

8/6/24

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

RECEIVED

MAY 01 2018

SC Court of Appeals

Civil Action No. 2016-CP-28-00583
Appellate Case No. 2017-002514

James Teal,.....Appellant,

v.

Edwards Telecommunication, Inc. and Leroy Smith, Director of Dep't of Public Safety, Defendants,
Of which Leroy Smith, Director of Dep't of Public Safety is theRespondent.

**RESPONDENT'S RETURN TO APPELLANT'S MOTION TO AMEND INITIAL BRIEF
AND RESPONDENT'S MOTION TO DISMISS**

Appellant filed an Initial Brief and Designation of Matter on March 22, 2018. On April 2, 2018, this Court informed Appellant of deficiencies that needed to be corrected within ten (10) days of the date of the letter. The caption on Appellant's designation of matter did not comply with Rule 267(a), SCACR, and a proof of service had not been provided.

Also on April 2, 2018, Appellant served a 4-page document containing a table of contents, a table of citations and authorities, references to record, and a certificate of service. (Attached as Exhibit One is a copy of the 4-page document, along with the envelope, received by Respondent.)

On April 12, 2018, the Court returned the 4-page document to Appellant, and informed Appellant that if he intended to amend his initial brief he would need to file a motion along with a complete, amended appellant's initial brief.

On April 30, 2018, Respondent received a copy of Appellant's motion to amend initial brief.¹ The motion did not include a complete, amended appellant's initial brief, properly paginated, and using the correct caption.

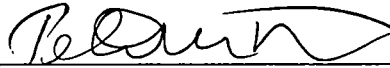
Respondent opposes the motion to amend, and moves to dismiss this matter in its entirety.

Respondent is constrained to oppose the motion to amend where the grounds for the motion are not stated, and there is no notice given of the manner in which Appellant may attempt to amend the initial brief. Appellant had ample time to prepare a sufficient initial brief. Now, Appellant does not even explain why it would be necessary to file an amended initial brief. A motion to this Court must contain a memorandum with citation of authorities in support of the motion. Rule 240(c)(2), SCACR. Appellant has failed to properly support his motion.

Appellant moves to dismiss this matter because the deficiencies have not been corrected. This appeal is in a state of limbo. Appellant continues to file items incorrectly, and has made no attempt to correct the deficiencies. Respondent cannot prepare its initial brief until such time as the deficiencies are cleared up and the determination is made whether to allow an amended initial brief.

SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE

¹ A copy of the documents received by Respondent on April 30, 2018, are attached hereto as Exhibit Two. Apparently, Appellant mailed the motion to the incorrect address and it was returned to Appellant.



Peter M. Balthazor #68244
RILEY POPE & LANEY, LLC
2838 Devine Street
Columbia, South Carolina 29205
803-799-9993
peteb@rplfirm.com

Attorney for Respondent Leroy Smith, Director of
Dep't of Public Safety

May 1, 2018
Columbia, South Carolina

TABLE OF CONTENTS

	Page
Statement of Issues on Appeal.....	1
Statement of The Case.....	4
Arguments.....	4
Conclusion.....	6
References to Record.....	7

TABLE OF CITATIONS AND AUTHORITIES

STATUTES

	Page
Statute of Limitation Defence, 111,016 S.C.L. 72, ID., 314 SC at 128,442 S.E 2d at 170.....	4
Statute 15-3-60.....	4
Statute 56-5-950(b).....	5

TORT ACTS

Statute section 15-78-20(A).....	5
Statute section 15-78-70(b).....	5

OSHA

OSHA 29CFR 1926 Subpart G.....	5
--------------------------------	---

References To Record

Issue of Appellant charged: Transcript P.12-Lines 21-25
P.13-Lines 1-6 - P.15-Lines 12-15.

Issue of Contributing: Transcript P.11-Lines 3-8 - P.12-
Lines 17-25 - P.13-Lines 1-6 - P.7-Lines 13-18 - P.14-Lines 19-20
P. 15-Lines 1-6 - P.18-Lines 1-6.

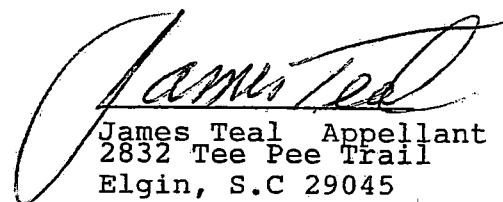
Issue of FOIA: Transcript P.13-Lines 7-13 - P.15-Lines 7-19.

