

**ORIGINAL**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2008-CP-43-1037

Fatima Karriem, through her court-appointed guardian, Phillip  
Simmons,.....Appellant.

v.

Sumter County Disabilities and Special Needs  
Board,.....Respondent.

APPENDIX TO RECORD ON APPEAL

Joseph Thomas McElveen, III

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Steven Barry Johnson

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OCT 31 2013

**SC Court of Appeals**

INDEX TO APPENDIX TO RECORD ON APPEAL

Actions in *Philip Simmons, plaintiff, et al VS Sumter County Disabilities and Special Needs Board*, Sumter County Third Judicial Circuit Public

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<b>Philip Simmons , plaintiff, et al VS Sumter County Disabilities And Special Needs Board</b>					
Case Number:	2008CP4301037	Court Agency:	Common Pleas	Filed Date:	04/24/2008
Case Type:	Common Pleas	Case Sub Type:	Personal Injury 350	File Type:	Jury
Status:	Appeal	Assigned Judge:			
Disposition:	Other / Circuit Civil	Disposition Date:	10/01/2012	Disposition Judge:	Newman, Clifton
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties    Judgments    Tax Map Information    Associated Cases    Actions    Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Simmons, Philip	Appeal/Notice of Appeal	Filing		11/01/2012-14:45		
	Order/Dismiss w/Prej and Summ Judg is granted	Order		10/01/2012-08:54	10/01/2012-08:54	
	Protective Order/Crt Terms: 9-10-10-22,11-5-12-10-2012	Order		09/06/2012-10:35	10/01/2012-10:35	
Sumter County Disabilities And Special Needs Board	Reply/Reply	Filing		07/30/2012-14:45	10/01/2012-14:45	
Smith, G. Murrell Jr.	Service/Certificate of Mailing	Filing		07/20/2012-16:36	10/01/2012-16:36	
Simmons, Philip	Memo/Memo in Opposition	Filing		07/20/2012-13:25	10/01/2012-13:25	
McElveen, Joseph Thomas III	Roster/Notice of Case Roster Publication Sent	Action		06/29/2012-08:59	10/01/2012-08:59	
Smith, G. Murrell Jr.	Roster/Notice of Case Roster Publication Sent	Action		06/29/2012-08:59	10/01/2012-08:59	
Smith, G. Murrell Jr.	Roster/Notice of Motions Roster Publication Sent	Action		05/29/2012-09:45	10/01/2012-09:45	
McElveen, Joseph Thomas III	Roster/Notice of Motions Roster Publication Sent	Action		05/29/2012-09:45	10/01/2012-09:45	
	Order/Protective Order not before 6/18/12 Term	Order		05/23/2012-08:47	10/01/2012-08:47	
		Action				

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McElveen, Joseph Thomas III	Roster/Notice of Case Roster Publication Sent			05/21/2012-13:02	10/01/2012-13:02
Smith, G. Murrell Jr.	Roster/Notice of Case Roster Publication Sent	Action		05/21/2012-13:02	10/01/2012-13:02
Simmons, Philip	CP Jury Trial	Event		05/14/2012-09:30	05/16/2012-09:31
Sumter County Disabilities And Special Needs Board	Def's Motion/Summary Judgment	Motion		05/08/2012-17:34	07/09/2012-17:34
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		04/24/2012-09:27	10/01/2012-09:27
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		04/24/2012-09:27	10/01/2012-09:27
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		04/24/2012-09:21	10/01/2012-09:21
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		04/24/2012-09:21	10/01/2012-09:21
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		04/13/2012-10:22	10/01/2012-10:22
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		04/13/2012-10:22	10/01/2012-10:22
Sumter County Disabilities And Special Needs Board	Def's Motion For Summary Judgment	Motion		03/16/2012-13:05	06/25/2012-13:05
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/09/2011-15:20	10/01/2012-15:20
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/09/2011-15:20	10/01/2012-15:20
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/09/2011-15:17	10/01/2012-15:17
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/09/2011-15:17	10/01/2012-15:17
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/09/2011-12:31	10/01/2012-12:31
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/09/2011-12:31	10/01/2012-12:31
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/09/2011-12:26	10/01/2012-12:26
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/09/2011-12:26	10/01/2012-12:26
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/09/2011-11:53	10/01/2012-11:53
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/09/2011-11:53	10/01/2012-11:53
Simmons, Philip	CP Jury Trial	Event		11/28/2011-09:30	11/21/2011-17:00
	Order/Scheduling/not before 4/23/12	Order		11/21/2011-11:35	10/01/2012-11:35
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		10/20/2011-09:12	10/01/2012-09:12
		Action			

Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent			10/20/2011 09:12	10/01/2012 09:12
Simmons, Philip	CP Jury Trial	Event		07/11/2011 09:30	07/11/2011 17:00
	Order/Protection for Smith	Order		06/20/2011 14:49	10/01/2012 14:49
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		06/06/2011 10:11	10/01/2012 10:11
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		06/06/2011 10:11	10/01/2012 10:11
Simmons, Philip	CP Jury Trial	Event		04/25/2011 09:30	04/25/2011 17:00
McElveen, Joseph Thomas III	Notice of Motions Roster Publication Sent	Action		03/29/2011 12:37	10/01/2012 12:37
Smith, G. Murrell Jr.	Notice of Motions Roster Publication Sent	Action		03/29/2011 12:37	10/01/2012 12:37
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		03/29/2011 12:30	10/01/2012 12:30
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		03/29/2011 12:30	10/01/2012 12:30
Simmons, Philip	CP Jury Trial	Event		02/07/2011 09:30	02/09/2011 17:00
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		01/13/2011 12:10	10/01/2012 12:10
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		01/13/2011 12:10	10/01/2012 12:10
Simmons, Philip	CP Jury Trial	Event		01/04/2011 09:30	01/04/2011 17:00
Simmons, Philip	CP Jury Trial	Event		01/03/2011 09:30	11/18/2010 17:00
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/03/2010 14:51	10/01/2012 14:51
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/03/2010 14:51	10/01/2012 14:51
Simmons, Philip	CP Jury Trial	Event		10/18/2010 09:30	10/18/2010 17:00
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		09/14/2010 11:57	10/01/2012 11:57
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		09/14/2010 11:57	10/01/2012 11:57
Simmons, Philip	Ord set aft 10/1/2010	Filing		02/03/2010 09:04	10/01/2012 09:04
Simmons, Philip	CP Jury Trial	Event		01/25/2010 09:30	01/21/2010 09:31
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		12/21/2009 10:17	10/01/2012 10:17
Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action		12/21/2009 10:17	10/01/2012 10:17
Simmons, Philip	Consent Scheduling Order(after 10/1/2010)	Filing		12/17/2009 09:15	10/01/2012 09:15
Simmons, Philip	CP Jury Trial	Event		11/30/2009 09:30	11/24/2009 09:31
McElveen, Joseph Thomas III	Notice of Case Roster Publication Sent	Action		10/29/2009 12:09	10/01/2012 12:09

