

EXHIBIT 1

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

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:

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Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

RECEIVED
AUG 10 2016
SC Court of Appeals

EXHIBIT 2

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015CP4005172

Biafra Monique Curtis

South Carolina Department Of Public Safety

Warren Ganjehsani

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), 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

RECEIVED

AUG 10 2016

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT **SC Court of Appeals**

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 [Signature] Judge Code 2061 Date 5-18-16

For Clerk of Court Office Use Only

This judgment was entered on the 23 day of May, 2016 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)

Jeannette W McBride
ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeannette W McBride

EXHIBIT 3

FORM 4
RECEIVED

JUDGMENT IN A CIVIL CASE

AUG 10 2016

CASE NUMBER: 2015CP4005172

Biafra Monique Curtis

South Carolina Department Of Public Safety

SC Court of Appeals
 Sanjehsani
 DEFENDANT(S)

PLAINTIFF(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), SCRPC; Rule 41(a), SCRPC (Vol. No. suit); 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 _____

RICHLAND COUNTY
 FILED
 2016 MAY 20 AM 9:16
 JEANETTE W. McBRIDE
 CLERK OF COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

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 [Signature] 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 13 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)

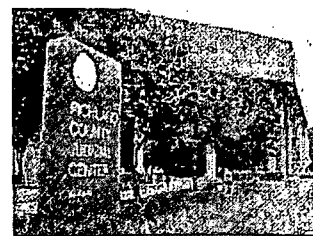
Court Reporter _____

Clerk of Court [Signature]

EXHIBIT 4



Richland County 5th Judicial Circuit Public Index



[Richland County Home Page](#) |
 [Online Payments](#) |
 [Public Index](#) |
 [City of Columbia Municipal Ct](#) |
 [S.C. Judicial Department](#) |
 [Summary Ct Dockets](#)

Switch View

Biafra Monique Curtis vs South Carolina Department Of Public Safety , defendant, et al

| | | | | | |
|-----------------------------|--------------------------|--------------------------|---|---------------------------|-------------------|
| Case Number: | 2015CP4005172 | Court Agency: | Richland County Common Pleas | Filed Date: | 08/24/2015 |
| Case Type: | Common Pleas | Case Sub Type: | Other/Malpract 299 | File Type: | Jury |
| Status: | Appeal | Assigned Judge: | Clerk Of Court C P, G S, And Family Court | | |
| Disposition: | Dismissed per Rule 12(b) | Disposition Date: | 05/18/2016 | Disposition Judge: | Manning, L. Casey |
| Original Source Doc: | | Original Case #: | | Restore Reason: | Reopened Case |
| Judgment Number: | | Court Roster: | | | |

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

| Name | Description | Type | Motion Roster | Begin Date | Completion Date | Documents |
|------------------------|--|--------|---------------|------------------|-----------------|-----------|
| Curtis, Biafra Monique | Response and Objection | Filing | | 01/11/2017-13:16 | | |
| Curtis, Biafra Monique | Final Reply Brief | Filing | | 01/03/2017-12:43 | | |
| Curtis, Biafra Monique | Notice of Complaint | Filing | | 12/08/2016-16:42 | | |
| Curtis, Biafra Monique | Service/Certificate Of Service | Filing | | 12/02/2016-15:45 | | |
| Curtis, Biafra Monique | Response to Motion to Exclude Matter from Record | Filing | | 12/02/2016-15:45 | | |
| Curtis, Biafra Monique | Service/Proof Of Service | Filing | | 11/28/2016-15:54 | | |
| Curtis, Biafra Monique | Other/Disgnation of Matter to be Included in Record | Filing | | 11/28/2016-15:53 | | |
| Curtis, Biafra Monique | Service/Proof Of Service | Filing | | 11/28/2016-15:51 | | |
| Curtis, Biafra Monique | Record on Appeal | Filing | | 11/28/2016-15:51 | | |
| Curtis, Biafra Monique | Designatioin of Matter to be Included in the Record on Appea | Filing | | 08/24/2016-15:04 | | |
| Curtis, Biafra Monique | SC Court of Appeals Designation of | Filing | | 08/16/2016-09:06 | | |

| | Matter to be Included in | | | | | |
|--|--|--------|--|--|------------------|------------------|
| Curtis, Biafra Monique | SC Court of Appeals Appellants Initial Brief | Filing | | | 08/16/2016-08:59 | |
| Curtis, Biafra Monique | Proof Of Service of a Notice of Request for Transcripts | Filing | | | 07/07/2016-09:19 | |
| Curtis, Biafra Monique | Notice of Appeal | Filing | | | 06/17/2016-13:44 | |
| Curtis, Biafra Monique | Form 4 Order motion to strike is moot. Motion for dismissal | Order | | | 05/18/2016-09:05 | 05/18/2016-09:05 |
| Curtis, Biafra Monique | Ordered that plaintiff's causes of actions are hereby | Order | | | 05/16/2016-09:16 | 05/18/2016-09:16 |
| South Carolina Department Of Public Safety | Memrandum in Support of Motion to Dismiss | Filing | | | 05/09/2016-15:51 | 05/18/2016-15:51 |
| South Carolina Department Of Public Safety | Notice/Notice of Hearing | Filing | | | 05/09/2016-15:51 | 05/18/2016-15:51 |
| Curtis, Biafra Monique | Roster/Notice of Motions Roster Publication Sent | Action | | | 04/29/2016-12:07 | 05/18/2016-12:07 |
| Curtis, Biafra Monique | Roster/Notice of Motions Roster Publication Sent | Action | | | 04/29/2016-12:07 | 05/18/2016-12:07 |
| Hood, Alison Dennis | Roster/Notice of Motions Roster Publication Sent | Action | | | 04/29/2016-12:07 | 05/18/2016-12:07 |
| Hood, Alison Dennis | Roster/Notice of Motions Roster Publication Sent | Action | | | 04/29/2016-12:07 | 05/18/2016-12:07 |
| Curtis, Biafra Monique | Memorandum in Support of motion for dismissal for failure | Filing | | | 04/12/2016-11:54 | 05/18/2016-11:54 |
| Curtis, Biafra Monique | Motion for Dismissal for failure to state a cause of action | Motion | | | 04/12/2016-11:46 | 05/18/2016-11:46 |
| Curtis, Biafra Monique | Report and Recommendation from US District Court | Order | | | 04/12/2016-11:45 | 05/18/2016-11:45 |
| Curtis, Biafra Monique | Order from US District Court remanding case back to Richland | Order | | | 04/12/2016-11:44 | 05/18/2016-11:44 |
| Curtis, Biafra Monique | Motion/Motion Filing Fee | Filing | | | 04/07/2016-16:21 | 05/18/2016-16:21 |
| South Carolina Department Of Public Safety | Motion to Strike | Motion | | | 04/07/2016-09:15 | 05/18/2016-09:15 |
| South Carolina Department Of Public Safety | Answer of ALL Defendants | Filing | | | 04/07/2016-09:05 | 05/18/2016-09:05 |
| Curtis, Biafra Monique | ADR/Alternative Dispute Resolution (Workflow) | Action | | | 03/21/2016-11:26 | 09/24/2015-11:26 |
| Curtis, Biafra Monique | Filing/Notice of Appeal | Filing | | | 03/14/2016-11:37 | 05/18/2016-11:37 |
| Curtis, Biafra Monique | Response to Interrogatories | Filing | | | 10/20/2015-16:47 | 05/18/2016-16:47 |

| | | | | | |
|-------------------------------|---|---------------|--|-------------------------|-------------------------|
| Curtis, Biafra Monique | Memorandum in Response to Defendants Memorandum and Motion F | Filing | | 10/20/2015-16:46 | 05/18/2016-16:46 |
| Curtis, Biafra Monique | Response to Motion to Dismiss For Failure to Satte. Cause of | Filing | | 10/20/2015-16:45 | 05/18/2016-16:45 |
| Curtis, Biafra Monique | Response to Motion to Dismiss Notice of Removal and Dismissa | Filing | | 10/20/2015-16:41 | 05/18/2016-16:41 |
| Curtis, Biafra Monique | Notice of Filing Removal | Filing | | 09/24/2015-09:49 | 05/18/2016-09:49 |
| Curtis, Biafra Monique | Verification/Verified | Filing | | 08/27/2015-10:51 | 09/24/2015-10:51 |
| Curtis, Biafra Monique | Certificate of Service | Filing | | 08/24/2015-13:18 | 09/24/2015-13:18 |
| Curtis, Biafra Monique | Verification | Filing | | 08/24/2015-13:18 | 09/24/2015-13:18 |
| Curtis, Biafra Monique | Summons & Complaint | Filing | | 08/24/2015-11:24 | 09/24/2015-11:24 |

EXHIBIT 5

NOTICE OF INTENT TO FILE A LAWSUIT

TO: DIRECTOR OF PUBLIC SAFETY SOUTH CAROLINA
ATTN: MR. LEROY SMITH, DIRECTOR
POST OFFICE BOX 1993
BLYTHEWOOD, SC 29016

SOUTH CAROLINA HIGHWAY PATROL
ATTN: COLONEL MIKE OLIVER
POST OFFICE BOX 1993
BLYTHEWOOD, SC 29016

THE HONORABLE ALAN WILSON, SC ATTORNEY GENERAL
P.O. BOX 11549
COLUMBIA, SC 29211

THE HONORABLE NIKKI R. HALEY, OFFICE OF THE GOVERNOR
1205 PENDLETON STREET
COLUMBIA, SC 29201

FROM: :biafra-monique :curtis

NOTICE OF INTENT TO FILE SUIT FOR NEGLIGENCE BY THE DEPARTMENT OF PUBLIC SAFETY AND THE SOUTH CAROLINA HIGHWAY PATROL ON SEPTEMBER 27, 2012, REGARDING AN AUTOMOBILE ACCIDENT I WAS INVOLVED IN THAT HAS RESULTED IN A LIFE CHANGING SITUATION TO ME DUE TO THE DIRECT ACTIONS OF TROOPER WILLIE McCAULEY JR. AND THE FAILURE OF SUPERIORS, SPECIFICALLY CAPTAIN ANTHONY GRICE, LIEUTENANT WILLIAM TAYLOR, SERGEANT NICHOLAS KING AND LIEUTENANT RAY TO REASONABLY INVESTIGATE, COLLECT WITNESS STATEMENTS, ACCURATELY COMPLETE AN ACCIDENT REPORT WITHIN THE REQUIRED OBLIGATORY TIME AS WELL AS DISCIPLINE THE TROOPER FOR HIS INTENTIONAL ACTS OF DESTROYING EVIDENCE AMONG OTHER VIOLATIONS.

On September 27, 2012, I, :biafra-monique :curtis, was traveling on I-26 in Orangeburg, South Carolina near Exit 145A, at approximately 2:35 P.M., in the left lane, when without any warning, the truck in the right lane TOTALLY OVERTOOK my lane causing me to lose control of my vehicle, run off the road into the median, spun around, travelled across two lanes of traffic, into a

ditch coming to rest after dropping approximately five feet down and hitting an embankment. Three trucks stopped at the scene, including the truck that ran me off the road.

After coming to rest, the first person that I saw was a man (a Caucasian male whom I later learned to be Carl Culpepper, Williston Fire & Rescue) running towards the front, left side of my car while holding up a badge. My first thought was one of relief, thinking that he was a law enforcement officer who saw everything. I got out of the car and asked him "did you see that truck run me off the road?" and he replied yes. I sat back in the car after a sharp pain struck my neck. He asked me if I was ok and I told him that my neck hurt but other than that I didn't think anything else was affected. He proceeded to make a phone call and I sat back to catch my breath as the pain intensified. I noticed my cell phone, so I called my friend to let her know that I was in an accident. By then, two truck drivers had arrived. One was an older African American gentleman (whom I later learned to be Bobby Hudson) who was behind and center of everything and saw the entire event unfold. He was even able to get a tag number and provide it to Trooper McCauley from the vehicle that pulled in front of the truck which overtook my lane. The other was an older Caucasian (whom I recall the last name Lamb). This gentleman told me in front of Carl Culpepper and Bobby Hudson that he was driving the truck and apologized for running me off the road. He went on to try to tell me why he overtook my lane, but Mr. Culpepper advised me to get out of the car because it was smoking and they weren't sure if it was going to catch fire or explode. The two truck drivers walked on each side of me and held and braced me while assisting me to get away from the vehicle and up the side of the hill out of the sun where they helped me sit down. I was still on the phone and after explaining what happened, I tried to determine exactly where we were and that's when the worst of the pain struck me and I handed my phone to Mr. Hudson and laid on the ground crying while he told her in detail what happened where we were (Exit 145W, towards Columbia) and that I was laying on the ground and EMS was being called. By then, Mr. Lamb sat on the ground next to me (on the right) and again apologized and explained that a car pulled onto the expressway in front of his truck and he came into my lane to avoid hitting it. Mr. Culpepper ended his call, pulled out a pad and proceeded to write down everyone's name and contact information. During this time, the gentleman kept apologizing to me saying that a car came off the ramp at a high rate of speed and he moved into my lane to avoid a collision with that vehicle. PLEASE NOTE: I never saw this vehicle.

A first responder fire truck arrived on the scene and a man came up and someone told him what happened. He asked if I was ok and I told him my neck had shooting pain. At this point I tried to get up and he advised me to stay still and don't move & that it was best to wait for the ambulance. He called to see what was taking so long for Highway Patrol and an ambulance to arrive, but never gave any information. I sat up and with assistance, stood up slowly trying to make sure I wasn't hurt anywhere else and had to sit back down.

Eventually, the ambulance arrived and I was taken to Orangeburg Regional Hospital. While being examined at the hospital, my friend arrived and shortly thereafter, a SCHP Trooper, I later learned to be Trooper Willie McCauley, Jr. arrived and asked me what happened. I explained to

Trooper McCauley the exact same statement as in Paragraph one of this Notice, and Trooper McCauley said "that's not what the witness said". I disputed his information from the point of the party injured, Trooper McCauley abruptly left the room, came back later and gave me a FR-10 and left, never taking any other notes.

On October 6, 2012, I left a message for Trooper McCauley asking for witness names and contact information. Trooper McCauley called later and said that he discarded the name and contact information for two (2) witnesses because he deemed them not credible. He stated that they kept changing their story, using the same words to describe accident and he did not believe they were telling the truth. I then asked Trooper McCauley to try and locate this information because one of the two "alleged" witnesses was the driver of the truck that ran me off the road. It should have been a **RED FLAG** that there was something wrong.

The **FIRST** Accident Report (**Review date 10-23-2012 EXHIBIT "A"**) was full of holes and missing information. Since that time, I have made numerous request for Trooper McCauley to locate the discarded information, the fire rescue driver, to call Orangeburg 911 and get the audio of the calls about the accident so that he could confirm information and revise the report. It states that a single vehicle **CHANGED LANES IMPROPERLY, CAUSED ME TO RUN OFF THE ROAD, DID NOT REMAIN AT THE SCENE AND CONTRIBUTED TO COLLISION**. It seemed that Trooper McCauley made up his mind that he was not going to change anything in the report, and he was not going to do any more investigating into the matter. I've met with numerous supervisors of the SCHP attempting to get information from Trooper McCauley and still don't have an Accident Report that tells the truth of what happened at the scene.

