

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Honorable John C. Hayes III, Circuit Court Judge
Honorable Brian Gibbons, Circuit Court Judge

Appellate Case No: 2018-002115

RECEIVED
MAY 31 2019
SC Court of Appeals

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard.....Plaintiffs,

Heidi Gersten, Ivanka Ayoub.....Appellants.

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance
Company, Interinsurance Exchange of the Automobile Club, John Ammendola,
Trustgard Insurance Co., Blackwell, SC Department of Public Safety, Chevrolet,
GMC, Unknown John Does,Respondents

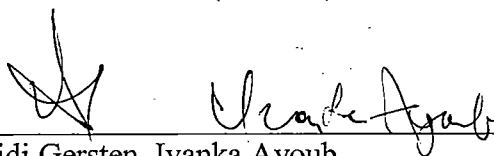
APPELLANTS' AMENDED RETURN TO RESPONDENTS
CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND
AFFIDAVIT OF HEIDI GERSTEN TO BE COMBINED WITH
MOTIONS TO REINSTATE APPEAL AND/OR PETITION FOR
REHEARING OF MOTION TO DISMISS MADE BY RESPONDENTS
INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB,
KEVIN CARTER AND RICHARD DAVIS WITH LEAVE TO AMEND
OR MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
MOTION TO REINSTATE APPEAL AND/OR PETITION FOR
REHEARING

Heidi Gersten, Ivanka Ayoub
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Appellants

The Appellants, Heidi Gersten, Ivanka Ayoub ('Appellants') move this Court for an order to accept this amended return of the Respondents Kevin Carter and Richard Davis' (Respondents') motion to dismiss appeal as timely and combine it with a motion for reinstatement and/or a petition for rehearing of the motions to dismiss, along with leave of court, if necessary, as the crux of the matter is about proving timeliness in regards to the Notice of Appeal and the Court's jurisdiction, taking into strong consideration Appellant Gersten's extraordinary circumstances and extreme hardships suffered as a result of the Respondents' gross negligence, pursuant to Rules 263(b), 260(a) and 221, SCACR, Equitable Tolling and Title II of the American Disabilities Act on the grounds of good cause shown as evidenced by the attached Affidavit of Heidi Gersten and Timeline of Events with Law and Arguments That Include a Memorandum of Points and Authorities That Prove Timeliness of Appellants' Notice of Appeal.

The Appellants' argument will be more fully addressed in the attached Memorandum of Points and Authorities in Support and Timeline.

Respectfully submitted this 29th day of May 2019,



Heidi Gersten, Ivanka Ayoub
Appellants
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Boca Raton, Florida
May 29, 2019

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GMC, Unknown John Does,Respondents

AFFIDAVIT OF APPELLANT HEIDI GERSTEN

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STATE OF FLORIDA,
SS:
COUNTY OF PALM BEACH,

**HEIDI GERSTEN, BEING FIRST DULY CAUTIONED AND SWORN
DEPOSES AND STATES AS FOLLOWS:**

1. I am the Appellant herein, and have read the foregoing APPELLANTS' AMENDED RETURN TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND AFFIDAVIT OF HEIDI GERSTEN TO BE COMBINED WITH MOTIONS TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING OF MOTION TO DISMISS MADE BY RESPONDENTS INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB, KEVIN CARTER AND RICHARD DAVIS WITH LEAVE TO AMEND OR MOTION FOR EXTENSION OF TIME TO SERVE AND FILE MOTION TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING, which includes all pages attached, and know the contents thereof, that the same is true of my own knowledge, except as matters therein stated to be alleged on information and belief; and to those matters, I believe them to be true.
2. The facts stated herein are personally known to me and I have first-hand direct knowledge thereof and to those facts that are in addition stated are based on information and belief.
3. If called upon to do so, I would and could competently testify to hereto under oath in a court of law operating under the laws of the State of South Carolina and the United States Constitution.
4. The Appellants served and filed motions to extend time to amend their return to Kevin Carter and Richard Davis' motion to dismiss appeal on March 7, 18, 25, and April 5, 15, 25, 2019 and would have requested an additional extension on May 6, 2019, except due to mitigating circumstances, there were heavy thunderstorms that day that prevented the deadline from being met. (Exhibit 1)
5. I sat in my wheelchair with the paperwork that I was ready to turn in to comply with the 'motion for extension to file' rules when I heard the strike of thunder and looked outside and saw that it was raining heavily, with the sky very dark. With a heavy heart, I knew I would not be able to wheel to the post office and UPS store that day. I took a screenshot of the weather report that day at the time I was leaving. (Exhibit 1)
6. I became aware of the order dated May 2, 2019 on May 16, 2019, after I learned that the iPad I recently got was able to access the Court's website. I

read said order online and in a good faith effort to comply under the South Carolina Appellate Court Rules, **SCACR**, these motions and documents are being submitted. Prior to getting the iPad, I was unable to access the Court's website from my over 10 year old incompatible computer.

7. Had there not been thunderstorms on May 6, 2019, I would have been able to ride in my wheelchair to the post office and UPS store and the May 2, 2019 order would have been partially complied with as some of the information requested was in the documents that were anticipated to be served and filed that day. A new motion was being composed when the May 2nd and 14th 2019 orders were learned of.
8. In a frenzy to comply with the rules, a draft was written for a petition for rehearing and Henrietta from You've Been Served, LLC, processing service was contacted. I explained to her that the only way to have the documents received by May 17th, less than 24hrs of learning of the order, was to get the documents to her via computer and have her go in person to file them. I would not have been able to sign them since I don't have the technology to sign and then scan into my computer and office stores were closed at that hour. She brought up the fact that even if I could, she would only be bringing in a copy and not an original. Therefore, there was no real chance to comply with the order in such a short amount of time learning of it a day before its deadline nor correct the numerous errors that may be contained in it due to the very limited time to complete what is necessary to have it received by the Court within fifteen (15) days from the date of the order to prevent a remittitur being sent to the lower court or administrative tribunal in accordance with **Rule 221, SCACR**. Hiring a process server to file in person appeared to be the only option at that point.
9. The petition for rehearing of the motion may be combined with the motion for reinstatement as they stem from the same issues.
10. I would also suggest that the Appellants' Return for the Respondents Kevin Carter and Richard Davis' motion to dismiss be combined when taking things under consideration since its' sole argument within the numerous unpaginated pages (against court rules) that are well over sixty (60) in count revolves around the sole issue of timeliness, as well as listing an incorrect case number. Without page numbers, it has been challenging to say the least to address the issues at hand by referencing the documents.
11. The Affidavit of Wesley B. Sawyer is hearsay and he does not state nor allege to have first-hand personal knowledge of the facts or events in controversy. The said affidavit has no stamp or embossment from a notary therefore is not an official document. It's not certified.
12. The Respondents Carter and Davis' Motion to Dismiss fails to list orders.

