

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

Shemuel Nahum Ben Yisrael,)

Case No(s). 2019-CP-07-00052

Plaintiff,)

v.)

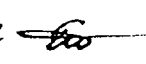
**ORDER DENYING PLAINTIFF'S
MOTION TO AMEND COMPLAINT**

Judge Griffith, Town of Yemassee,)
Darrell Thomas Johnson, Jr., LLC,)
Griffith Freeman Liipfert, LLC,)
Vaux & Marscher Law Firm, LLC,)
Vaux Marscher Berglind, P.A.,)
Peters, Murdaugh, Parker, Eltzroth, &)
Detrick.)

Defendant(s).)

This matter came before the Court on June 10, 2019 on the Defendant's Motion to Amend his complaint. The Court makes its ruling based on the following:

The Plaintiff's timeframe to amend his complaint has expired. A party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial roster, he may so amend it at any time within 30 days after it is served. Rule 15(a), SCRPC. The Plaintiff filed his complaint on January 9, 2019. The Plaintiff filed his motion to amend his complaint on June 10, 2019. More than thirty (30) days have elapsed since the filing of this case. Further, since the Plaintiff's thirty day timeframe has expired the Plaintiff may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires and does not prejudice any other party. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within fifteen days after service of the named amended pleading, whichever period may be the longer, unless the court otherwise orders Id. The Plaintiff did not obtain the written consent of the adverse parties already named and it is in this Court's opinion that to amend the pleading outside of the allowed timeframe would prejudice all adverse parties named in the Plaintiff's complaint. Additionally, the Plaintiff's motion to amend acts as a request to the court to allow such action, which the Court declines to do. "A motion to amend or supplement is addressed

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to the discretion of the trial judge” Stanley v. Kirkpatrick, 357 S.C. 169, 592 S.E.2d 296 (2004); City of North Myrtle Beach v. Lewis-Davis, 360 S.C. 225, 599 S.E.2d 462 (Ct.App.2004).

Moreover, even if the Plaintiff’s timeframe had not expired, his motion would have been deficient on procedural grounds. While his motion to amend is in writing and states with particularity the grounds therefor, it does *not* set forth the relief or order sought. Rule 7(b)(1), SCRPC.

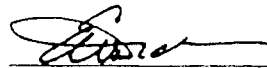
THEREFORE, based on the above stated reasons, the Plaintiff’s motion to amend his complaint is DENIED.

IT IS FURTHER ORDERED that, in the interest of justice and preserving the Plaintiff’s Constitutional rights, this case and the filed action with the case number 2019-CP-07-00849 must comply with the Court’s order on June 10, 2019¹. On June 10, 2019, the Court ordered that the Plaintiff is enjoined from filing any lawsuits against any governmental entity, governmental employee, elected official, judge, or any counsel for them unless he also:

- a.) Posts a fifty-thousand (\$50,000.00) bond or letter of credit with the Clerk of Court contemporaneously with the filing of any such pleadings, or
- b.) Files pleadings signed by counsel licensed and in good standing in the state of South Carolina which comply with Rule 11, SCRPC.

IT IS FURTHER ORDERED that, in the interest of justice and preserving the Plaintiff’s Constitutional rights, the Plaintiff may not file to amend existing actions nor may he file supplemental pleadings unless he also meets the above listed conditions in subsections (a) and (b) of this order and of the June 10, 2019 order.

IT IS SO ORDERED.



Edgar W. Dickson, Presiding Judge

Beaufort, South Carolina
June 11, 2019

¹ Civil Action Number 2017-CP-07-01519, Order Granting Defendant Beaufort County 911 Emergency Dispatch’s Motion for Sanctions.

