

**EXPEDIATED MOTION OF APPELLANT\***

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Perry H Gravely, Circuit Court Judge

Case No. 2018--00-01716

Sabrina D Davis

Appellant,

v.

Bankers Life And Casualty  
Company,

Respondent.

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OCT 18 2018  
SC Court of Appeals

EXPEDIATED MOTION OF APPELLANT

Sabrina D Davis  
Post Office Box 238  
Clinton, South Carolina 29325  
(864) 982-1799  
Pro Se

I am requesting this expediated motion for the following reasons.

1. The issues presented before this court are not procedural matters but are issues of laws and facts that will not change. South Carolina Code 15-3-20(B) and South Carolina Rules of

Civil Procedure Rule 3(a) states that 120 days must be given to commence an action by serving the summons and complaint. Judge Lee granted the dismissal for insufficient service before the 120 days had expired. This action by Judge Lee is established in the courts records and cannot be questioned. There is no court rule or state law that allows a court to shorten this time. The only argument the Defendant can put forth is one of discrimination which must be avoided. Every litigant that brings a matter before the court is entitled to equal application of the laws and court rules. The Defendant cannot change the date Judge Lee granted the dismissal for insufficient service.

2. Federal courts have limited and original jurisdiction which is governed by the Constitution and Congress. Congress established that the amount-in-controversy must be \$75,000 or greater for the federal court to have subject-matter jurisdiction. Case 2014-CP-23-00815 does not satisfy the federal requirement because the amount of damages being claimed is \$40,000 and no federal question exist nor was this case ever removed to the federal court.
3. The only issue that this court needs to decide is my request to consider the refiled case as an amended complaint. The Court of Common Pleas made an error when my case was dismissed prematurely and I was told I had to refile the case. I had to pay an additional \$150 to refile the case. A summary judgment was granted in favor of the Defendant ruling that the statute of limitations had expired. However, with the discovery that case 2014CP2300815 was dismissed in error, it is now very apparent that the dismissed case will be vacated. Once the dismissal is reversed, I will file an amended complaint, so in reality it would make sense to simply allow the refiled complaint to be considered an amended complaint.

MEMORANDUM

TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

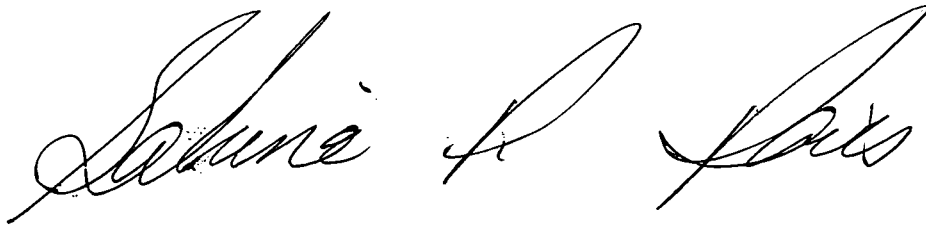
## Summary

The facts contained in this case will not change because the premature dismissal has already occurred and cannot be changed regardless of what argument the Defense will put before this court. Facts are facts and laws are laws. Judge Lee did not allow 120 days to serve the summons and complaint and commence the action as dictated by law and court rules. This court has the power to put all of these violations in their proper place. The facts I have put before the court are known to the Defendant and any attempts to construe these facts in a different arrangement that suggest that no violations of law have occurred must be avoided. The Defendant cannot change the laws and cannot alter any of the facts in this case. It is for this reason that I ask this court to grant the motion to vacate the dismissal issued by the circuit court.

I respectfully submit this motion for your consideration.

October 12, 2018

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A handwritten signature in cursive script, appearing to read 'Sabrina D Davis', is written across the bottom of the page.

**PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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OCT 18 2018

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Perry H Gravely, Circuit Court Judge

Case No. 2018-001746

Sabrina D Davis,

Appellant,

v.

Bankers Life And Casualty  
Company,



Respondent.

**PROOF OF SERVICE**

I certify that I have served the Designation of Matter, Motion to Proceed In Forma Pauperis, and the Motion to Expediate on Bankers Life And Casualty Company by depositing a copy of it in the United States Mail, postage prepaid, on October 15, 2018, addressed to his attorney of record, Susan Day Hurley, Post Office Box 1509, Greenville, South Carolina 29602

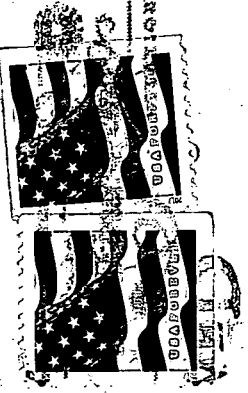
October 14, 2018

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SC Court of Appeals  
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Attn: Clerk of Court  
1920 Senate Street  
Columbia SC 29201

29201-376999

