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THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL # 2016-001379 FROM CHARLESTON COUNTY

COURT OF COMMON PLEAS

CIVIL ACTION 2015-CP-10-6819

ORDER OF DISMISSAL

HONORABLE KRISTI LEE HARRINGTON PRESIDING JUDGE

Tracy Smith,

Appellant

v.

Sarah Gainey SAVE, Inc.

Respondent

**REQUEST FOR LEAVE PURSUANT TO MOTION FOR RELIEF FROM JUDGEMENT AND ORDER**

Tracy Smith  
Pro Se Appellant  
1510 SWARTZ FAIRBANKS ROAD  
MONROE, LA 71203  
318 233 8572

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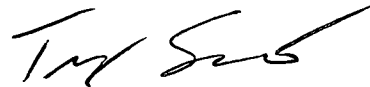
SC Court of Appeals

Appellant respectfully requests that the SC Appellate Court grant leave so that Appellant may file a Motion with the Lower Court for Relief from the Judgement and Order currently on Appeal. Appellant believes this Motion requesting Leave is just and proper according to Rule 60 of SC Rules of Civil Procedure.

This Motion for Relief from the Judgement and Order will cite: Mistake and excusable neglect; Newly discovered evidence that could not be discovered in time to move for a new trial after summary dismissal; Extrinsic Intentional Misrepresentation and misconduct by opposing party which occurred during the proceedings of Smith V. Sarah Gainey and SAVE, Inc resulting in an Order of Dismissal With Prejudice written by Defense Counsel and signed by lower court judge with no edits.

Appellant will make a clear, convincing argument that the Judgement of Summary Dismissal With Prejudice is the result of Plain Error in the Judge's interpretation of Statutory Law and Intentional Misrepresentation of relevant law by officers of the court preventing plaintiff from presenting his case and depriving plaintiff his constitutional right to be heard. There has never been a real contest before the court on the subject matter of the action.

Respectfully Submitted,



**Tracy Smith**  
**Pro Se Appellant**  
**1510 SWARTZ FAIRBANKS ROAD**  
**MONROE, LA 71203**  
**318 233 8572**

**PROOF OF SERVICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY COURT OF COMMON PLEAS  
Tracy Smith v. Sarah Gainey and SAVE, Inc.  
CIVIL ACTION 2015-CP-10-6819  
ORDER OF DISMISSAL  
HONORABLE KRISTI LEE HARRINGTON PRESIDING JUDGE

Appellate Case No. 2016-001379

Tracy Smith                      Appellant.

V.

Sarah Gainey and SAVE Inc.  
Respondent  
Represented by Jack Gresh  
40 Calhoun Street, Suite 550  
Charleston, SC 29401

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SC Court of Appeals

**PROOF OF SERVICE**

I certify that I have served the Motion Requesting Leave to File For Relief of Judgement and Order on Sarah Gainey and SAVE Inc. by depositing a copy of it in the United States Mail, postage prepaid on April 17, 2017 addressed to his attorney of record, Hall Booth and Smith, 40 Calhoun Street, Suite 550, Charleston, SC 29401.

April 17, 2017



Tracy Smith  
1510 Swartz Fairbanks Road  
Monroe, LA 71203  
318 233 8572  
Pro Se Appellant

C10

4351 Park Island Rd.

Hollywood, SC 29449

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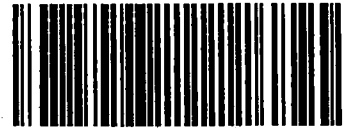
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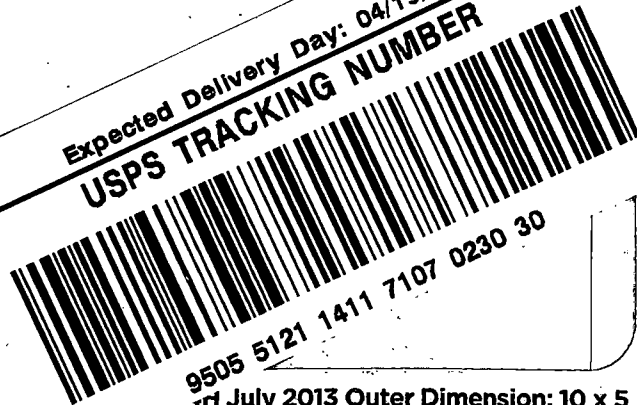
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