Smith, G. Murrell Jr.	Notice of Case Roster Publication Sent	Action	10/29/2009-12:09	10/01/2012-12:09
Simmons, Philip	CP Jury Trial	Event	07/13/2009-09:30	07/13/2009-09:31
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	06/16/2009-10:32	10/01/2012-10:32
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	06/16/2009-10:32	10/01/2012-10:32
Simmons, Philip	CP Jury Trial	Event	06/15/2009-09:30	06/11/2009-09:31
Simmons, Philip	CP Jury Trial	Event	05/18/2009-09:30	05/18/2009-09:31
Simmons, Philip	CP Jury Trial	Event	04/27/2009-09:30	04/08/2009-17:00
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	04/22/2009-09:59	10/01/2012-09:59
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	04/22/2009-09:59	10/01/2012-09:59
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	04/22/2009-09:46	10/01/2012-09:46
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	04/22/2009-09:46	10/01/2012-09:46
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	03/31/2009-12:37	10/01/2012-12:37
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	03/31/2009-12:37	10/01/2012-12:37
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	03/31/2009-12:35	10/01/2012-12:35
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	03/31/2009-12:35	10/01/2012-12:35
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	03/31/2009-12:30	10/01/2012-12:30
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	03/31/2009-12:30	10/01/2012-12:30
Smith, G. Murrell Jr.	Notice of Roster Publication Sent	Action	03/31/2009-12:26	10/01/2012-12:26
McElveen, Joseph Thomas III	Notice of Roster Publication Sent	Action	03/31/2009-12:26	10/01/2012-12:26
	Consent Order Striking Punitive Damages	Order	03/27/2009-09:12	10/01/2012-09:12
Sumter County Disabilities And Special Needs Board	Def.'s Mtn/Strike Punitive Damages	Event	12/15/2008-14:00	12/15/2008-14:01
Sumter County Disabilities And Special Needs Board	Answer/Answer	Filing	11/11/2008-16:17	10/01/2012-16:17
Sumter County Disabilities And Special Needs Board	Motion/Strike Punitive Damages	Motion	11/11/2008-16:45	06/25/2012-16:45
	Consent Order Setting Aside Default	Order	10/30/2008-15:12	10/01/2012-15:12
Simmons, Philip	Pltf Motion for Entry of Default & Damages	Event	10/27/2008-09:30	10/27/2008-09:31

Sumter County Disabilities And Special Needs Board	Service/Affidavit Of Service	Filing		10/23/2008 15:44	10/01/2012 15:44	
Simmons, Philip	Notice/of Hearing	Filing		10/21/2008 15:59	10/01/2012 15:59	
Karriem, Fatima	Notice/of Hearing	Filing		10/21/2008 15:59	10/01/2012 15:59	
Simmons, Philip	Motion For Entry of Default & Damages Hearing	Motion		06/13/2008 10:11	06/13/2008 10:11	
Sumter County Disabilities And Special Needs Board	Service/Affidavit Of Service	Filing		05/16/2008 15:25	10/01/2012 15:25	
Simmons, Philip	Consent of Guardian to Serve	Filing		04/24/2008 11:05	10/01/2012 11:05	
Simmons, Philip	Petition for Appointment of GAL	Filing		04/24/2008 11:04	10/01/2012 11:04	
Simmons, Philip	Order Appointing GAL	Filing		04/24/2008 11:04	10/01/2012 11:04	
Simmons, Philip	Summons & Complaint	Filing		04/24/2008 10:49	10/01/2012 10:49	

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STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Fatima Karriem, through her court-  
appointed Guardian, Phillip Simpson

RECORDED  
2008 DEC 17 AM 9:06  
COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT  
DOCKET NUMBER: 2008-CP-43-1037  
SUMMER COUNTY, S.C.  
Plaintiff.

vs.

Sumter County Disabilities and Special  
Needs Board.

Defendants.

CONSENT  
SCHEDULING ORDER

The following Scheduling Order for discovery and trial is hereby established in this case:

1. The Depositions of the Plaintiff, the Plaintiff's fact/damage witnesses, the Defendants, the Defendants' agents, servants and employees, and all other fact witnesses shall be completed by March 31, 2010.
2. The Plaintiff shall name all expert witnesses no later than May 1, 2010. The Depositions of the Plaintiff's experts shall be completed by June 15, 2010.
3. The Defendants shall name all expert witnesses no later than July 31, 2010. The Depositions of the Defendants' experts shall be completed by September 15, 2010.
4. Each party shall be responsible for the costs of its experts.
5. The parties agree that the deposition of any expert witness may be taken at the expert's location and that each party shall be responsible for its own transportation and lodging costs. Any party requesting that an expert be deposed at the party's location shall be responsible for the expert's hourly fees, travel, food and lodging. At the option of the attorney seeking to take the expert's deposition, a video conference may be scheduled. The attorney electing to use

the video conference shall be responsible for the actual costs of the video conference, and the party proposing the expert shall be responsible for the costs of the expert, as set forth in paragraph # 4 above.

