

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

John S. Stritzinger,

Plaintiff,

v.

Verizon Corporation, Joseph R. Palmieri,
Lowell McAdam, and Samuel Asiedu,

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2018CP4006293

ORDER OF DISMISSAL

The Complaint in this action, which was filed by the *pro se* plaintiff on December 3, 2018, seeks a review of "an employment complaint with Chief Inspector Love" (although Love is not identified in the Complaint). According to the Complaint, Defendants are residents of the States of New Jersey and Virginia. Plaintiff claims that this action concerns the breach of an employment contract, and that he is "seeking Temporary Orders to return to work following the completion of a criminal complaint filed ... in Florida, and Va."

VOLUNTARY DISMISSAL

A mandatory, *ex parte*¹ status conference was held in this matter on July 26, 2019, in order to allow Plaintiff the opportunity to clarify the issues raised in the Complaint. Despite having received written notice of the same, Plaintiff failed to appear. However, Plaintiff's court-appointed guardian and conservator – his brother James R. Stritzinger, Jr. ("Guardian") – appeared on Plaintiff's behalf.² During the status conference, the Court inquired about Guardian's knowledge of this action and his intentions to pursue this case. After a brief

¹ None of the defendants was notified by the Court (but none has entered an appearance either).

² See Letter of Appt., Order Appt. Guardian, Fiduciary Letter, and Order Appt. Conservator, *In the Matter of John S. Stritzinger*, 2018-ES-40-00052 (copies of which are attached hereto).



discussion with the Court, Guardian expressed his desire to voluntarily dismiss this action on behalf of Plaintiff.³

Based on Guardian's representations, the Court finds that dismissal of this action is appropriate pursuant to Rule 41(a)(1), SCRPC.

SUBSTANTIVE AND PROCEDURAL GROUNDS FOR DISMISSAL

In addition, there are several substantive and procedural defects which warrant dismissal of this action.

As a threshold matter, this Court lacks jurisdiction to review determinations made by any court in the States of Florida or Virginia. *See* S.C. CONST. art. V, § 11; *see also* S.C. CODE ANN. §§14-5-310 to -450 (1976, as amended). Therefore, this action must be dismissed pursuant to Rules 12(b)(1) and 12(b)(3), SCRPC.

Next, it appears from the Complaint that all acts or omissions giving rise to Plaintiff's allegations occurred within the States of New Jersey, Virginia, or Florida, and that all defendants are residents of those states. Further, it appears that Plaintiff has failed to comply with Rules 4 and 5 of the South Carolina Rules of Civil Procedure. Although he has filed a document entitled "Affidavit of Service," which purports to be proof of service of process on Defendants, he has not filed any document which complies with the requirements of Rules 4(g), 4(h), 5(d) and 5(e), SCRPC. Additionally, the service described by Plaintiff does not appear to comply with Rules 4(d), 4(e) and 4(f), SCRPC. Therefore, this action must be dismissed pursuant to Rules 12(b)(2) and 12(b)(5), SCRPC.

³ Guardian similarly filed a written "Rule 41 Voluntary Dismissal with Prejudice" in civil action number 2018-CP-40-06294, *John S. Stritzinger v. Bank of America Corporation, et al.*



In addition, the Summons filed by Plaintiff on December 3, 2018, lists only a single defendant's name – "Verizon." Therefore, this action must be dismissed as to all other defendants pursuant to Rule 12(b)(4), SCRCF.


Next, the two-page Complaint is vague and fails to comply with Rule 8(a), SCRCF. Therefore, this action must be dismissed pursuant to Rule 12(b)(6), SCRCF.

Finally, despite Plaintiff having filed a Motion and Affidavit to Proceed *In Forma Pauperis* on December 3, 2018, said motion was never granted; and Plaintiff has not paid the required filing fee to this Court. Therefore, the Court finds that this action was not properly commenced and must be dismissed pursuant to Rule 41(a)(2), SCRCF.

IT IS, THEREFORE, ORDERED that this action be dismissed pursuant to Rule 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(4), 12(b)(5), 12(b)(6), 41(a)(1) and 41(a)(2) of the South Carolina Rules of Civil Procedure.

IT IS FURTHER ORDERED that guardian and conservator James R. Stritzinger, Jr. may, at his option, determine that Plaintiff John S. Stritzinger, should be barred from filing new civil actions without his written consent by notifying the Richland County Clerk of Court of such prohibition in writing via a signed, notarized affidavit.

AND IT IS SO ORDERED.


Jocelyn Newman
Chief Judge for Administrative Purposes

July 29, 2019
Columbia, South Carolina.