13. I called the Appellate Court on May 17, 2019 and spoke to Shelby who informed me that it wasn't necessary to do a petition for rehearing on the May 2, 2019 order however the May 14, 2019 triggered the time to do a motion to reinstate within 15 days being Wednesday, May 29, 2019.
14. In addition to being paralyzed, having an open phase 4 pressure wound on my left buttocks, phase 1 pressure wound on my right buttocks, living without a caregiver, litigating multiple lawsuits in multiple states without an attorney, having been the victim of numerous crimes, participating in a criminal pretrial conference as a subpoenaed victim, and the learning of the passing of my father under the cause of action of tortious interference with a dead body, I was summoned as a juror for May 13, 2019, all this year. (Exhibit 2) (Proof of any this is available upon request.) (The wound picture is in the Appellants' Objection and/or Opposition and Response to Respondent Interinsurance Exchange of the Automobile Club's Motion to Dismiss Appeal as Exhibit 3, page 31 and received by the Court on January 23, 2019)
15. Leave of court should be administered in favor of justice. There is plenty of good cause shown.
16. Patience is a judicial canon. I require much patience. What seems like plenty of time to an able body is a fraction of the time it takes me to do simple things. It took 7 months before I was finally able to get my bathroom accommodated to where I am now able to shower independently, to give an example of the amount of time it took to be at a standard of living that most people take for granted.
17. This is an effort to show the Court that the Appellants take this matter seriously and are diligently attempting to comply with the rules. The American Disabilities Act permit modifying court rules to accommodate me due to my disabilities and remains undefeated when an action has been brought forward under Title II. Appellants prefer not to file a federal complaint. Time is of the essence however health is an issue to take into consideration.
18. Words do not describe the horror of being unable to care for myself at my standards since this collision. I was the one who took care of others and demonstrated an unprecedented amount of courage, strength, wisdom, knowledge, compassion, forth righteousness, tenacity, candor, intuition, empathy, endurance and love in my family however perhaps I lacked gratitude for myself. I took for granted the amazing person that I am.
19. Judge Zamore was the first public authority I faced through this process who infused me with inner solidity, repeating to me as I looked into his eyes, "You are worthy!" My whole life, no one has ever said those words to me. I'm happy that he stood behind a red, white and blue flag. He understood my

pain. Yet he is bound by these words on paper, called law. I will find the right combination and when I do, I will unlock the key to my therapy and simple pleasure of pursuing every remedy available to me in order to obtain control of my body. I will walk again!

20. Judge Underwood was the first judge to issue an order in favor of granting me a continuance to a court date I received notice of a day before a holiday weekend last year, giving me three days to find a ride as a paralyzed person who hadn't left her bed in months and travel over 800 miles in one direction to attend. She declared me a victim and so did Judge Zamore. I called the clerk and wrote an objection to Respondent/Defendant Kevin Carter's acceptance of a plea offer to reduce his DUI charge, which in truth and fact, qualifies to be a felony charge as a DUI with great bodily injury. It's no surprise he took the offer of a \$440 fine and reckless driving in front of my eyes. This game of lucky breaks because someone knows how to manipulate the law better is unbelievable. My entire experience of how challenging it is to get help to be made whole again is history in the making.
21. This process has taught me to be indifferent.
22. It may be hard to imagine for some, the enormous amount of effort it takes to do simple things that able-bodied people can do, such as use a toilet.
23. I live under extraordinary circumstances and with extreme hardships.
24. Attached to this affidavit is a 5 page document labeled **TIMELINE OF EVENTS WITH LAW AND ARGUMENTS THAT INCLUDE A MEMORANDUM OF POINTS AND AUTHORITIES THAT PROVE TIMELINESS OF APPELLANTS' NOTICE OF APPEAL** that prove: (EXHIBIT 3)
 - A. April 26, 2018 – Alleged Unsigned Order -Judge Gibbons (Received by Court on November 29). (Note: On its face it says 1 and 2 of 2 pages and page 3 says 3 of 3.)
 - B. May 6, 2018 – Served and May 8, 2018 – Filed - Claimants' Motion To Alter Or Amend A Judgment Or Order Pursuant To Rules 59(e), 60(4) SCRPC, and Request For Oral Hearing (This is in the Appellants' Objection and/or Opposition and Response to Respondent Interinsurance Exchange of the Automobile Club's Motion to Dismiss Appeal page 8 and received by the Court on January 23, 2019.)

(Note: Only the top page is included as the proof of its timely filing is in question only at this stage and its contents will be discussed in the Appellants' upcoming brief. This motion was not ruled on nor was an order issued in response to it and will be further discussed in the Appellants' upcoming brief.) (Exhibit 4)

C. May 8, 2018 – Served – Honorable Judge Gibbons

(Note: Appellant Gersten gave the document to Ruben Kirnos who gave the document to Mr. Atkinson, Chester County Clerk, who was instructed by Appellant Gersten to personally serve Judge Gibbons, from a rental car she was in, in front of the Chester County Courthouse, minutes prior to attending the sentencing of Respondent Carter at the Chester County Magistrate Court, after he was charged with DUI and she witnessed him plead guilty to reckless driving in front of Honorable Judge Yale Zamore.)

D. August 7, 2018 – Notice of Case Scheduling - Claimants' Motion To Alter Or Amend A Judgment Or Order Pursuant To Rules 59(e), 60(4) SCRPC, and Request For Oral Hearing (pg.)

(Note: This motion was not ruled on nor was an order issued in response to it and will be further discussed in the Appellants' upcoming brief.)

E. August 25, 2018 – Served - Amended With Or Without Leave Claimants' Motion To Alter Or Amend A Judgment Or Order Pursuant To Rules 59(e), 60(4) SCRPC, and Request For Oral Hearing (pgs. -)

F. August 29, 2018 – Filed - Amended With Or Without Leave Claimants' Motion To Alter Or Amend A Judgment Or Order Pursuant To Rules 59(e), 60(4) SCRPC, and Request For Oral Hearing (pg.)

(Note: Only the top page is included as the proof of its timely filing is in question only at this stage and its contents will be discussed in the Appellants' upcoming brief. This motion was not ruled on nor was an order issued in response to it and will be further discussed in the Appellants' upcoming brief.)

