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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas  
Brian M. Gibbons, Circuit Court Judge

**RECEIVED**  
MAR 02 2020  
SC Court of Appeals

Civil Action No. 2019-CP-28-00101  
Appellate Case No. 2019-001041

James Teal,.....Appellant,

v.

South Carolina Department of Transportation.....Respondent.

**RESPONDENT’S MOTION TO DISMISS APPEAL**

This Court issued an order on January 8, 2020 requiring Appellant to serve the record on appeal within 30 days of the date of the order.

On or about February 10, 2020, Appellant served a document on Respondent which purported to be the record on appeal. A copy of the purported record on appeal is attached to this motion as Exhibit One.

The record on appeal prepared by Appellant does not comply with the appellate court rules, and is not proper form to enable Respondent to prepare its final brief. Rule 210(c), SCACR, requires the record on appeal to “include all matter designated to be included by any party under Rule 209 . . . .” Rule 210(c), SCACR.

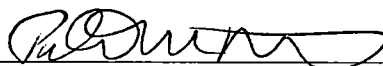
The record on appeal prepared by Appellant does not include any of the matter designated by either party. The purported record on appeal contains only references to the matters designated by the parties.

Appellant “is responsible for assembling the designated materials into the record itself, as well as making and dispersing copies of the record.” Jean Hoefer Toal et al., *Appellate Practice in South Carolina* 407 (3d ed. 2016). Moreover, it is impossible for this Court to decide this case without the materials designated by the parties, and Appellant has the burden of providing this Court with a sufficient record to make a decision. *Medlock v. One 1985 Jeep Cherokee*, 322 S.C. 127, 470 S.E.2d 373 (1996). Appellant has failed in his responsibilities to the Court and to Respondent to provide a sufficient record.

Based on Appellant’s failure to comply with the appellate court rules regarding the record on appeal, together with Appellant’s previous deficiencies, Respondent moves to dismiss this appeal. *See* Rule 260(a), SCACR (“Whenever it appears than an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal . . .”). Appellant’s numerous deficiencies in perfecting this appeal have unduly delayed this matter.

Pursuant to Rule 240(b), SCACR, the time limits for perfecting the appeal are automatically stayed until the motion is decided.

RILEY POPE & LANEY, LLC



Peter M. Balthazor, SC Bar No. 68244  
2838 Devine Street  
Post Office Box 11412 (29211)  
Columbia, South Carolina 29205  
(803) 799-9993  
peteb@rplfirm.com  
*Attorneys for Respondent*

March 2, 2020  
Columbia, South Carolina

FORM 15  
RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

RECEIVED  
FEB 10 2020  
SC Court of Appeals

APPEAL FROM KERSHAW COUNTY

Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Civil Action No: 2019-CP-28-00101

Appellant Case No: 2019-001041

James Teal Appellant

V.

South Carolina Dep't of Transportation Respondent

RECORD ON APPEAL

Date: February 07-2020

Pete Balthazor, Esquire  
Post Office Box 11412  
Columbia, S.C 29211  
(803) 799-9993

Respectfully Submitted

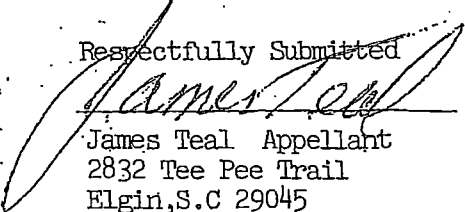
  
James Teal Appellant  
2832 Tee Pee Trail  
Elgin, S.C 29045  
(803) 457-5820

Exhibit One

INDEX

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PLEADING	P.8

**FORM 14  
DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM KERSHAW COUNTY  
COURT OF COMMON PLEAS  
Brian M. Gibbons Circuit Court Judge

Civil Action No: 2019-CP-28-00101  
Appellant Case No: 2019-001041

James Teal-----Appellant

V.