Through my own initiative, I was able to get a copy of the 911 tape, locate credible witnesses, collect written statements and find out about the (alleged) ambulance driver of the fire rescue unit from Williston Fire Rescue. All of this, I'm sure, Trooper McCauley could have done. I also located what I suspect to be both of the drivers that contributed to the accident ran me off the road, caused me to lose my health, job, benefits, car and left me disabled with hundreds of thousands of dollars in medical bills.

This Lawsuit is being sought because of the negligence of SCHP Trooper McCauley, his refusal to fully investigate this accident, his failure to follow the training and guidelines of the SCHP when investigating an accident, in particular SC Traffic Collision Report Form (TR-310) and Supplement Truck and Bus Report Form Instruction Manual (Rev. 8/2012) Code Section 56-5-1270, paragraph 2, 56-5-1340 (**EXHIBIT "B"**), the failure of SCHP Supervisors to act, specifically, Cpt. Anthony Grice, Lt. William Taylor and Sgt. Nicholas King when these facts were brought to their attention and confirmed by the trooper himself that he discarded both the tag# and the contact information of the alleged "witness", whom it was later determined that he was in fact a contributing party to the collision. Why didn't they get the truth from Trooper McCauley by finding out why he discredited witnesses and "discarded" key information at his

own discretion, when the above sections and codes expressly state what his actions should have been. *With respect to Section 56-5-1290. "Reports shall not be used as evidence of negligence or due care in civil actions." None of the reports required by Sections 56-5-1260 to 56-5-1280 may be evidence of the negligence or due care of either party at the trial of any action at law to recover damages. However, law enforcement officers may refer to these reports when testifying in order to refresh their recollection of events.* My contention is more so focused on the destruction of two (2) key pieces of evidence due to the trooper's failed judgment and the fact that he "discredited" alleged witnesses. **It would seem obvious that the requirement that: 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. This code of law is there for the prime example in this case, the "witness" was later found to be involved in the collision, but since his information was discarded, I have no way to identify him.**

Only after conducting my own investigation with the assistance of an old friend, presenting information and demanding a re-investigation of the scene and witnesses did Sgt. Nicholas King even attempt to confirm the information, hence the **SECOND** accident report (Review date 12-16-2012 **EXHIBIT "C"**). His lackadaisical effort led to revisions to add the 18 wheeler to the report with an incorrect narrative. He also twisted the report and conveniently left out perhaps two of the most important details:

1. Unit 3-DID contribute to the collision; and 2. Unit 3-DID REMAIN AT THE SCENE

After going back and forth with him numerous times and him actually telling me that even if they did find the truck, the driver could use the "Sudden Emergency Doctrine" as a defense was unethical, unprofessional, insensitive, abrasive and basically another dismissal of any value or protection of my rights to due process AND NOT THE OPINION OF A TROOPER whom it has already been established used poor judgment when there are codes and instructions to protect people like me from being subjected to this specific incident. Basically, it seemed that even though he acknowledged that he now knew the truck driver lied, he is now representing him with a defense to me...the victim!

Eventually, the second report was revised and a **THIRD** accident report (Review date 1-26-2013 **EXHIBIT "D"**) was produced with even more inaccuracies. After going back and forth pointing out and confirming inaccuracies, a **FOURTH** accident report (Review date 2-06-2013 **EXHIBIT "E"**) was produced WHICH IS STILL NOT ACCURATE. It shows the truck and states that it was later found that the truck WAS involved in the collision, but the rest of the

narrative still is not correct and it fails to mention that the truck (Unit 3) remained at the scene. It also states that the truck did NOT contribute to the collision?!?

I do not proclaim to be a lawyer nor do I have any legal expertise and I am not attempting to practice law, but rather pursue my rights as a natural citizen, which I will relentlessly pursue even if I have to take it to the Supreme Court. I relaying my position as the injured party-it is my contention that the SCHP failed in preserving my right to due process. By discarding both the tag# of the car as well as the contact information of the driver of the truck, what recourse could I possibly have? As I understand it:

Qualified immunity is a doctrine in U.S. Federal Law that arises in cases brought against state officials under 42 U.S.C Section 1983 and against federal officials under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). Qualified immunity, when applicable, shields government officials from liability for the violation of an individual's federal constitutional rights. This grant of immunity is available to state or federal employees performing discretionary functions where their actions, even if later found to be unlawful, did not violate "clearly established law." The defense of qualified immunity was created by the U.S. Supreme Court, replacing a court's inquiry into a defendant's subjective state of mind with an inquiry into the objective reasonableness of the contested action. A government agent's liability in a federal civil rights lawsuit now no longer turns upon whether the defendant acted with "malice," but on whether a hypothetical reasonable person in the defendant's position would have known that his/her actions violated clearly established law.

In short, Qualified Immunity weighs heavily on key factors: 1. Was there a "clear established law" in place at the time of the occurrence and 2. Would a reasonable person have known that his/her actions violated the law.

Due Process Clause of the Fourteenth Amendment applies against only the states, but it is otherwise textually identical to the Due Process Clause of the Fifth Amendment, which applies against the federal government; both clauses have been interpreted to encompass identical doctrines of procedural due process and substantive due process. Procedural due process is the guarantee of a fair legal process when the government seeks to burden a person's protected interests in life, liberty, or property, and substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government. The Due Process Clause of the Fourteenth Amendment also incorporates most of the provisions in the Bill of Rights, which were originally applied against only the federal government, and applies them against the states.

In short, because of Trooper McCauley's actions, I lost any right to even pursue legal remedy on TWO COUNTS (against the car and/or against the truck), hence, guarantee of a fair legal process when the government seeks to burden a person's protected interests in life, liberty, or property, and substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government.

I contend that my rights to Due Process were not protected. Trooper McCauley played judge & jury in his own failed judgment of deeming an alleged "witness" discredited and proceeding to "discard" his contact information and statement. In addition, he further added insult to injury by discarding the "tag#" of the car that was provided to him at the scene and to date, none of my requests for Cpt. Anthony Grice, Lt. William Taylor and Sgt. Nicholas King to retrieve this information from the call history record have been responded to. I have obtained a call history report (**EXHIBIT "F"**) in which my vehicle and tag# of EGY865 was added into the vehicle record, however, the other vehicle entered into the record has a tag# of GGY865, which is NOT the tag number that was provided to Trooper McCauley at the scene. I am sincerely hoping that this was a TYPO and not intentional. I am still waiting for the tag# that Trooper McCauley states that he called in can be located and identified. It can possibly be used to confirm the identity of the "car" that contributed to the accident, but somehow it has never been located in your system.

Had Trooper McCauley preserved the information that he had in hand and attached it to the accident report per the instruction of his training manual, my rights would have been protected and it would have been up to a judge and jury to decide credibility, BUT FOR, this sworn officer of law discrediting witnesses discarding information and refusing to re-investigate initially, we would not have reached this point. The later efforts of Lt. Taylor produced no results, only wasted more time and upon realization of this, I called the office of Lt. Taylor and spoke with Lt. Ray whom I gave a brief summary of my ordeal and asked him for the phone number to headquarters. He provided the phone number along with the name of Maj. Melvin Warren as being the next person in the chain of command. Shortly thereafter, within minutes, I received a phone call from Lt. Taylor informing me that he was still working on getting information from SLED. He then stated that he heard that I had been to Blythwood to speak with someone there. I explained to him that I had NOT been to Blythwood, but that it was next in effort to reach a higher chain of command. He was very kind in telling me that if I contacted them, "they", would not do anything more than what he was doing, discouraging me from contacting them. He then informed me that he had done just about everything that he could to address THE MISTAKES THAT WERE MADE with the handling of my accident. I have exhausted all efforts to confirm the identity of the person(s) responsible for this accident. I requested on more than one occasion that he get written statements from Mr. Culpepper due to the fact that he wrote the names and contact information down at the scene. Instead, he relied on verbal conversation which confirmed only mistruths. I was able to obtain a written statement from Mr. Culpepper which contained lies when compared to his 911 call. I even took a notary with me to a face to face meeting that I had with him. By the end of our conversation and after I pointed out to him that his written statement conflicted with his recorded 911 call, and that he stated that he was driving an ambulance and showed him my notes which confirm that he did not have a Class "E" driver's license at that time, he admitted that he wrote down the names of everyone at the scene and acknowledged that he and I had conversations within weeks after the accident in which he stated that he threw the information away. Though I have leads, my resources to reach beyond state lines to confirm them are limited. The blatant nature of the dismissal of my situation makes me wonder just how many other people there are who are experiencing the very same or even worse

treatment from your department. I also wonder if public outcry and outreach to forces more powerful than just this local arena will initiate change.

This accident has changed my health my life, my livelihood, ability to meet my obligations nor have any quality of life and I am left facing additional surgeries, treatments and therapies, no career and the following:

Injury/Medical Expenses (\$)200,000

Car and Other Property Damage (\$)8,000

Loss of Earnings (\$)12,000 (Oct, Nov, Dec 2012)

Future Loss of Earnings (\$)1,377,000 =2013-2040 Retirement Age

Cost of Future Medical Care (\$)200,000

Non-Economic Damages (\$)1,000,000

Total \$2,787,000x 4= **\$11,148,000.00**

THE FACTS ARE NON-DISPUTABLE

Economic damages are fairly easy to calculate (and to prove through documentation), including things like medical expenses (past and future), lost income (past and future), and the cost of getting your car repaired. Non-economic damages are consequences of an injury things like pain and suffering, loss of enjoyment of life pursuits, and the emotional impact of the accident and resulting injuries.

Prior to September 27, 2012, I was healthy, happy, and excited about the rest of my life. I had a very successful career in which I 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" (**EXHIBIT "G"**) throughout the entire Company of over 200 employees with my yearly gross earnings in excess of \$50,000 with an excellent benefit package which included health insurance, dental insurance, vision insurance, and life insurance. **As of January 8, 2014, I lost my career and all healthcare benefits package as a result of this accident and because of my pending health condition. My performance and plans were geared towards retiring with this company.** At one point all of my bills became delinquent and I was forced to leave my home. At first I thought that I was the subject of an automobile accident, now I feel as though I am the Victim of a crime in which my victimization is continuing to this very moment.

I will be seeking restitution for all of my injuries, pain, suffering, emotional distress, lost wages, loss of my career, my automobile, the cancellation of my benefits and the loss of my quality of life. Because of the acts of Trooper McCauley, I don't have a correct accident report that accurately details what happened and the identity of the parties who caused it remain unknown. SCHP Trooper McCauley is an **employee** of the South Carolina Department of Public

Safety, **Certified** by the South Carolina Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc., **Represents** South Carolina to the Public, and is **supposed** to be trained in 'accident investigation' and the 'rules of evidence.'

I was informed by Sgt. Nickolas King, that Trooper McCauley did not have his blue lights or video camera activated while working an accident which is another way that he neglected to record and preserve information. I am guessing that this is why it took him over 30 minutes to arrive at the scene.

At this point I realized that my only option in receiving any justice is to file suit against the SCHP, Dept. of Public Safety and to simultaneously file complaints with the United States Department of Justice and the United States Attorney General's office. If sending press kits

To the national and local media containing a summary of events and all of my confirming documentation is necessary, then that is what needs to happen. Attention needs to be brought to atrocities like this instead of them being swept under the rug. In fear of retaliation, I have provided numerous other individuals with sealed envelopes containing my intent to sue and all supporting documents should anything unfortunate or mysteriously happen to me. **The world is a dangerous place to live; not because of the people who are evil, but because of the people who don't do anything about it. -Albert Einstein**

It is my intent to file suit within (7) seven business days of delivery of this notice. I am open and willing to discuss ADR, but if you are not, then I hope that my coming forward and placing a national spotlight on the SC Department of Public Safety and the SC Highway Patrol may give others the courage to come forward as well to reveal and pursue legal remedy for any and all injustices that they have suffered as well. It is my personal opinion that the way that this "code of honor" has shielded this Trooper and his actions, my instinct tells me that I am NOT the only one that this type of stage play has happened to. I don't understand why seasoned, high ranking supervisors who have spent their careers as dedicated individuals would risk their own records being tarnished for covering up for something that they know was wrong. Maybe my ordeal being displayed in a public forum and national arena will encourage state and federal investigators to look into South Carolina Trooper conduct with a magnifying glass and prevent or at least reduce the likelihood that this type of situation will happen to others. I am respectfully asking for assistance in somewhat relieving the condition that I was left in due to the direct acts of Trooper Willie McCauley Jr. and failure to act by Captain Anthony Grice, Lt. William Taylor, Lt. Ray and Sgt. Nicholas King.

RESPECTFULLY SUBMITTED, THIS 26 DAY OF SEPTEMBER, 2014

BIAFRA MONIQUE CURTIS, ARE
PO BOX 21294
HILTON HEAD ISLAND, SC 29925
(843) 684-3118

TIMELINE OF EVENTS

This documents the accidents and the MANY efforts made by the Biafra Monique Curtis (hereinafter "The Plaintiff), begging for assistance and relief. It further provides proof that she exhausted ALL levels in the administrative process prior to filing suit.

On September 27, 2012, at approximately 2:30pm, on South Carolina Interstate I-26 and traveling Westbound and at the 145A Exit, the Plaintiff was involved in an automobile accident with an 18 wheeler, that she did not cause, but sustained multiple, lifelong injuries as a result of.

There were three (3) people stopped at the scene, one of which being the driver of the truck that caused the accident, (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").

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, explaining that she was driving in the far left lane when suddenly and without warning, the 18 wheeler in the right lane completely overtook her lane, causing her to lose control of her vehicle, slide into the median, travel back across two lanes of traffic sideways and then dropping down a five (5) foot drainage ditch and striking an embankment before coming to rest. In describing the accident, she states that the 18 Wheeler truck was the only danger she saw. She restated that never, at anytime before, during or after the accident did she see any other car. 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 approximately 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 today.

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 the statement given regarding the truck driver causing the accident.

On October 6, 2012, The Plaintiff left a message for McCauley, Jr. to request the accident report, witness names, contact information and the tag# of the car. He called her back later and said that he discarded the name and contact info for two (2) of the witnesses because he deemed them not creditable. McCauley, Jr. said that they kept changing their stories around so he discarded their statements and contact information. McCauley, Jr. said that he discarded the car tag # that Hudson provided to him at the scene. McCauley, Jr. said that he called it in and it did not come back matching any vehicle.

On October 7, 2012, the Plaintiff called McCauley, Jr and requested that he try to locate this discarded information and explained again to him that one of those "witnesses" is the driver of the truck that ran her off the road.