G. September 5, 2018 - Hearing Judge Hayes (pg.)

H. September 17, 2018 – Served and September 25, 2018 – Filed - Second Amended Complaint and Demand For Jury Trial With Leave (pg.)

(Note: This was scheduled on the roster for hearing on January 31, 2019 prior to the stay order issued by Honorable Judge Gibbons on January 15, 2019)

I. September 18, 2018 - Alleged Orders - Judge Hayes (pg.)

(Note: Only the top page is included as the proof of its filing and its contents will be discussed in the Appellants' upcoming brief. This order was not signed and will be further discussed in the Appellants' upcoming brief.)

- J. September 21, 2018 - Alleged Orders - Judge Hayes (pg.)

(Note: Only the top page is included as the proof of its filing and its contents will be discussed in the Appellants' upcoming brief. This order was not signed and will be further discussed in the Appellants' upcoming brief.)

- K. October 1, 2018 - Served - 2018-CP-12-00117 Notice of Motion/ Plaintiffs' Motion to Alter or Amend a Judgment or Relief From Judgment or Order Pursuant to Rules 52, 59 (e), 60 (4), SCRCP, and Request For Oral Hearing along with Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9 (pg.)

- L. October 8, 2018 - Filed - 2018-CP-12-00117 Notice of Motion/ Plaintiffs' Motion to Alter or Amend a judgment or Relief From Judgment or Order Pursuant to Rules 52, 59 (e), 60 (4), SCRCP, and Request For Oral Hearing along with Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9 (pg.)

- M. October 16, 2018 - Alleged Unsigned Order - Honorable Judge Hayes (pg.

- N. November 15, 2018 - Served - Notice of Appeal (pg.)

- O. November 19, 2018 - Received - Respondent Interinsurance Exchange of the Automobile Club Return Receipt, Green Card (pg.)

(Note: Respondents Interinsurance Exchange of the Automobile Club and Carter and Davis are the only ones out of all of the Respondents that motioned for orders to dismiss the appeal and therefore the Appellants are responding with returns to these separate motions and not fully addressing the remaining respondents.)

- P. November 21, 2018 - Court Received By Fax- Notice of Appeal (pg.)

- Q. November 21, 2018 - Received - Respondents Carter and Davis Return Receipt, Green Card (pg.)

- R. November 27, 2018 - Filed - Notice of Appeal (pg.)

- S. January 15, 2019 - Order - Honorable Judge Gibbons (pg.)
(Note: Only order signed in ink in this matter.)

(Note: Due to time restraints and the enormous amount of effort to produce and attach the previously listed documents, an amended version with leave of court will be provided in the future. This is an attempt to provide as much of the information as can be done given the circumstances.)

25. Appellants' motions were not ruled on and orders were not made. This will be fully explained in the Appellants' upcoming brief.
26. The Appellants and Respondents are required to comply with the rules of **SCRCP**.
27. Note that under South Carolina's rules (**SCRCP**), service of motions is required on defendants however certified mail return with return receipt is not.

SCRCP 5 (1) Same: How Made.... *Service by mail is complete upon mailing of all pleadings and papers subsequent to service of the original summons and complaint.*


28. Note that under South Carolina's rules (**SCRCP**), proof of service, for the summons and complaint, is required to be filed and it further indicates that other paperwork that must be served, must also be filed with the court however there is no requirement of a certificate of service for such subsequent paperwork. Service by mail is complete upon mailing of all pleadings and papers subsequent to service of the original summons and complaint.

SCRCP 5(d) Filing. *All papers required to be served upon a party except as provided in Rule 26(g)(1), shall be filed with the court within five (5) days after service thereof. The summons and complaint shall be filed before service. Proof of service shall be filed within ten (10) days after service of the summons and complaint. Upon failure to serve the summons and complaint, the action may be dismissed by the court on the court's own initiative or upon application of any party. Upon failure of a party to file other pleadings, motions, or papers, the court may permit filing or proceed as though the same had not been served.*

29. Given the complexity of this matter, with numerous respondents and excessive documents to deal with, in addition to the extreme hardship and extraordinary circumstances Appellant Gersten lives with, there is good cause shown for additional time to provide the information that will prove the Appellants' timeliness in serving and filing the notice of appeal.
30. According to the **SCACR**, the Appellants should not be subjected to serving and filing a return when the Respondents Carter and Davis' Motion to Dismiss does not have the correct case number, along with the burden of sorting through 64 un-paginated pages. In addition, there is a litany of information nonrelated to the issue at hand therefore will be saved for the Appellants' brief. The only pertinent issue currently is proving timeliness of the Appellants' Notice of Appeal.

31. The date the Notice of Appeal was timely served and filed on Respondents Kevin Carter and Richard Davis was November 15, 2018. Proof of service was attached to said Notice of Appeal for the court's filing.
32. The motions for reconsideration were timely filed according to court rules.
33. The Appellants are hereby reserving the right to amend this return should additional information be necessary.
34. I was paralyzed as a result of the collision in controversy with the Respondent Kevin Carter and the Respondent Richard Davis co-owned the vehicle involved.
35. It is unfair to hold me to the same standards as able-bodied people.
36. The **American Disabilities Act**, An agency of the US Department of Justice Civil Rights Division, applies to and protects me.
37. **Title II of the American Disabilities Act** permits modifications to court rules to accommodate my situation due to my disability.
38. The **Doctrine of Equitable Tolling** may also be applied to my circumstances.
39. I urge the Court to permit this APPELLANTS' AMENDED RETURN TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND AFFIDAVIT OF HEIDI GERSTEN TO BE COMBINED WITH MOTIONS TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING OF MOTION TO DISMISS MADE BY RESPONDENTS INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB, KEVIN CARTER AND RICHARD DAVIS WITH LEAVE TO AMEND OR MOTION FOR EXTENSION OF TIME TO SERVE AND FILE MOTION TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING to be considered in light of the good cause shown.
40. **Rule 263(b), SCACR**, permits extensions of time in this type of situation. It states in part, "**Extending and Diminishing Time Prescribed by These rules.** *THE TIME PRESCRIBED BY THESE RULES FOR PERFORMING ANY ACT EXCEPT THE TIME FOR SERVING THE NOTICE OF APPEAL UNDER RULES 203 AND 243 MAY BE EXTENDED OR SHORTENED BY THE APPELLATE COURT, OR BY ANY JUDGE OR JUSTICE THEREOF.*"
41. These extensions were not for the purpose of delaying. For the furtherance of justice and to prevent its miscarriage, this appeal must be reinstated and the Appellants be permitted to move forward on its merits.
42. To be so strict on a date on the calendar causes the merits of the actions to be replaced as the primary purpose of litigation. The brief cover must be "red or read?"