S.C Dep't of Transportation--Defendant

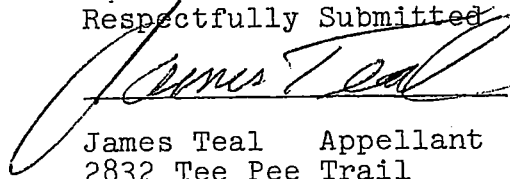
**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record  
Original Complaint filed February 05-2019  
Respondants Motion to dismiss Complaint filed March 21-2019  
Appellants Responce to Respondants Motion to dismiss 04-03-19  
Appellants Amended Complaint filed April 03-2019  
Respondants Motion to dismiss Amended Complaint April 08-2019  
Appellants Responce to Respondants Motion to dismiss April 16-19  
Summary Court hearing held on May 17-2019  
Court Order to dismiss May 28-2019  
Appellant Appealed the Court Order June 24-2019

Signature page to follow

Date: February 07-2020

Respectfully Submitted



James Teal Appellant  
2832 Tee Pee Trail  
Elgin, S.C 29045  
(803) 457-5820

Pete Balthazor, Esquire #68244

TABLE OF AUTHORITIES

STATUTES

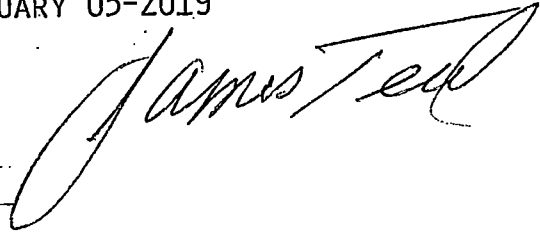
STATUTE 15-3-20(A)	P.6-7
STATUTE-15-3-30	P.5-6-7
STATUTE 15-3-40	P.5-6-7
STATUTE 15-3-60	P.5-6-7
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COMPLAINT

JAMES TEAL APPELLANT  
V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
SUMMONS AND COMPLAINT FILED FEBRUARY 05-2019

MOTION

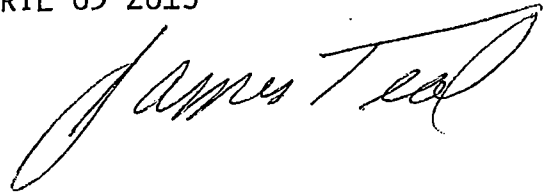


JAMES TEAL APPELLANT  
V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
RESPONDANT FILES TO DISMISS MARCH 21-2019  
P.1-P.2

APPELLANT FILES RESPONSE TO DISMISS APRIL 03-2019  
P.1

AMENDED COMPLAINT



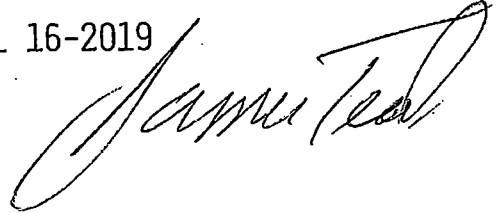
JAMES TEAL APPELLANT  
V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
APPELLANT FILES AMENDED COMPLAINT APRIL 03-2019



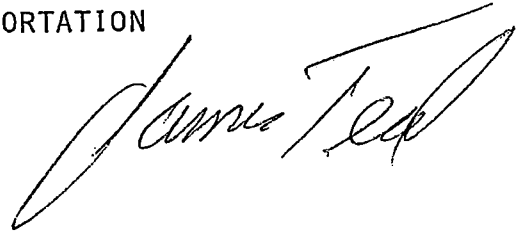
MOTION

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
RESPONDANT FILES TO DISMISS APRIL 03-2019  
P.1-P.2  
APPELLANT FILES RESPONSE TO DISMISS APRIL 16-2019  
P.1-P.2



ORDER

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
COURT HEARING HELD ON MAY 17-2019  
ORDER TO DISMISS MAY 28-2019



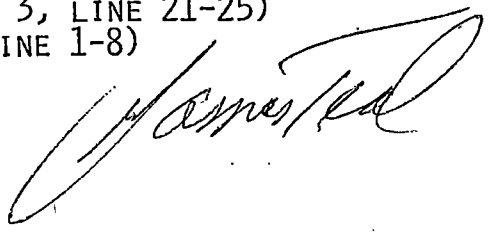
NOTICE

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
APPELLANT FILES NOTICE OF APPEAL JUNE 24-2019



