiff's state law causes of action, including the First Cause of Action (which includes Negligent Infliction of Emotional Distress, Negligent Supervision, and Negligence Per Se), Fifth cause of action (Dereliction of Duty), Sixth Cause of action (Crimes of Moral Turpitude), Seventh Cause of action (Violation of Policy), and Eighth Cause of action (Systemic Neglect of Duty) pursuant to S. C. Code of Laws, §15-78-100, as no verified claim was made within one year of the September 27, 2012, incident date alleged in the Complaint, pursuant to S.C. Code §15-78-80, and this action was not filed until August 24, 2015, more than two years after the date of the September 27, 2012, accident upon which Plaintiff's case is based. For this reason, even if the allegations are otherwise actionable, blanket dismissal of all state law causes of action is appropriate.

The individual Defendants are further entitled to dismissal from the First, Fifth, Seventh and Eighth Causes of Action, as they were all acting within the course and scope of their employment at all times alleged by Plaintiff. The South Carolina Tort Claims Act, S.C. Code §15-78-10, et seq., "is the exclusive and sole remedy for any tort committed by an employee of a governmental entity while acting within the scope of the employee's official duty." S.C. Code §15-78-200. Pursuant to S.C. Code §15-78-70, the individual government employees cannot be sued for causes of action related to conduct in the scope of their duty. The allegations described in the

First Cause of Action regard activity exclusively within the scope of employment of all individual defendants, and for this reason dismissal of the individual defendants from these state law causes of action is appropriate.

These Defendants are further entitled to dismissal of the plaintiff's Second (Violation of Oath of Office), Fifth Cause of Action (Dereliction of Duty of Elected Official), Sixth Cause of Action (Crimes of Moral Turpitude), Seventh causes of action (Violation of Department Handbook), and the Eighth Cause of action (Systematic Neglect of Duties), as these causes of action provide no private right of action upon which Plaintiff is entitled to seek relief. See also *Trask v Beaufort County*, 392 S.C. 560, 709 S.E.2d 536 (Ct. App. 2011); See also §23-6-30, §23-6-40, and §23-6-140, S.C. Code of Laws.

"The Public Duty Rule insulates public officials, employees, and governmental entities from liability for the negligent performance of their official duties by negating the existence of a duty toward the plaintiff." *Arthurs v. Aiken County*, 346 S.C. 97, 104, 551 S.E.2d 579 (2001). "The Public Duty Rule holds that public officials are generally not liable to individuals for their negligence in discharging public duties because the duty is owed to the public at large rather than to anyone individually." *Wells v. City of Lynchburg*, 331 S.C. 296, 306, 501 S.E.2d 746 (Ct. App. 1998). "Statutes which create or define the duties of a public office create no duty of care towards individual members of the general public." *Arthurs v. Aiken County*, 346 S.C. at 105-6 (2001). "Thus, where the duty is owed to the public in general, the official is not liable to an individual who may have been "incidentally injured" by the failure to perform the duty." *Wells v. City of Lynchburg*, 331 S.C. 296,

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2. The individual defendants, as state employees, cannot be sued for the state law causes of action, pursuant to S. C. Code §15-78-70; and

3. Any duties of the defendants are public duties, and the plaintiff has no private right of action against defendants for Violation of Oath of Office, Dereliction of Duty of Elected Official, Crimes of Moral Turpitude, Violation of Department Handbook, or Systematic Neglect of Duties.

FINDINGS OF FACT:

This action arises from an automobile accident that occurred on September 27, 2012. Plaintiff alleges she was the victim of an accident on Interstate 26 in South Carolina, having been forced off the road by an unknown driver in a vehicle collision. Plaintiff alleges the failure of the South Carolina Highway Patrol, a division of the South Carolina Department of Public Safety, to properly investigate the wreck deprived her of her opportunity to sue the alleged at fault driver for her injuries. Plaintiff named each individual involved in processing the accident, maintaining records related to the accident, and all officers who responded to her requests for information as defendants in this matter. Defendants deny all allegations of wrongdoing, but assert that no private right of action arises even if the allegations were true. Defendants further assert the statute of limitations and the South Carolina Tort Claims Act bars the state law causes of action.

APPLICABLE STANDARD OF REVIEW:

"A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must

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307, 501 S.E.2d 746 (Ct. App. 1998), quoting *Parker v. Brown*, 195 S.C. 35, 10 S.E.2d 625 (1940); See also *Steinke v. S.C. Dep't of Labor, Licensing, & Regulation*, 336 S.C. 373, 520 S.E.2d 142 (1999).

In this case, the essential purpose of the cited oaths, regulations, statutes, handbooks, and guidelines is not to preserve civil actions on behalf of the public. See *Rayfield v. South Carolina Department of Corrections*, 297 S.C. 95, 374 S.E.2d 910 (Ct.App.1988), *cert. denied*, 298 S.C. 204, 379 S.E.2d 133 (1989). Therefore, these Defendants owed no particular duty to Plaintiff, and any alleged violation is not actionable.

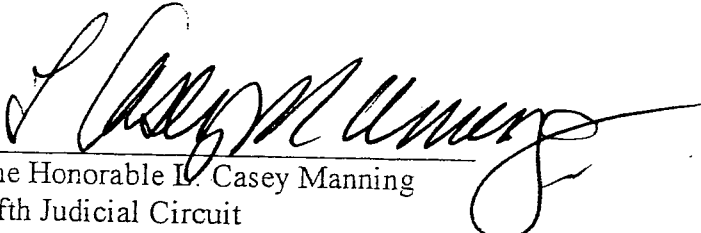
WHEREFORE, Plaintiff's cause of action is untimely, improperly alleged against individual governmental employees acting well within the course and scope of their employment, and premised on concepts that do not give rise to individual causes of action. These defendants are entitled to dismissal of this action, in its entirety, under §15-78-100 and §15-78-80, S.C. Code of Laws, and pursuant to the Public Duty Rule.

THEREFORE, IT IS ORDERED, Plaintiff's causes of action are hereby dismissed in their entirety, under SCRCP 12(b)(6), as the Complaint fails to state a claim upon which relief can be granted. This action is hereby dismissed, with prejudice.

AND IT IS SO ORDERED!

 S.C.

 2016


The Honorable L. Casey Manning
Fifth Judicial Circuit

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EXHIBIT "11"

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SC Court of Appeals

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

May 6, 2015

Biafra M. Curtis
Post Box 21294
Hilton Head, SC 29925

Dear Ms. Curtis:

The South Carolina Law Enforcement Division (SLED) is in receipt of your letter dated April 29, 2015, in which you made a complaint against a S.C. Highway Patrol Trooper and the way he conducted a traffic collision.

SLED enters matters of *criminal misconduct by* government agencies, corporations or individuals only after a review by a Solicitor, the Attorney General's Office, or at the request of the law enforcement agency of jurisdiction. Therefore, SLED will not conduct a criminal investigation into this matter.

You may be best assisted in this matter by contacting the S.C. Department of Public Safety's Office of Professional Responsibility as the S.C. Highway Patrol is a division of the agency.

With best regards,

John T. Bishop, Captain
Investigative Services
South Carolina Law Enforcement Division

JTB/sce



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

EXHIBIT "12"

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DEC 08 2016

SC Court of Appeals



South Carolina Department of Public Safety

Office of Professional Responsibility

June 5, 2015

Ms. Biafra Curtis
P. O. Box 21294
Hilton Head, SC 29925

RE: OPR File #DI-2107-15-0087-C

Dear Ms. Curtis:

This letter will acknowledge receipt of the information you provided to the South Carolina Department of Public Safety (DPS). The DPS will conduct a thorough inquiry into your complaint.

As part of the Department's commitment to providing law enforcement services that are fair, effective, and impartially applied, the Office of Professional Responsibility (OPR) was established to provide citizens with a fair and effective avenue for redress of their legitimate grievances against employees, and, by the same token, to protect employees from false charges of misconduct or wrongdoing.

You can be assured that the Department takes these matters seriously and you can have confidence that the Department will take appropriate action and will notify you when the inquiry is completed.

If I can be of any further assistance, please do not hesitate to contact me at 803-896-8240.

