

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

James R. Barber, III, Circuit Court Judge

Case No. 10-CP-40-05896
Appellate Case No. 2012-211917

Stewart Buchanan, Appellant,

v.

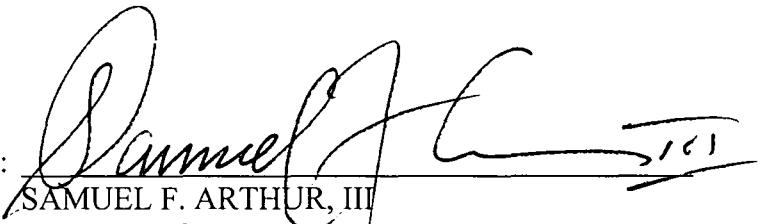
Robert Brown, in his individual capacity, [First Name Unknown] Bowie, in her individual capacity, and David Tatarsky, in his individual capacity, Respondents.

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SC Court of Appeals

**RESPONDENTS' RESPONSE IN OPPOSITION TO APPELLANT'S MOTION
TO STRIKE IRRELEVANT MATTER**

Based upon review of Appellant's Reply Brief and Appellant's Motion to Strike Irrelevant Matter, it appears he is attempting to suggest that Respondents took no action regarding the Amended Complaint and filed an untimely Motion to Dismiss. However, this is not the case. Respondents included the information mentioned in Appellant's Motion to Strike for informational purposes and advise the court of the procedural history of this matter. Respondents were not trying to raise an issue with the court regarding this information. However, it is important for the court to note that Respondents removed this matter to Federal Court, and filed a timely Answer in Federal Court. The matter was subsequently remanded, and Respondents then filed the Motion to Dismiss at issue in the

present appeal. Appellant's attempt to strip the record of references to the procedural history of the case is unhelpful, and his attempt to portray the Respondents as somehow being in default in this matter is simply inaccurate.

By: 
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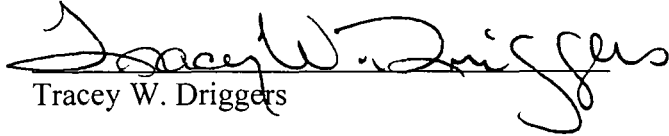
ATTORNEYS FOR RESPONDENTS

Florence, South Carolina
January 9, 2013

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Aiken, Bridges, Elliott, Tyler & Saleeby, P.A., do hereby certify that I have served **DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE IRRELEVANT MATTER** by personally depositing same in a United States Postal Service mail box, postage prepaid, to the *Pro Se* Appellant indicated below this 9th day of January, 2013:

Mr. Stewart Buchanan, #69848
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899


Tracey W. Driggers

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