TRANSCRIPT

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
RESPONDANT---- (R.P. 3, LINE 1-4) (R.P. 3, LINE 21-25)  
(R.P. 4, LINE 1-25-P.5, LINE 1-8)



TRANSCRIPT

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

APPELLANT--- (R.P. 5, LINE 13-25)  
(R.P. 6, LINE 18-25)  
(R.P. 7, LINE 1-20)  
(R.P. 8, LINE 16-25)  
(R.P. 9, LINE 1-25--P. 10, LINE 1-3)

APPELLANTS INITIAL BRIEF

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

STATUTE 15-3-20A, (P.1-2)  
STATUTE 15-3-40, (P.1-2)  
STATUTE 15-3-60, (P.1-2)  
STATUTE 15-78-20A, (P.1-2)

RESPONDANTS INITIAL BRIEF

JAMES TEAL V. APPELLANT  
SOUTH CAROLINA DEPARTMENT OF SOUTH CAROLINA

STATUTE 15-78-110, (P.3)  
STATUTE 15-3-60, (P.3)  
STATUTE 15-3-40, (P.3)

EXHIBIT 9

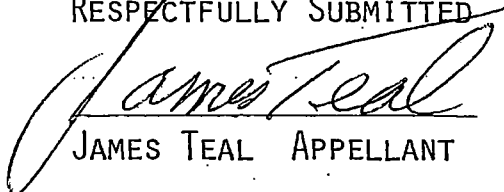
APPELLANTS MEDICAL RECORDS  
2010-2014

PLEADING

APPELLANTS AMENDED REPLY BRIEF,  
P.3-4-5

DATE: FEBRUARY 07-2020

RESPECTFULLY SUBMITTED

  
JAMES TEAL APPELLANT

PETE BALTHAZOR, ESQUIRE #68244

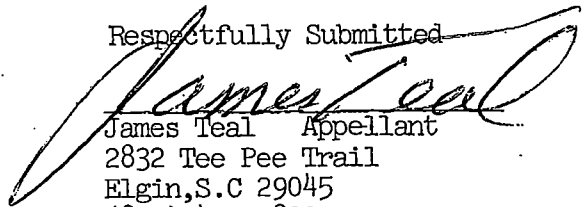
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FEB 10 2020  
SC Court of Appeals

Certificate of Appellant

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

Respectfully Submitted



James Teal Appellant  
2832 Tee Pee Trail  
Elgin, S.C 29045  
(803) 457-5820

Date: February 07-2020

Pete Balthazor, Esquire. #68244

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
In The Supreme Court

---

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas  
Brian M. Gibbons Circuit Court Judge

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Civil Action No: 2019-CP-28-00101  
Appellant Case No: 2019-001041

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James Teal. \_\_\_\_\_ Appellant

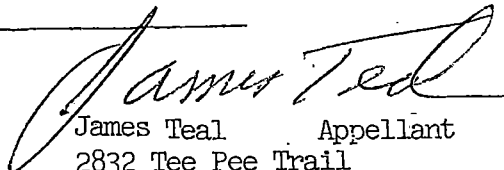
V.

South Carolina Dep't of Transportation \_\_\_\_\_ Defendant

Date December 03-2019

AMENDED APPELLANTS  
INITIAL REPLY BRIEF

---

  
James Teal Appellant  
2832 Tee Pee Trail  
Elgin, S.C 29045  
(803) 457-5820

Peter M. Balthazor, Esquire #68244

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TABLE OF AUTHORITIES

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STATUTE 15-3-60	P.3-4
STATUTE 15-78-40	P.4
STATUTE 15-78-110	P.4

APPELLANTS AMENDED REPLY TO RESPONDENT

To: Counsel for Defendant:

Appellant wishes to shed light on Appellants wreck on Fort Mill Rd., Elgin SC, Kershaw County. Appellant traveling west on Veterans Row, under extreme weather conditions. A Black, foggy, rain soaked night. With Appellant turning left onto Fort Mill Dead End, running parallel with Appellants intended turn, onto Chestnut Rd. Exhibit 6 with map detailing area.