On October 8, 2012, McCauley Jr. called the Plaintiff and stated that he couldn't locate witness information that he discarded. She suggested he locate the Fire truck that was the first responder on the scene to see if he collected names and contact information. He stated that he didn't know what district or area that fire truck came from. She asked him to call dispatch to see if they could help him. He then stated that when his supervisor returned from vacation in a few days that he would see if he could help find out where the fire truck was dispatched from and try to locate the driver of the fire truck.

On October 9, 2012, the Plaintiff called McCauley, Jr and asked if he could contact dispatch to request any/all 911 calls because she believed the alleged witness/ truck driver that ran her off the road had called in to report the accident since he was on his cell phone when he walked up to her. McCauley Jr. then became agitated with the plaintiff and told her that she would have to request that info through the Freedom of Information Act.

On October 11, 2012, the Plaintiff called McCauley Jr. to see if he had any possible suggestions on how to locate this witness/ truck driver or the other witness from the first responder fire and rescue and he said no.

On October 11, 2012, the Plaintiff left a message for Lt. William Taylor (hereinafter "Taylor") at SC Highway Patrol requesting that he return her call regarding accident, to date-no return call

On October 31, 2012, the Plaintiff went to Blythewood SC picked up 911 calls and audio from Highway Patrol

On October 31, 2012, the Plaintiff went to Orangeburg Sheriff Department and picked up call logs and audio from 911 calls

On November 7, 2012, the Plaintiff went to Columbia, SC picked up accident report from DMV

On November 8, 2012 The Plaintiff left a message for Sgt. Nicklous King (hereinafter "King") regarding inaccuracies in the Accident Report and also to discuss McCauley Jr. discarding name and contact information for witness/ truck driver. He called the Plaintiff back and said he would look into it by speaking with McCauley Jr. and reviewing camera footage, to date-no return call

On November 19, 2012 The Plaintiff left a message for King, to date-no return call

On November 19, 2012 The Plaintiff spoke with King when he called her back with an unprofessional attitude, stating that he spoke to McCauley Jr and he did not have additional information on the truck driver. 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. He 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 a license plate # of the blue car that drove away but after running the plate#, 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 that she needed information to try to locate 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. The Plaintiff was deeply offended by the fact that both of these officers of the law, who have a sworn duty to protect her rights as a citizen, was apparently defending the man whom had negatively changed her life forever, without considering that she was denied her right of due process by McCauley Jr when he discarded not only the contact information of the alleged witness/truck driver, but also the tag# of the car that allegedly pulled out in front of the truck. She did share with King that I had obtained information for three people who called 911 to report the accident- Erin Tyler, Bobby Hudson witness at the scene, as well as the contact information for Carl Culpepper at Williston Fire & Rescue. She also gave him the phone number of the person whom she believed was the driver or at least a passenger in the truck who actually caused the accident. Carl Culpepper states didn't actually see what happened, but he did remember hearing the man who caused the accident telling her that he had no other choice other than to come into her lane to avoid hitting a blue car. The Plaintiff stated that she never, at any time saw a blue car. It was only the truck that caused the accident. King who

then contacted Erin Tyler and Carl Culpepper, and they gave him an account of what happened. The Plaintiff also gave him the phone number of the person whom she believed was the driver or at least a passenger in the truck who actually caused the accident. After verifying these facts, he agreed to amend the accident report to reflect that it was in fact the truck that caused her to run off the road but this cannot be done until McCauley Jr. returns from leave in a week or so. King did contact the unnamed person at who told him that he was simply a passerby who stopped and called in. His written statement says that he heard the truck driver apologize and say that he could not help the accident.

January 4, 2013 Received Amended Accident Report from SC DMV-which was still not accurate. On multiple occasions after this, Plaintiff contacted Trooper McCauley and Sgt. King and begged them to attempt to locate the contact information and collect written statements from the witnesses as well as to contact the first responder fire truck that arrived at the scene to get information from him. McCauley was unwilling to do any due diligence to investigate the accident beyond his original conclusion. The judgment call that he made by "discrediting a witness" and by "discarding" statements and contact information of the remaining people at the scene has prevented the Plaintiff from having any recourse to pursue against the either of the person(s) who ruined her life. In her opinion, Trooper McCauley's acts alone displayed carelessness, lack of courtesy, professionalism and gross neglect of duty by discarding such important information. Though her victimization continued in her initial conversations with Sgt. King, telling her that even if they were able to locate the driver of the truck, that he could use the defense of the Sudden Emergency Doctrine. She informed the trooper that he sounded like a defense attorney representing the truck driver and that even if that were the case, atleast she would have her day in court FOR A JURY TO DECIDE. Of course, after researching this doctrine and concluding that there is not one iota of support for this doctrine to apply to this accident, she then started to inquire about speaking with his supervisor. At this time, Sgt. King changed his opinion and agreed to contact the witnesses and guess what...HE DISCOVERED THAT SHE WAS TELLING THE TRUTH!!! He for agreed to amend the report, however, the amended report was and is still NOT ACCURATE!

On July 9th, 2013 there was a meeting at the office/barracks in which Cptn. Grice, Lt. Taylor, Sgt. King, Trooper McCauley and herself. In this meeting, Trooper McCauley admitted that he discarded both the tag number of the car as well as the truck drivers name, contact information and statement due to the fact that he "discredited" the man because he kept changing his story. ALL of the above listed gentlemen were in this meeting, heard these statements and are aware of the truth. They ALL heard Trooper McCauley admit this, but when McCauley spoke to Marty Roberson from Adair Horne, he lied when he said that he did not throw away any "evidence". This matter became a criminal matter the moment that the Plaintiff gave her statement to Trooper McCauley at the hospital as the victim reporting an accident in which the responsible party did not disclose to at the scene that he contributed to the accident. I, the victim, reported a crime against me to trooper McCauley at the hospital and this trooper chose to ignore her complaint. At the time that

she informed him, he should have upgraded the status and called ahead for this truck to be stopped.

The Plaintiff received a phone call from Taylor to provide him with the calls in to 911 and SCHP dispatch reports of the accident. On September 19, 2013 she complied, however, once again, felt that this information would have been more easily obtained and accessed directly by SCHP. She also provided again 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.

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.

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.

On February 13, 2014 I received a call from Taylor 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 an final accident report.

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 the South Carolina Insurance Reserve Fund who informed her that he was assigned to investigation her complaints. After providing all information to him, Roberson 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.



October 1, 2014

Dear Customer:

The following is the proof-of-delivery for tracking number **806445291257**.

Delivery Information:

| | | | |
|--------------------------|---------------------------|---------------------------|-------------------|
| Status: | Delivered | Delivered to: | Mailroom |
| Signed for by: | S. JOHNSON | Delivery location: | SC |
| Service type: | FedEx Express Saver | Delivery date: | Oct 1, 2014 10:29 |
| Special Handling: | Deliver Weekday | | |
| | Direct Signature Required | | |

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

| | | | |
|-------------------------|--------------|-------------------|----------------|
| Tracking number: | 806445291257 | Ship date: | Sep 27, 2014 |
| | | Weight: | 1.0 lbs/0.5 kg |

Recipient:
SC US

Shipper:
HAM US

Thank you for choosing FedEx.

10/28/14
11:53am
JG → Called 803-896-7920 JERRY GILES - CONSTITUANT SERVICES
MRS. JONES - N. HALEY - ASSISTANT - LISTENED ATTENTIVELY
& PROMISED TO DO RESEARCH & GET BACK TO ME TODAY
→ SAID STAFF MEMBER HAS BEEN ASSIGNED.
& AFTER PRESSURING HER... SHE TRANSFERRED ME TO

FedEx Office



1375 PEACHTREE ST NE
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Location: QFEKK
Service ID: QFEKK-POST
Employee: 2624133
Installation: 840106790326

EXPRESS SAVER
306445291257 0.60 lb (S) 11.50
Direct Signature

Scheduled Delivery Date 10/01/2014

Shipment subtotal: 11.50
Total Due: 11.50
Cash: 20.50
Change Due: 9.00

M = Weight entered manually
S = Weight read from scale
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September 27, 2014 9:04 PM

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*** Thank you ***

FedEx NEW Package Express US Airbill
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1 From Please print and press hard.
Date 9/27/14 Sender's FedEx Account Number SENDER'S FEDEX ACCOUNT NUMBER ONLY
Sender's Name BIAPRA MONIQUE CURTIS Phone 843684-3118
Company

Address PO BOX 21294 Dept./Floor/Suite/Room
City HILTON HEAD ISLAND State SC ZIP 29925

2 Your Internal Billing Reference OPTIONAL

3 To Recipient's Name COLONEL MIKE OLIVER Phone 803.896-7920

Company SC HIGHWAY PATROL

Address 10311 WILSON BLVD. Dept./Floor/Suite/Room

Address Use this line for the HOLD location address or for continuation of your shipping address.

City BLYTHEWOOD State SC ZIP 29016

Easy new Peel-and-Stick airbill. No pouch needed.
Apply airbill directly to your package. See directions on back.

Form ID No. 0200 Sender's Copy

4 Express Package Service *To most locations.
NOTE: Service order has changed. Please select carefully.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

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FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods? (IATA, UN, DOT, or other hazardous materials)

One box must be checked.

No Yes As per attached Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry Ice, 9 UN 1845 Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7. Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight Total Declared Value*

lbs. \$.00

644

*Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.
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806445291268

Ship (P/D) date
Sat 9/27/2014 1:06 pmActual delivery date
Wed 10/01/2014 12:53 pm

HL US

SC US

Delivered

Signed for by: C ALEXANDER

A signature is required for this shipment. If you're not going to be home, you can easily redirect it to a FedEx location for convenient pickup.

Travel History

| Date/Time | Activity | Location |
|--------------------------|-------------------------------|-------------------|
| - 10/01/2014 - Wednesday | | |
| 12:53 pm | Delivered | SC |
| 8:24 am | On FedEx vehicle for delivery | WEST COLUMBIA, SC |
| - 9/30/2014 - Tuesday | | |
| 10:04 am | At local FedEx facility | WEST COLUMBIA, SC |
| 7:58 am | At local FedEx facility | WEST COLUMBIA, SC |
| | Package not due for delivery | |
| 7:06 am | At local FedEx facility | WEST COLUMBIA, SC |
| - 9/28/2014 - Sunday | | |
| 3:46 pm | Departed FedEx location | MEMPHIS, TN |
| 4:41 am | Arrived at FedEx location | MEMPHIS, TN |
| - 9/27/2014 - Saturday | | |
| 1:00 pm | Picked up | ATLANTA, GA |
| | Tendered at FedEx Office | |

Shipment Facts

| | | | |
|--------------------------|--|--------------------|---------------------------|
| Tracking number | 806445291268 | Service | FedEx Express Saver |
| Weight | 1 lbs / 0.45 kgs | Signature services | Direct signature required |
| Delivered To | Receptionist/Front Desk | Total pieces | 1 |
| Total shipment weight | 1 lbs / 0.45 kgs | Packaging | FedEx Envelope |
| Special handling section | Deliver Weekday, Direct Signature Required | | |



Express Office

175 PINE TREE ST NE
Atlanta, GA 30329

FIRST CLASS PERMIT NO. 4133
ATLANTA, GA 30308
840106789786

11.50

0.00 lb (0)

Signature

Delivery Date 10/01/2014

11.50

Shipment subtotal:

11.5

Total Due:

21.50

Cash:

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Change Due:

- H = Weight entered manually
- S = Weight read from scale
- T = Taxable item

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1 From Please print and press hard.

Date 9/27/14 Sender's FedEx Account Number SENDER'S FEDEX ACCOUNT NUMBER ONLY

Sender's Name BIAFRA MONIQUE CURTIS ARR Phone 843.684.3118

Company

Address PO BOX 21294 Dept./Floor/Suite/Room

City HILTON HEAD ISLAND State SC ZIP 29925

2 Your Internal Billing Reference

First 24 characters will appear on invoice. OPTIONAL

3 To Recipient's Name THE HONORABLE ALAN WILSON Phone 803.734-3970

Company SC ATTORNEY GENERAL

Address 1000 ASSEMBLY ST. #519 HOLD Weekday
We cannot deliver to P.O. boxes or P.O. ZIP codes. REQUIRED, NOT available for
Dept./Floor/Suite/Room FedEx First Overnight.

Address REMBERT DENNIS BLDG HOLD Saturday
REQUIRED, Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

COLUMBIA State SC ZIP 29201

Form ID No. 0200 Sender's Copy

4 Express Package Service * To most locations. Packages up to 150 lbs. NOTE: Service order has changed. Please select carefully. For packages over 150 lbs., use the new FedEx Express Freight US Airbill.

- | | |
|--|---|
| <p>Next Business Day</p> <p><input type="checkbox"/> FedEx First Overnight Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.</p> <p><input type="checkbox"/> FedEx Priority Overnight Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.</p> <p><input type="checkbox"/> FedEx Standard Overnight, Next business afternoon.* Saturday Delivery NOT available.</p> | <p>2 or 3 Business Days</p> <p><input type="checkbox"/> FedEx 2Day A.M. Second business morning.* Saturday Delivery NOT available.</p> <p><input type="checkbox"/> FedEx 2Day Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.</p> <p><input checked="" type="checkbox"/> FedEx Express Saver. Third business day.* Saturday Delivery NOT available.</p> |
|--|---|

5 Packaging * Declared value limit \$500.

- FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

- SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- No Signature Required
Package may be left without obtaining a signature for delivery.
- Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.
- Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods? One box must be checked.

- No Yes As per attached Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry Ice, 8, UN 1845 x kg Cargo Aircraft Only
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

- Enter FedEx Acct. No. or Credit Card No. below.
- Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check
- FedEx Acct. No. Exp. Date
Credit Card No.

Total Packages Total Weight Total Declared Value¹
lbs. \$.00

¹Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

644

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE. NO POUCH NEEDED.

Easy new Peel-and-Stick airbill. No pouch needed.
Apply airbill directly to your package. See directions on back.



FedEx Office

1375 PEACHTREE ST NE
Atlanta, GA 30309

Location: QFEKK
Device ID: QFEKK-POST
Employee: 2624133
Transaction: 840106789484

EXPRESS SAVER
806445291246

Direct Signature

0.60 lb (S)

11.50

Scheduled Delivery Date 10/01/2014

Shipment subtotal: 11.5

Total Due: 11.5

Cash: 12.0

Change Due: 0.5

H = Weight entered manually
S = Weight read from scale
T = Taxable item

Subject to additional charges. See FedEx Service Guide at fedex.com for details. All merchandise sales final.

Visit us at: fedex.com
Or call 1-800-GoFedEx
1-800-463-3339

September 27, 2014 1:09:05 PM

***** WE LISTEN *****
Tell us how we're doing
& receive a discount on your next order
fedex.com/weListen or 800-396-0742
Redemption Code:

*** Thank you ***

edEx Express **NEW Package US Airbill**

FedEx Tracking Number **8064 4529 1246**

From Please print and press hard

Sender's FedEx Account Number

SENDER'S FEDEX ACCOUNT NUMBER ONLY

Date **9/27/14**

Sender's Name **BIAFRA MONIQUE CURTIS** Phone **(843) 684-3118**

Company

Address **PO BOX 21294** Dept/Floor/Suite/Room

City **WILTON HEAD ISLAND** State **SC** ZIP **29925**

Your Internal Billing Reference

OPTIONAL

To Recipient's Name **THE HONORABLE NIKKI HALEY** Phone **(803) 734-2100**

Company **OFFICE OF THE GOVERNOR**

Address **1205 PENOLETON ST** Dept/Floor/Suite/Room

Address Use this line for the HOLD location address or for continuation of your shipping address.

