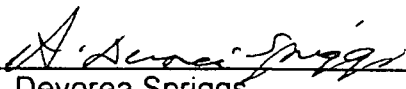


(A)

Pursuant to the terms of the above-captioned support Order, the obligor is in arrears \$ as of 3-31-17.

The Child Support Services Division shall send by first class mail to the obligor at the address given above a Notice of Registration with a copy of the registered support Order.

Payments may be mailed in the form of Postal Money Orders, Certified Checks, or Cashier's Checks, made payable to the Family Court of Greenville County and mailed to P. O. Box 757, Greenville, SC, 29602.



A. Devorea Spriggs
Attorney for Plaintiff

Greenville, S.C.

5-1, 20 17

as:0960190

(H)

~~XXXXXXXXXX~~

Jun 2 PM 12:57
2017

COPY
Ex. B

MOTION TO DISMISS

IN THE FAMILY COURT
13 JUDICIAL CIRCUIT

MOTION TO DISMISS FOREIGN SUPPORT
ORDER

LAMONT JEREMIAH MCCAULEY,)
 PLAINTIFF,)
 -vs-)
 STATE OF SOUTH CAROLINA OBO,)
 DESIREE M. LEE,)
 STATE OF GEORGIA)
)
)
)
 DEFENDANTS)

IV-D CASE NO. 550019234

DOCKET NO. 2017-DR-23-2020

SEE ATTACHED AFFIDAVIT

A man; LAMONT JEREMIAH MCCAULEY Pursuant to the STATE OF SOUTH CAROLINA and The UNITED STATES CONSTITUTION as well as 45 CFR § 303.101 (c)(4), 63-17-3630 (B)(C), 63-17-3730(2) requires an executive review of facts and demands dismissal and discharge of all Foreign Support Orders created in association with IV-D Case No 550019234. A motion has been filed with the Gwinnett County, Georgia Clerk of Court to dismiss without prejudice the Initial Tribunal's support order case against the Plaintiff. The Initial Tribunal is in violation of 45 CFR §303.101 (c)(4), due process and equal protections of the 14th AMENDMENT of The United States' Constitution, The Omnibus Budget Reconciliation Act 1993, and The Fair Debt

Exhibit (C)

INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION OF IWO

Date: 08/07/2017

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a court, a copy of the underlying order must be attached.

State/Tribe/Territory SOUTH CAROLINA Remittance Identifier (include w/payment) 201702020
 City/County/Dist./Tribe GREENVILLE Order ID 201702020
 Private Individual/Entity _____ CSE Agency Case ID _____

INDUSTRIAL STAFFING SERVICES		RE: LAMONT J. MCCAULEY	
Employer/Income Withholder's Name <u>PO BOX 177</u>	Employee/Obligor's Name (Last, First, Middle) <u>237-49-5039</u>		
Employer/Income Withholder's Address <u>E BRUNSWICK NJ 08816</u>	Employee/Obligor's Social Security Number <u>GA FSR - 550019234</u>		
ATTN: GARNISHMENTS		Custodial Party/Obligee's Name (Last, First, Middle)	
Employer/Income Withholder's FEIN _____	<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>ATTENTION</p> <p>REMIT ALL PAYMENTS TO GREENVILLE COUNTY FAMILY COURT P.O. BOX 757 GREENVILLE, SC 29602</p> </div>		
Child(ren)'s Name(s) (Last, First, Middle) <u>MCCAULEY, NEVAEH S</u>			Child(ren)'s Birth Date(s) <u>08/23/2006</u>
_____			_____
_____			_____
_____			_____

ORDER INFORMATION: This document is based on the support or withholding order from (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ 388.40 Per MONTH current child support
 \$ 77.70 Per MONTH past-due child support - Arrears greater than 12 weeks? Yes No
 \$ _____ Per _____ current cash medical support
 \$ _____ Per _____ past-due cash medical support
 \$ 0.00 Per _____ current spousal support
 \$ 0.00 Per _____ past-due spousal support
 \$ _____ Per _____ other (must specify) _____
 for a Total Amount to Withhold of \$ 466.10 per MONTH

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the Order Information. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ 107.56 per weekly pay period \$ 233.05 per semimonthly pay period (twice a month)
 \$ 215.12 per biweekly pay period (every two weeks) \$ 466.10 per monthly pay period
 \$ _____ Lump Sum Payment: Do not stop any existing IWO unless you receive a termination order.

