

Mitchell Shane Matthews [
Plaintiff]
V. [
John Magill, Et AL.]
Defendant/s]

C/A# 2017-CP-400-1752

Appeal Of Order To Dismiss

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NOV 05 2019
SC Court of Appeals

Now comes Plaintiff Pro se., Mitchell Shane Matthews with this Appeal of order To Dismiss, that was electronically signed by The Honorable Judge R.E.Hood, On 10-22-19. Plaintiff does appeal this decision based on the following:

Issues

1- Plaintiff was given A hearing before the Honorable D.A. Early on 2-13-19, at which time plaintiff was given Four months to File A New complaint and that the statute of limitations would be tolled during that period. See Attached letter that was sent by the defendants attorney David A. DeMasters to The Law Clerk Jocelyn Newman at the clerks office.

2- Defendants have totally misrepresented the dates of this civil action in order to get Judge Hood to sign the order of dismissal. There was A clearly established time line for this matter to be brought back before the court, yet the defense counsel has left out this in the hopes of securing that dismissal.

3- As the defense attorneys are officers of the court they are suppose to uphold the proffessional standards that have been outlined for there field. To withhold information that would give clarity to the courts is A clear violation of those standards. The letter aattached does clearly show the court that this has occured.

Relief

Plaintiff requests that the Court overturn the order of dismissal and allow

plaintiff to proceed with this civil matter, As this would be in the interest of justice.

Plaintiff does submit this foregoing as True and correct under penalty of perjury on this 30th day of October, 2019.

Dated: 11-1-19

Respectfully Witchell Shane Matthews
~~Witchell Shane Matthews~~
Plaintiff, Pro se.
4546 Broad River Rd.
Columbia, S.C., 29210

From: David A. DeMasters
To: Newman, Jocelyn Law Clerk (Leslie Snider)
Cc: "Newman, Jocelyn Secretary (Ebony Martin)"
Subject: 2017CP4001752- Mitchell Shane Matthews v. John McGill, et al.
Date: Wednesday, August 28, 2019 11:18:48 AM

Judge Newman,

I represent the Defendants in the above referenced matter and the Plaintiff is proceeding *pro se*. He will be mailed a copy of this email.

On February 13, 2019, we had a motions hearing before Judge Early. Plaintiff had filed a Motion to Dismiss his Complaint, Motion to Amend Complaint, and Motion to Strike Habeas Corpus. Defendants had also filed a Motion to Dismiss that was scheduled to be heard that day.

At the hearing, Judge Early granted Plaintiff's motion to dismiss and denied the remaining motions as moot. He also stated that the Order should include language that Plaintiff would be give four months to file a new Complaint and that the statute of limitations would be tolled during that period. Before I could finish completing the proposed Order, Judge Early left the bench. This matter has now appeared on the trial roster for the week of September 23rd. I spoke with Paul Gunter regarding these issues and Mr. Gunter advised me to contact you.

Please advise if we can have these motions re-scheduled or if I just need to submit a proposed order.

Thank you in advance for your help with this.

Very Best,
Dave DeMasters

David A. DeMasters
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DAVIDSON, WREN & PLYLER, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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David A. DeMasters
Brandon M. Briggs

Of Counsel
Kenneth P. Woodington

September 17, 2019

Mitchell Shane Matthews
Correct Care
1700 Saint Andrews Terrace, Building A
Columbia, South Carolina 29210-5412

RE: Mitchell Shane Matthews v. John McGill, Director; Ms. Verste J. Bellamy, Deputy Director; Ms. Holly Scaturro, Program Director; Ms. Cynthia Helff, Program Manager; Ms. Kimberly Pohlchuk, Program Coordinator; Ms. Sheila Lindsay, Resident Advisor; P.S.O. Sgt. Gunther; and Any Other Known or Unknown Actors of the State, whom are involved, in their Personal and Professional Capacity
Civil Action Number: 2017-CP-40-01752
Claim Number: C3318
Date of Incident:
Our File Number: 103.10460

Dear Mr. Matthews:

Please find enclosed and served upon you, a copy of the Notice of Motion and Motion for Continuance, proposed Order of Continuance, and Certificate of Service relative to the above referenced matter, which were filed electronically in State Court earlier today.

Very truly yours,

DAVIDSON, WREN & PLYLER, P.A.


David A. DeMasters

DAD/ldrt
Enclosure

the Summons and Complaint. Plaintiff also filed several motions, including a Motion to Dismiss his Complaint. The motions were heard by the Honorable Doyet A. Early, III on February 13, 2019. At the conclusion of the hearing, Judge Early granted Plaintiff's Motion to Dismiss and denied the remaining motions as moot. Judge Early then instructed the undersigned to prepare a proposed Order granting Plaintiff's motion to dismiss and allowing Plaintiff four months to file his Amended Complaint. Before the undersigned could complete the proposed Order, Judge Early retired from the bench. Therefore, this matter should be stayed until a formal Order is issued regarding the motions hearing that occurred on February 13, 2019.

This motion is based upon the pleadings filed in this case, the statutory and common law of the State of South Carolina, the rules of court, and such other matters as may be properly presented to the Court.

Respectfully submitted,

DAVIDSON, WREN & PLYLER, P.A.

s/David A. DeMasters

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Counsel for Defendants

Columbia, South Carolina

September 17, 2019

County of Richland

Common Pleas

Mitchell Shane Matthews
Plaintiff]
[
V.]
[
John Magill, Et Al.
Defendant's]
[

C/A # _____

Certificate of Service

Plaintiff Mitchell Matthews Pro Se. hereby certify that A copy of the
Following: Appeal of order to Dismiss

Was this date served upon the Defendants By placing the same In the
United States Mail with proper postage TO: Richland CTY Clerk LLC.

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

Dated 11-1-19

Columbia, South Carolina

x Mitchell Shane Matthews
x Mitchell Shane Matthews
Plaintiff, Pro Se.

4546 Broad River Rd.
Columbia, S.C., 29210

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SC Court of Appeals

Michelle Shane Matthews
Wellpath / Blue Ridge
4546 Broad River Rd.
Columbia, S.C. 29210

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NOV 05 2019

SC Court of Appeals

South Carolina Appellate Court
C/O Clerk of Court
P.O.Box 11629
Columbia, S.C., 29211