City **COLUMBIA** State **SC** ZIP **29201**

Form ID No. **0200** **Sender's Copy**

4 Express Package Service *To most locations. NOTE: Service order has changed. Please select carefully. Packages up to 150 lbs. For packages over 150 lbs., use the new: FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?

One box must be checked.

No Yes - As per attached Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry Ice, 9, UN 1845 _____ kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box. Cargo Aircraft Only

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

FedEx Acct. No. _____ Credit Card No. _____ Exp. Date _____

Total Packages _____ Total Weight _____ Total Declared Value¹ _____

lbs. \$ _____ .00

644

1 Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

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PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE. NO POUCH NEEDED.

Easy new Peel-and-Stick airbill. No pouch needed.
Apply airbill directly to your package. See directions on back.

FedEx[®] Tracking**806445291246**Ship (FBI) date
Sat 9/27/2014 1:02 pmActual delivery:
Wed 10/01/2014 9:52 am

HL US

SC US

DeliveredSigned for by: *M EYAN*

Let us tell you when your shipment arrives. Sign up for delivery notifications

Travel History

| Date/Time | Activity | Location |
|--------------------------|-------------------------------|-------------------|
| - 10/01/2014 - Wednesday | | |
| 9:52 am | Delivered | SC |
| 8:10 am | On FedEx vehicle for delivery | WEST COLUMBIA, SC |
| - 9/30/2014 - Tuesday | | |
| 10:34 am | At local FedEx facility | WEST COLUMBIA, SC |
| 2:54 am | At local FedEx facility | WEST COLUMBIA, SC |
| | Package not due for delivery | |
| 7:09 am | At local FedEx facility | WEST COLUMBIA, SC |
| - 9/28/2014 - Sunday | | |
| 3:46 pm | Departed FedEx location | MEMPHIS, TN |
| 1:41 am | Arrived at FedEx location | MEMPHIS, TN |
| - 9/27/2014 - Saturday | | |
| 1:02 pm | Picked up | ATLANTA, GA |
| | Tendered at FedEx Office | |

Shipment Facts

| | | | |
|--------------------------|---|--------------------|---------------------------|
| Tracking number | 806445291246 | Service | FedEx Express Saver |
| Weight | 1 lbs / 0.45 kgs | Signature services | Direct signature required |
| Delivered To | Receptionist/Front Desk | Total pieces | 1 |
| Total shipment weight | 1 lbs / 0.45 kgs | Packaging | FedEx Envelope |
| Special handling section | Driver Weekday, Direct Signature Required | | |

FedEx[®] Tracking

806445291235

Ship (PIU) date
Sat 9/27/2014 1:10 pmActual delivery :
Wed 10/01/2014 10:29 am

HIL US

SC US

Delivered

Signed for by: S. JOHNSON

Let us tell you when your shipment arrives. Sign up for delivery notifications

Travel History

| Date/Time | Activity | Location |
|---------------------------------|-------------------------------|-------------------|
| - 10/01/2014 - Wednesday | | |
| 10:29 am | Delivered | SC |
| 5:44 am | On FedEx vehicle for delivery | WEST COLUMBIA, SC |
| - 9/30/2014 - Tuesday | | |
| 10:34 am | At local FedEx facility | WEST COLUMBIA, SC |
| 7:55 am | At local FedEx facility | WEST COLUMBIA, SC |
| | Package not due for delivery | |
| 7:09 am | At local FedEx facility | WEST COLUMBIA, SC |
| - 9/28/2014 - Sunday | | |
| 8:40 pm | Departed FedEx location | MEMPHIS, TN |
| 4:41 am | Arrived at FedEx location | MEMPHIS, TN |
| - 9/27/2014 - Saturday | | |
| 9:10 pm | Picked up | ATLANTA, GA |
| | Tendered at FedEx Office | |

Shipment Facts

| | | | |
|--------------------------|--|--------------------|---------------------------|
| Tracking number | 806445291235 | Service | FedEx Express Saver |
| Weight | 1 lbs / 0.45 kgs | Signature services | Direct signature required |
| Delivered To | Mailroom | Total pieces | 1 |
| Total shipment weight | 1 lbs / 0.45 kgs | Packaging | FedEx Envelope |
| Special handling section | Deliver Weekday, Direct Signature Required | | |



FedEx Office

1375 PEACHTREE ST NE
Atlanta, GA 30309

Location: QFEKK
Device ID: QFEKK-POS1
Employee: 2624133
Transaction: 840106790119

EXPRESS SAVER
806445291235 0.60 lb (S) 11.50
Direct Signature

Scheduled Delivery Date 10/01/2014

Shipment subtotal: 11.50
Total Due: 11.50
Cash: 11.50
Change Due: 0.00

M = Weight entered manually -
S = Weight read from scale
T = Taxable item

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Or call 1.800.GoFedEx
1.800.463.3339

September 27, 2014 1:10:19 PM

***** WE LISTEN *****
Tell us how we're doing
& receive a discount on your next order!
fedex.com/weListen or 800-398-0242
Redemption Code:

*** Thank you ***

FedEx NEW Package
Express US Airbill

FedEx Tracking Number 8064 4529 1235

Form ID No. 0200 Sender's Copy

1 From Please print and press hard.

Date 9/27/14 Sender's FedEx Account Number SENDER'S FEDEX ACCOUNT NUMBER ONLY

Sender's Name BIAFRA MONIQUE CURTIS ARR Phone 843.684-3118

Company

Address PO BOX 21294 Dept./Floor/Suite/Room

City HILTON HEAD ISLAND State SC ZIP 29925

2 Your Internal Billing Reference

First 24 characters will appear on invoice. OPTIONAL

3 To

Recipient's Name MR. LEROY SMITH Phone 803.896-9988

Company SC DEPT. PUBLIC SAFETY, DIRECTOR

Address 10311 WILSON BLVD. Dept./Floor/Suite/Room

Address BLYTHEWOOD State SC ZIP 29016

City BLYTHEWOOD State SC ZIP 29016

HOLD Weekday
FedEx location address
REQUIRED NOT available for
FedEx First Overnight.

HOLD Saturday
FedEx location address
REQUIRED Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

4 Express Package Service

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.
For packages over 150 lbs., use the new
FedEx Express Freight US Airbill.

Next Business Day

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Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

- FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.
- FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging

- FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

- SATURDAY Delivery
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- Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.
- Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?

- No Yes
As per attached Shipper's Declaration. Yes
Shipper's Declaration not required.
- Dry Ice
Dry Ice, 9 UN 1845 x kg
- Cargo Aircraft Only

7 Payment Bill to:

- Sender
Acct. No. in Section 1 will be billed.
- Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight Total Declared Value! lbs. \$.00

Your liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

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EXHIBIT 6

**GEORGIA OUTREACH
JUDITH S. SAUCERMAN, LCSW**

Office:

7130 Hodgson Memorial Drive, Suite 101
Savannah, GA 31406

Phone: 912-355-3881

Mailing address:

PO Box 13309
Savannah, GA 31416

Fax: 912-355-3887

December 21, 2016

Ms. Biafra M. Curtis
41 Lake Linden Lane
Bluffton, South Carolina 29910

Dear Biafra:

I have been seeing you in therapy since October 15, 2015. I am writing this letter at your request to attest to your state of mind regarding your ongoing challenge to obtain justice related to your automobile accident. You have related that your complaint submitted to the Office of Professional Responsibility was first acknowledged as being valid and warranting an investigation. Yet, five days later, the investigation was refused, therefore blocking any opportunity for you to have your complaint investigated. You had been depressed prior to this, owing to your accident, but your depression deepened at that time.

We discussed this situation during your sessions in therapy. When you received the letter stating there would be no investigation, your depression, which was very serious, took a turn for the worse, and has remained very serious since then. You tried many avenues to receive support in this legal process and at each turn, you were refused, and your depression and emotional distress grew markedly worse each time.

You have expressed your disillusionment with the possibility of receiving justice, which has affected your core values, as you have told me of your idea of pursuing a law degree. You stated you used to have faith in the legal system, but that faith has all but died.

You have reported nightmares, flashbacks, restricted ability to drive, and great anxiety. You have had to receive medication for major depression, anxiety and post-traumatic stress disorder.

I would expect that you will need further treatment for nine months to a year to reduce your symptoms to a tolerable level.

Respectfully,



Judy S. Saucerman, LCSW



1149 Cornell Ave, Savannah, GA 31406
Phone: (912)354-8980
Fax: (912)354-8988

February 17, 2017

Re: Biafra Monique Curtis

To Whom It May Concern:

This letter is to verify that Ms. Curtis was enrolled in the Intensive Outpatient Program at Coastal Behavioral Health from 3/18/16 – 4/27/16. Her diagnosis during treatment was MDD, PTSD, and Anxiety Disorder NOS. While in the program, Ms. Curtis participated in group therapy in order to improve coping skills and manage triggers including chronic pain, financial problems, occupational concerns, and legal issues all stemming from traumatic MVA. If you have any questions or concerns, please feel free to contact me at (912) 354-8980.

Sincerely,



Maria Irwin, LPC

Outpatient Therapist

Janice M. Barnwell, MA, LPC, LPCS
 1321 Promenade Street
 Bluffton, SC 29910
 healinghaven@hargray.com
 (843) 422-1206

Clinical Assessment

Date: 2/24/2014

Client Name: Biafra M. Curtis ; Date of Birth:05/10/73; Initial Appointment Date: 02/22/12
 Referral Source: Self referral; Phone: (843) 684-3118 (cell) (843) 815-2623 (home)
 Referral Address: 41 Lake Linden Lane- Bluffton, SC 29910

Axis I: 309.81- Posttraumatic Stress Disorder; 296.2 xs- Major Depressive Disorder, Recurrent

Axis II: 860.4*, traumatic

Axis III: None

Axis IV: Economic problems & Occupational problems

Axis V: 54

Recommendations:

| | |
|---|---|
| Psychological Evaluation (Ph.D.) _____ | Audiologist/Speech Therapist _____ |
| Psychiatric Evaluation (MD) <u> x </u> _____ | Medication Management (Mental) <u> x </u> _____ |
| Individual/Family Counseling <u> x </u> _____ | Alcohol and Drug Counseling _____ |
| Guardian Education Group _____ | Complete Physical _____ |
| Sleep Disorder Clinic Assessment _____ | Life Skills Classes _____ |
| Anger Management Class _____ | Criminal Domestic Violence (Court) _____ |
| Couples/Marital Retreat Class _____ | Mediation/Civil Co-parenting Class _____ |
| Summer Camp (Life Skills ages 4-18) _____ | Follow up with PCP/OB/Pediatrician _____ |

Treatment Plan Goals:

| | |
|---|--|
| Goal I: Develop behavioral and cognitive strategies to reduce or eliminate the irrational anxiety. | Sub Goal: Explore cognitive messages that mediate anxiety response and retrain in adaptive cognitions. |
| | |
| Goal II: Reduce overall level, frequency, and intensity of the anxiety so that daily functioning is not impaired. | Sub Goal: Monitor medication compliance and effectiveness. Confer with physician regularly. |
| | |
| Goal III: Stabilize anxiety level while increasing ability to function on a daily basis. | Sub Goal: Assist client in developing an awareness of the irrational nature of her fears. |
| | |

Dates of service: 1/28/13, 2/4/13, 2/11/13, 2/18/13, 2/27/13, 3/4/13, 3/11/13, 3/18/13, 4/3/13, 4/11/13, 4/18/13, 4/25/13, 5/2/13, 5/9/13, 5/16/13, 5/22/13, 6/12/13, 7/5/13, 9/7/13, 10/15/13, & 10/28/13, 12/5/13, 12/12/13, 12/18/13, 1/9/14, 1/16/14, 1/31/14, 2/10/14, & 2/17/14.

Clinical Impressions:

Biafra Monique Curtis is a married 39 year old African –American female; however has been separated for 12 years. She is also the mother of an 18 year old son, named Devin.

Biafra arrives on time for all of her scheduled appointments. She is usually brought in by her son, Devin or her brother, Kevin. Biafra lives in a rural area; therefore she relies on her son or brother to transport her to all of her appointments. She is always dressed in loose sports attire and wears a neck brace when she comes for her counseling sessions.

Biafra is always engaged throughout our sessions, although she demonstrates a sad affect. She vividly describes what she recalls about the automobile accident.

Previous issues

Biafra initially presented on February 22, 2012 with relational problems and stress due to work conditions and expectations. After five sessions of individual counseling Biafra was able to manage her stress level and implement additional coping skills that allowed her to continue to functioning in her personal and professional life.

On January 24, 2013 Biafra telephoned to schedule an appointment for individual counseling. The appointment was scheduled on January 28, 2013 at 4:30pm as an

outpatient client. Biafra presented with symptoms of posttraumatic disorder as well as depression. The symptoms presented are described by Biafra as the result of a near death automobile accident on I-26 heading toward Columbia, SC. According to Biafra the accident occurred in Orangeburg County, SC.

Biafra specifically describes her symptoms as: 1) having frequent nightmares about the accidents, 2) intense fear while riding in an automobile, 3) hearing loud noises, 4) memory problems, 5) afraid of being left alone, 6) fear of losing possessions she has worked very hard to acquire, and 7) fear of not resume to her level of normal functioning. Biafra requested an increase of her antidepressant medication from 50mg to 70mg on 3/4/13.

Current Issues

Biafra reported feeling very depressed over an extended period of time. Her appointments for counseling were very infrequent as documented above under dates of service. During our session it was recommended that inpatient treatment was a consideration due to Ms. Curtis's disclosures. Ms. Curtis was admitted to Coastal Harbor in Savannah, GA. On October 22, 2013 was her initial admittance as a patient at Coastal Harbor. A detailed report is attached from Coastal Harbor. Ms. Curtis was discharged on October 25, 2013. She continues to attend daily group therapy as well as individual therapy at Coastal Harbor in Savannah, GA.

Recommendation

Biafra reported being involved in a near death automobile accident on Thursday, 9/27/12 at approximately 2:30pm. Long-term individual is recommended to help Biafra reduce her depressive symptoms; decrease her levels of anxiety while riding in an automobile,

and to improve pain management. Biafra was referred to Dr. Richard Ford with Low-Country Psychiatric Associates on 2/10/14. She was unable to keep her scheduled appointment because her health coverage with Blue Cross/ Blue Shield was recently discontinued by her employer. Biafra's income is significantly being compromised as a result of her physical and emotional disabilities. Biafra has made minimum progress emotionally, and psychologically due to physical, emotional, and behavioral symptoms. Her health related stressors appears to be long-term. To date Biafra's overall health conditions have not been resolved. It is my professional opinion the Biafra was in no sufficient mental capacity to address any legal affairs at the date of this initial January 2013 session.