Document Tracking Identifier 201702020

SR
8/10/17

(C)

Employer's Name: INDUSTRIAL STAFFING SERVICES Employer FEIN: _____
Employee/Obligor's Name: LAMONT J. MCCAULEY SSN: 237-49-5039
CSE Agency Case Identifier: _____ Order Identifier: 201702020

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

- This person has never worked for this employer nor received periodic income.
- This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____
 Last known address: _____

 Final payment date to SDU/tribal payee: _____ Final payment amount: _____
 New employer's name: _____
 New employer's address: _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have any questions, contact GREENVILLE COUNTY FAMILY COURT (Issuer name)
by phone: (864) 467-5800, by fax at (864) 467-5971, by email or website at: WAGEWITHHOLD@GREENVILLECOUNTY.ORG

Send termination/income status notice and other correspondence to:
Fax, Email, or Mail: P.O. Box 757, Greenville, SC 29602 (Issuer address)

To Employee/Obligor: If the employee/obligor has questions, contact GREENVILLE COUNTY FAMILY COURT (Issuer name)
by phone: (864) 467-5800, by fax at (864) 467-5971, by email or website at: WAGEWITHHOLD@GREENVILLECOUNTY.ORG

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303. 100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting burden for this collection of information is estimated to average 5 minutes per response for Non-IV-D CPs; 2 minutes per response for employers; 3 seconds for e-IWO employers, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(C)

Employer's Name: INDUSTRIAL STAFFING SERVICES Employer FEIN: _____
Employee/Obligor's Name: LAMONT J. MCCAULEY SSN: 237-49-5039
CSE Agency Case Identifier: _____ Order Identifier: 201702020

Lump Sum Payments: You may be required to notify a state or tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by state or tribal law/procedure.

Anti-discrimination: You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the state of the employee/obligor's principal place of employment or tribal law if a tribal order (see *Remittance Information*). Disposable Income is the net income after mandatory deductions such as: state, federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the state or tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers/income withholders who receive a state IWO, you may not withhold more than the limit set by tribal law.

Depending upon applicable state or tribal law, you may need to consider amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the employer should calculate the CCPA limit using the lower percentage.

Supplemental Information:

Employers may withhold a fee up to \$3.00 per pay period (not to exceed \$12.00/month) for company processing costs.

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

(C)

Employer's Name: INDUSTRIAL STAFFING SERVICES Employer FEIN: _____

Employee/Obligor's Name: LAMONT J. MCCAULEY

CSE Agency Case Identifier: _____ Order Identifier: 201702020

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is South Carolina (State/Tribe), you must begin withholding no later than the first pay period that occurs 5 days after the date of August 07, 2017. Send payment within 10 working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to 50% of disposable income. If the obligor is a non-employee, obtain withholding limits from Supplemental Information on page 3. If the employee/obligor's principal place of employment is not South Carolina (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see www.acf.hhs.gov/programs/css/employers/electronic-payments.

Include the *Remittance Id* with the payment and if necessary this FIPS code: 45045

Remit payment to GREENVILLE COUNTY FAMILY COURT (SDU/Tribal Order Payee)
at P. O. BOX 757, GREENVILLE, SC 29602 (SDU/Tribal Payee Address)

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): Paul B. Wickensimer
Print Name of Judge/Issuing Official: PAUL B. WICKENSIMER
Title of Judge/Issuing Official: Clerk of Court
Date of Signature: August 07, 2017

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information.

Priority: Withholding for support has priority over any other legal process under State law against the same income (42 USC §666(b)(7)). If a federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney, or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

OMB Expiration Date -7/31/2017. The OMB Expiration Date has no bearing on the termination date of the IWO; it identifies the version of the form currently in use.