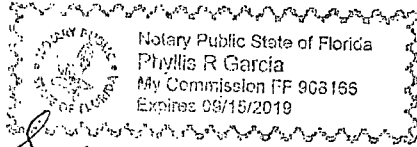
- 43. I can only do so much in a given day. I'm paralyzed without a caregiver.
- 44. I authenticate the documents submitted in this paperwork as true and accurate copies.
- 45. The Return to the Respondent Interinsurance Exchange of the Automobile Club was served and filed on January 17, 2019 and file stamped January 23, 2019.

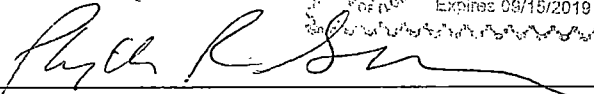


Heidi Gersten
1438 W. Lantana Rd. #330,
Lantana, FL 33462

Subscribed and sworn to before me, this 29th day of May 2019.

[Notary Seal:]





[signature of Notary]

Phyllis R Garcia

[typed name of Notary]

NOTARY PUBLIC

My commission expires: 09/15/2019

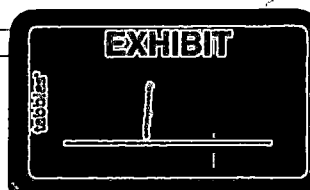


Scan for updated forecast

Boca Raton, FL 10 Day Weather

3:24 pm EDT

DAY	DESCRIPTION	HIGH / LOW	PRECIP	WIND	HUMIDITY
TODAY MAY 5	Heavy Thunderstorms/Wind	77°/73°	100%	SSW 23 mph	80%
TUE MAY 7	PM Thunderstorms	87°/75°	80%	NE 11 mph	76%
WED MAY 8	Mostly Sunny	85°/74°	20%	E 13 mph	70%
THU MAY 9	Mostly Sunny	85°/74°	20%	ESE 13 mph	70%
FRI MAY 10	Mostly Sunny	86°/75°	20%	ESE 12 mph	68%
SAT MAY 11	Partly Cloudy	87°/75°	20%	SSE 12 mph	65%
SUN MAY 12	PM Thunderstorms	89°/75°	40%	S 14 mph	66%
MON MAY 13	PM Thunderstorms	90°/75°	40%	SSW 12 mph	68%
TUE MAY 14	Scattered Thunderstorms	89°/76°	50%	SSW 10 mph	70%
WED MAY 15	Scattered Thunderstorms	88°/75°	50%	S 12 mph	71%
THU MAY 16	Scattered Thunderstorms	88°/75°	50%	S 11 mph	68%
FRI MAY 17	Scattered Thunderstorms	87°/75°	60%	S 11 mph	68%
SAT MAY 18	Scattered Thunderstorms	87°/75°	50%	SSE 12 mph	67%
SUN MAY 19	Scattered Thunderstorms	87°/75°	50%	SE 12 mph	67%
MON MAY 20	Scattered Thunderstorms	87°/75°	40%	SE 10 mph	66%





SHARON R. BOCK
CLERK & COMPTROLLER
PALM BEACH COUNTY

JUROR SUMMONS

15th Judicial Circuit

You are summoned for jury duty at the

Palm Beach County Courthouse, 205 N. Dixie Highway, West Palm Beach, FL 33401-1900

NAME HEIDI VERONIKA GERSTEN JUROR ID _____ JUROR NUMBER _____

Your name was selected at random from the list of people qualified to serve.

Your jury duty will begin **May 13, 2019** at 8:00 AM and continue until you are released from service.

You will not be released from jury duty until (1) you have served as a juror on a trial; (2) you have appeared for service and were not selected as a juror; or (3) you have been notified by the automated phone system that your service is not needed. You may be on telephone standby for up to one week from your original summons date.

Please visit www.mypalmbeachclerk.com/jury or call (561) 355-2930 or (888) 780-5032 after 5:00 p.m. the day before your summoned date. A recorded message will tell you whether to report. If there is no message or the telephone line is not in operation, and you have confirmed that the courthouse is open, please report as directed on this summons.

If selected to serve on a jury, electronic devices such as cell phones, cameras, laptop computers or any other similar technological device capable of making or transmitting images, text or data as well as audio and video recordings must, prior to the start of jury deliberations, be turned over to the courtroom deputy who will keep them while you deliberate.

Free parking is located at 505 Banyan Blvd. Bring parking ticket to the jury office to be validated. For directions and other helpful information about jury duty, visit www.mypalmbeachclerk.com/jury.

REQUEST FOR POSTPONEMENT OR EXCUSAL FROM JURY SERVICE

NAME HEIDI VERONIKA GERSTEN JUROR ID _____ JUROR NUMBER _____

You may not serve if (please check and submit required documentation by visiting www.mypalmbeachclerk.com/jury or by mail):

- Not a legal resident of Palm Beach County
- Not a citizen of the United States
- Convicted of a felony and civil rights have not been restored
- Currently under criminal prosecution

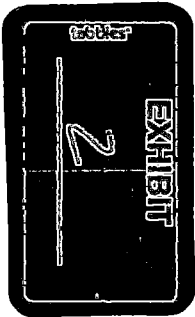
Jurors are entitled to two postponements that begin their date six months from the original summons date. If you want to postpone your service please visit www.mypalmbeachclerk.com/jury or call (561) 355-2930 or (888) 780-5032 in detail and mail the packet from this summons. When checking a postponement, you must check a new date that falls on a Monday through Thursday (excluding court holidays).
New date chosen _____

You may choose not to serve if (please check):

- 70 or older -- Do you want to be permanently excused? Yes No
- Responsible for care of medically/mentally incapacitated person unable to care for self
- Expectant Mother
- Parent not working full time with custody of a child under 6
- Full time law enforcement officer or law enforcement investigative personnel
- Summoned and reported for jury service in Palm Beach County within 11 years from the date for which summoned

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature _____



#1
#2

TIMELINE OF EVENTS WITH LAW AND ARGUMENTS THAT INCLUDE A MEMORANDUM OF POINTS AND AUTHORITIES THAT PROVE TIMELINESS OF APPELLANTS' NOTICE OF APPEAL

Appellants received and/or obtained written notice of entry of each of the following separate orders on appeal.