Appellant not seeing the Lone Antique Green Dead End sign. No speed limit sign, to warn of impending Hazard. At End of said Fort Mill Rd. Appellant encountered the paving of Dead End, 5 mo. prior, with oil based Asphalt, with no warning signs of fresh Asphalt. Exhibits 3 and 6. Appellant has charged Defendant with a Set-Up Death Trap. T-P-7, L-123, --T-P-7, L-9-13.

Counsel for Defendant entered 2 Motions to dismiss, relying on Statute of Limitations. Appellant responded to 1st Motion to dismiss Complaint with P-1 of response. Appellant responded to counsels 2nd Motion to dismiss Appellants Amended Complaint was responded to by 2nd response P-1&2 and T-P-5, L-13-25--T-P-6, L-1.

Counsel has asserted Appellants 25' fall in 2010, disabling Appellant with a spinal burst and Appellants 09-11-14 accident injuring Appellants left knee, right hip and neck. With these life changing injuries and Appellants injuries from Dead End accident, not being a Reliance for Appellant asserting Statute 15-3-60, to protect the multihandicapped.

Counsel is relying on Statute 15-3-30 and Statute 15-3-40 to stop the Tolling of the Limitations. T-P-3, L-21-25--T-P-5, L-1-7.

Counsel for Defendant has asserted two cases, for case law. Brown v, Leverette, a pot hole accident and Wiggins V. Edwards, relying on Statute 15-3-40. Appellant finds both cases not to shed light and relevancy to Appellants case. T-P-4, L-9-25--T-P-5, L-1-7.

Counsel for Defendant fails to mention the Factual Exhibits 1 through 13. Exhibits 7 and 13, with Affidavit.

To detail the accidents and injuries counsel has asserted. 09-11-14, a Work Zone accident. Injuries were left knee, neck & right hip. Appellant still suffers from the two accidents compounding injuries to Appellant. Nov. 23-2014, the case on appeal, a terrible night. Injury to left knee and neck again, with left knee starting to degenerate. Medical Report 12-01-2014, Exhibit 9. Counsel has mentioned Appellants right hip and neck injuries. Appellant has a Great Chiropractor and daily commits to physical therapy, with left knee crippled due to pain level.

Counsel for Defendant asserts that Appellant is not viewing and understanding Statutes of Law to protect the handicapped. Appellant has requested the Tolling of the Statute of Limitation, relying on Statutes 15-3-60 for individuals with 2 or more handicaps. This Section does not address infants or the insane. A Special case Statute 15-3-20(a), a different timetable is prescribed by Statute. Statute 15-78-110, 1st line, except as provided for Section 30 and the handicapped. Statute 15-78-40, detailing the Liability for State and Dep'ts. Comparing these Entities in the same manner and to the same extent as a private individual and are Liable for their Torts. The Honorable Brian Gibbons asked if the Appellant Court had defined disabilities, T-P-4-L-9&10. Did the General Assembly, act in prejudice and error, defining a individual with handicaps? Did the General Assembly enact these the Statutes of Law and placed into the Rules of Law for cases such as Appellants. Has counsel allowed Statute 15-3-30 to dominate the perspective of the handicapped Statutes? Counsel has asserted in counsels Initial Brief, P-4, that Statutory Law must be joined together and each one given effect. Counsel has asserted that Statutes with the same subject Matter, must be reconciled, so as to make all operative.

Counsel has asserted that Appellant has abandoned Issues on Appeal. Appellant can and will argue this case with facts as presented and Statutes of Law designed by the General Assembly to protect all with disabling handicaps.