Janice M. Barnwell, MA, LPC, LPCS

INFLICTION OF EMOTIONAL DISTRESS, PAIN AND SUFFERING:

SUMMARY OF MEDICAL TREATMENT

7/01/14-Southeastern Spine Institute

8/2/14-Memorial Hospital

Behavioral Systems

7/10/14- Dr. Cashton B. Spivey, Psychiatrist

Primary Care and Pain Management

Affordable Health/Bazzle/Morad -9/30/14

Affordable Health/Bazzle/Morad -10/10/14

Affordable Health/Bazzle/Morad-10/15/14

Affordable Health/Bazzle/Morad-10/28/14

Affordable Health/Bazzle/Morad-11/24/14

Affordable Health/Bazzle/Morad-12/30/14

Affordable Health/Bazzle/Morad-10/14/15

Affordable Health/Bazzle/Morad-2/03/15

Affordable Health/Bazzle/Morad-2/16/15

Affordable Health/Bazzle/Morad-2/17/15

Affordable Health/Bazzle/Morad-3/09/15

Affordable Health/Bazzle/Morad-5/05/15

Affordable Health/Bazzle/Morad-5/19/15

Affordable Health/Bazzle/Morad-5/20/15

Affordable Health/Bazzle/Morad-6/15/15

Affordable Health/Bazzle/Morad-7/15/15

Affordable Health/Bazzle/Morad-8/18/15
Affordable Health/Bazzle/Morad-9/17/15
Affordable Health/Bazzle/Morad-11/12/15
Affordable Health/Bazzle/Morad-12/9/15
Affordable Health/Bazzle/Morad-1/21/16
Affordable Health/Bazzle/Morad-3/14/16
Affordable Health/Bazzle/Morad-4/18/16
Affordable Health/Bazzle/Morad-5/25/16
Affordable Health/Bazzle/Morad-6/29/16
Affordable Health/Bazzle/Morad-7/1/16
Affordable Health/Bazzle/Morad-8/11/16
Affordable Health/Bazzle/Morad-9/19/16
Affordable Health/Bazzle/Morad-10/3/16
Affordable Health/Bazzle/Morad-11/28/16
Affordable Health/Bazzle/Morad-12/5/16

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon- 10/08/15

Dr. Rawlings-ENT (Throat Evaluation Pre-Op)-10/22/15

Pre Op at Candler Hospital for C 6/7 Disectomy and Fusion 12/23/15

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon- 12/29/15- C 6/7 Surgery

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon- 1/14/16

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon- 2/11/16

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon-- 4/13/16

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon—12/1/16

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon—12/28/16

Chatham Orthopedics/ D'Mitri Sofianios- Orthopedic Surgeon—1/4/17

Physical Therapy (Post Surgery)-St. Josephs Candler Hospital

1/25/16

1/29/16

2/02/16

2/04/16

2/08/16

2/11/16

2/12/16

2/16/16

2/18/16

2/25/16

3/1/16

3/3/16

3/8/16

3/10/16

3/17/16

3/23/16

4/1/16

4/1/16

4/15/16

4/22/16

Occupational Therapy (Post Surgery)-St. Josephs Candler Hospital

4/26/16 OT Evaluation

4/28/16

5/2/16

5/6/16

5/9/16

5/16/16

5/19/16

Georgia Out Reach/ Coastal Psychiatry

Counseling & Mental Health 10/6/15

Counseling & Mental Health 10/13/15

Counseling & Mental Health 10/20/15

Counseling & Mental Health 10/27/15

Counseling & Mental Health 11/3/15

Counseling & Mental Health 11/10/15

Counseling & Mental Health 11/17/15

Counseling & Mental Health 12/1/15

Counseling & Mental Health 12/15/15

Counseling & Mental Health 12/22/15

Counseling & Mental Health 1/20/16

Counseling & Mental Health 1/27/16

Counseling & Mental Health 2/3/16

Counseling & Mental Health 2/17/16

Counseling & Mental Health 3/2/16

Counseling & Mental Health 3/16/16

Counseling & Mental Health 3/30/16

Counseling & Mental Health 3/2/16
Counseling & Mental Health 3/16/16
Counseling & Mental Health 3/30/16
Counseling & Mental Health 3/2/16
Counseling & Mental Health 4/13/16
Counseling & Mental Health 3/20/16
Counseling & Mental Health 5/3/16
Counseling & Mental Health 5/10/16
Counseling & Mental Health 5/17/16
Counseling & Mental Health 6/2/16
Counseling & Mental Health 6/8/16
Counseling & Mental Health 6/28/16
Counseling & Mental Health 7/5/16
Counseling & Mental Health 7/12/16
Counseling & Mental Health 7/21/16
Counseling & Mental Health 7/28/16
Counseling & Mental Health 8/2/16
Counseling & Mental Health 8/9/16
Counseling & Mental Health 8/17/16
Counseling & Mental Health 8/24/16
Counseling & Mental Health 8/31/16
Counseling & Mental Health 9/7/16
Counseling & Mental Health 9/13/16
Counseling & Mental Health 9/20/16
Counseling & Mental Health 9/28/16
Counseling & Mental Health 10/5/16

Counseling & Mental Health 10/13/16
Counseling & Mental Health 10/19/16
Counseling & Mental Health 10/26/16
Counseling & Mental Health 11/1/16
Counseling & Mental Health 11/8/16
Counseling & Mental Health 11/29/16
Counseling & Mental Health 12/6/16
Counseling & Mental Health 12/14/16
Counseling & Mental Health 12/21/16
Counseling & Mental Health 12/28/16
Counseling & Mental Health 1/4/17
Counseling & Mental Health 1/10/17
Counseling & Mental Health 1/17/17

Dr. John McGraw-Psychiatrist/ Sea Island Psychiatry

Counseling & Mental Health Session-11/2/15
Counseling & Mental Health Session-12/7/15
Counseling & Mental Health Session-1/6/16
Counseling & Mental Health Session-1/21/16
Counseling & Mental Health Session-2/29/16
Counseling & Mental Health Session-3/28/16
Counseling & Mental Health Session-4/21/16
Counseling & Mental Health Session-5/25/16

James Benn-Sea Island Psychiatry

Counseling & Mental Health Session-6/19/16

Counseling & Mental Health Session-6/22/16

Counseling & Mental Health Session-7/20/16

Counseling & Mental Health Session-8/10/16

Counseling & Mental Health Session-8/22/16

Counseling & Mental Health Session-9/21/16

Counseling & Mental Health Session-11/1/16

Counseling & Mental Health Session-11/21/16

Counseling & Mental Health Session-11/28/16

COASTAL HARBOUR MENTAL HEALTH

Diagnosed: Major Depression, Severe Anxiety and PTSD

Inpatient -October 21, 2013-October 26, 2013

10/28/13-12/21/13-Coastal Harbor Intense Outpatient Treatment

1/3/14-Coastal Harbour Mental Health-Outpatient Aftercare

1/10/14-Coastal Harbour Mental Health-Outpatient Aftercare

1/17/14-Coastal Harbour Mental Health-Outpatient Aftercare

1/24/14-Head Head Neurology

2/14/14-Beaufort Memorial Hospital

2/21/14-Coastal Harbour Mental Health-Outpatient Aftercare

2/27/14-Coastal Harbour Mental Health-Outpatient Aftercare

3/26/14-Southeastern Spine Institute

3/13/14-Affordable Healthcare (Primary)

4/30/14-Coastal Harbour Mental Health-Outpatient Aftercare-Verbal Suicide Agreement with Irene Wood, Senior Therapist-Intensive Outpatient Program

7/1/2014- Southeastern Spine Institute

Intense Outpatient Program (M-F from 9am-12pm) 3Days per week

October 28, 2013-December 31, 2013

Aftercare Program (M-F from 9am-12pm)

1/3/2014, 1/10/2014, 1/17/2014, 2/21/2014, 2/27/2014

Barnwell Counseling-January 2013-Once Monthly until October 2015

COASTAL HARBOUR MENTAL HEALTH

Coastal Harbor Intense Outpatient Treatment

Intense Outpatient Program (M-F from 9am-12pm) 3Days per week

March 18, 2016-May 9, 2016

Aftercare Program (M-F from 9am-12pm)

May 5/16/16

May 5/24/16

June 6/17/16

June 6/24/16

August 8/26/16

HORIZON MENTAL HEALTH

Counseling & Mental Health Session-12/12/16

Counseling & Mental Health Session-1/9/17

Counseling & Mental Health Session-2/6/17 (**scheduled**)

OPTIM PAIN MANAGEMENT DR. PANDYA

12/14/16 Evaluation

1/22/16 Ex-Rays

1/10/17 Nerve Study

1/12/17 Dr. Pandya

1/24/17 Spinal Injection- Optim Pain Management Center

2/7/17 Spinal Injection- Optim Pain Management Center (**scheduled**)

4/13/17 Pandya (**scheduled**)

EXHIBIT-7

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

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

Defendant(s)

Case No:3:15-CV-03753-MGL-PJG
State Case No. 2015-CP-4005172

MEMORANDUM IN RESPONSE
TO DEFENDANTS
MEMORANDUM AND MOTION
FOR DEFAULT JUDGMENT

RECEIVED
DISTRICT COURT OF SOUTH CAROLINA
COLUMBIA DIVISION
SEP 21 2015 11:03 AM

PLEASE TAKE NOTICE;

Plaintiff states that she is master of her claim and asserts that South Carolina Department of Public Safety Policy and Procedure, hence, state law, created the initial and subsequent causes of action and therefore her claim is independent of federal jurisdiction by exclusive reliance on state law. Hereso, the Plaintiff has indicated her desire to frame her initial claim under state, and not federal, law and believes that her right to relief does not necessarily depend on a question of federal law. Plaintiff also asserts preservation of the right to amend complaint.

Plaintiff hereby moves the court for an order to dismiss the order, filed September 21, 2015, cited as case 3:15-cv-03753-MGL-PLG, by the above named defendants, and moves for the court to issue a Default Judgement in favor of the Plaintiff due to the failure of the defendants to Answer the Plaintiff's Complaint, but rather, ignoring it while making efforts to use "legal side-steps" to avoid answering the true allegations in the Complaint.

Plaintiff also requests a hearing before trial. If a party so moves, any defense listed in Rule 12(b)(1)-(7)—whether made in a pleading or by motion—and a motion under Rule 12(c) must be heard and decided before trial unless the court orders a deferral until trial.

I. Nature of the Case

On September 27, 2012, at approximately 2:30pm, on South Carolina Interstate I-26 and traveling Westbound and at the 145A Exit, the Plaintiff was involved in an automobile accident with an 18 wheeler, that she did not cause, but sustained multiple, lifelong injuries as a result of.

There were three (3) people stopped at the scene, one of which being the driver of the truck that caused the accident, (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").

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, explaining that she was driving in the far left lane when suddenly and without warning, the 18 wheeler in the right lane completely overtook her lane, causing her to lose control of her vehicle, slide into the median, travel back across two lanes of traffic sideways and then dropping down a five (5) foot drainage ditch and striking an embankment before coming to rest. In describing the accident, she states that the 18 Wheeler truck was the only danger she saw. She restated that never, at anytime before, during or after the accident did she see any other car. 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 approximately 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 today.

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 the statement given regarding the truck driver causing the accident.

II. Facts and Procedural History

On October 6, 2012, The Plaintiff left a message for McCauley, Jr. to request the accident report, witness names, contact information and the tag# of the car. He called her back later and said that he discarded the name and contact info for two (2) of the witnesses because he deemed them not creditable. McCauley, Jr. said that they kept changing their stories around so he discarded their statements and contact information. McCauley, Jr. said that he discarded the car tag # that Hudson provided to him at the scene. McCauley, Jr. said that he called it in and it did not come back matching any vehicle.

On October 7, 2012, the Plaintiff called McCauley, Jr and requested that he try to locate this discarded information and explained again to him that one of those "witnesses" is the driver of the truck that ran her off the road.

On October 8, 2012, McCauley Jr. called the Plaintiff and stated that he couldn't locate witness information that he discarded. She suggested he locate the Fire truck that was the first responder on the scene to see if he collected names and contact information. He stated that he didn't know what district or area that fire truck came from. She asked him to call dispatch to see if they could help him. He then stated that when his supervisor returned from vacation in a few days that he would see if he could help find out where the fire truck was dispatched from and try to locate the driver of the fire truck.

On October 9, 2012, the Plaintiff called McCauley, Jr and asked if he could contact dispatch to request any/all 911 calls because she believed the alleged witness/ truck driver that ran her off the road had called in to report the accident since he was on his cell phone when he walked up to her. McCauley Jr. then became agitated with the plaintiff and told her that she would have to request that info through the Freedom of Information Act.

On October 11, 2012, the Plaintiff called McCauley Jr. to see if he had any possible suggestions on how to locate this witness/ truck driver or the other witness from the first responder fire and rescue and he said no.

On October 11, 2012, the Plaintiff left a message for Lt. William Taylor (hereinafter "Taylor") at SC Highway Patrol requesting that he return her call regarding accident, to date-no return call

On October 31, 2012, the Plaintiff went to Blythewood SC picked up 911 calls and audio from Highway Patrol

On October 31, 2012, the Plaintiff went to Orangeburg Sheriff Department and picked up call logs and audio from 911 calls

On November 7, 2012, the Plaintiff went to Columbia, SC picked up accident report from DMV

On November 8, 2012 The Plaintiff left a message for Sgt. Nicklous King (hereinafter "King") regarding inaccuracies in the Accident Report and also to discuss McCauley Jr. discarding name and contact information for witness/ truck driver. He called the Plaintiff back and said he would look into it by speaking with McCauley Jr. and reviewing camera footage, to date-no return call

On November 19, 2012 The Plaintiff left a message for King.

On November 19, 2012 The Plaintiff spoke with King when he called her back with an unprofessional attitude, stating that he spoke to McCauley Jr and he did not have additional information on the truck driver. 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. He 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 a license plate # of the blue car that drove away but after running the plate#, 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 that she needed information to try to locate 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. The Plaintiff was deeply offended by the fact that both of these officers of the law, who have a sworn duty to protect her rights as a citizen, was apparently defending the man whom had negatively changed her life forever, without considering that she was denied her right of due process by McCauley Jr when he discarded not only the contact information of the alleged witness/truck driver, but also the tag# of the car that allegedly pulled out in front of the truck. She did share with King that I had obtained information for three people who called 911 to report the accident- Erin Tyler, Bobby Hudson witness at the scene, as well as the contact information for Carl Culpepper at Williston Fire & Rescue. She also gave him the phone number of the person whom she believed was the driver or at least a passenger in the truck who actually caused the accident. Carl Culpepper states didn't actually see what happened, but he did remember hearing the man who caused the accident telling her that he had no other choice

other than to come into her lane to avoid hitting a blue car. The Plaintiff stated that she never, at any time saw a blue car. It was only the truck that caused the accident. King who then contacted Erin Tyler and Carl Culpepper, and they gave him an account of what happened. The Plaintiff also gave him the phone number of the person whom she believed was the driver or at least a passenger in the truck who actually caused the accident. After verifying these facts, he agreed to amend the accident report to reflect that it was in fact the truck that caused her to run off the road but this cannot be done until McCauley Jr. returns from leave in a week or so. King did contact the unnamed person at who told him that he was simply a passerby who stopped and called in. His written statement says that he heard the truck driver apologize and say that he could not help the accident.