Sincerely,

Chief K. D. Phelps

/ss

C: Colonel M. R. Oliver
Captain A. K. Grice

EXHIBIT "13"

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

BIAFRA MONIQUE CURTIS

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015CP400 5172

vs.

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Defendant(s)

Submitted By: Biafra Monique Curtis

Address: PO Box 21294

Hilton Head Island, SC 29925

SC Bar #:

Pro Se

Telephone #:

843-684-3118

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199)

- Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- -

- ☐ Notice/ File Med Mal (230)
☒ Other (299) NEGLIGENCE
DERELICTION OF DUTY,
CIVIL RIGHTS

- Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399)

- Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499)

- Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599)

- Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899)

- Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)

- Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999)

- Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in
an Out-of-County Action (660)
☐ Sexual Predator (510)

- ☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799)

Submitting Party Signature:

Biafra Monique Curtis

Date: 8-24-15

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et. seq.
SCCA / 234 (06/2013)

EXHIBIT "14"

RECEIVED

DEC 08 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

RECEIVED

SEP 19 2016

SC Court of Appeals

Appellate Case No. 2016-001239

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

APPELLANTS INITIAL REPLY BRIEF

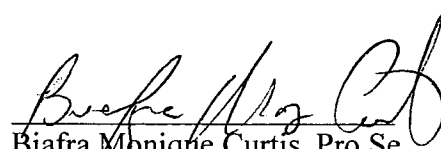

Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

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STATEMENT OF ISSUES ON APPEAL

1. Whether the trial court's May 16/May 18, 2016 order dismissing the underlying action should stand and be enforced even though there is valid and well documented proof which has been presented to the court, but overlooked or if the case should be allowed to move forward to be heard by a fair and unbiased jury?
2. Whether the trial court's order which was signed and dated on May 16, 2016, two days prior to the actual hearing date of May 18, 2016, further questions if the plaintiff ever had a true opportunity for due process and equal protection under the law?

STATEMENT OF THE CASE

This appeal arises from an order dismissing complaints of misconduct of multiple troopers of the South Carolina Highway Patrol and efforts of supervising officers to conceal these acts and omissions. It has been argued that certain elements of the complaint have surpassed certain statutes, however, page 19, item#27 of the original complaint presents the events that occurred in 2015, well within the timeframe of statutes and undisputable to this fact and are further supported by (ITEM "I") ***See June 5, 2015 Letter from Chief K.D. Phelps, June 10, 2015 Letter from Warren Ganjensani and (ITEM "J") document signed by Norma Jett, dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" specifically on page 4, item# 7.***

By way of brief background, these issues arose after the trooper, Willie McCauley, Jr., assigned to investigate the accident never turned his camera on or activated his front lights which would have activated his camera, then discredited an alleged witness, "discarded" his name, contact information and statement, whom it was later to be determined to be the at fault truck driver.

There was a meeting held with myself, Trooper Willie McCauley, Sgt. Nicklous King, Lt. William Taylor and Captain Anthony Grice in which Trooper Mc Cauley admitted that he discarded this information. There was supposedly an investigation in the effort to retrieve this information and the accident report was revised 3 times, but after a year, it was unsuccessful and the (IRF) Insurance Reserve Fund insurance company for the highway patrol found no liability on the part of their officer even though they never interviewed the key witness from all 4 accident reports(the IRF is not the proper investigative authority when assigned with the task of officer misconduct, this is the sole responsibility of the Office of Professional Responsibility). During this time, I contacted each and every person (Leroy Smith, Mike Oliver & SLED) that I could to get assistance from. I received a response from SLED suggesting that I contact Chief KD Phelps at the Office of Professional Responsibility.

On May 29, 2015, I sent an email containing all 4 Accident Reports, Witness Statements and other correspondence Chief KD Phelps and after a brief phone call, I received a letter in the mail from him, dated June 5, 2015 (See EXHIBIT "I" ***Phelps Letter***), informing me that the department would conduct an investigation. However, on June 10, 2015, I received a letter from Warren Ganjehsani (See EXHIBIT "I" ***Ganjehsani Letter***), informing me that the IRF found no liability and the department declines to take further investigative efforts SC Code Ann. 15-78-50 and will not be commenting further SC Code Ann. 16-17-410 Conspiracy to defeat enforcement of the laws. Under the Doctrine of Acquiescence as well as the Maxim in Law which states that "silence shows consent" 6 Barb. [N.Y.] 2B, Qui non negat, fatetur and "He who does not deny, agrees," (Trayner, Maxim 503). Preventing officer from performing duties. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof. On or around the end of December 2015, I received a document from Norma Jett , dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" (See EXHIBIT "J") ***document signed by Norma Jett , dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" specifically on page 4, item# 7*** where she states that "Defendants deny that defendant Ganjehsani can refuse of did refuse to allow an ethics investigation" SC Code Ann. 17-28-350.

The remaining part of the case is the fact that originally, both the front judgement page and the last page of the order both were signed and dated on May 16, 2016 (***See Exhibit "A" Notice to Appear to May 18, 2016 Hearing***) even though my hearings were not

held until May 18, 2016 (*See EXHIBIT "B" Final Order, last page, signed and dated May 16, 2016*). Later, I received a completely new copy of the front, judgement page with the date May 18, 2016, however, the last page of the FINAL ORDER remained as signed and dated on May 16, 2016, two days prior to my hearing.

ARGUMENT

- I. **The trial court erred by prematurely dismissing the case because had the judge even read the complaint (See complaint, page 19, item#27) itself, there is enough information to support its own merit.**

This court unwaveringly renounced reviewing any documents presented in this case other than those presented by the defense. This court's unwillingness to stop the defense from manipulating all of the elements of the case into one and then claiming statute of limitations about all elements was uncompromising. How can one claim statute of limitations regarding occurrences which happened in May and June of 2015? In all fairness, there are (3) three sheets of paper that support my claim that the trial court's decision was incorrect.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals FACTS and Procedural Backgrounds

Fleming v. Rose, et al : In this tort action, Lt. J. A. Fleming, Jr., formerly of the South Carolina Highway Patrol, appeals from the trial court's order granting summary judgment to Boykin Rose of the South Carolina Department of Public Safety and James Caulder of the South Carolina Highway Patrol. *At the conclusion of the investigation, Ivey submitted a summary report to Rose. A few days later, Ivey presented a memo to Rose which contained recommendations for disciplinary actions against the troopers involved in the accident. This memo included a recommendation that Lt. James Fleming, who was not involved in either the accident or any of the subsequent investigations, be suspended for five days for allegedly failing to thoroughly interview Trooper Jerry Cobb. Additionally, the memo contained the allegation that Fleming failed to pass on crucial details regarding the accident.*

Ford v. Hutson, 276 S.C. 157, 276 S.E.2d 776 (1981) as to his cause of action for intentional infliction of emotional distress.

II. The fact that my hearing wasn't until May 18, 2016, yet both the first page of the judgement and final page of the order were both signed and dated May 16, 2016 and then later, I received only the front page of the judgement May 18, 2016 seems very suspicious considering all that I have endured.

Rule 43 (K), provides in relevant part, no agreement between cousin affecting the proceedings in an action shall be binding unless reduced to the form of a consent order or written stipulation signed by counsel and entered into the record, or unless made in open court and noted upon the record, or reduced to writing and signed by the parties and their counsel. This application presents the standard on review that Courts in this State will not enforce and order pursuant to Rule (43)k unless the terms of the settlement are set forth within the order.

CONCLUSION

For the foregoing reasons, appellant request that that this Court finds that the May 16/May 18, 2016 order as dictated by the trial court unenforceable. Further, appellant respectfully requests that this court review the three documents which the appellant has submitted previously, which have been overlooked by the trial court (EXHIBIT "I") *See June 5, 2015 Letter from Chief K.D. Phelps, June 10, 2015 Letter from Warren Ganjensani and (ITEM "J") document signed by Norma Jett, dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" specifically on page 4, item# 7.* Finally, the appellant requests of this Court to move to Oral Argument since simply submitting documents and exhibits have proven to be fatal to this appellant.