State of North Carolina
Department of the Secretary of State

NC Secretary of State, Elaine F. Marshall

UNIFORM COMMERCIAL CODE FILING ACKNOWLEDGEMENT

LAMONT JEREMIAH MCCAULEY
504 BETHEL DRIVE
MAULDIN, SC 29662

File Number: 20170010621A File Date: 2/1/2017 Filing Type: UCC

Lapse Date: 2/1/2022 Pages: 1

Indexed Debtor(s):

Personal: LAMONT JEREMIAH MCCAULEY, 504 Bethel Drive, Maulin, SC, 29662 USA

Secured Party(s)/Assignee(s)

Commercial: LAMONT JEREMIAH MCCAULEY, 504 Bethel Drive, Mauldin, NC, 29662 USA

Please review the above information that was indexed in our database. We have indexed the above information exactly as it was presented on your filing. Debtor(s) and Secured Party(s)/Assignee(s) that failed to meet the minimum indexing requirements were not indexed. If you wish to make a change from your original filing, an amendment (UCC-3) with the appropriate fee is required. If there is an indexing error made by the filing office, please contact us at the number listed below.

UCC Filing Fees:

1-2 Pages \$38.00

3-10 Pages \$45.00

11 and over \$45.00 + \$2.00 per page

(Filing fees are non-refundable)

P.O. Box 29626

Raleigh, NC 27626-0626

(919) 807-2219

<http://www.sosnc.gov>

LAMONT JEREMIAH MCCAULEY

LAMONT JEREMIAH MCCAULEY

Mauldin SC 29662

Paul B. Wickensimer, CLERK

GREENVILLE FAMILY COURT

P.O. Box 757

Greenville, SC 29602

IN REGARDS TO CASE NUMBER: GA FSR-550019234/201702020

LAMONT JEREMIAH MCCAULEY non-adverse, non-belligerent, non-combative party, secure creditor with power of attorney general on behalf of LAMONT JEREMIAH MCCAULEY is in the possession of your recent Income Withholding Order sent to Industrial Staffing Services for wage withholding for a debt to Greenville County Family Court.

Paul B. Wickensimer, GREENVILLE COUNTY FAMILY COURT CLERK, must herein provide a true and certified copy of the complete audit trail of said account. In order for the debt to be validated, please provide verification through GREENVILLE COUNTY FAMILY COURT's audit certifications of debt entry in accordance with g.a.a.p.. i.f.r.s., in accordance with Basel 3 accord and u.n.c.i.t.r.a.l. conventions. I would also need a copy of your organization's Tax Registration certificate. An account summary from a tribunal entity other than GREENVILLE COUNTY FAMILY COURT does not sufficiently provide proof to the Secured Creditor that a debt is owed to this organization.

Failure to substantiate the claim through the aforementioned auditing forms, please settle the account within the seven days of receipt of this document and reimburse Industrial Staffing Services in the amount of 645.36usd on behalf of Secured Creditor.

Sincerely,

LAMONT JEREMIAH MCCAULEY

(D)



State of North Carolina
Department of the Secretary of State

NC Secretary of State, Elaine F. Marshall

UNIFORM COMMERCIAL CODE FILING ACKNOWLEDGEMENT

LAMONT JEREMIAH MCCAULEY
504 BETHEL DRIVE
MAULDIN, SC 29662

File Number: 20170010621A File Date: 2/1/2017 Filing Type: UCC

Lapse Date: 2/1/2022 Pages: 1

Indexed Debtor(s):

Personal: LAMONT JEREMIAH MCCAULEY, 504 Bethel Drive, Maulin, SC, 29662 USA

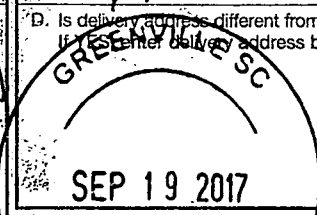

Secured Party(s)/Assignee(s)

Commercial: LAMONT JEREMIAH MCCAULEY, 504 Bethel Drive, Mauldin, NC, 29662 USA

Please review the above information that was indexed in our database. We have indexed the above information exactly as it was presented on your filing. Debtor(s) and Secured Party(s)/Assignee(s) that failed to meet the minimum indexing requirements were not indexed. If you wish to make a change from your original filing, an amendment (UCC-3) with the appropriate fee is required. If there is an indexing error made by the filing office, please contact us at the number listed below.