January 4, 2013 Received Amended Accident Report from SC DMV-which was still not accurate. On multiple occasions after this, Plaintiff contacted Trooper McCauley and Sgt. King and begged them to attempt to locate the contact information and collect written statements from the witnesses as well as to contact the first responder fire truck that arrived at the scene to get information from him. McCauley was unwilling to do any due diligence to investigate the accident beyond his original conclusion. The judgment call that he made by "discrediting a witness" and by "discarding" statements and contact information of the remaining people at the scene has prevented the Plaintiff from having any recourse to pursue against the either of the person(s) who ruined her life. In her opinion, Trooper McCauley's acts alone displayed carelessness, lack of courtesy, professionalism and gross neglect of duty by discarding such important information. Though her victimization continued in her initial conversations with Sgt. King, telling her that even if they were able to locate the driver of the truck, that he could use the defense of

the Sudden Emergency Doctrine. She informed the trooper that he sounded like a defense attorney representing the truck driver and that even if that were the case, atleast she would have her day in court FOR A JURY TO DECIDE. Of course, after researching this doctrine and concluding that there is not one iota of support for this doctrine to apply to this accident, she then started to inquire about speaking with his supervisor. At this time, Sgt. King changed his opinion and agreed to contact the witnesses and guess what...HE DISCOVERED THAT SHE WAS TELLING THE TRUTH!!! He for agreed to amend the report, however, the amended report was and is still NOT ACCURATE!

On July 9th, 2013 there was a meeting at the office/barracks in which Cptn. Grice, Lt. Taylor, Sgt. King, Trooper McCauley and herself. In this meeting, Trooper McCauley admitted that he discarded both the tag number of the car as well as the truck drivers name, contact information and statement due to the fact that he "discredited" the man because he kept changing his story. ALL of the above listed gentlemen were in this meeting, heard these statements and are aware of the truth. They ALL heard Trooper McCauley admit this, but when McCauley spoke to Marty Roberson from Adair Horne, he lied when he said that he did not throw away any "evidence". This matter became a criminal matter the moment that the Plaintiff gave her statement to Trooper McCauley at the hospital as the victim reporting an accident in which the responsible party did not disclose to at the scene that he contributed to the accident. I, the victim, reported a crime against me to trooper McCauley at the hospital and this trooper chose to ignore her complaint. At the time that she informed him, he should have upgraded the status and called ahead for this truck to be stopped.

The Plaintiff received a phone call from Taylor to provide him with the calls in

to 911 and S CHP dispatch reports of the accident. On September 19, 2013 she complied, however, once again, felt that this information would have been more easily obtained and accessed directly by S CHP. She also provided again 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.

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.

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.

On February 13, 2014 I received a call from Taylor 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 an final accident report.

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 the South Carolina Insurance Reserve Fund who informed her that he was assigned to investigation her complaints. After providing all information to him, Roberson 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. She also received a letter with 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 neglected and refused to address the part of the complaints regarding the troopers superiors.

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 accident report, dated February 6, 2013, as well as copies of memorandums addressed to Grice for Taylor and King which detailing the results of their conclusions regarding the accident. As you can see, there is varying information in the affidavits prepared by Lt. William Taylor (this one is closer to the truth but still omits the specific, detailed knowledge that he has) which includes the confirmation that a tag # on a "blue sedan" was provided and the fact that Trooper McCauley admitted to him, and everyone else in the meeting on July 9th, 2013 that he discarded it along with the contact information and statement of the truck driver. Sgt. Nick King's varying affidavit is relatively useless, with EXCEPTION of the sentence number seven where, he confirms 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 4 accident reports. In fact, neither of these affidavits EVEN mention Mr. Hudson, though King states that he spoke with ALL witnesses.

On April 29, 2015, She sent her summary of events along with supporting documentation to South Carolina Law Enforcement Division with a request that they investigate her complaints.

On May 6, 2015, I received a reply acknowledging receipt of my 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 me that SLED will not conduct an investigation into this matter. And finally, it suggested that I

contact the Department of Public Safety Office of Professional Responsibility. This letter was signed by John T. Bishop, Captain of Investigative Services.

On May 29, 2015, I sent a letter along with supporting documentation to the Department of Public Safety Office of Professional Responsibility and then I spoke with Chief K.D. Phelps who was shocked to learn that there were four accident reports and that neither of them were accurate or complete even though I 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.

On June 5, 2015, I received a letter from Chief Phelps acknowledging receipt of my information and assuring me that the department would conduct a thorough inquiry into her complaint and will take appropriate action and notify me when the inquiry is completed.

On June 10, 2015, Plaintiff received a letter from defendant, 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 last year. PLEASE NOTE: The Plaintiff's complaints against the Trooper and his superiors were never formally investigated by the Office of Professional Responsibility. Ganjehsani stopped that from happening and denied liability. He informed her that the Department deems the matter closed and the Department will not be commenting further. Finally, he advised her to contact Marty Roberson, the insurance agent with the SC Insurance Reserve Fund if she had information that IRF should consider in revisiting her claim. She decided then to prepare her Summons and Complaint to be filed in court.

On July 7, 2015, I sent an email request to FOIA to request the most current DPS/SC Highway Patrol Policy and Procedure manuals.

On July 8, 2015 I received a letter from FOIA officer, Ada Schmidt, acknowledging her request for the Policy and Procedure Manuals.

On August 22, 2015 I received a CD containing the Policy and Procedure Manuals for the SCDPS.

On August 24, 2015 Plaintiff filed suit in the Richland County Court of Common Pleas

III. Argument

The Plaintiffs allegations, four accident reports and witness affidavits contradict the statements of the defense. The defense did not respond to the Complaint on a point by point basis or on any other basis and are using a “sham legal process” to attempt to have the case dismissed without it being heard. They know that if the true facts are presented and supporting documentation is provided, they will be found guilty on all counts. The Plaintiff has made over twenty (20) efforts to resolve this matter on a positive note before filing suit. None of the cases cited by the defense are related to this action because the action is not being brought for failure to perform an investigation. It was initiated by the destruction of evidence and the conspiracy to conceal the acts and omissions of Trooper and his supervisors and the denial of liability by the Department of Public Safety. Even in the Notice of Removal, the defense has purposely failed to accurately state the elements of the Complaint. Plaintiff requests that the court re-read the original Complaint and the Defense’s Motion before making a decision on this motion. Their main effort is to move the action to a different court to gain a position of stronghold having

expert knowledge and weakening the position of the Plaintiff and her useful causes of action. Further, there are arguments inserted with this motion to attempt to have the action dismissed which are simply false. The intent is to take advantage of the Pro Se Plaintiff's unfamiliarity of codes of law even though wrongful acts have been committed. There are specific incidents of "twisting the facts" of the statements made in the Complaint. Specifically; In the Memorandum in Support of Motion for Dismissal for Failure to State a Cause of Action, dated September 21, 2015, and signed by Norma Jett plainly states (Item #4, second paragraph) that "the Plaintiff's claim is based on the failure of the South Carolina Highway Patrol, a division of the Department of Public Safety, to investigate the wreck deprived her of the opportunity to sue the alleged at fault driver for her injuries." Please be clear, the Plaintiffs claim is based on the initial act of "destruction of evidence" by Trooper Willie McCauley Jr. He literally stated that he "discarded information" to the Plaintiff, Sgt Nicklous King, Lt. William Taylor and Cptn. Anthony Grice. The destruction or significant alteration of evidence is spoliation. The destruction of the vehicle tag # and the name and contact information of the at fault driver is what deprived the Plaintiff of the opportunity to sue for her injuries and not just an inadequate investigation as the defendant's attorney has indicated. Per SC Code The next part of the Plaintiff's claim is the conspiracy to conceal the acts of Trooper Willie McCauley by Sgt. Nicklous King, Lt. William Taylor, Cptn. Anthony Grice, FOIA Officer Ada Schmidt, Director Leroy Smith and Col. Mike Oliver and continued denial of any knowledge of the acts of Trooper McCauley, Jr further deprived the Plaintiff of the opportunity to sue the at fault driver. Chief K.D. Phelps and General Counsel Warren Ganjehsani became aware of the details at a later time, but opted to refuse to investigate the COMPLAINT AGAINST THE TROOPERS and choose to deny any liability of behalf of DPS. The Plaintiff begs of the Judge to take note of attempts by the defense to manipulate facts

and other deceitful efforts which have been submitted to the court, in writing, which intentional contradict the origins in the Complaint and refuse to address it's true elements.

CURTIS HAS ASSERTED VALID CLAIMS UNDER:

CAUSES OF ACTION

A. Destruction of Evidence ,Unlawful Conduct

1. 42 U.S. Code § 14141 , SC Code § 17-28-350 (2012)

B. Conspiracy to Conceal Acts and Omissions

USC 1985, SC Code:16-17-410

The Plaintiff cited 42 US 14141 which provides that:

(a) 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.

(b) Moral Turpitude

Plaintiff has cited violations of Moral Turpitude be the defendants. Moral turpitude is 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 an "act of baseness, vileness, or 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

DISMISSAL IS INAPPROPRIATE AND PREMATURE BASED ON THE LIMITED RECORD BEFORE THE COURT AND SHOULD BE DENIED

The unlawful acts that the Plaintiff alleges are more specifically outlined in the attached EXHIBITS A-J.

Specifically, the Plaintiff suffered physical lifelong injuries with pain and suffering and became disabled, mental stress, loss of employment and income as result of being deprived of the right to sue the at fault party as a direct result of Trooper McCauley discarding the evidence and the remaining defendants participating in the conspiracy to conceal these acts and omissions. When the facts are revealed, the Plaintiff should be relieved of her financial losses created by these occurrences. Though there is not compensation that could totally restore her health or relieve her physical pain, suffering, mental and emotional damage. The plaintiff does not claim

constitutional right to have police investigate her case. She does, however, claim both South Carolina and United States Constitutional rights not to have evidence discarded. She also claims the right to report complaints against troopers and their supervisors to the offices charged with investigating acts and omissions of its agents and the matter be investigated. There is no immunity for unlawful acts. The Plaintiff re-alleges that the departments agents are guilty of destruction of evidence, falsifying records leading to a conspiracy to conceal the acts and omissions committed, denial of liability, refusal to investigate a complaint which led to a systematic neglect of duty. If indeed, read in the slightest favorable light to the Plaintiff, it will be revealed that there are four (4) accident reports and five witnesses who have given written statements that the at fault truck driver was at the scene and claimed responsibility for the accident. The CAD (Computer Aided Dispatch) records contain fraudulent information and the Trooper has already admitted that he discarded "information" which was evidence revealing the at fault party.

**PLAINTIFF TO PROVIDE DOCUMENTATION OF THE BELOW AT TRIAL
(Current Estimates):**

| | |
|---|-----------------------|
| A. Expenses for 1 st surgery, medical treatment and hospitalization..... | \$150,000. 00 |
| B. Future expenses for medical treatment(2 upcoming surgeries)..... | \$300,000.00 |
| C. Loss of Wages to Present..... | \$150,000.00 |
| D. Future loss of wages and earning capacity (\$50,000per yr to age 65)..... | \$1,150,000.00 |
| E. Conscious pain and suffering..... | \$1,000,000.00 |
| F. Future conscious pain and suffering..... | \$1,000,000.00 |
| G. Permanent injuries to the affected parts (Neck and Back)..... | \$1,000,000.00 |
| H. Damage to her 2004 Jaguar X-Type (Total loss)..... | \$10,000.00 |
| TOTAL (Not including Punitive)..... | \$4,760,000.00 |

Plaintiff requests Hearing Before Trial. If a party so moves, any defense listed in Rule 12(b)(1)-(7)—whether made in a pleading or by motion—and a motion under Rule 12(c) must be heard and decided before trial unless the court orders a deferral until trial.

Please see attached EXHIBITS FOR SUPPORTING DOCUMENTATION in the Table of Contents along with individually listed accusations against each defendant.

The Plaintiff hereby responds to this defenses arguments on a point by point basis;

AS TO:

- 1. This action is barred, as to all state law causes of action, by the applicable statute of limitations, set forth in SC Code 15-78-100.**

RESPONSE: Statues of Limitations; SC Code 15-78-100 does not apply to this action.

(A) Because a re-investigation to locate the discarded evidence created Equitable Tolling: a doctrine or principle of tort law: a statute of limitations will not bar a claim if despite use of due diligence the plaintiff did not or could not discover the injury until after the expiration of the limitations period". The attempt by the South Carolina State Patrol's prolonged investigation and failure to locate the discarded evidence created Discovery in Harm; a rule in tort law: the statute of limitations for a cause of action does not begin to run until the time that the injured party discovers or reasonably should have discovered the injury at the time that the investigation was concluded on February 13, 2014, which is when the formal "cause of action" began, by which time, Nicklous King, William Taylor, Anthony Grice and Ada Schmidt had been presented with the facts and proof of the discarded evidence, yet no one reported this to the Office of Professional Responsibility even though each had the duty to.

(B) SC Code § 15-78-110 (2012) Except as provided for in Section 15-3-40, any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered; provided, that if the claimant first filed a claim pursuant to this chapter then the action for damages based upon the same

occurrence is forever barred unless the action is commenced within three years of the date the loss was or should have been discovered. On February 13, 2014 The Plaintiff received a call from Taylor informing her that he and Grice had concluded their investigation and no results were found.

In addition, SECTION 15-3-540. Three years. Within three years:

(1) An action against a sheriff, coroner or constable upon a liability incurred by the doing of an act in his official capacity and in virtue of his office or by the omission of an official duty, including the nonpayment of money collected upon an execution, subject to the provisions of Section 15-3-560.

SECTION 15-78-50 Right of injured person to file claim; non-liability of governmental entity where employee would not be liable if a private person; injunctions against governmental entities.

(a) Any person who may suffer a loss proximately caused by a tort of the State, an agency, a political subdivision, or a governmental entity, and its employee acting within the scope of his official duty may file a claim as hereinafter provided.

(b) In no case is a governmental entity liable for a tort of an employee where that employee, if a private person, would not be liable under the laws of this State.

(c) Nothing herein shall affect the power of a court of equity at the suit of a party complainant to enjoin unlawful acts committed by governmental entities or mandate lawful action by governmental entities.

HISTORY: 1986 Act No. 463, Section 1.

