

SUPREME COURT OF SOUTH CAROLINA

LAMONT JEREMIAH MCCAULEY,

Plaintiff.

v.

JENNY ABBOTT KITCHINGS, CLERK

South Carolina Appeals Court

Defendant(s).

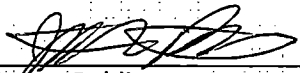
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FEB 22 2019
SC Court of Appeals

NOTICE OF INTENT TO FILE


This is a notice of intent to file a **Writ of Mandamus** on behalf of the Plaintiff with the Supreme Court of South Carolina. The plaintiff contends that as the clerk of South Carolina Appeals Court, the Defendant(s) failed to follow the Rule and laws of the court as they relate to Rule 201(d)(e)(f) of the South Carolina Judicial Department and Federal Rules of Civil Procedure. The Rule 201(d) of South Carolina States that **“A court shall take judicial notice if requested by a party and supplied with the necessary information.”** The Plaintiff filed a Motion for the court to take judicial notice of adjudicated facts contained within the Appellant’s Initial Brief, Record on Appeal, and within the final brief submitted to the defendant. Rule 201(e) states that **“A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed.”** Two separate motions “Motion to Take Judicial Notice” and “Motion to be Heard” under rule 201 was filed with the Clerk of Appeals Court and denied with no signature from a competent Judge and no grounds for denial of motion. This is in direct violation of South Carolina Rule 201 and its counterpart the Federal Rules for Civil Procedure. As such, pursuant to **Title 15** of South Carolina Civil Remedies and Procedures **15-78-70 (b) Nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee’s conduct was not within the scope of his/her official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.** In the event the South Carolina Supreme Court finds that it will not grant my Writ the Plaintiff is fully prepared to file for damages in a federal court.

The above statements and all information and facts concerning this document are true to the best of my knowledge and belief.

Sworn before me on this 19 Day of February, 2019

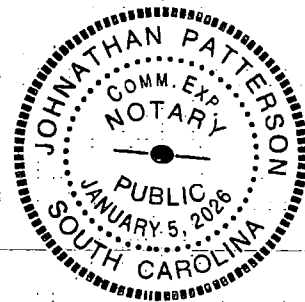


Notary Public

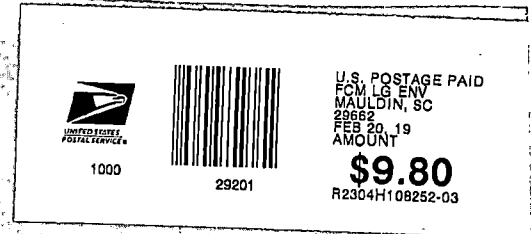


Signature of Affiant

My Commission expires 1/5th of January, 2026



Lamont Jeremiah McCarty
% 504 Bethel Drive
Mauldin SC 29662



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Jenny Abbott Kitchings
Clerk of Court
1220 Senate Street
Columbia SC 29201