Respectfully submitted this 16th day of September, 2016


Biafra Monique Curtis
PO BOX 21294
Hilton Head Island, SC
29925

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016-001239

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SC Court of Appeals

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

CERTIFICATE OF SERVICE

I certify that I have served the Appellants Initial Reply Brief to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2016, addressed to:
Jenny Abbott Kitchings Clerk of Court, South Carolina Court of Appeals, PO BOX 11629,
Columbia, SC 29211

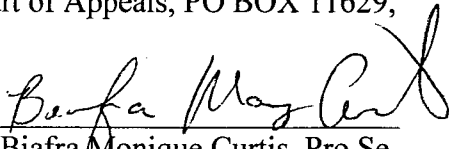

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Hilton Head Island, SC 29925
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SC Court of Appeals

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

RECEIVED

SEP 19 2016

SC Court of Appeals

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
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Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

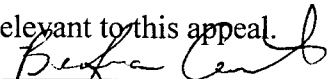
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal

1. Original Complaint pg. 19, item #27
2. Phelps Letter June 05, 2015 and Ganjesani Letter June 10, 2015
3. Transcript of Proceedings pg 11, lines 10-19
4. Defendants Attorneys "Response & Objection" dated December 21, 2015
5. Final Order from hearing held May 18, 2016, dated & signed May 16, 2016

I certify that this designation contains no matter that is not relevant to this appeal.

September 16, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

FORM 7
PROOF OF SERVICE OF DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No: 2016-001239

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent

V.

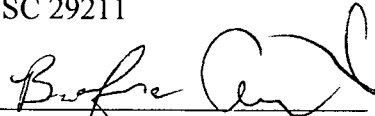
Biafra Monique Curtis, Pro Se

Appellant

PROOF OF SERVICE

I certify that I have served the Proof of Service of Designation of Matter to be Included in Record on Appeal to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

September 16, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

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SEP 19 2016
SC Court of Appeals

EXHIBIT "16"

RECEIVED

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SC Court of Appeals

State of South Carolina	)	
	)	In the Court of Common Pleas
County of Richland	)	
	)	
Biafra Monique Curtis,	)	
	)	
Plaintiff,	)	2015-CP-40-05172
	)	
versus	)	May 18, 2016
	)	
S.C. Department Of Public	)	Columbia, South Carolina
Safety, et al,	)	
	)	
Defendants.	)	
	)	

TRANSCRIPT OF RECORD

B E F O R E:

The Honorable L. Casey Manning

A P P E A R A N C E S:

Biafra Monique Curtis
Pro Se Plaintiff

Allison D. Hood, Esquire
Attorney for the Department of Public Safety

PROVIDED FOR: Biafra Monique Curtis

FOR COPIES CONTACT: DeeAnne Varnadoe
Official Court Reporter
Fifth Judicial Circuit, At-Large
dvarnadoe@scccourts.org

I N D E X

Hearing 4

Certificate 17

E X H I B I T S

FOR THE PLAINTIFF:

(WHEREUPON, no exhibits were introduced during
this proceeding.)

FOR THE DEFENDANT:

(WHEREUPON, no exhibits were introduced during
this proceeding.)

P R O C E E D I N G S

1
2 THE COURT: The next one I have on the docket is a
3 Motion to Strike. It's Biafra Monique Curtis versus South
4 Carolina Department of Public Safety.

5 And you're Allison Hood?

6 MS. HOOD: That's correct, Your Honor.

7 THE COURT: And you're Ms. Curtis?

8 PLAINTIFF CURTIS: Yes, sir.

9 THE COURT: And you're pro se?

10 PLAINTIFF CURTIS: Yes. Yes, Your Honor.

11 MS. HOOD: Judge, we have a Motion to Strike, a 12(F)
12 Motion to Strike, and then there's also a Motion to
13 Dismiss, a 12(B)(6) as well. I believe those are back to
14 back on the roster there.

15 THE COURT: Well, let's see. Motion to Strike, Motion
16 to Dismiss for Failure to State Cause of Action. Okay.

17 MS. HOOD: And so, if it's all right with you, I think
18 the Motion to Dismiss --

19 THE COURT: Well, just give me a moment.

20 MS. HOOD: Okay.

21 THE COURT: Ms. Curtis, do you know what this is all
22 about?

23 PLAINTIFF CURTIS: Yes.

24 THE COURT: And you're prepared to go forward?

25 PLAINTIFF CURTIS: Right.

1 THE COURT: You're sure about that?

2 PLAINTIFF CURTIS: Yes. I have something that I would
3 like to say if it's ---

4 THE COURT: Oh, yeah. This is how it works. She goes
5 first; it's her motion.

6 PLAINTIFF CURTIS: Okay.

7 THE COURT: Then I'll give you a chance to respond.

8 PLAINTIFF CURTIS: Okay. Thank you.

9 THE COURT: I can help you out a little bit, but not
10 too much.

11 PLAINTIFF CURTIS: Okay.

12 THE COURT: I can't give you advice.

13 PLAINTIFF CURTIS: All right.

14 THE COURT: You understand all of that.

15 PLAINTIFF CURTIS: I appreciate that. Thank you.

16 THE COURT: Go ahead. Are you ready?

17 MS. HOOD: Yes, sir.

18 THE COURT: All right.

19 MS. HOOD: This case is -- has been brought by Ms.
20 Curtis ---

21 THE COURT: Please sit down, Ms. Curtis.

22 PLAINTIFF CURTIS: Thank you so much.

23 MS. HOOD: --- against the Department of Public Safety
24 and then a number of state employees ranging from the
25 General Counsel for the Department of Public Safety down to

1 the Freedom of Information Act officers. Essentially, Ms.
2 Curtis has named everyone who either responded to her
3 request for information or investigated an automobile
4 accident that occurred on September 27, 2012.

5 THE COURT: And it was her accident, I assume.

6 MS. HOOD: That is correct.

7 And we -- we don't dispute that the accident took
8 place or that Ms. Curtis was seriously injured in the
9 accident. But there is some dispute about what happened.

10 The highway patrolman that responded to the scene
11 investigated at the roadside. There was some dispute about
12 whether or not -- there were three lanes of traffic --
13 about whether or not a blue car entering the interstate
14 forced the vehicle in the middle lane into Ms. Curtis' lane
15 and forcing her off the road or whether the vehicle in the
16 center lane forced Ms. Curtis off the road. We don't --
17 we're not here today to talk about what happened in the
18 accident.

19 But Ms. Curtis' assertion is that the Department of
20 Public Safety breached a duty of care in failing to
21 identify the drivers of those vehicles. Ms. Curtis was
22 unable to successfully bring a civil claim for personal
23 injury after the accident because the investigation at the
24 roadside did not determine who was driving the tractor-
25 trailer in the center lane or the blue vehicle that merged,

1 so ---

2 THE COURT: What was the date of the accident?

3 MS. HOOD: The date of the accident was September 27,
4 2012.

5 THE COURT: All right.

6 MS. HOOD: And this action was filed in August ---

7 THE COURT: Was it filed in the statutory ---

8 MS. HOOD: It was filed August 24, 2015, so this is --
9 we assert that this is a Torte Claims Act case and that the
10 appropriate party should be the Department of Public Safety
11 ---

12 THE COURT: I understand.

13 MS. HOOD: --- and that Ms. Curtis should have filed a
14 verified claim within one year in order to keep the three-
15 year statute of limitations and that her failure to file a
16 verified claim properly or failure to file within the two-
17 year period after the accident prohibits her from bringing
18 this action now. That's the crux of the 12(B)(6).

19 THE COURT: All right.

20 MS. HOOD: I -- this case is -- if you look through
21 your file, you'll see that it was filed initially here in
22 state court and there were several ---

23 THE COURT: Somebody did.

24 MS. HOOD: There were several Constitutional 1983
25 claims. It was removed. The federal judge dismissed all

1 the federal claims, but remanded ---

2 THE COURT: Judge Woods.

3 MS. HOOD: That's correct. But he elected not to
4 exercise any jurisdiction over the state court claims and
5 remanded.

