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FORM 4

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2016CP230223

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

ELECTRONICALLY FILED - 2017 Jun 06 1:18 PM - GREENVILLE - COMMON PLEAS - CASE#2016CP230223

Adelaide Johnson		James Edward Neubia	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):
 - Rule 40(j) SCRPC;
 - Bankruptcy
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

RECEIVED
JUN 08 2017
SC Court of Appeals

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

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

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	Judge Code	Date 6/5/2017
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CPFORM4Cm
SCCA SCRPC Form 4C (Revised 2/17)

For Clerk of Court Office Use Only

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

Ryan Michael James 802 Augusta St. PO Box 2995 (29602)
Greenville, SC 29605
Theo Walker Mitchell Law Office Of Theo W. Mitchell, LLC
9 Bradshaw Street Greenville, SC 29601-3515

James Edward Neubia 208/210 Douthit St Greenville, SC
29601
John W. Howard III 604 University Ridge Greenville, SC
29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

**Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court**

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

The Defendant filed a Motion for Summary Judgment asserting that the Complaint was not filed within the applicable statute of limitations. Plaintiff's counsel conceded that the cause of action for False Imprisonment was not within the Statute of Limitations. Based on S.C. Code § 15-3-530, the causes of action for Assault and Battery and Intentional Infliction of Emotional Distress must be filed "within three years" of the date the cause of action arose. Based on the Complaint, the incidents on which the cause of action was based occurred on March 28, 2013 and on March 29, 2013. The Court finds that the filing of the Complaint on March 28, 2016 is "within three years" of both incident dates. Therefore, Defendant's Motion for Summary Judgment is denied.

Additionally, this matter was on the Trial Roster for this week (June 5, 2017). The Attorney for Defendant, Jack Howard, has only recently been retained and both counsel requested that the matter be continued so that discovery could be conducted and the case could be mediated. For good cause shown, this matter is continued and shall be placed on a trial roster for the week of August 28, 2017 and the parties shall conduct all discovery and mediate the case prior to that time.

It is so Ordered.



Greenville Common Pleas

Case Caption: Adelaide Johnson vs. James Edward Neubia

Case Number: 2016CP2302023

Type: Order/Form 4

Motion/Order Granted

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2017-06-06 09:49:17 page 3 of 3