UCC Filing Fees:
1-2 Pages \$38.00
3-10 Pages \$45.00
11 and over \$45.00 + \$2.00 per page
(Filing fees are non-refundable)

P.O. Box 29626
Raleigh, NC 27626-0626
(919) 807-2219
<http://www.sosnc.gov>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature: <i>Billy H. Brown</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name): <i>Billy H. Brown</i> C. Date of Delivery:
1. Article Addressed to: <i>Greenville County Family Court</i> <i>P.O. Box 757</i> <i>Greenville, SC 29602</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If so, enter delivery address below: <input type="checkbox"/> No 
 9590 9402 2636 6336 8120 04	3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)
2. Article Number (Transfer from service label) 7017 1000 0000 8231 1595	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$3.35	
Extra Services & Fees (check box, add fees as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.75	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$8.59	

Sent To: *Greenville County Family Court*
 Street and Apt. No., or PO Box No.: *P.O. Box 757*
 City, State, ZIP+4®: *Greenville, SC 29602*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

USPS - 29602-2017
 SEP 16 2017
 Postmark Here

1595 8231 0000 7017

Exhibit (E)

Industrial Staffing Services, Inc. 25 Kennedy Blvd, Suite 200 East Brunswick, NJ 08816	Direct Deposit Earnings Statement	
	Pay Period: 10/2/2017 to 10/8/2017	
	Pay Date 10/11/2017	Check Number DD000000000000182324

Earnings				Taxes		
Code	Rate	Hours	Amount	Code	Amount	Year To Date
OT	 	 	 	FICA Med	\$13.27	\$148.45
ST	 	 	 	SS	\$56.76	\$634.76
				Federal	\$20.39	\$124.71
				State SC	\$31.60	\$295.41
				Local		
Total		47.24	\$915.48	Total	\$122.02	\$1,203.33

Payroll Deductions			Wage Amounts	
Code	Check Amount	Year To Date		
CHILD1	\$107.56	\$968.04	Gross Wages Per Period	\$915.48
			Net Wages Per Period	\$685.90
			Gross Wages YTD	\$10,238.13
			Net Wages YTD	\$8,066.76
Total	\$107.56	\$968.04		

Direct Deposit Information			Miscellaneous	
Bank	Account	Amount		
XXXX 4483	XXXXXX 9561	\$685.90	Employee ID	MCCA5039
			Employee SSN	
			Vacation Available	0.00
			Sick Time Available	0.00

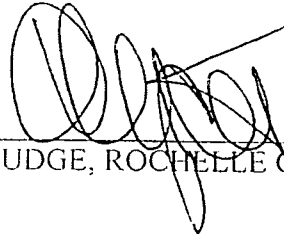
LAMONT MCCAULEY
 504 Bethel Drive
 Mauldin SC 29662

(17)

Dismiss which has been filed in Gwinnett County Court.

3. Any funds which have been collected by the Greenville County Clerk of Court and disbursed to the State of Georgia shall be challenged by the Defendant in his court action with the State of Georgia.

AND IT IS SO ORDERED.



JUDGE, ROCHELLE CONITS

Greenville, South Carolina
October 24, 2017

A Certified Copy
Paul D. Wilber
Clerk of Court C.P. & G.S. & Family Court
Greenville County, SC
Dated 10/24/17

January 22, 2018



Motion "MCHVEN - Motion/Lamont Jeremiah Mccauley's Motion For Change Of Venue" for Case: 2017CP2308068 - Lamont Jeremiah Mccauley vs. Family Court Clerk Greenville County has been added to the following Motions Roster:

189 - NON-JURY MOTIONS - Mar 12-16, 2018 - Judge Perry H.

Gravely
This hearing of this motion has been scheduled for 3/12/2018 at 2:00 PM.

A Hearing in this case is SCHEDULED- DATE & TIME on Subject line above
Location: Greenville County Courthouse, 305 East North Street, Greenville, SC 29601
MOVANT IS RESPONSIBLE TO NOTIFY OPPOSING COUNSEL AND PRO SE PARTIES
Check the online roster at <http://www.greenvillecounty.org/scjd/courtrosters/>
CONTINUANCE, RESOLVED, WITHDRAWN - send detailed e-mail (copy opposing counsel/party)
to Non-Jury Coordinator, Steve Lopez at: njcoord@greenvillecounty.org
****MEMO REQUIREMENTS****
(www.greenvillecounty.org/CourtSupport/MemPolicies.aspx)

Mail Notice To:

Lamont Jeremiah Mccauley
504 Bethel Drive

Mauldin, SC 29662

Court Info:

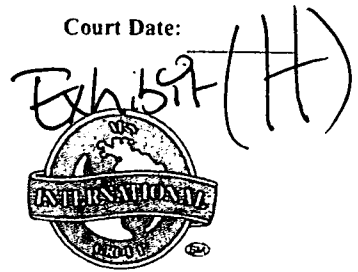
Greenville County Common Pleas
305 East North Street
Greenville County Courthouse
Greenville, SC 29601-2120

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864)467-8551

Respectfully,

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



Greenville County Sheriff's Office

Civil Division

601 E. McBee Ave., Suite 101
Greenville, South Carolina 29601
Phone (864) 282-0008 Fax (864) 235-9171

Party Requesting Service:

LAMONT JEREMIAH MCCAULEY
Attn: Lamont Jeremiah McCauley
504 Bethel Dr.
Mauldin, SC 29662

AFFIDAVIT OF SERVICE
Paul Wickensimer, Clerk Greenville County Family Court

Lamont Jeremiah McCauley, et. al., Plaintiff(s)

vs.

Paul Wickensimer, Clerk Greenville County Family Court, et. al., Defendant(s)

Case No: 2017CP2308068

Name of Deputy: Kathryn L. Monahan, undersigned, being duly sworn, deposes and says that at time of service, she was over the age of twenty-one, was not a party to this action;

Date/Time of Service that on 06-Feb-2018 02:00 pm

Place of Service: at 305 E North St., City of Greenville, State of SC

Documents Served: the undersigned served the documents described as:
Summons and Complaint

Proof of ADR or Exemption

Exhibit A-G

Service of Process on, Person Served, and Method of Service: A true and correct copy of the aforesaid document(s) was served on:
Paul Wickensimer, Clerk Greenville County Family Court

By delivering them into the hands of
Sandra Mansel Administrative Coordinator

Signature of Deputy: Subscribed and sworn to before me this _____ day of February, 2018.

Undersigned declares under penalty of perjury that the foregoing is true and correct.

Notary Public for South Carolina

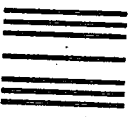
Kathryn L. Monahan

My Commission Expires:

Exhibit (H)

CHAPMAN, HARTER & HARTER, P.A.
PO BOX 10224
GREENVILLE, SC 29603

GREENVILLE
SC 29603
01 FEB 13
PM 2:11



062S0243362618
\$6.670
US POSTAGE
FIRST-CLASS
FROM 29601
JAN 31 2018
stamps.com



Lamont J. McCauley
504 Bethel Drive
Mauldin SC 29662-1841

(H)

ELECTRONICALLY FILED - 2018 Jan 31 11:42 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2308068

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) C.A. NO.: 2017-CP-23-08068

Lamont Jeremiah McCauley,)
Plaintiff,)

vs.)

Paul Wickensimer,)
Greenville County Family)
Court Clerk's Office,)
Defendants.)

**MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)**

YOU WILL PLEASE TAKE NOTICE that the defendant(s), by and through his/their undersigned attorney(s), will move before the presiding judge within ten days after service hereof, or as soon thereafter as counsel may be heard, , pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, for an order of court dismissing the within action on the grounds that plaintiff's Complaint fails to state facts sufficient to constitute a cause of action.

Respectfully submitted,

CHAPMAN, HARTER & CHAPMAN, PA

s/Russell W. Harter, Jr.
Russell W. Harter, Jr., #2778
Carly H. Davis 100112
1012 E. Washington Street

(F)

ELECTRONICALLY FILED - 2018 Jan 31 11:42 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2308068

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January 31, 2018

Greenville, South Carolina

(I)

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF GREENVILLE) C.A. NO.: 2017-CP-23-08068

Lamont Jeremiah McCauley,)
)
Plaintiff,)
)
vs.)

**CERTIFICATE OF SERVICE
VIA UNITED STATES POSTAL SERVICE**

Paul Wickensimer,)
Greenville County Family)
Court Clerk's Office,)
)
Defendants.)

The undersigned hereby certifies that service of **DEFENDANT'S MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)** was made on the *Lamont J. McCauley* on this the 31st day of January, 2018, by placing same in an envelope addressed as indicated below, United States Postal Service, with proper postage affixed thereto:

Lamont J. McCauley
504 Bethel Drive
Mauldin, SC 29662-1841

Patty F. Sanders

*Patty F. Sanders, Paralegal to
Russell W. Harter, Jr.
Chapman, Harter & Harter, P.A.
14 Lavinia Avenue
Greenville, South Carolina 29601
864/233-4500 Phone
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Exhibit (D)

ELECTRONICALLY FILED - 2018 Mar 26 11:35 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2308068

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Lamont Jeremiah McCauley,
Plaintiff,

ORDER OF DISMISSAL

-vs-

C.A. NO.: 2017-CP-23-08068

Paul Wickensimer,
Greenville County Family
Court Clerk's Office

Defendants.