ORDER DATE	FILE DATE	JUDGE	DATE OBTAINED	DATE RECEIVED
04/26/18	04/26/18	Judge Gibbons (Consolidation Order)(Subject of this Appeal)	05/05/18 - On-line Court Website	N/A

(NOTE: Pursuant to **SCRCP**, a timely Motion to Alter or Amend a Judgment or Order was served on the Respondents (Defendants) on May 6, 2018 and filed on May 8, 2018, pursuant to **Rule 59(e), SCRCP**, which requires that a motion to alter or amend be "served not later than 10 days after receipt of written notice of the entry of the order."

This rule does not preclude the motion from being served prior to or earlier than 'receipt'.

According to the interpretation of these rules, the said May 8th motion is timely as it has been served prior to 'receipt', and would apply if the Appellants were to serve and file it as of today's date since they have not 'received' a written notice of the entry of the order being challenged. It was 'obtained' online via the Court's Website.

(Perhaps the time may be ripe in presenting the Highest Court with a certified question in regards to whether or not initiating a case search on the Court's website and reading pleadings, orders, judgments or other documents constitutes "receiving" written notice or written notice of entry of judgments or orders or any other service of process. Does 'obtaining' documents online complete service in the process of active or inactive litigation? Is an uncertified or certified document online form found online create service on the litigant seeking the information?)

Similar to defendant litigants learning of an action being filed in the courthouse and within hours of the filing by plaintiff litigants, the defendant litigants obtain copies of the documents either from making copies that are online or going to the courthouse and requesting them in person. Does either of those two scenarios constitute service according to **SCRCP** rules?

(Perhaps, when these laws were written, modern technology wasn't in mind and with the advent of the computer, times have changed and this is something that ought to be addressed. Otherwise you end up with laws, like in Ohio, where the



09/18/18	09/19/18	Judge Hayes III ("AAA" Order) (Subject of this Appeal)	09/19/18 - E-mail From	N/A
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(NOTE: Appellants' Notice of Appeal has a typo error and should reflect the correct receipt of this order as September 19, 2018 if e-mails apply to non-attorneys as valid service, possibly another certified question to conclude, either way, the Notice of Motion and Plaintiffs' Motion to Alter or Amend a judgment or Relief from Judgment or Order was timely served on October 1, 2018 and filed on October 8, 2018 according to **SCACR**, thus, tolling the time to serve and file the Notice of Appeal.)

09/18/18	09/19/18	Judge Hayes III ("Carter & Davis' Order) (Subject of this Appeal)	09/19/18 - On-line Court Website	N/A
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09/21/18	09/21/18	Judge Hayes III ("Nationwide & Tirbovich" Order) (Subject of this Appeal)	09/23/18 - On-line Court Website	N/A
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09/21/18	09/24/18	Judge Hayes III ("Trustgard & Ammendola" Order) (Subject of this Appeal)		N/A
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09/21/18	09/21/18	Judge Hayes III ("SC Dept. of Public Safety & Blackwell" Order) (Subject of this Appeal)	09/23/18 - On-line Court Website	N/A
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10/16/19	10/16/18	Judge Hayes III (Order) (Subject of this Appeal)(Order from Appellants' Motion for Reconsideration) (Tolled the time to serve Notice of Appeal)	10/21/18 - On-line Court Website	10/21/18 - USPS Regular Mail
----------	----------	--	-------------------------------------	------------------------------------

01/15/19 01/15/19 Judge Gibbons 01/15/19 - Received 01/25/19 -
(Stay Order) Phone Call From The USPS Regular
(Pending Chester County Clerk Mail
Outcome of Appeal)

02/15/19 02/15/19 Clerk 02/27/19 -
(Letter) USPS Regular
(Included As It Mail
Pertains to The
Matter at Hand)

NOTE that the Appellants did not actually receive the letter until two (2) days after its instructions to comply with its requests, causing it to be impossible, save for a nunc-pro-tunc, to follow with respect.

04/09/19 04/09/19 Clerk 04/17/19 -
(Order) (Extension USPS Regular
Granted) Mail

(NOTE that the Appellants did not actually receive the clerk's order until 2 (two) days after its instructions to comply with its requests, causing it to be impossible, save for a nunc-pro-tunc, to follow with respect. Regardless, it says "...absent extraordinary circumstances." There are plenty of extraordinary, mitigating and extenuating circumstances. The Appellants are unaware of the authority of clerks of court to issue orders. Is this their duty?. It appears to be void on its face. Judges issue orders. With all due respect, this will be addressed in the future.)

05/02/19 05/02/19 Judge Lockmy 05/16/19 On-line 05/17/19 -
(Order) USPS Regular
(Subject Matter Mail
For This Motion To
Reinstate)

(NOTE that the Appellants did not actually receive the judge's order, presuming that it was indeed a judge who signed this order as the last name is not legible and there is no printed legible version for the Appellants to ascertain its signor, until the day its instructions to comply were given, which was the same day. The first name "James" is legible and when the Court's website is accessed, one can see that there is a judge James Lockemy however is uncertain if this is who signed this order or someone else. Again, with all due respect, the Appellants are doing what they can to follow orders and obey the law.)

Note that the Appellant Gersten called the Court and spoke with Shelby who informed her that this order did not trigger a motion to reinstate or petition for rehearing, which subsequently caused an order filed on May 14, 2019 issued by a

clerk with illegible handwriting and no printed name. As said before, the Appellants question or challenge the authority for clerks to issue orders. One of a judge's duty is to issue orders. The Appellants are unaware of an any rule except for **Rule 260 (a) Involuntary Dismissal and Reinstatement, SCACR**, which states, "Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing excluded). The Appellant Gersten spoke with case manager Elizabeth about a fax being permitted as being "received" by the court. The Appellants will also overnight this for an expected delivery date of May 29, 2019, which would be timely. Becky also affirmed that faxes and overnight deliveries are file-stamped the same day received.

05/14/19	05/14/19	Clerk	05/16/19	On-line	N/A
		(Dismissal Order)			
		(Note: Stay of			
		Remittitur is in Order			
		Pending Motion for			
		Reinstatement)			

(NOTE: The Appellants have not received written notice of entry of this order and learned about it on 05/16/19 after searching case records and in a good faith effort are attempting to comply.)

Given the extraordinary, mitigating and extenuating circumstances, the Appellants move this Court for an Order granting their motion for reinstatement and/or petition for rehearing of motion to dismiss and acceptance of their Return of Respondent Kevin Carter and Richard Davis' Motion to Dismiss as timely.