6 THE COURT: She.

7 MS. HOOD: She. I meant to say that. I know her.
8 But she remanded back down to state court for the balance
9 of the state claims. So we're here today to ---
10 essentially, we would like to seek dismissal based on the
11 statute of limitations argument. But we would also argue
12 that there are several causes of action in here apart from
13 the negligence claim for violations of office, violations
14 of policy handbooks and those sorts of things. We'd like
15 to, at a minimum, clean up the complaint and get those
16 sorts of things that don't actually create a duty to the
17 public out, strike putatives and substitute the appropriate
18 defendants in this case which would be the Department of
19 Public Safety.

20 THE COURT: All right.

21 MS. HOOD: And that's really about all I have today,
22 Your Honor.

23 THE COURT: Thank you. Ms. Curtis?

24 PLAINTIFF CURTIS: Okay.

25 THE COURT: Let me ask you this question, Ms. Curtis.

1 PLAINTIFF CURTIS: Yes, sir.

2 THE COURT: Did you ever hire a lawyer when this
3 accident occurred?

4 PLAINTIFF CURTIS: I attempted to.

5 THE COURT: But you never retained the services of a
6 lawyer?

7 PLAINTIFF CURTIS: No, I didn't.

8 THE COURT: I'm sorry. Go ahead.

9 PLAINTIFF CURTIS: I attempted to and I had several
10 lawyers who were willing to take the case; however, when
11 they found out that the chief counsel of the highway patrol
12 was one of the parties that I was intending to sue, they
13 wouldn't ---

14 THE COURT: Have you ever heard of the Uninsured
15 Motorists Claim?

16 PLAINTIFF CURTIS: Yes.

17 THE COURT: Go ahead.

18 PLAINTIFF CURTIS: Okay. So the accident -- and I'm
19 looking at the Memorandum of ---

20 THE COURT: Well, this is how it works, Ms. Curtis.
21 You've got to respond to her motion as to why I should not
22 kick you out of court.

23 PLAINTIFF CURTIS: Okay.

24 THE COURT: Why this should not be dismissed. She said
25 that you failed to comply with the requirement of doing a

1 verified petitioner claim within -- within two years, I
2 think it is, of the date of the accident if you're going to
3 sue a public entity like the Department of Public Safety.
4 You've got to put them on notice that extends the time that
5 you can file a claim. You've got to respond to her
6 arguments as to why this case should not be dismissed.

7 She's asking for two things. One, to clean up the
8 pleadings and make it more definite or certain and remove
9 some of the parties. That's not asking that your claim be
10 dismissed. But, alternatively, she's saying that your
11 claim should be kicked out for failure to comply with the
12 statute and that is that you didn't file the claim on time.

13 PLAINTIFF CURTIS: Right.

14 THE COURT: Does that make sense?

15 PLAINTIFF CURTIS: Yes, it does.

16 THE COURT: Okay.

17 PLAINTIFF CURTIS: The accident is not what my claim is
18 about, though.

19 THE COURT: Okay.

20 PLAINTIFF CURTIS: My claim is actually about the fact
21 that I submitted complaints to the Department of the Office
22 of Professional Responsibility against the officers that
23 were involved in the ---

24 THE COURT: All right. What was the date of those
25 complaints?

1 PLAINTIFF CURTIS: Let's see here. May of 2015.

2 THE COURT: All right. Was that the first time you had
3 put the Department on notice that you had a claim against
4 them?

5 PLAINTIFF CURTIS: No, I had put them on notice prior
6 to that.

7 THE COURT: When?

8 PLAINTIFF CURTIS: 2014.

9 THE COURT: All right. Go ahead.

10 PLAINTIFF CURTIS: Okay. And I received a letter from
11 the Office of Professional Responsibility assuring that
12 there would be an investigation against the officers
13 involved in the investigation of the accident.

14 THE COURT: Okay.

15 PLAINTIFF CURTIS: Okay. From there, approximately
16 five days later I received a letter from the General
17 Counsel of the Highway Department telling me that there
18 would not be an investigation done into the accident and
19 that is, basically, what I'm here about.

20 THE COURT: Okay.

21 PLAINTIFF CURTIS: It's the fact that there -- it's not
22 a failure to investigate the accident itself. It is a
23 neglect to investigate the complaints that I submitted to
24 the Office of Professional Responsibility into the acts of
25 the officers.

1 THE COURT: All right.

2 PLAINTIFF CURTIS: So it's not about the accident.
3 It's about the complaints that I submitted.

4 THE COURT: Okay. Anything further?

5 PLAINTIFF CURTIS: No.

6 THE COURT: All right. Thank you, ma'am.

7 Yes, ma'am.

8 MS. HOOD: Judge, the complaint in this action is
9 seeking personal injury damages. I don't believe I have
10 the complaint in my little packet for today, but it ---

11 THE COURT: That's all right. Go ahead. It's in the
12 file.

13 MS. HOOD: It's a significant amount of money based on
14 personal injury related to surgeries. They're serious
15 injuries, Your Honor, that I don't dispute took place, but
16 those are related to the accident date. And the FR-10 that
17 was, you know, filled out at the roadside and distributed
18 to Ms. Curtis in the hospital put her on notice that the
19 drivers of these vehicles were unidentified. She followed
20 up almost immediately to try to figure out what other
21 information Public Safety may have and was told repeatedly
22 that they did not have any additional information. And an
23 additional investigation did not yield any additional
24 information. So whoever those folks were, one of them kept
25 driving and one of them may or may not have stopped at the

1 roadside, but their name was not memorialized in any
2 meaningful way.

3 Your Honor, Section 1578-80 requires a verified claim
4 within one year to extend the statute to three years. If
5 you fail to file a verified claim, you get that two-year
6 statute from the date of the accident.

7 I would assert that there are no damages related to
8 the failure to investigate the investigating officers, so
9 I'm not sure that that argument really makes much sense in
10 light of the pleadings that have been drafted here.

11 And, Your Honor, we also have a 12(F) Motion, a Motion
12 to Strike before you today as well in the event that we're
13 not successful with the Motion to Dismiss. We would like
14 punitive damages to also be removed under the Torte Claims
15 Act and I believe the Motion cites the appropriate statute
16 there.

17 THE COURT: And the -- whatever the named individuals
18 to be taken off as well.

19 MS. HOOD: That's correct. Yes, Your Honor. I believe
20 that's appropriate under the Torte Claims Act as well. ,

21 THE COURT: All right. Thank you.

22 Yes, ma'am.

23 PLAINTIFF CURTIS: The whole point of the complaint
24 that I submitted to the OPR was to reveal the fact that the
25 officer that investigated the accident did, in fact, do his

1 job. In fact, in a meeting that I had with the officer and
2 his four superior officers he admitted in that meeting that
3 he did obtain the name and contact information of the
4 driver of the at-fault vehicle and he discarded it at the
5 time and deemed that information unimportant and that
6 person that gave the information non-credible; however,
7 four months later after re-investigating it was determined
8 that that driver was, in fact, responsible for the
9 accident.

10 So that is the whole point of having the OPR
11 investigation which would have revealed that that officer
12 did, in fact, have that information. He admitted it in a
13 meeting and I have information here -- documentation here
14 confirming what I'm telling you.

15 THE COURT: All right. Thank you, Ms. Curtis.
16 Anything further?

17 MS. HOOD: Your Honor, we submitted, prior to the
18 hearing today, a proposed order. I have a paper copy of
19 that order and a Form 4 which I failed to submit if you'd
20 like me to hand that up.

21 THE COURT: I'll allow you to submit it.

22 MS. HOOD: Okay. May I approach, Your Honor?

23 (WHEREUPON, documents are handed to the Court.)

24 THE COURT: And Ms. Curtis, I'll think about the
25 arguments that I heard here today. I'll review the file

1 and I'll let you know my decision in due course, okay?