NOTE: This action was commenced within three years of the date the loss was or should have been discovered which formally was on February 13, 2014, at the conclusion of the

investigation completed by Taylor and King at the instruction of Grice. Even though Chief K.D. Phelps at the Office of Professional Responsibility stated in his June 5, 2015 that he would conduct an investigation before Ganjehsani prohibited him from doing so. (See letter ENCLOSURE 2).

- 2. The individual defendants, as state employees, cannot be sued for the state law causes of action, pursuant to SC Code 15-78-70**

RESPONSE: Per SC Code § 15-78-70 (2012) This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity. An employee of a governmental entity who commits a tort while acting within the scope of his official duty is not liable therefor except as expressly provided for in subsection (b).

Nothing in this chapter may be construed to give an employee of governmental entity immunity from suit and liability if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.

This notion of immunity that the defendants attorney speaks of simply does not apply to this action. Immunity is available to state or federal employees performing discretionary functions where their actions, even if later found to be unlawful, did not violate "clearly established law." An agent's liability in a lawsuit now no longer turns upon whether the defendant acted with "malice," but on whether a hypothetical reasonable person in the defendant's position would have known that his/her actions violated clearly established law. Immunity is designed to shield government officials from actions "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." The Plaintiff's allegations clearly point out occurrences during which these defendants stepped outside of the scope of their official and individual duties and then committed acts of concealment to evade liability.

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).

The lawsuit is simpler if directed at the agent personally: *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)

“The principal is not liable for every negligent act of his agent.” BRADY v. ROOSEVELT STEAMSHIP CO., 317 U.S. 575 (1943)

“In *Will v. Michigan Dept. of State Police*, 491 U.S. 58 (1989), we held that state officials “acting in their official capacities” are outside the class of “persons” subject to liability [502 U.S. 21, 23] under 42 U.S.C. 1983. 491 U.S., at 71. Petitioner takes this language to mean that 1983 does not authorize suits against state officers for damages arising from official acts. We reject this reading of *Will*, and hold that state officials sued in their individual capacities are ‘persons’ for purposes of 1983.”

“Personal-capacity suits, on the other hand, seek to impose individual liability upon a government officer for actions taken under color of state law. Thus, ‘[o]n the merits, to establish personal liability in a 1983 action, it is enough to show that the official, acting under color of state law, caused the deprivation of a federal right.’ *Id.*, at 166.” *HAFER v. MELO*, 502 U.S. 21 (1991).

A. Plaintiff has no record or evidence that all immunities and defenses are not available to Plaintiff. “The Doctrine of Sovereign Immunity is one of the Common-Law immunities and defenses that are available to the Sovereign...” *Citizen of Minnesota v. Michigan Dept. of State Police*, (1988) 491 U.S. 58, 105 L.Ed. 2d. 45, 109 S.Ct. 2304.

B. Plaintiff 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 1 d 485, 493

C. Plaintiff has no record or evidence that government may enter commerce and maintain immunity at the same time. "In Land v. Dollar, 338 US 731 (1947), the court noted, "that when the government entered into a commercial field of activity, it left immunity behind." Brady v. Roosevelt, 317 US 575 (1943); FHA v. Burr, 309 US 242 (1940); Kiefer v. RFC, 306 US 381 (1939).

D. Plaintiff has no record or evidence that the state may proceed against a Private Individual. "...where any state proceeds against a private individual in a judicial forum it is well settled that the state, county, municipality, etc. waives any immunity to counters, cross claims and complaints, by direct or collateral means regarding the matters involved." Luckenback v. The Thekla, 295 F 1020, 226 Us 328; Lyders v. Lund, 32 F2d 308;

E. Plaintiff 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

F. Plaintiff has no record or evidence that when a judge acts where he or she has no jurisdiction that the judge has not just engaged in an act or acts of treason, as per; "When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason." US Supreme Court, U.S. V. Will, 449 Us 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) Cohens v. Virginia, 19 Us (6 Wheat) 264, 404, SLEd 257 (1821)

G. Plaintiff has no record or evidence that any judge has immunity when acting outside rightful capacity, when enforcing mere statutes as judges of all courts, do not act judicially (and thus are

not protected by "qualified" or "limited immunity," - SEE: Owen v. City, 445 U.S. 662; Bothke v. Terry, 713 F.2d 1404) - - "but merely act as an extension as an agent for the involved agency -- but only in a "ministerial" and not a "discretionary capacity..." Thompson v. Smith, 154 S.E. 579, 583; Keller v. P.E., 261 US 428; F.R.C. v. G.E., 281, U.S. 464.

H. Plaintiff has no record or evidence that immunity for judges is extended outside their jurisdiction. "Immunity for judges does not extend to acts which are clearly outside of their jurisdiction." Bauers v. Heisel, C.A. N.J. 1966, 361 F.2d 581, Cert. Den. 87 S.Ct. 1367, 386 U.S. 1021, 18 L.Ed. 2d 457 (see also Muller v. Wachtel, D.C.N.Y. 1972, 345 F.Supp. 160; Rhodes v. Houston, D.C. Nebr. 1962, 202 F.Supp. 624 affirmed 309 F.2d 959, Cert. den 83 St. 724, 372 U.S. 909, 9 L.Ed. 719, Cert. Den 83 S.Ct. 1282, 383 U.S. 971, 16 L.Ed. 2nd 311, Motion denied 285 F.Supp. 546).

I. Plaintiff has no record or evidence that judges cannot be sued. "Judges not only can be sued over their official acts, but could be held liable for injunctive and declaratory relief and attorney's fees." Lezama v. Justice Court, A025829.

J. Plaintiff has no record or evidence of any common law judicial immunity. "There is no common law judicial immunity." Pulliam v. Allen, 104S.Ct. 1970; cited in Lezama v. Justice Court, A025829.

K. Plaintiff has no record or evidence of judicial immunity under civil rights statute. "Judges, members of city council, and police officers as well as other public officials, may utilize good faith defense of action for damages under 42-1983, but no public official has absolute immunity from suit under the 1871 civil rights statute." (Samuel vs University of Pittsburg, 375 F.Supp. 1119, 'see also, White vs Fleming 374 Supp. 267.)

L. Plaintiff has no record or evidence that a faulty "executor" shall not be punished. "Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law." In re McCowan (1917), 177 C. 93, 170 P. 1100.

M. Plaintiff has no record or evidence that all are not presumed to know the law. "All are presumed to know the law." San Francisco Gas Co. v. Brickwedel (1882), 62 C. 641; Dore v. Southern Pacific Co. (1912), 163 C. 182, 124 P. 817; People v. Flanagan (1924), 65 C.A. 268, 223 P. 1014; Lincoln v. Superior Court (1928), 95 C.A. 35, 271 P. 1107; San Francisco Realty Co. v. Linnard (1929), 98 C.A. 33, 276 P. 368. [Note: The Law consists of Ten Commandments of the Old Testament and Two Commandments of the New Testament!]

N. Plaintiff has no record or evidence to dispute that ignorance of the law excuses anyone. "It is one of the fundamental maxims of the common law that ignorance of the law excuses no one." Daniels v. Dean (1905), 2 C.A. 421, 84 P. 332.

O. Plaintiff has no record or evidence that any wrongful charges against Plaintiff's rights does not make said judge liable. "...judge acted in the face of clearly valid statutes or case law expressly depriving him of (personal) jurisdiction would be liable." Dykes v. Hosemann, 743 F.2d 1488 (1984).

P. Plaintiff has no record or evidence to affirm that judges were not removed from the bench after a Federal Court ordered an investigation and confirmed aiding and abetting from the inferior courts to the Federal Court, with violations at every level and no reporting of the crimes. U.S. Vs. Murphy, 768 F.2d 1518, 1531 (7th. Cir. 1985), 31.

Q. Plaintiff has no record or evidence to affirm that Judge Maloney was not one of many judges exposed and convicted through "Operation Greylord", a federal investigation of judicial corruption in Chicago. Bracey v. Gramley, case No. 96-6133 (June 9, 1997)

R. Plaintiff has no record or evidence that proves it is a judicial function for a judge to commit an intentional tort even though the tort occurs in the Courthouse. "Not every action by any judge is in exercise of his judicial function. It is not a judicial function for a Judge to commit an intentional tort even though the tort occurs in the Courthouse. When a judge acts as a Trespasser of the Law, when a judge does not follow the law, the judge loses subject matter jurisdiction and The Judge's orders are void, of no legal force or effect". The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962)

S. Plaintiff has no record or evidence that the United States Supreme Court has not stated that, "No State legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it".

T. Plaintiff has no record or evidence that false arrest, illegal detention (false imprisonment), and malicious prosecution are not recognized as causes of action under title 42, Section 1983.

U. Plaintiff has no record or evidence that any State, state, or any state agency does not have a vested interest in finding Plaintiff guilty, or responsible, of whatever violation they may construe to raise revenue, therefore becoming biased witnesses against Plaintiff.

V. Plaintiff has no record or evidence that shows that the court, state, police, and other fictions, do not all share in the booty (fines, taxes, so-called bail, etc.) of their pirated capture.

W. Plaintiff has no record or evidence that the "practice of law" is not prohibited by all justices and judges, as referenced at Title 28, Sec. 454, as it states: "Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor."

X. Plaintiff has no record or evidence of having ever made any "unconscionable contract". "One which no sensible man not under delusion, or duress, or in distress would make, and such as no honest and fair man would accept."; Franklin Fire Ins. Co. v. Noll, 115 Ind. App. 289, 58 N.E.2d 947, 949, 950.

Y. Plaintiff has no record or evidence that Libellee(s) are not guilty of attempting to enforce "unconscientable contracts" by demanding, requiring, or otherwise imposing upon Plaintiff the affirmation, or declaration and use of, Social Security Administration numbers, initiated without complete disclosure of terms imposed upon Plaintiff in Plaintiff's years of minority, without a legal parent, guardian, or council present.

Z. Plaintiff has no record or evidence that Libellee(s), or any other person attempting to enforce "unconscientable contracts" of any form, or from any time period are not guilty of "Seditious conspiracy", as defined at; TITLE 18 § 2384. Seditious conspiracy, "If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both."

FOOTNOTE;

Mitchell v Forsyth, 472 U.S. 511(1985) and reasoned: "The danger that high federal officials will disregard constitutional rights in their zeal to protect the national security is sufficiently real to counsel against affording such officials an absolute immunity." Mitchell at 523.

The Nixon administration also gave us Mitchell v Forsyth, 472 U.S. 511 (1985) In Mitchell, Attorney General John Mitchell ordered Haverford College physics professor William Davidon's telephone illegally tapped. When Keith Forsyth, a party to several "innocuous" telephone conversations on professor Davidon's line discovered the tap, he filed suit. Mitchell, 472 U.S. 51, 513 Mitchell and a legion of Deputy Solicitor Generals and Acting Assistant Attorney Generals claimed "absolute" immunity. The Court noted the findings of the District Court that:

"Mitchell and the Justice Department, the court suggested, had chosen to "gamble" on the possibility that this Court would create an exception to the warrant requirement if presented with a case involving national security. Having lost the gamble, Mitchell was not entitled to complain of the consequences."

Mitchell v Forsyth, 472 U.S. 511, 517 (1985)

In the Court's analysis, Mr. Justice White informed that merely Mitchell's status as a Cabinet officer "is not in itself sufficient to invest him with absolute immunity..." Mitchell 472 U.S. at 521. The Court went on to succinctly conclude:

"the Attorney General is not absolutely immune from suit for damages arising out of his allegedly unconstitutional conduct in performing his national security functions." Mitchell v Forsyth, 472 U.S. 511, 520 (1985)

EVERY "PERSON", INCLUDING NATURAL PERSONS, MUST ACCEPT RESPONSIBILITY FOR THEIR ACTIONS AND OMISSIONS

In PROPRIETORS OF CHARLES RIVER BRIDGE v. PROPRIETORS OF, 36 U.S. 420 (1837) 36 U.S. 420 (Pet.) we find that "...where there is a capacity to take and hold; the only thing wanting is the franchise of succession, so that the property of the society may pass to successors instead of heirs. Termes de la Ley 123; 1 Bl. Com. 368-72. This and other franchises are the ligaments which unite a body of men into one, and knit them together as a natural person (4 Co. 65 a); creating a corporation, an invisible incorporeal being, a metaphysical person (2 Pet. 223); existing only in contemplation of law, but having the properties of individuality ..."

Then we find that, "It is the object and effect of the incorporation, to give to the artificial person the same capacity and rights as a natural person can have..." and, "...they can take and enjoy property to the extent of their franchises as fully as an individual..."

Please note near the beginning in bold "...where there is a capacity to take and hold;..." is a stipulation that only applies to the ability to "take and hold". Plaintiff has no record or evidence that any corporation has a "Right of Soil", except the State Republic chartered. And, remember, the People are the State.

Now we have discovered that a Corporation is a person, yes, even a natural person. Every "person", or those administering for said "person" outside their corporate "body" has the responsibility of acting and reacting within the parameters of "Common Law", which governs the natural Man. It is understood that all "persons" are governed by statutes, codes, rules, and regulations, but the obligations for corporate, privileged "persons" cannot be enforced upon any Private Man. Wrongful actions by any corporate entity that bring upon Private Man injury shall be recompensed with remedy under Common Law.

So with that in mind, Defendants have given the person, agency, etc. knowledge!

Under USC Title 42 §1986. Action for neglect to prevent ..., it states: Every person who, having knowledge that any wrongs conspired or to be done... and having power to prevent or aid in preventing ... Neglects or refuses so to do ... shall be liable to the party injured... and;

The means of "knowledge", especially where it consists of public record is deemed in law to be "knowledge of the facts". As the means of "knowledge" if it appears that the individual had NOTICE or information of circumstances which would put him on inquiry, which, if followed,

would lead to "knowledge", or that the facts were presumptively within his knowledge, he will have deemed to have had actual knowledge of the facts and may be subsequently liable for any damage or injury. Defendants, therefore, have been given "knowledge of the facts" as it pertains to this conspiracy to commit a fraud against Plaintiff.

The Foreign Sovereign Immunity Act, Title 28: U.S. Codes, Section 1605, provides for liability damages done by judges, clerks, political officers, and all others doing business in the United States on behalf of a de facto foreign fiction government. The Public Vessels Act, Title 46: U.S. Codes, Chapter 22, Section 781, is another law that specifically waives any immunity of the government or their employees and agents. This includes, but is not limited to, judges, police officers, prosecutors, elected officials, and other public vessels.

A judge "will be subject to liability . . . when he has acted in the clear absence of all jurisdiction." " Stump v. Sparkman, 435 U.S. 349, 35657 (1978) (quoting Bradley, 80 U.S. (13 Wall.) at 351).

In Cooper v. O'Connor, 99 F.2d 135, 137, 138 (D.C. Cir. 1938), a banker was indicted, acquitted and then brought suit for malicious prosecution against the agents who caused his indictment.

Regarding the rule that agents acting outside the scope of their authority are personally liable for their torts, the court stated:

"There is also a general rule that if any officer- ministerial of otherwise- acts outside the scope of his jurisdiction and without authorization of law, he is liable in an action for damages for injuries suffered by a citizen as a result thereof."