6. All counsel agree that if an out-of-state expert is named as a witness, the party naming the expert will accept a SCRCP 45(b) subpoena on the expert's behalf and agree that the expert is to comply with the subpoena, subject to the right of the party and/or expert to object to production of specific as required by the SCRCP.


7. Mediation shall be completed by September 15, 2010, should the parties agree to mediate.

8. All dispositive Motions would be filed at least ten (10) days prior to the trial.

9. The case shall be set for a day certain trial after October 1, 2010.

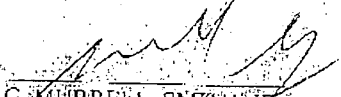
10. The parties may petition to amend this Scheduling Order upon good cause being shown with the consent of the attorney for the parties.

AND IT IS SO ORDERED.


  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE JUDGE  
THIRD JUDICIAL CIRCUIT

Sumter, South Carolina  
Dec 3, 2009

I CONSENT:

  
G. MURRELL L. SMITH, JR.  
ATTORNEY FOR DEFENDANT

I CONSENT:

  
J. THOMAS MCELVEEN  
ATTORNEY FOR PLAINTIFF

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER  
IN THE COURT OF COMMON PLEAS

RECORDED  
2011 NOV 21 AM 11:50  
JUDGMENT IN A CIVIL CASE  
JAMES C. McELVEEN  
CLERK OF COURT  
SUMTER COUNTY, S.C.  
CASE NO: 2008CP4301037

Philip Simmons vs. Sumter County Disabilities And Special Needs Board

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRCP;
  - Rule 41(a), SCRCP (Vol. Nonstuit);
  - Rule 43(k), SCRCP (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRCP;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

*This case is continued over the November 28 and December 5 terms. Discovery must be completed by March 9, 2012. All dispositive motions must be filed by March 16, 2012 and will be heard during the April 12 major term case (not for trial) before 4/12/12.*

Court Reporter:

*[Signature]*  
PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ and a copy mailed first class this \_\_\_\_\_, to attorneys of record or to parties (when appearing pro se) as follows:

J Thomas McElveen III Bahnmuller, Goldman  
McElveen Ford Bulman P.O. Box 2038 Sumter, SC  
29151

G Murrell Smith Jr Lee Eric Wiston James Hollar  
& Smith P.O. Box 580 Sumter, SC 29151

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*James C. Campbell*

James C. Campbell - Clerk of Court

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SCCA SCRPC Form 4 Revised 06-2008

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2008-CP-43-1037

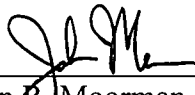
Fatima Karriem, through her court-appointed guardian, Phillip  
Simmons.....Appellant.

v.

Sumter County Disabilities and Special Needs  
Board.....Respondent.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Appendix to Record On Appeal contains all material proposed to be included by any of the parties and not any other material.

By:   
John R. Moorman  
J. Thomas McElveen, III  
Bryan Law Firm of SC, L.L.P.  
Post Office Box 2038  
Sumter, South Carolina 29151  
(803) 775-1263  
Attorneys for Appellant

September 27, 2013

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2008-CP-43-1037

Fatima Karriem, through her court-appointed guardian, Phillip  
Simmons.....Appellant.

v.

Sumter County Disabilities and Special Needs  
Board.....Respondent.

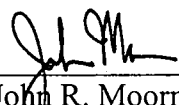
PROOF OF SERVICE

I, John R. Moorman, as counsel for the Appellant, Fatima Karriem, through her court-appointed guardian, Phillip Simmons, certify that I have served the Appendix to Record on Appeal upon the person named below by hand delivering a copy to the address below:

G. Murrell Smith, Esq.,  
Lee, Erter, Wilson, Holler & Smith, LLC  
Post Office Box 580  
Sumter, South Carolina 29151

I further certify that all parties required by Rule to be served have been served.

This 27th day of September, 2013.

  
\_\_\_\_\_  
John R. Moorman  
Bryan Law Firm of SC, L.L.P.  
Post Office Box 2038  
Sumter, South Carolina 29151  
(803) 775-1263  
Attorney for Appellant

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SC Court of Appeals