2 PLAINTIFF CURTIS: Okay. Can I say just one more
3 thing?

4 THE COURT: Yes, ma'am.

5 PLAINTIFF CURTIS: I just feel like this is the first
6 time my voice is being heard. I feel like all of the
7 information that I submitted and resubmitted clearly
8 stating that my point is not what they say here -- they
9 being the attorney -- that the Plaintiff alleges that she
10 was the victim of an accident on I-26 having been forced
11 off the road by an unknown driver and the collision -- and
12 the failure of the highway patrol to properly investigate
13 deprived her of the opportunity to sue for her injuries.
14 That's not what I claimed. I never claimed that because
15 the investigator did obtain the information. He made the
16 decision that that information was given to him by someone
17 who was non-credible. And he admitted in front of his four
18 superiors and myself that he ---

19 THE COURT: Ms. Curtis, I think you're going back over
20 the arguments you previously gave.

21 PLAINTIFF CURTIS: Okay. I just wanted ---

22 THE COURT: Let me ask you this. Who was your
23 insurance carrier at the time of this accident?

24 PLAINTIFF CURTIS: Nationwide.

25 THE COURT: All right. Did you ever have any contact

1 with Nationwide? Did you do anything through Nationwide?

2 PLAINTIFF CURTIS: Yes. Yes, I did.

3 THE COURT: Did you get any uninsured money from
4 Nationwide?

5 PLAINTIFF CURTIS: Yes, I did.

6 THE COURT: All right. Thank you all so very much.

7 MS. HOOD: Thank you, Your Honor.

8 PLAINTIFF CURTIS: What I did with them was a trust and
9 release agreement where once all of this is taken care of I
10 have to pay them back ---

11 THE COURT: Okay.

12 PLAINTIFF CURTIS: --- under the terms of that
13 agreement.

14 THE COURT: Okay. Thank you, ma'am.

15 PLAINTIFF CURTIS: Okay.

16 (WHEREUPON, the hearing in the above-
17 entitled matter was concluded.)

18

19

20

21

22

23

24

25

26

27

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) CERTIFICATE

Be it known that I, the undersigned DeeAnne Varnadoe, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing transcript represents a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, before the Circuit Court for Richland County, South Carolina, so given on May 18, 2016, to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

IN WITNESS WHEREOF I have here unto set my hand this 1st day of July, 2016.

S/DeeAnne Varnadoe

DeeAnne Varnadoe
Official Court Reporter
Notary Public for South Carolina
My commission expires 3/14/2026.

EXHIBIT "17"

RECEIVED

DEC 08 2016

SC Court of Appeals

November 21, 2016

Attn: Honorable Jenny Abbott Kichings
Clerk of Court
South Carolina Court of Appeals
PO BOX 11629
Columbia, SC 29211

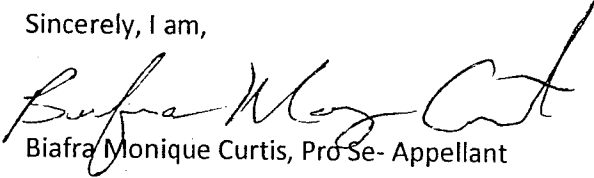
RE: Curtis vs. South Carolina Department of Public Safety, et al
Case No. 2016-001239

Greetings,

Enclosed please find the Record on Appeal (15 copies for the court+1 additional copy to be returned to me)including Certificate from Appellant, Designation of Matter to be Included in Appeal (Amended) as well as supporting exhibits for the above and Proof of service for all. After filing, please return stamped copies of each to me in the self addressed, stamped envelope (enclosed).

Thank you in advance.*

Sincerely, I am,

A handwritten signature in cursive script, appearing to read "Biafra Monique Curtis".

Biafra Monique Curtis, Pro Se- Appellant
PO BOX 21294
Hilton Head Island, SC 29925

FORM 15
RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis,

Appellant

V.

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.,

Respondent(s)

RECORD ON APPEAL

Biafra Monique Curtis, Pro Se, Appellant
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

Norma Jett, Esquire and
Allison D. Hood, Esquire
ATTORNEY'S FOR RESPONDENT(S)
Post Office Drawer 909
Bamberg, SC 29003
803-245-5178

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Appellants Exhibits:

EXHIBIT 1-Transcript of Proceeding-

Pg 5 lines 23-25-

23 MS. HOOD: --- against the Department of Public Safety

24 and then a number of state employees ranging from the

25 General Counsel for the Department of Public Safety down to

1 the Freedom of Information Act officers. Essentially, Ms.
2 Curtis has named everyone who either responded to her
3 request for information or investigated an automobile
4 accident that occurred on September 27, 2012.

5 THE COURT: And it was her accident, I assume.

6 MS. HOOD: That is correct.

*7 And we -- we don't dispute that the accident took
*8 place or that Ms. Curtis was seriously injured in the
*9 accident. But there is some dispute about what happened.

10 The highway patrolman that responded to the scene
11 investigated at the roadside. There was some dispute about
12 whether or not -- there were three lanes of traffic --
13 about whether or not a blue car entering the interstate
14 forced the vehicle in the middle lane into Ms. Curtis' lane
15 and forcing her off the road or whether the vehicle in the
16 center lane forced Ms. Curtis off the road. We don't --
17 we're not here today to talk about what happened in the
18 accident.

19 But Ms. Curtis' assertion is that the Department of
20 Public Safety breached a duty of care in failing to
21 identify the drivers of those vehicles. Ms. Curtis was
22 unable to successfully bring a civil claim for personal

23 injury after the accident because the investigation at the
24 roadside did not determine who was driving the tractor-
25 trailer in the center lane or the blue vehicle that merged,

Pg 10 lines 17-23

17 PLAINTIFF CURTIS: The accident is not what my claim is
18 about, though.

19 THE COURT: Okay.

20 PLAINTIFF CURTIS: My claim is actually about the fact
21 that I submitted complaints to the Department of the Office
22 of Professional Responsibility against the officers that
23 were involved in the ---

Pg 11 lines 10-19

10 PLAINTIFF CURTIS: Okay. And I received a letter from
11 the Office of Professional Responsibility assuring that
12 there would be an investigation against the officers
13 involved in the investigation of the accident.

14 THE COURT: Okay.

15 PLAINTIFF CURTIS: Okay. From there, approximately
16 five days later I received a letter from the General
17 Counsel of the Highway Department telling me that there
18 would not be an investigation done into the accident and
19 that is, basically, what I'm here about.

Pg 11 lines 21-25

21 PLAINTIFF CURTIS: It's the fact that there -- it's not
22 a failure to investigate the accident itself. It is a
23 neglect to investigate the complaints that I submitted to
24 the Office of Professional Responsibility into the acts of
25 the officers.

Pg 12 lines 2-3

2 PLAINTIFF CURTIS: So it's not about the accident.
3 It's about the complaints that I submitted.

Pg 13 lines 23-25

23 PLAINTIFF CURTIS: The whole point of the complaint
24 that I submitted to the OPR was to reveal the fact that the
25 officer that investigated the accident did, in fact, do his

Pg 14 lines 1-14

1 job. In fact, in a meeting that I had with the officer and
2 his four superior officers he admitted in that meeting that
3 he did obtain the name and contact information of the
4 driver of the at-fault vehicle and he discarded it at the
5 time and deemed that information unimportant and that
6 person that gave the information non-credible; however,
7 four months later after re-investigating it was determined
8 that that driver was, in fact, responsible for the
9 accident.
10 So that is the whole point of having the OPR

11 investigation which would have revealed that that officer
12 did, in fact, have that information. He admitted it in a
13 meeting and I have information here -- documentation here
14 confirming what I'm telling you.

Pg 14 lines 24-25

*24 THE COURT: And Ms. Curtis, I'll think about the
*25 arguments that I heard here today. I'll review the file

Pg 15 line 1

*1 and I'll let you know my decision in due course, okay?

EXHIBIT 2-Accident reports-Included to prove Defendants Attorney was aware of the facts of accident and not accurate and forthcoming when she referenced accident in hearing (see Transcript Pg6 lines 7-25).

Original Accident Report-Dated 10-23-12

Original AMENDED Report-Dated 12-16-2012

Original CORRECTED Report-Dated 1-26-2013

Original CORRECTED Report-Dated 2-6-2013

EXHIBIT 3-Witness Statements/ Testimony- Included to prove Defendants Attorney was aware of the facts of accident and not accurate and forthcoming when she referenced accident in hearing (see Transcript Pg6 lines 7-25).