(Note that now that the Appellant Gersten is finally able to shower independently and has an iPad that is capable of accessing the Court website, it will be easier for the Appellants to stay more up-to-date with court matters.)

STATE OF SOUTH CAROLINA)

COUNTY OF CHESTER)

Heidi Gersten, Ivanka Ayoub)

Plaintiff,)

vs.)

Kevin Carter, Richard Davis, Joseph Tirbovich,)
Nationwide Mutual Ins. Co., Interinsurance)
Exchange of the Automobile Club, John)
Ammendola, Trustgard Ins. Co.,)

Defendant.)

IN THE COURT OF COMMON PLEAS
BEFORE THE ARBITRATION PANEL
JUDICIAL CIRCUIT

CASE NO.: 2018 -CP-12-00074

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

FILED
MAY - 8 P 2:52
CLERK OF COURT
SOUTH CAROLINA

Plaintiff's Attorney:

_____, Bar No. _____

Address: _____

Phone: _____ Fax _____

E-mail: _____ Other: _____

Defendant's Attorney:

Wesley Brian Sawyer, Esquire, Bar No. 100229

Address:

4406 Forest Drive #B

Columbia, SC 29206

Phone: (803) 782-4100 Fax _____

E-mail: _____ Other: _____

(Attorney for Defendants Carter and Davis)

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Michael R. Burchstead, Esquire, Bar No. 73770

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Phone:

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(Attorneys for Trustgard Insurance Company)

John Ammendola

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(Attorney for Defendant Interinsurance Exchange of
the Automobile Club)

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Alexander S. Gogsette, SC Bar No. 101244

P.O. Box 5478

Florence, South Carolina 29502

Phone: (843) 656-4454 Fax: (843) 413-5852

EXHIBIT

4

	E-mail: AHogsette@turnerpadget.com (Attorneys for Defendants Nationwide Mutual Insurance Company and Joseph Tirbovich)
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>Motion to Alter or Amend a Judgment or Relief from Judgment or Order</u> Estimated Time Needed: <u>1/2 hour</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
Signature of Attorney for <input type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	May 8, 2018 Date submitted
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

 CLERK OF COURT
 DISTRICT OF COLUMBIA
 2010 MAY - 8 P 2:52

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA

BEFORE THE ARBITRATION PANEL OF
CHESTER COUNTY

In the matter of Arbitration between

Case number 2018-~~AP~~-12-00074

HEIDI GERSTEN, IVANKA AYOUB)
)
 Claimants)
)
 vs.)
)
 KEVIN CARTER, RICHARD DAVIS,)
 JOSEPH TIRBOVICH, NATIONWIDE)
 MUTUAL INSURANCE COMPANY,)
 INTERINSURANCE EXCHANGE OF)
 THE AUTOMOBILE CLUB, JOHN)
 AMMENDOLA, TRUSTGUARD)
 INSURANCE COMPANY)
 _____)
 Defendants)

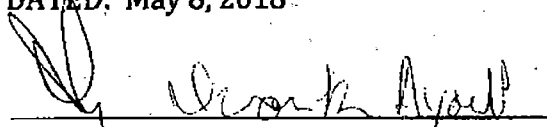
CLAIMANTS' MOTION TO ALTER OR
 AMEND A JUDGMENT OR RELIEF FROM
 JUDGMENT OR ORDER
 Pursuant to Rules 59(e), 60(4), SCRC
 AND
 REQUEST FOR ORAL HEARING

FILED
 MAY - 8 P 2:52
 CLERK OF COURT
 CHESTER CO S.C.

Now come the Claimants Heidi Gersten and Ivanka Ayoub and move this court for an order to alter or amend a judgment or relief from judgment or order made by Honorable Circuit Judge Brian M. Gibbons on April 26, 2018 pursuant to Rules 59(e) and 60(4), SCRC, on the grounds that the order is void and violates the Claimants' U.S. Constitutional rights to fair due process of law and request an oral hearing on said motion. The reasons for this motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

DATED: May 8, 2018



Claimants Heidi Gersten & Ivanka Ayoub
 1438 W. Lantana Rd. #330
 Lantana, FL 33462
 (323) 245-6142/ Fax (561) 756-9820
 hanginhangout@gmail.com

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
CLAIMANT'S MOTION TO ALTER OR AMEND A JUDGMENT OR RELIEF
FROM JUDGMENT OR ORDER

I. INTRODUCTION

The Claimant Heidi Gersten filed a claim for Arbitration # 2018-AP-12-00074 with this Court on February 21, 2018 pursuant to **Title 38, Chapter 77, Article 7 of the South Carolina Code of Laws**. This is a cause of action to resolve property damages arising out of a motor vehicle collision that occurred in Chester County, South Carolina on March 19, 2015 between the Claimant Heidi Gersten and the Defendant Kevin Carter. The Claimant Ivanka Ayoub is the owner of the Chevrolet Mark III 1500 LX Conversion Van totaled in said collision.

Between March 17, 2018 and March 26, 2018, the Defendants were served the Summons and Claim for Property Damage, the First Amended Claim for Property Damage Verified along with Verification of Heidi Gersten attached with Exhibits A-L and Claimants First Set of Admissions, Interrogatories and Request for Production with attached Exhibits A-G via certified mail pursuant to **Rule 4(d)(8), SCRPC**.

On March 16, 2018, the Plaintiffs Heidi Gersten, Ivanka Ayoub, Daniel Hubbard filed a civil action # 2018-CP-12-00117 for bodily injury and personal injury arising out of the same incident. Process of service has not been perfected on the defendants in this said case as it has been in the arbitration matter. The Plaintiffs have until July 13, 2018 to perfect timely service of the Summons and Complaint.

On April 26, 2018, Honorable Circuit Judge Gibbons made an order that, "This matter is outside the scope of an arbitration. This matter shall be placed on the regular Common Pleas docket for process. This case shall be consolidated with case

number 2018-CP-12-00117." And vice versa.

The Order and Judgment is void for the following reasons:

II. LAW AND ARGUMENT

This is an Alternative Dispute Resolution matter.

Title 38, Chapter 77, Article 7 of the South Carolina Code of Laws SECTION 38-77-730. Request for arbitration; no formal pleading and process; arbitration docket; filing of claim; service of summons to defendant.

(a) Any person who is a party to the disputed property damage liability claim may submit his claim for determination through arbitration. No formal pleading or process is required. The clerk of court of each county shall prepare and keep an arbitration docket and set the cases thereon for arbitration as provided by law for the settling of cases in the court of common pleas.