See also Estrada v. Hills, 401 F.Supp. 429, 434 (N.D.Ill. 1975).

In *Butz v. Economou*, 438 U.S. 478, 98 S.Ct. 2894 (1978), this rule was clearly acknowledged by the Court: "As these cases demonstrate, a federal official was protected for action tortious under state law only if his acts were authorized by controlling federal law," 438 U.S. 478, at 490.

"As Doe's analysis makes clear, absolute immunity from state law tort actions should be available only when the conduct of federal officials is within the scope of their official duties and the conduct is discretionary in nature"; *Benford v. American Broadcasting Co., Inc.*, 554 F.Supp. 145, 148 (D.Md. 1982); and *Pleasant v. Lovell*, 876 F.2d 787 (10th Cir. 1989). See also *Rutherford v. United States*, 702 F.2d 580 (5th Cir. 1983).

- 3. Any duties of the defendants are public duties, and the plaintiff has no private right of action against the defendants for Violation of Oath of Office, Dereliction of Duty of Elected Official, Crimes of Moral Turpitude, 42 USC 14141, Violation of Department Handbook, or Systematic Neglect of duties; and**

RESPONSE: Vicarious liability imposes liability on one person for a tortious act committed by another. There are a number of contexts in which this arises.

Joint and Several Liability

If two or more defendants are found liable for an indivisible injury, the defendants will be held jointly and severally liable. This means that each defendant is liable for the entire award regardless of the individual degree of fault.

vicarious liability n. sometimes called "imputed liability," attachment of responsibility to a person for harm or damages caused by another person in either a negligence lawsuit or criminal prosecution. Thus, an employer of an employee who injures someone through negligence while in the scope of employment (doing work for the employer) is vicariously liable for damages to

the injured person. In most states a participant in a crime (like a hold-up) may be vicariously liable for murder if another member of the gang shoots and kills a shopkeeper or policeman.

Vicarious liability in the United States

This is generally applied to crimes that affect the public welfare but which do not require the imposition of a prison term. The principle is that in such cases, the public interest is more important than private interest, and so vicarious liability is imposed to deter or to create incentives for employers to impose stricter rules and supervise more closely. In *Commonwealth v. Koczvara*, 155 A.2d 825 (1959) the defendant was the licensed operator of a tavern which was found to have supplied minors with alcohol. The offence became one of strict or absolute liability when applied vicariously because of the need to protect weak and vulnerable members of society, and the omission of words such as "knowingly", "willfully" or "intentionally" in some of the offences indicated a legislative intent to permit this eventuality. *Staples v United States* 511 US 600 (1994), the defendant was convicted of being in possession of an unregistered machinegun. It was a rifle that had been modified for rapid fire, thereby putting it in violation of the National Firearms Act. The court said it was irrelevant that he did not know about the modification because statutes regulating dangerous weapons are public welfare statutes and can be interpreted to exclude the *mens rea* requirement of knowledge. Hence, as long as defendants knows that they are dealing with a dangerous product or device that places them in a responsible relationship to the public, they should recognise that strict regulations are more likely and assume that Congress would intend to place the burden on the defendant to ascertain at his peril whether his conduct comes within the inhibition of the statute.

The courts generally convict employers for the illegal conduct of their employees even though

the employers had no knowledge and so were not at fault. But in *State v. Guminga* 395 NW2d 344 (Minn. 1986) 337 where a waitress served alcohol to a minor, the court found that the conviction of her employer violated the Due Process Clause and so was not constitutional under Minnesota law. Consequently, the defendant should only be given civil not criminal penalties. It is noted that this prohibition had been in force since 1905 which had given the legislature many years in which to reform the law. The majority rejected the argument of implied legislative intent. The issue of constitutionality in the form of a substantive due process clause requires a balancing of public interests and personal liberty.

The Department of Public Safety was created pursuant to SC Code of Laws 1-30-10 (see Diagram) and the governing authority for the Department was vested in the Department's Director. This statute charges the Director with the duty of overseeing, managing and controlling the operation, administration and organization of the Department which is divided into various divisions and offices. The division which is the subject of interest in this action is the South Carolina Highway Patrol (SC Code of Law 23-6-20) with duties to patrol the highways of the state and enforce laws of the state relative to highway traffic, traffic safety and motor vehicles. Sworn personnel also have the same power to serve criminal processes against defendants as sheriffs of the various counties. Within the Patrol, there is a (MAIT) Multi-disciplinary Accident Investigation Team which investigates and reconstructs complicated traffic accidents. Even with four (4) incorrect accident reports, not one person in authority called in MAIT. The Offices of relevancy to this action are; Office of General Counsel, formerly or currently held by Warren Ganjehsani. This office provides legal advice to Department Employees in the course of their official duties; provides legal representation for the Department in civil and criminal trials; assists the Office of Professional Responsibility in its investigations and has been noted as an

“Ethic’s Officer”. Next, the Office of Professional Responsibility conducts investigations into alleged breaches of integrity and egregious employee misconduct or violation of rules, regulations or policies of the Department. Finally, the Office of Information Technology is responsible for effective department operations and provisions of public services, through the use of technology for the people of South Carolina including the (CAD) Computer Aided Dispatch System. Each of the defendants are accountable to;

A. The Department of Public Safety’s Code of Ethic’s binds the defendant’s duty to ALL citizens:

SCDPS Code of Ethics

WHEREAS, the Department of Public Safety is a law enforcement agency; and,

WHEREAS, the citizens of South Carolina have the right to expect ethical conduct from those whose duty it is to enforce the laws of the state and country; and,

WHEREAS, this duty falls upon all the employees of the Department of Public Safety;

THEREFORE the employees subscribe to the following Code of Ethics.

As a public employee, I believe public service is an honorable profession dedicated to bettering the lives of those I serve and requiring at all times that the public interest be placed above any personal concern.

As a public employee I believe that I should demonstrate the highest standards of personal integrity, truthfulness, honesty, courtesy and fortitude in all my public activities in order to inspire public confidence and trust in public institutions. I will confront and challenge any

unethical behavior by my fellow employees and report such behavior to the appropriate supervisor.

The public's opinion about the courtesy, honesty, truthfulness, and personal integrity of public officials and public employees is the premier value sought by citizens. Any individual or collective compromise with respect to these character traits can damage the ability of an agency to perform its tasks or accomplish its mission. .

Therefore, I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions nor will I tolerate such behavior by my fellow employees. I will enforce the law courteously and appropriately without fear, favor, malice or ill will.

As a public employee, I will oppose any discrimination because of race, color, religion, sex, national origin, political affiliation, physical handicaps, age, or marital status, in all aspects of personnel policy. I pledge to serve the public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

B. SC Oath of Office binds defendants duties to ALL citizens; South Carolina Oath of Office

SOUTH CAROLINA CONSTITUTION ARTICLE III. LEGISLATIVE DEPARTMENT

SECTION 26. 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 the following oath:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I

will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

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..."

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 all judicial, executive, and legislative officers and agents of the 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.

Plaintiff's acceptance of said "required Oaths" consummates a contract, in fact, and, in force, between all such entities and Plaintiff with enforceable and punishable ramifications should the offering party fail to fully, promptly, and properly comply.

And;

“Notice for Acceptance of Oaths of Office and Constitutions” (Constitutions, without question are by-laws, which bind public servants to service), and hereby duly accepts Defendant's Oaths of Office, being Defendant's open and binding offer of contract to form a firm and binding, private contract between Defendant and Plaintiff. Plaintiff is pleased that when Defendant said “so help me God”, that Defendant(s) invoked the Creator of all that is as Witness to punish all Liars and breakers of Oaths, that Defendant(s) promise(d), and is bound by Oaths, which make(s) Defendant(s) "Bond(s)" accessible to Plaintiff, that Defendant(s) would perform all of said promises, including, but not limited to, Defendant(s) promise to uphold the Constitution for the United States of America, which includes protecting all of Plaintiff's rights. I trust Defendant(s) will be (an) honorable man/men or woman/women whose Oath is his/her bond, and that Defendant(s) will honor said private contract with Plaintiff, consummated by this notice of acceptance, by keeping said promises, not allow any third-party agents, acting without delegated or regulatory authority, to interfere in Defendant(s) duty to Plaintiff.

For the record, Plaintiff, hereby and herein, explicitly reserves all Plaintiff's rights without recourse. Notice to the Agent is Notice to the Principal. Notice to the Principal is Notice to the Agent. This “Notice for Acceptance of Oaths of Office and Constitutions” is issued in accordance with administrative process and as an instrument at contract law; at 3 days, without proper rebuttal signed under penalty of perjury, Plaintiff and Defendant(s) has/have Contract; at 7 days, without proper rebuttal signed under penalty of perjury, Defendant(s) is/are in Dishonor; at 10 days, without proper rebuttal signed under penalty of perjury, Plaintiff has a Summary Judgment against Defendant(s), said summary judgment being: (a) Defendant(s) will honor Defendant(s) promises to uphold all of Plaintiff's rights and not allow any third-party interference in Defendant(s) duty to Plaintiff, and, (b) Defendant(s) acts committed outside

Defendant(s) oaths operate under "color of law" and void Defendant(s) immunity and Defendant(s) accept(s) all possible liability, not limited by claims and damages unto Plaintiff, a living soul, in (i) unlawful conversion; (ii) fraud and misrepresentations; (iii) misrepresentation of agreement; (iv) barratry and other acts of bad faith; and, (v) breach of good faith and fair dealings. Defendant(s) willful choice to either remain silent, write, or cause a third party to write an ambiguous or convoluted response intended to mislead or deceive, or imply authority to represent Defendant(s) interests in this contract, establishes Defendant(s) unconditional acceptance and tacit approval, nihil dicit, for the foregoing contract and the foregoing contract will stand as final judgment.

C. Dereliction (or Breach) of Duty; US Code 1983

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.

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.

UNITED STATES CODE TITLE 42. THE PUBLIC HEALTH AND WELFARE

CHAPTER 21. CIVIL RIGHTS SUBCHAPTER I. TITLE 28 USC 42

Section 1981, Section 1983. Civil action for deprivation of rights

1. 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.

(R.S. Sec. 1979; Pub. L. 96-170, Sec. 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, Sec. 309(c), Oct. 19, 1996, 110 Stat. 3853.)

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 and judgement 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. Dereliction of Duty "Could have known and should have known" 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 appellate 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" 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 out to all professionals licensed by the public. Furthermore, those licenses are for 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.

D. Crimes of Moral Turpitude; Moral turpitude is 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 an "act of baseness, vileness, or 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

E. Systematic Neglect of Duty. Through the supporting documents (Exhibits A-J), it is supported that in the beginning, there were acts and omissions of one Defendant, with two co-defendants and after the next three subjects became knowledgeable of the acts and omissions of this one defendant and elected to join him in attempting to conceal his acts, they became corrupt and hence began the conspiracy. When the superior officers of the these current defendants became knowledgeable of the facts, had supporting documents that validated the Plaintiff's claim and chose to deny liability, they too, choose to join the conspiracy to conceal the acts and omissions

of all the other defendants and became liable as well. This created a Systematic Neglect of Duty which then engulfed three additional employees who joined the conspiracy. The affidavits of witnesses and evidence at hand and that yet to be discovered, is evidence of a systematic scheme or enterprise are visible. They are predicated acts similar to "R.I.C.O. statutes 18 USC 1961" to wit: three or more parties engaged in an unlawful activity to deprive American citizens of their property without just compensation or due process of law pursuant to 18 USC 2, 3, 4, and 241. In this case, the unlawful activity was to conceal the destruction of evidence.

4. The allegations of the Complaint, even if true, which is denied, do not constitute a violation of any constitutional right, nor a cause of action under 42 USC 1983

RESPONSE: 42 U.S. Code § 1983 - Civil action for deprivation of rights- 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.

(R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

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

(A)(1) It is unlawful for a person to willfully 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 willfully 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.

The Plaintiffs allegations, four accident reports and witness affidavits contradict the statements of the defense. They did not respond to the Complaint on a point by point basis or and other basis and are using a "sham legal process" to attempt have the case dismissed without it being heard.

Please see attached EXHIBITS FOR SUPPORTING DOCUMENTATION in the Table of Contents along with individually listed accusations against each defendant.

By Biafra Monique Curtis 10-13-15

biafra-monique; Curtis

Date

PRAYER FOR RELIEF

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

JURY TRIAL DEMAND

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

DATED:

By Biafra Monique Curtis
biafra-monique; curtis

VERIFICATION

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: 10-13-15 Biafra Monique Curtis
(Signature)

2015 OCT 20 PM 4:49
JEANETTE W. McBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

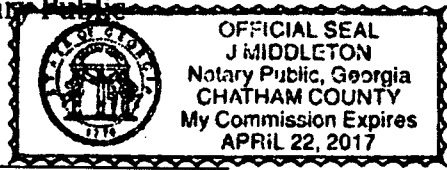
NOTARY ACKNOWLEDGEMENT

On this 13 day of October, 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.

J Middleton

Notary Public



My Commission Expires _____

CERTIFICATE OF SERVICE

I, :biafra-monique :curtis hereby attest to the filing of the original copy of this RESPONSE TO MOTION TO DISMISS NOTICE OF REMOVAL AND DISMISSAL AND DEFAULT JUDGEMENT IN FAVOR OF THE PLAINTIFF into the record of the Court of Common Pleas in and for Richland County, South Carolina, The District Court of South Carolina, Columbia Division 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:

Norma Jett
Post Office Drawer 909
Bamberg, SC 29003
ATTORNEY FOR ALL DEFENDANTS

Clerk's Office
United States District Court
District of South Carolina
901 Richland Street
Columbia, SC 29201

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

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

The Honorable 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

biafra-monique; curtis

RICHLAND COUNTY
FILED
2015 OCT 20 PM 4:48
JEANETTE W. MCBRIDE
C.C.P. & G.S.

EXHIBIT-8

JEANETTE W. McBRIDE
Clerk of Court

VIRGINIA F. BELCHER
Chief Deputy Clerk of Court



MAILING ADDRESS:
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COLUMBIA, SC 29202-2766

TELEPHONE:
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Fax: 803.576.1785
TDD: 803.748.4999

RICHLAND COUNTY CLERK OF COURT

Richland County Judicial Center
1701 Main Street, Room 205
Columbia, South Carolina 29201

February 22, 2017

Ms. Biafra Monique Curtis
Post Office Box 21294
Hilton Head Island, South Carolina 29925

Re: Biafra Monique Curtis v. South Carolina Department of Public Safety, et al.
Civil Action Number: 2015-CP-40-5172

Dear Ms. Curtis:

This letter serves to inform you that we received a copy of the Federal Court case file from you in August 2015 but did not have jurisdiction over this matter until it was remanded on April 12, 2016. Therefore we were not able to include these documents in a case file. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Belcher", is written over the typed name.

Virginia F. Belcher
Chief Deputy Clerk of Court for Richland County