WITNESSES EXAMINED BY: CARL WOODS

Bobby Hudson	1
Stacey L. Olden	2-3
Erin Tyler	4-5
James	6-7
Carl Culpepper	8

Argument 1..... THE TRIAL COURT
ERRED BY DISMISSING ENTIRE CASE BY NEGLECTING TO REVIEW DOCUMENTS WHICH
VALIDATED THE MOST ESSENTIAL ELEMENTS OF THE ORIGINAL COMPLAINT,
SPECIFICALLY, PAGE 19, ITEM #27 (See Transcript pages supporting documentation Pg 5
lines 23-25 / Pg 6 lines 1-25 / Pg 10 lines 17-23 / Pg 11 lines 10-19 and lines 21-25 / Pg 12 lines
2-3 / Pg 13 lines 23-25).

Argument 2.....THE TRIAL COURT
ERRED BY ENDORSING THE ORDER TO DISMISS 2 DAYS PRIOR TO THE ACTUAL HEARING
OF THE CASE THEREFORE BLOCKING THE APPELLANT FROM THE OPPORTUNITY OF ANY
CHANCE OF A FAIR AND UNBIASED HEARING, REMOVING RIGHT TO DUE PROCESS. See
Notices for Hearing held on May 18, 2016 and Order signed and dated May 16, 2016 as well
as (Transcript Pg 14 lines 24-25 and Pg 15 line 1 for supporting documentation)

For all the foregoing reasons, the Order to Dismiss this case should be reversed and the
right to be heard by a jury should be granted.

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

DATED: *NOVEMBER 21, 2016*

By

Biafra Monique Curtis

biafra-monique; curtis

FORM 7
PROOF OF SERVICE OF RECORD ON APPEAL
AND CERTIFICATE FROM APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis,

Appellant

V.

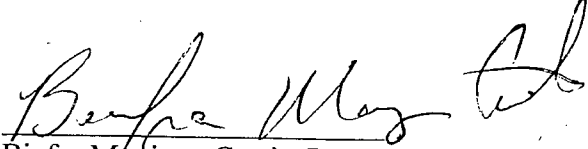
South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.,

Respondent(s)

PROOF OF SERVICE

I certify that I have served the Proof of Record on Appeal and Certificate from Appellant to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on November 21, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

November 21, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL (AMENDED)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis, Pro Se

Appellant

V.

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL (AMENDED)

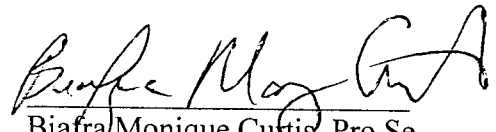
Appellant proposes the following be included in the Record on Appeal

1. Original Complaint pg. 19, item #27 Filed August 24, 2015
2. Notices of Scheduling for Hearing on Court Roster for May 18, 2016
3. Order from hearing held May 18, 2016, dated & signed May 16, 2016
4. SLED Letter from Cptn. John T. Bishop, dated May 6, 2015
5. Chief K.D. Phelps Letter, dated June 05, 2015
6. Warren Ganjesani Letter dated June 10, 2015
7. Respondents "Response & Objection" dated December 21, 2015 pg. 4, #7
8. Certificate of Appellant
9. Respondents "Motion To Exclude Matter from Record on Appeal"

- 10.Appellants "Response Objection to Motion to Exclude Matter from Record on Appeal"
- 11.Order Denying Respondents Motion to Strike
- 12.Appellants Initial Reply Brief
- 13.Appellants Original Designation of Matter to be Included in Record on Appeal
- 14.Transcript: Hearing held on May 18, 2016 but Signed and dated May 16, 2016
- 15.Accident Reports: Original Accident Report-Dated 10-23-12/Original AMENDED Report-Dated 12-16-2012/Original CORRECTED Report-Dated 1-26-2013/Original CORRECTED Report-Dated 2-6-2013
16. Witness Statements/ Testimony: Bobby Hudson, Stacey L. Olden, Erin Tyler, James Lamb and Carl Culpepper

I certify that this designation contains no matter that is not relevant to this appeal.

November 21, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

FORM 7
PROOF OF SERVICE OF DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL (AMENDED)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No: 2016-001239

Biafra Monique Curtis, Pro Se

Appellant

V.

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be included in Record on Appeal (AMENDED) to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on November 21, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

EXHIBIT "18"

RECEIVED

DEC 08 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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**RESPONSE TO MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL
AND REQUEST TO IMPLEMENT RULE 19**

YOU WILL PLEASE TAKE NOTICE, APPELLANT, moves the court for an Order objecting to striking any portions of the Record on Appeal and it's supporting documents. Contrary to the Respondent(s) by and through their undersigned attorneys statements requesting matter to be stricken from the Record on Appeal, the original Complaint in this matter was submitted to the lower courts along with documents supporting each element made in the Complaint. It is the portions of the Complaint's most vital elements which must remain as the focal point.

These items were included in the Appellant's Initial Brief as well as in the Designation of Matter which was submitted within the required time frame for this appeal, therefore the accompanying documents referenced in said Complaint, more specifically and also listed in the Designation of Matter should be included in the Record on Appeal. Please reference these documents to confirm the truth of this writer's statements. I beg of you to refer to the following documents which have been previously submitted to the court for verification:

1. The Original Civil Action Cover Sheet (requesting a jury trial)
2. The Original Complaint (Page 19, as referenced in the Original Designation of Matter as well as the Appellant's Initial Reply Brief)
3. The Original Designation of Matter and the documents referenced within:
 - a. Original Complaint pg. 19
 - b. Phelps Letter June 05, 2015 and Ganjesani Letter June 10, 2015
 - c. Transcript of Proceedings
 - d. Defendants Attorneys "Response & Objection" dated December 21, 2015
 - e. Final Order from hearing held May 18, 2016, dated & signed May 16, 2016
4. The Initial Reply Brief
5. The Original Designation of Matter
6. The Transcripts from the hearing as they were presented from the court reporter
7. The Respondent(s) Motion for Reform and request to strike matter from the Record on Appeal

The respondent(s) attorney's statements that the exhibits are unnumbered and not were included within the Designation of Matter contradict the argument of their Motion because in the initial items of their motion, they actually refer to the specific page numbers and the proper titles of the documents themselves. How could they do this if they were not appropriately numbered and titled?

With respect to the Respondent(s) Attorney's Motion to have matter stricken from the record, please find an item by item response below:

1.

a. Pages 2-3 Notices for Scheduling for Hearing to be held on May 18, 2016 (These pages accompany the Order signed and dated with the date of "May 16, 2016", by Judge L. Casey Manning) a serve to validate the validity of the Appeal and must be included.

b. Page 19 of the Original Complaint:

(1) SLED Letter from Captn John T. Bishop pg. 19 (The top of this page references the SLED letter from Captain John T. Bishop, which the Respondent(s) Attorney is asking for it not to be included, but you can see for yourself that it is there and was referred to in the Complaint and this page was included in the Original Designation of Matter so it must be included).

(2) OPR Letter from Chief KD Phelps pg. 19 (This page references the OPR letter from Chief K.D. Phelps, which the Respondent(s) Attorney is asking for it not to be included, but you can see for yourself that it is there and was referred to in the Complaint and this page was included in the Original Designation of Matter so it must be included).

c. The (4) Revised Accident Reports were indeed submitted to the lower court, referred to in detail in the Original Complaint and were overlooked by the lower court. They are essential elements which the Respondent(s) Attorney herself eluded to the discrepancies or in her words "dispute about what happened" (see court transcript, page 6, lines 7-9).

d. The (5) Witness Statements were indeed submitted to the lower court, referred to in detail in the Original Complaint and were overlooked by the lower court as well. They

are essential elements which the Respondent(s) Attorney herself eluded to not being aware of what happened (See Transcript page 6, lines 10-25)

2. The Record on Appeal produced to Respondents on November 21, 2016 is not deficient as the as stated by the Respondent(s) Attorney as it does include Exhibits which were numbered, Identified by Title, Name and included in the Index as such. The Attorney states that these items were not included in the Designation of Matter (Please see Designation of Matter). Exhibit "1" is the Transcript as prepared by the Court reporter, was paginated by her and this can easily be confirmed as it is already of record in this court.