The above stated law permits the Claimants to redress their grievances in this manner. Arbitration is available without either party waiving their right to a jury trial under standard civil procedure. This arbitration setting is geared for non-attorneys and numerous attorneys place advocacy on their websites for the fairness and understanding of individuals presenting their own matters directly to the arbitrators in this setting.

This procedure is involatile in bridging the gap between the public and governmental entities. Since it is illegal for attorneys to take property damage claims on contingency under South Carolina law, the five-dollar fee affords the ability to redress grievances and be heard in a court of law and record for this type of subject matter.

It states in **Title 38, Chapter 77, Article 7 of the South Carolina Code of Laws SECTION 38-77-710** ...*Process and procedure must be as summary and simple as may be reasonable and may provide for the taking of evidence in the form of reports, statements, or itemized bills or in any other manner without*

the procedural and evidentiary limitations which pertain in jury trials. The court may provide for the taking of depositions of a witness within or without the State.

Rule 60(b)(4), SCRCF, allows relief from an order to be granted on the grounds that the order is void. A void order is one rendered in the absence of proper due process or jurisdiction. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002). *"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."* *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S. Ct. 652 (1950). Such notice must give the parties a reasonable time to make their appearance and *"[t]he means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it."* *Id.*

The Claimants were not given an opportunity to present their objections nor were they notified of a hearing regarding the Court's decision therefore violating their due process of law rights under the U.S. Constitution. In essence, the arbitration was dismissed. The Claimants object. *The phrase due process embodies society's basic notions of legal fairness. The Fourteenth Amendment limits the power of state (and local) governments. Fair procedures do help prevent arbitrary, unreasonable decisions. At a minimum, due process means that a person who will be affected by a government decision must be given notice of what government plans to do and have a chance to comment on the action.* (quoted from lincoln.edu)

Perhaps there was confusion as to the Claimants' intention. It would prejudice the Claimants and give them an unfair advantage if these two court filings were merged. The two court filings are distinct and separate. One pertains to property damages and liability only. There are different parties, although some are the same. The Claimants have perfected Process of Service in the arbitration matter and have

not perfected it in the civil matter. To combine the two would cause an unusual circumstance of uncertainty and chaos to all parties involved for a variety of reasons. The Claimants have followed the rules laid out in South Carolina laws for this process and their filings and service are timely. They were not expected to have procedural and evidentiary limitations. The Claimants urge this Court to reconsider its order and grant this motion to alter or amend this judgment or relief from the judgment or order. If it pleases this Court, the Claimants suggest placing the defendants in the arbitration action into a civil action separate from the existing one and give it a new case file number. This would eliminate any due process violations and allow the Claimants in the arbitration to retain their process of service efforts in tact while proceeding in a regular Common Pleas process as the Plaintiffs and avoiding unnecessary confusion for all litigants involved.

III. CONCLUSION

The Arbitration for Property Damages Case No. 2018-AP-12-00074 is a separate claim from the Bodily Injury and Personal Injuries Case No. 2018-CP-12-00117 and must remain as filed or at least remain separated or severed.

There are due process of law rights violations of the Fourteenth Amendment of the U.S. Constitution in ending the arbitration without fair notice to the Claimants and without allowing them an opportunity to be heard with their objections. **Rule 3(a)(2), SCRCF, and S.C. Code § 15-3-20(B)** permit 120 days from the date of filing for the service of process to be perfected and combining the two would upset the balance since the arbitration matter has perfected service and the civil action has not. Should the Court be firm with its decision, then the two matters must remain

separate or severed and proceed as two different filings bifurcated.


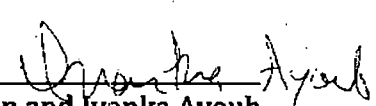
This request by no means prejudices the Defendants. It is made in the interest of justice and to prevent its miscarriage. For the ease of everyone involved in this matter, the Claimants request the Court to set the oral hearing on this motion to be set at least 30 days in advance and suggest scheduling the defendant's motions together and arbitration thereafter on the same day assigned should it be determined proper. The Claimants live in Florida and are disabled. The Claimant Gersten is paralyzed.

For the fore-mentioned reasons, the Claimants move this Court for an order to alter or amend a judgment or relief from judgment or order made by Honorable Circuit Judge Brian M. Gibbons on April 26, 2018 to resume arbitration or transfer the file to a new case file separate from civil action # 2018-CP-12-00117.

The Claimants' Motion is supported by this Memorandum, everything in the case file in this matter, minutes of the court, applicable laws and other evidence that may be submitted prior to or at the oral hearing on said motion, including but not limited to oral argument.

Respectfully submitted,

Dated this 8th day of May, 2018



Claimants Heidi Gersten and Ivanka Ayoub
1438 West Lantana Rd. #330
Lantana, FL 33462
(323) 245-6142
hanginhangout@gmail.com

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Honorable John C. Hayes III, Circuit Court Judge
Honorable Brian Gibbons, Circuit Court Judge

Appellate Case No: 2018-002115

RECEIVED
MAY 31 2019
SC Court of Appeals

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard,Plaintiffs,


Heidi Gersten, Ivanka Ayoub,Appellants.

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance
Company, Interinsurance Exchange of the Automobile Club, John Ammendola,
Trustgard Insurance Co., Blackwell, SC Department of Public Safety, Chevrolet,
GMC, Unknown John Does,Respondents

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
APPELLANTS' AMENDED RETURN TO RESPONDENTS CARTER
AND DAVIS' MOTION TO DISMISS APPEAL AND AFFIDAVIT OF
HEIDI GERSTEN TO BE COMBINED WITH MOTIONS TO
REINSTATE APPEAL AND/OR PETITION FOR REHEARING OF
MOTION TO DISMISS MADE BY RESPONDENTS
INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB,
KEVIN CARTER AND RICHARD DAVIS

WITH LEAVE TO AMEND OR MOTION FOR EXTENSION OF TIME
TO SERVE AND FILE MOTION TO REINSTATE APPEAL


Heidi Gersten, Ivanka Ayoub
1438 W. Lantana Rd., #330
Lantana, FL 33462

(323) 245-6142 (561) 756-9820 FAX
hanginhangout@gmail.com
Appellants

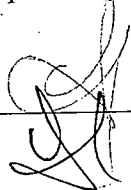
STATEMENT OF FACTS

The Appellants requested additional time to serve and file an amended return to the Respondents Carter and Davis' motion to dismiss appeal numerous times for good cause shown to sufficiently and adequately address the multiple errors made by the Respondents Carter and Davis. The return made in a good faith effort to comply with the previously underestimated calculations for extensions of time due to the Appellants, especially Appellant Gersten's, extraordinary circumstances and is permitted by **RULE 263(B), SCACR, EQUITABLE TOLLING and TITLE II OF THE AMERICAN DISABILITIES ACT.**