This matter came before me for hearing on March 12, 2018. The Plaintiff appeared *pro se*. The Defendant was represented by Russell W. Harter, Jr. This matter is before me on the Defendants' Motion to Dismiss pursuant to SCRPC Rule 12(b)(6), and the Plaintiff's Motion for Change of Venue.

This action was filed on December 28, 2017. The Plaintiff alleges that he was a party to a family court proceeding which resulted in the Greenville County Family Court directing the Plaintiff's employer to withhold wages for payment under a foreign support order from the State of Georgia. The Plaintiff's Complaint has a number of attachments which include a notice filed with the Greenville County Family Court on May 5, 2017 requesting enforcement of the support order from the State of Georgia. The Plaintiff contends that the Defendant Clerk of the Greenville County Family Court prematurely issued a directive resulting in the Plaintiff's wages being withheld for a period of time in the total amount of \$1,150.00.

It appears further that the Greenville County Family Court issued an order dated October 24, 2017 which dismissed the family court action in Greenville County and suspended

enforcement of the Georgia child support order. The family court order of October 24, 2017 also provided that any funds which had been collected by the Greenville County Clerk of Court and disbursed to the State of Georgia would be subject to challenge in an action in the State of Georgia. The Plaintiff's Complaint alleges that the wage garnishment was not in keeping with proper procedure and the Plaintiff alleges entitlement to monetary damages from the Clerk of Court.

The Defendant in response to the allegations of the Plaintiff's Complaint filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, and I find that it is appropriate to address this motion before addressing the Plaintiff's Motion for Change of Venue.

The Defendant asserts that, pursuant to the South Carolina Tort Claims Act, the Clerk of Court is immune from liability for the claim which is alleged in the Complaint. The Defendant makes reference to the provisions of S.C. Code Ann. §15-78-60 and numerous exceptions from liability as are set out in that statute. Specifically, subsections (1)(2)(3)(4)(5) and (23) would appear to have overlapping applications to this claim. I specifically find that the issues raised by the Plaintiff appear to be judicial and quasi-judicial actions and/or administrative actions of a judicial or quasi-judicial nature. Clearly, the claim is also one that relates to the institution or prosecution of a judicial and/or an administrative proceeding.

Further, it is clear that the actions of the Clerk of Court as are alleged in the Complaint are all actions within the scope and course of the Clerk's official duties and, accordingly, I find that for these various reasons, the South Carolina Tort Claims Act is a bar to the claim which is outlined in the Plaintiff's Complaint.

The Defendant further argues that this Court lacks jurisdiction of the subject matter of this claim relying upon the Greenville County Family Court Order dated October 24, 2017 and provisions of S.C. Code Ann. §63-3-530 which relate to the Family Court's exclusive jurisdiction in domestic matters. Those provisions include and provide the Family Court has jurisdiction to hear and determine matters that come within the provisions of the Uniform Interstate Family Support Act, and proceedings within the County to compel the support of a child.

Based on the record before me, I find that the claims alleged in the Plaintiff's Complaint are barred by the South Carolina Tort Claims Act, and that this Court lacks jurisdiction of the subject matter therefore, the Defendants' Motion to Dismiss is granted. Further, I find that the Plaintiff's Motion for Change of Venue is moot.

It is THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant's Motion to Dismiss pursuant to SCRCP Rule 12(b)(6) is granted and the Plaintiff's Complaint is dismissed.

It is FURTHER ORDERED, ADJUDGED AND DECREE that the Plaintiff's Motion for Change of Venue is moot and therefore dismissed.

Perry H. Gravely, Judge
Thirteenth Judicial Circuit

Greenville, South Carolina
Dated: _____



Greenville Common Pleas

Case Caption: Lamont Jeremiah Mccauley vs. Family Court Clerk Greenville
County
Case Number: 2017CP2308068
Type: Order/Dismissal

So Ordered

s/ Honorable Perry H. Gravely, #2755

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