3. The Index names the documents included and lists the specific pages by which the documents are located accordingly.

4. According to the Attorney, the Record on Appeal contains "argumentative statements for the first time and a demand for a jury trial" please refer to the trial the hearing transcript to verify that there are inaccuracies in this statement as well. The demand for a jury trial was requested in the initial Civil Action Cover Sheet as well as in subsequent documents which have been submitted to the courts, yet the request has been ignored. This writer is baffled as to what statements the Attorney alleges to be argumentative and/or being made for the first time since the information contained therein is consistent with that made in the original complaint and subsequent documents.

Please note that the Complaint, which is listed in the Original Designation of Matter is accompanied by exhibits and documents which validate the truth of the statements made said complaint were indeed submitted to the lower court and it is the opinion of this writer that these

documents were overlooked which further establishes the systematic pattern of neglect and efforts to conceal the acts emissions that have represented the continued victimization of the appellant. These are all valid documents which have been repeatedly provided to both the courts and the respondent(s) attorneys on a number of occasions.

At this point, it seems to this writer that there is a possibility of attempts of fraud on the court or at least or evidence that the judicial process may have been polluted by way of fraudulent actions and omissions, as per; "McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v Holzer, 816 F.2d. 304, 307: **"Fraud in its elementary common law sense of deceit - and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) - includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud or evidence that false representation does not constitute fraud. "Any false representation of material facts made with knowledge of falsity and with intent that it shall be acted on by another in entering into contract, and which is so acted upon, constitutes 'fraud,' and entitles party deceived to avoid contract or recover damages." Barnsdall Refining Corn. v. Birnam Wood Oil Co. 92 F 26 817 or evidence that defendants attorney(s) are not guilty of Sham Pleading. "Those which are inherently false and must have been known by interposing party to be untrue." Pentecostal Holiness Church, Inc. v. Mauney, Fla App., 270 So.2d 762, 769. or evidence that defense attorney(s) did not promote the functions of Aider and Abettor. "One who advises, counsels, procures, or encourages another to commit a crime, himself being guilty of some overt act or advocacy or encouragement of his principal, actually or constructively present when crime is committed, and participating in commission thereof by some act, deed, word, or gesture, Turner v Commonwealth, 268 Ky. 311, 104 S.W. 2D 1085, and sharing the criminal intent of the principal."**

This writer is now concerned with Offenses Against Public Justice.

SECTION 16-9-10. Perjury and subornation of perjury.

(A)

(1) It is unlawful for a person to wilfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State.

(2) It is unlawful for a person to wilfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

(B)

(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

(C) A person may be convicted under this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement.

HISTORY: 1962 Code Section 16-201; 1952 Code Section 16-201; 1942 Code Section 1397; 1932 Code Section 1397; Cr. C. '22 Section 332; Cr. C. '12 Section 340; Cr. C. '02 Section 253; G. S. 2531; R. S. 217; 1712 (2) 487; 1993 Act No. 184, Section 89.

SECTION 16-9-20. Subornation of perjury in civil actions.

(A) It is unlawful for a person to:

(1) wilfully induce, procure, or persuade another person by any means to commit perjury in initiating a civil action or proceeding; or

(2) wilfully induce, procure, or persuade another person to give false, misleading, or incomplete testimony while under oath in a civil action or proceeding.

(B) A person who violates the provision of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months and fined not less than two hundred dollars.

HISTORY: 1962 Code Section 16-202; 1952 Code Section 16-202; 1942 Code Section 1398; 1932 Code Section 1398; Cr. C. '22 Section 333; Cr. C. '12 Section 341; Cr. C. '02 Section 254; G. S. 2532; R. S. 218; 1712 (2) 487; 1993 Act No. 184, Section 90.

SECTION 16-9-30. False swearing before persons authorized to administer oaths.

It is unlawful for a person to wilfully and knowingly swear falsely in taking any oath required by law that is administered by a person directed or permitted by law to administer such oath.

A person who violates the provisions of this section is guilty of a felony and, upon conviction,

must be fined in the discretion of the court or imprisoned not more than five years, or both.

HISTORY: 1962 Code Section 16-203; 1952 Code Section 16-203; 1942 Code Section 1400; 1932 Code Section 1400; Cr. C. '22 Section 335; Cr. C. '12 Section 343; Cr. C. '02 Section 256; G. S. 2534; R. S. 220; 1833 (2) 485; 1993 Act No. 184, Section 166.

My response to this motion is based on the fact that documents were indeed referred to during the final hearing regarding the information which had previously been submitted to the court and were repeatedly overlooked and ignored AND are apart of the official court transcripts, yet the Respondent(s) Attorney's are continuing to display a reckless and seemingly intentional continued pattern of victimization against the Appellant.

It's time for transparency to be brought forward and for actions and records to be examined.

I do hereby request that this Summons, Complaint, Answer, All Orders, Motions and specifically ALL exhibits and supporting documentation which has been submitted to the court by both sides be carefully reviewed. I hereby request that this review be used to support the initiation of action into the ACTS and Omissions of Attorney Norma Jett and Alison D. Hood for:

RULE 19

SCREENING AND INVESTIGATION

(a) Screening. Disciplinary counsel shall evaluate all information coming to disciplinary counsel's attention by complaint or from other sources that alleges lawyer misconduct, incapacity, or the inability to participate in a disciplinary investigation or assist in the defense of formal proceedings due to a physical or mental condition. If the information would not constitute misconduct, incapacity, or the inability to participate in a disciplinary investigation or assist in the defense of formal proceedings if it were true, disciplinary counsel shall dismiss the complaint or, if appropriate, refer the matter to another agency. If the information raises allegations that would constitute lawyer misconduct, incapacity, or the inability to participate in a disciplinary investigation or assist in the defense of formal proceedings if true, disciplinary counsel shall conduct an investigation.

(b) Investigation. Disciplinary counsel shall conduct all investigations. Disciplinary counsel may issue subpoenas pursuant to Rule 15(b), conduct interviews and examine evidence to determine whether grounds exist to believe the allegations of complaints. Disciplinary counsel shall issue a

notice of investigation to the lawyer with a copy of the complaint or information received requesting that the lawyer file a response to the allegations in the notice; provided, however, that disciplinary counsel may seek permission of the chair or vice-chair to dispense with the requirement to make this request or to dispense with the requirement to provide the lawyer with a copy of the complaint or information received. The lawyer shall file a written response within 15 days of notice to do so from disciplinary counsel. The written response must include the lawyer's verification that it is complete and accurate to the best of the lawyer's knowledge and belief.

(c) Requirements of Notice of Investigation.

(1) When issuing notice of investigation pursuant to Rule 19(b), disciplinary counsel shall give the following notice to the lawyer:

(A) a specific statement of the allegations being investigated and the rules or other ethical standards allegedly violated, with the provision that the investigation can be expanded if deemed appropriate by disciplinary counsel;

(B) the lawyer's duty to respond pursuant to Rule 19(b);

(C) the lawyer's opportunity to meet with disciplinary counsel pursuant to Rule 19(c)(3); and,

(D) the name of the complainant unless the investigative panel determines that there is good cause to withhold that information.

(2) The investigative panel may defer the giving of notice but, when notice is deferred, disciplinary counsel must give notice to the lawyer before making a recommendation as to a disposition.

(3) Before disciplinary counsel or the investigative panel determines its disposition of the complaint under Rule 19(d), either disciplinary counsel or the lawyer may request that the lawyer appear before disciplinary counsel to respond to questions. The appearance shall be on the record and the testimony shall be under oath or affirmation. If disciplinary counsel requests the lawyer's appearance, disciplinary counsel must give the lawyer 20 days' notice.

(4) Any person giving testimony pursuant to Rule 19 shall be entitled to obtain a transcript of his or her testimony from the transcribing court reporter upon paying the subscribed charges unless otherwise directed by an investigative panel for good cause shown.

(d) Disposition After Investigation.