Issue of Appellants Court Procedures: Transcript P.5-Lines 18-25
P.6-Lines 1-12 - P.18-Lines 19-21 - P.20-Lines 10-22.

Issue of exhibit attempted by Appellant: Transcript P.8-Lines 23-24
P.9-Lines 1 - P.15-Lines 7-19.

Issue of Appellants hearing impairment: Transcript P.8-Lines 14-15
P.16-Lines 3-11 - P.17-Lines 9-11.

Issue of handicaps and injuries to Appellant: Transcript P.15
lines 20-25 - P.16-Lines 1-2.


James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

James Teal Appellant

v.

Edwards Telecommunications, Inc.

and

Leroy Smith, Director of the

Dep't of Public Safety

IN THE COURT OF APPEALS

Case No. 2017-002514

CERTIFICATE OF SERVICE

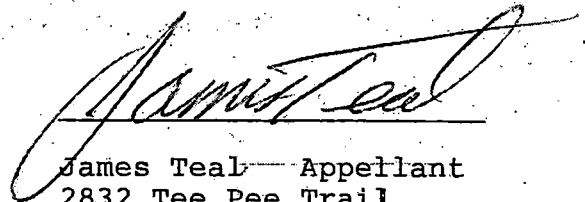
The undersigned certifies that on April 02-2018 a copy of Appellants Reference to the Record, has been served on the following party(s), via United Postal Service with postage pre-paid at the addresses shown below.

Camden, S.C

Date April 02-2018

Kershaw County Clerk of Court
Honorable Janet Hasty
P.O. Box 1557
Camden, S.C 29020

Peter Balthazor, Esquire
P.O. Box 11412
Columbia, S.C 29211

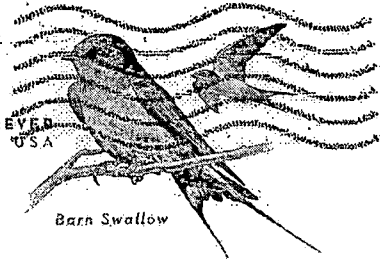


James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

James Teal
2832 Tee Pee Trl.
Elgin, SC 29045

COLUMBIA SC 290

12 APR 2018 PM 4 FOREVER
USA



Peter Balthazar, Esquire
P.O. Box 11412
Columbia, S.C. 29211

29211-141212



STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

James Teal, Appellant

V.

Edwards Telecommunications, Inc.

and

Leroy Smith, Dept. of Public Safety

Respondent, which is Leroy Smith of
the Department of Public Safety

) IN THE COURT OF APPEALS

) IN THE SUPREME COURT

) Case #2017-002514

) MOTION TO AMEND INITIAL BRIEF

RECEIVED

APR 19 2018

SC Court of Appeals

Appellant is requesting the Court to allow Appellant to amend
Appellant's Initial Brief.

Camden, S. C.

Date 04-19-18

Kershaw County Clerk of Court
Honorable Janet Hasty
P.O. Box 1557
Camden, SC 29020

Pete Balthazor, Esquire
P.O Box 1412
Columbia, SC 29211

Respectfully submitted by

James Teal

James Teal, Appellant
2832 Tee Pee Tr.
Elgin, SC 29045
(803)-457-5820

EXHIBIT TWO

STATE OF SOUTH CAROLINA)
)
 COUNTY OF KERSHAW)
)
 James Teal, Appellant)
)
 V.)
)
 Edwards Telecommunications, Inc.)
)
 and)
)
 Leroy Smith, Dept. of Public Safety)
)
 Respondent, which is Leroy Smith of)
 the Department of Public Safety)

IN THE COURT OF APPEALS
 IN THE SUPREME COURT
 Case #2017-002514

CERTIFICATE OF SERVICE

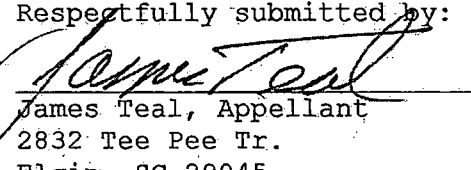
RECEIVED

APR 19 2018

SC Court of Appeals

The undersigned hereby certifies that on April 19, 2018, a copy of the foregoing filed Motion to Amend Appellant's Initial Brief has been served upon the following party(s) via United States Postal Service at the addresses shown below.

Camden, S. C.
 Date 04-19-18

Respectfully submitted by:

 James Teal, Appellant
 2832 Tee Pee Tr.
 Elgin, SC 29045
 (803)-457-5820

Kershaw County Clerk of Court
 Honorable Janet Hasty
 P.O. Box 1557
 Camden, SC 29020

Pete Balthazor, Esquire
 P.O. Box 1412
 Columbia, SC 29211

[Faint, illegible text at the bottom of the page, likely bleed-through from the reverse side.]