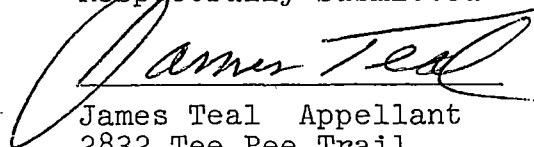
Appellant is asking the Court to accept Appellants reply and argument to counsel, as a defining of the Issues on Appeal. With a correct understanding of handicapped Statutes of Law, will protect the disabled and give Honor to the General Assembly, to protect all handicapped individuals. From infants to older individuals. Is the General Assembly reaching out with care for the handicapped?

Appellant is requesting the Court to advise counsel that Defendant, is under agreement to assume the Responsibilities of the Federal Highway Administration.

Appellant has come to the Court of Appeals to keep the Honor of our State intact and our Citizens from undue injury.

Date December 03-2019

Respectfully Submitted



James Teal Appellant  
2832 Tee Pee Trail  
Elgin, SC 29045  
(803) 457-5820

Pete Balthazor, Esquire #68244

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas  
Brian M. Gibbons Circuit Court Judge

Civil Case No: 2019-CP-28-00101  
Appellant Case No: 2019-001041

RECEIVED  
FEB 10 2020  
SC Court of Appeals

James Teal -----Appellant

V.

S.C Dep't of Transportation-----Defendant

CETIFICATE OF SERVICE

Appellant hereby Certifies that all party(s) addressed below, have been served Appellants Designation of Matter and Record On Appeal, by US Postal Service.

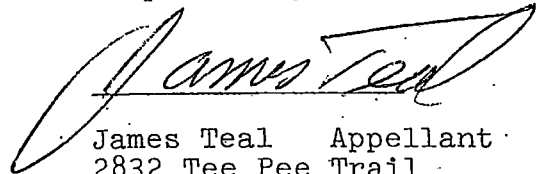
Date: February 07-2020

S.C Court of Appeals  
1220 Senate Steet  
Columbia, S.C 29201

Kershaw County Clerk of Court  
Honorable Janet Hasty  
Camden, S.C 29220

Pete Balthazor, Esquire #68244  
P.O Box 11412  
Columbia, S.C 29211

Respectfully Submitted



James Teal Appellant  
2832 Tee Pee Trail  
Elgin, S.C 29210  
(803) 457-5820

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas  
Brian M. Gibbons, Circuit Court Judge

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Civil Action No. 2019-CP-28-00101  
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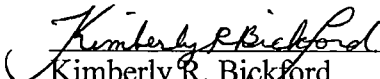
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**CERTIFICATE OF SERVICE**

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I do hereby certify that I caused to be served the **RESPONDENT'S MOTION TO DISMISS APPEAL** upon the below-named party by depositing a copy of the same in the U.S. Mail, first class postage prepaid, and addressed as follows:

James Teal, *pro se*  
2832 Tee Pee Trail  
Elgin, South Carolina 29045-9758

  
\_\_\_\_\_  
Kimberly R. Bickford  
Paralegal

March 2, 2020  
Columbia, South Carolina

RILEY  
POPE &  
LANEY  
LAW

South Carolina | North Carolina

South Carolina Office:  
2838 Devine Street  
P.O. Box 11412 (29211)  
Columbia, SC 29205  
Phone: 803.799.9993  
Fax: 803.239.1414  
www.rplfirm.com

March 2, 2020

**VIA HAND-DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RECEIVED  
MAR 02 2020  
SC Court of Appeals

Re: James Teal v. South Carolina Department of Transportation  
C/A No.: 2019-CP-28-00101, 2019-001041  
Our File No.: 5021.00719

Dear Ms. Kitchings:

Please find enclosed the original and six copies of the *Respondent's Motion to Dismiss Appeal*, with *Certificate of Service* attached in connection with the above-referenced matter. Also enclosed is a check in the amount of \$50.00 for the motion fee. Please file the enclosed documents and return a filed copy with my runner.

Thank you for your kind assistance in this matter.

Sincerely,



Kimberly R. Bickford  
Paralegal

/krb

Enclosures

Cc: James Teal, *pro se*