On May 16, 2019, the Appellants learned of the orders dated May 2, 2019 and May 14, 2019 on-line on the Court's Website. They did not 'receive' them from the mail or from an email or from personal service. In a good faith effort to comply, this motion is being made which is combined as a Return and/or Motion for Reinstatement and/or Petition for Rehearing. It is being made under duress in an attempt to follow the rules laid out in SCACR. To prevent the miscarriage of justice, these documents are being overnighted as well as faxed to the Court, as they are to be received by the Court within fifteen (15) days of the date of the filing of the orders. The May 14, 2019 order stems from the alleged non-compliance of the order of May 2, 2019 which is the subject of this motion(s). It is suggested to permit the Appellants to amend this motion in light of the good cause shown for not receiving the order in time to fully comply.

For these reasons, the reasons in the attached Affidavit of Heidi Gersten and all documents in the Court file and the Appellants' forthcoming Brief, the Court has jurisdiction as the Notice of Appeal was timely served and filed per SCACR rules.

Respectfully submitted this 29th day of May 2019,



Lynette Ayers
Lynette Ayers

Heidi Gersten, Ivanka Ayoub
Appellants
1438 W. Lantana Rd., #330
Lantana, FL 33462
(323) 245-6142
(561) 756-9820 FAX
hanginhangout@gmail.com

Boca Raton, Florida
May 29, 2019

CERTIFICATE OF SERVICE
(Appellate Case No: 2018-002115)

RECEIVED

MAY 31 2019

SC Court of Appeals

The undersigned, over 18 years of age and not a party to the said action, hereby certifies that (s)he has served the following named individuals with a copy of the foregoing: Appellate Case No: 2018-002115 APPELLANTS' AMENDED RETURN TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND AFFIDAVIT OF HEIDI GERSTEN TO BE COMBINED WITH MOTIONS TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING OF MOTION TO DISMISS MADE BY RESPONDENTS INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB, KEVIN CARTER AND RICHARD DAVIS WITH LEAVE TO AMEND OR MOTION FOR EXTENSION OF TIME TO SERVE AND FILE MOTION TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING, ALONG WITH EXHIBITS AND A MORE DETAILED RESPONSE TO THIS COURT'S LETTER DATED FEBRUARY 15, 2019, ORDERS OF APRIL 9, 2019 MAY 2, 14, 2019 along with letter to the Court dated May 29, 2019, and AFFIDAVIT OF APPELLANT HEIDI GERSTEN and, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT, by mailing a copy of same to them in the U. S. Post Office mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Wesley Brian Sawyer, Esquire
Murpy & Grantland, P.A.
4406 Forest Drive #B
Columbia, SC 29206
(Attorney for Kevin Carter and Richard Davis)

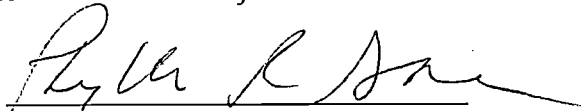
David R. Sligh
P.O. Box 2116
Myrtle Beach, SC 29578
(Attorney for Nationwide Mutual Ins. Co)

Peter H. Dworjanyn, Esquire and
Michael R. Burchstead, Esquire
Collins & Lacy, PC
1330 Lady Street, 6th Floor (29201)
Post Office Box 12487
Columbia, SC 29211
(Attorneys for Trustguard Insurance Company)

William H. Davidson II, Esquire
Davidson & Lindemann, PA
P.O. Box 8568
Columbia, SC 29202
(Attorney for SC Dept. of Public Safety
and Trooper Herbert Blackwell)

Reynolds Williams
P.O. Box 1909
Florence, SC 29503-1909
(Attorney for Defendant Interinsurance Exchange of the Automobile Club)

Alexander S. Gogsette
P.O. Box 5478
Florence, SC 29502
(Attorney for Joseph Tirbovich)

By: 
Phyllis R. Garcia

Boca Raton, Florida
May 29, 2019

May 29, 2019
1438 W. Lantana Rd., #330
Lantana, FL 33462
(323) 245-6142 Fax (561) 756-9820
hanginhangout@gmail.com

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate St.
Columbia, SC 29201
(803)734- 1890 Fax (803)734-1839

RE: Appellate Case No.: 2018-002115

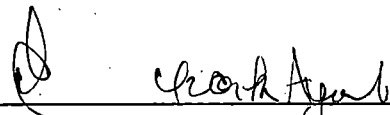
RECEIVED
MAY 31 2019
SC Court of Appeals

Dear Ms. Kitchings or To Whom It May Concern:

Good day to you.

After reviewing the earlier submission, this amended APPELLANTS' AMENDED RETURN TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND AFFIDAVIT OF HEIDI GERSTEN TO BE COMBINED WITH MOTIONS TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING OF MOTION TO DISMISS MADE BY RESPONDENTS INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB, KEVIN CARTER AND RICHARD DAVIS WITH LEAVE TO AMEND OR MOTION FOR EXTENSION OF TIME TO SERVE AND FILE MOTION TO REINSTATE APPEAL AND/OR PETITION FOR REHEARING along with a more detailed response to this Court's letter dated February 15, April 9, May 2, and 14 all in the year of 2019, is being submitted, first as a fax to you and then by mail, along with 7 copies. Please file the original and return a file-stamped copy in the pre-paid postage envelope provided. Thank you for your time regarding this matter.

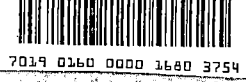
Respectfully submitted,



Heidi Gersten, Ivanka Ayoub
Appellants

HG/Enclosures

1435 W. LANTANA RD #330
LANTANA, FL 33462



U.S. POSTAGE PAID
 1004
 29201
 BOCA RATON, FL
 33432
 MAY 29, 19
 AMOUNT
\$16.80
 R2305K143038-07

RECEIVED
MAY 31 2019
SC Court of Appeals

RETURN RECEIPT
REQUESTED

SOUTH CAROLINA Court of Appeals
 clerk of court Atha Hester aka Jempy Abbott Kiteungs
 1220 Senate St.
 Columbia, SC 29201

PRIORITY MAIL
United States Postal Service

PRIORITY MAIL
United States Postal Service

PRIORITY MAIL
United States Postal Service

PRI M
USA