South Carolina

BlueCross BlueShield of South Carolina
I-20 at Alpine Road
Columbia, SC 29219-0001
803.788.0222

SouthCarolinaBlues.com

April 24, 2018

James Teal
2832 Tee Pee Tr.
Elgin, SC 29045

Dear Sir:

We have received the correspondence that you mailed to the attention of Pete Balthazor. Unfortunately, the address used, P.O. Box 1412, is one of the mailing addresses for our Medicaid division. We are returning the correspondence to you because we are not the intended recipient.

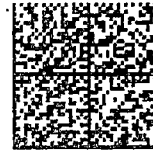
Sincerely,

Yolande Roach, Manager
Medicaid Input Control

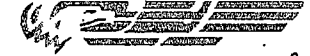
Enclosures

Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202-08206

RETURN SERVICE
REQUESTED

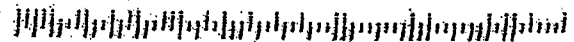


U.S. POSTAGE PITNEY BOWES



ZIP 29223 \$ 000.68⁰
02 4W
0000355865 APR 25 2018

James Teal
2832 Tee Pee Tr.
Elgin, SC 29045

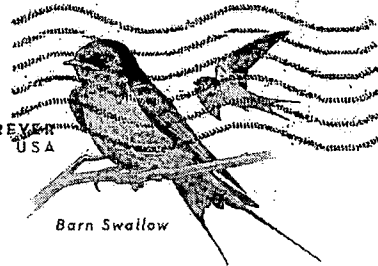


James Teal
2832 Tee Pee Tr.
Elgin S.C. 29045

COLUMBIA SC 290

19 APR 2015 PM 4 1

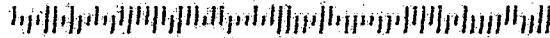
FOREVER
USA



Barn Swallow

Pete Balthagen
P.O. Box 1412
Columbia, S.C. 29211

29202-141212



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Civil Action No. 2016-CP-28-00583
Appellate Case No. 2017-002514

RECEIVED

MAY 01 2018

SC Court of Appeals

James Teal,.....Appellant,

v.

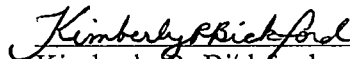
Edwards Telecommunication, Inc. and Leroy Smith, Director of Dep't of Public Safety, Defendants,

Of which Leroy Smith, Director of Dep't of Public Safety is theRespondent.

CERTIFICATE OF SERVICE

I do hereby certify that I caused to be served the RESPONDENT'S RETURN TO APPELLANT'S MOTION TO AMEND INITIAL BRIEF AND RESPONDENT'S MOTION TO DISMISS upon the below-named party by depositing a copy of the same in the U.S. Mail, first class postage prepaid, and addressed as follows:

James Teal, *Pro Se*
2832 Tee Pee Trail
Elgin, South Carolina 29045-9758



Kimberly R. Bickford
Paralegal

May 1, 2018
Columbia, South Carolina

South Carolina

Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, SC 29205
Phone: 803.799.9993
Fax: 803.239.1414

—
RILEY
POPE &
LANEY
— LAW —

North Carolina

Riley Pope & Laney, PLLC
4822 Albemarle Road
Suite 248
Charlotte, NC 28205
Phone: 980.201.3888
Fax: 704.625.9430

May 1, 2018

RECEIVED

MAY 01 2018

SC Court of Appeals

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: James Teal, Appellant v. Edwards Telecommunication, Inc. and Leroy Smith, Director of Dep't of Public Safety, Defendants, Of which Leroy Smith, Director of Dep't of Public Safety is the Respondent

Civil Action No.: 2016-CP-28-00583

Appellate Case No.: 2017-002514

Our File No.: 5021.01117

Dear Ms. Kitchings:

Please find enclosed the original and one copy of the Respondent's Return to Appellant's Motion to Amend Initial Brief and Respondent's Motion to Dismiss, with Certificate of Service in the above-referenced matter. Also is enclosed is a check in the amount of \$25.00 for the motion filing fee. Please file the enclosed documents and return a filed copy with my runner.

Please contact me if you have any questions or comments concerning this correspondence or any other matter.

Sincerely,



Peter M. Balthazor

PMB/krb

Enclosures

Cc: James Teal, *Pro Se*