(1) Upon completion of the investigation, if disciplinary counsel believes that no misconduct has been committed, and a written caution is not appropriate to conclude the matter, disciplinary counsel may dismiss the complaint.

(2) If disciplinary counsel believes that no misconduct has been committed, but a written caution or warning is appropriate to conclude the matter, disciplinary counsel may issue a letter of caution.

(3) If disciplinary counsel believes there is evidence supporting the allegations against a lawyer, disciplinary counsel may:

(A) propose an agreement for discipline by consent to the lawyer pursuant to Rule 21;

(B) recommend to an investigative panel that the matter be concluded with a letter of caution or a confidential admonition; or,

(C) recommend to an investigative panel that formal charges be filed.

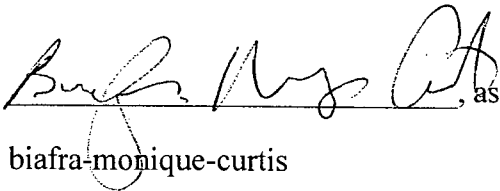
(4) The investigative panel may adopt, reject or modify the recommendations of disciplinary counsel.

(A) If the investigative panel finds no violation or a violation pursuant to Rule 7 for which the imposition of a sanction is not warranted, it may dismiss or issue a letter of caution.

(B) If the investigative panel finds that there is reasonable cause to believe the lawyer committed misconduct for which the imposition of a sanction is warranted, it may accept an agreement for discipline by consent pursuant to Rule 21; it may execute a deferred discipline agreement; it may admonish the lawyer pursuant to the provisions of Rule 19(d)(5) or, it may direct disciplinary counsel to file formal charges.

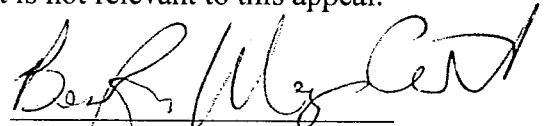
(C) If the investigative panel finds that the matter should not be dismissed, but it is either impossible or impractical to proceed with the matter because it appears that the lawyer is deceased, disappeared, incarcerated, physically or mentally incapacitated, disbarred, or suspended from the practice of law, or for other good cause, the panel may designate the matter closed but not dismissed. If the lawyer files a written objection with the Commission and serves a copy of that objection on disciplinary counsel within 10 days of service of notice that the matter was closed, but not dismissed, the matter shall be deemed re-opened and in the investigation phase. Any objection need not contain any grounds for objecting. Before a matter can be re-opened after being closed, but not dismissed, an investigative panel of the Commission must make a finding that there has been a change in the circumstances that were the basis for the matter to be closed, but not dismissed, or that there is other good cause for it to be re-opened. Before a motion can be considered by an investigative panel of the Commission to re-open a matter that has been previously closed, but not dismissed, disciplinary counsel shall serve a copy of the motion to do so containing the grounds to re-open on the lawyer and then the lawyer shall have 10 days to respond thereto. Disciplinary counsel shall notify both the lawyer and the complainant when a matter is closed, but not dismissed, and when the matter is re-opened. If the panel declines to re-open the matter, disciplinary counsel shall so advise the lawyer.

(5) When the investigative panel finds reasonable cause to conclude that the lawyer has committed misconduct, but finds that public discipline is not warranted, it may issue notice to the lawyer that it intends to impose a confidential admonition as a final disposition of the matter(s). Notice to the lawyer shall include a copy of the confidential admonition and shall be served on the lawyer in accordance with Rule 14(c). The notice of intent shall state the lawyer's right to object and that any such objection need not include any grounds therefor. The confidential admonition shall thereafter be imposed unless the lawyer both files with the Commission and serves on disciplinary counsel a written objection within 30 days of mailing of the notice. If the lawyer objects to the imposition of the confidential admonition in conformity with the requirements of this rule, disciplinary counsel shall file formal charges.


Biafra Monique Curtis, asiatic woman
biafra-monique-curtis

I certify that this response to motion contains no matter that is not relevant to this appeal.

November 29, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925

FORM 7
**PROOF OF SERVICE OF RESPONSE TO MOTION TO EXCLUDE MATTER TO BE
INCLUDED ON APPEAL AND REQUEST TO IMPLEMENT RULE 19**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No: 2016-001239

Biafra Monique Curtis,

Appellant

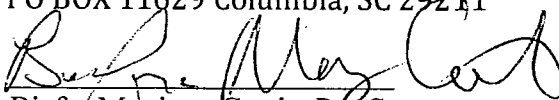
V.

South Carolina Department of Public Safety,
Warren Ganjeheh, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al., Respondent(s)

PROOF OF SERVICE

I certify that I have served the Proof of Service of Response to Motion to Exclude Matter on Appeal and request to implement Rule 19 to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on November 29, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

November 29, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

**PROOF OF SERVICE OF COMPLAINT PER RULE 19
AGAINST NORMA JETT AND ALISON D. HOOD OF NESS AND JETT, LLC
TO OFFICE OF DISCIPLINARY COUNSEL**

PROOF OF SERVICE

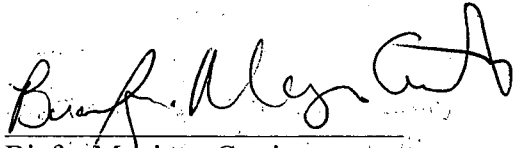
I certify that I have FILED a Complaint with supporting documents submitted to Lesley M. Coggiola-Disciplinary Counsel, Office of Disciplinary Counsel, PO BOX 12159 Columbia, SC 29211 on December 5, 2016. I have also notified the following by depositing a copy of it in United States Mail, postage prepaid, on December 5, 2016, addressed to:

Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
PO BOX 11629
Columbia, SC 29211

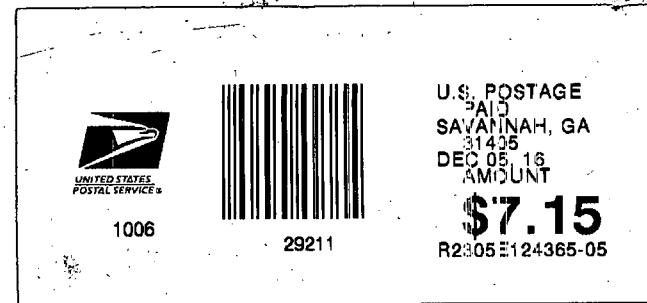
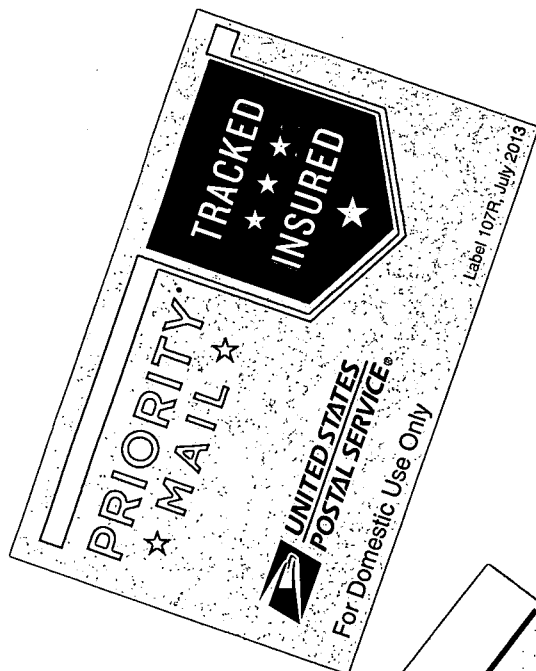
Norma Jett and Allison D. Hood
Post Office Drawer 909
Bamberg, SC 29003

Jeanette McBride Clerk of Court
Richland County Court of Common Pleas
Post Office Box 2766
Columbia, South Carolina 29202

December 5, 2016


Biafra Monique Curtis
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

IAFRA CRTLS
BOX 21294
MILTON HEAD, SC 29925



ATTN: HONORABLE JENNY ABBOT KITCHINGS
CLERK OF COURT
SC COURT OF APPEALS
PO BOX 11629
COLUMBIA, SC 29211

RECEIVED

DEC 08 2016

SC Court of Appeals