

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Tracy Smith, Pro Se Plaintiff)
)
 APPELLANT)
)
 VS.)
)
 Jonathon Kessler)
)
 RESPONDENT)

CASE NO:2015CP1006820

2017 AUG 18 AM 11:09
 JULIE J. KRISTONG
 CLERK OF COURT
 BY _____

NOTICE OF CIVIL APPEAL
 TO CURE IN 30 DAYS

RECEIVED

AUG 28 2017

SC Court of Appeals

Pro Se Plaintiff, in the matter of Smith V. Kessler, hereby gives NOTICE OF APPEAL from the judgment of the court in the above action to the SOUTH CAROLINA COURT OF APPEALS.


This notice of appeal is made subsequent to personal notice of the judgment which was received on the 17th day of August, 2017.

The appellant notes the following exceptions to the judgment as follows:

- 1) The court has made material errors in the application of basic law in the Order and Judgement purportedly written by the Court and signed by the Honorable Judge Young.
- 2) Numerous material elements stated in the findings of fact and opinion purportedly written by the Court are blatantly false and without evidentiary support.
- 3) The court repeatedly showed bias and contempt emanating from Pro Se Plaintiff's self representation.

- 4) The court has failed to conduct an adequate hearing regarding Plaintiff's motions to compel Ms. Gainey to provide records. Plaintiff repeatedly asked Ms. Gainey to release records of SAVEEAP so that Plaintiff could obtain Expert Affidavit. Ms. Gainey has repeatedly refused to release records to plaintiff and the court has failed to order Ms. Gainey to comply with two subpoenas. During cross examination Ms. Gainey admitted that she willfully and wantonly refused to release records to Plaintiff despite repeated requests as a Patient of SAVEEAP and then through discovery.
- 5) The court failed to adequately hear motions for Jury Trial and Motion in Limine before presiding over a "bench trial". The court failed to issue an appropriate order or other documents on these motions according to Clerk of Court prior to rendering verdict.

Additional detail and additional exceptions to the judgement will be set forth in the Appeal to the South Carolina Court of Appeal to be filed within 30 Days.



Tracy Smith, Pro Se Plaintiff

Tracy@OLASP.COM

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. Jonathon Kessler

CIVIL ACTION 2015-CP-10-6820

Appeal of Judgement
Honorable Roger M. Young Presiding Judge

Tracy Smith Appellant.

V.

Jonathon Kessler Respondent
Represented by Scott Wallinger
1330 Lady Street, Sixth Floor
Columbia, SC 29201

RECEIVED

AUG 23 2017

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Intent of Civil Appeal on Jonathon Kessler by depositing a copy of it in the United States Mail, postage prepaid on August 19, 2017 addressed to his attorney of record, Scott Wallinger, 1330 Lady Street, Sixth Floor Columbia, SC 29201



Tracy Smith Pro Se Appellant
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ORIGIN ID:RBWA (318) 233-8572
TRACY SMITH
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UNITED STATES US

SHIP DATE: 20AUG17
ACTWGT: 0.20 LB
CAD: 6990655/SSF01802
BILL CREDIT CARD

Part # 156297-233-8572 EXP 07/18

TO

**SC COURT OF APPEALS
1220 SENATE ST**

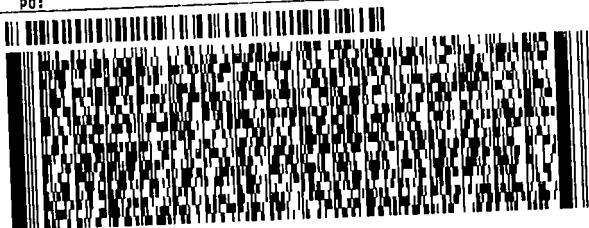
COLUMBIA SC 29201

(803) 734-1890

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