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JUN 30 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeal
Writ Of Certiorari From The Court Of Appeals

Appeal From Anderson
Court Of Common Pleas

Case No: 2018-CP-04-01409
Appellate Case No. 2019-00754

Cordell Maddox Jr.,

Presiding Judge

Taranika Subrina WebbPlaintiff

Fairview GardensDefendant

Petition For Writ Of Certiorari

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1. *Did The Court Of Appeal Abuse its discretion when the appellant was denied a leave to fix a oversight/omission South Carolina Rule 60(a) while the appeal was pending?*

2. *Did the court of Appeal abuse its discretion when they granted a motion to strike lease and handbook that was submitted in lower court as evidence of a lease in a breach of contract case ?*

CONCLUSION.....6

Table Of Authorities

Cases

Stiles V. Ororanto 457. S.E.2d 601(1995)

Coles Vision Corp V. Hobbs 394 S.C. 144,148,714 S.E.2d539(2011)

Toussaint v Ham 292 S.C. 415,357,S.E

Statue

S.C. Code Ann 16-17-470(2012)

S.C.Code Ann 31-3-30-910

S.C. Code Ann 16-17-480(1962)

Others Authorities

Erin Andrew vs Marriott(invasion of Privacy)

Snakenburg Vs Hartford Case

Hamburger Vs Eastman N.H.107 206

FACTS

At the time of the hearing the plaintiff stayed there in Fairview Gardens Apartments and a couple of places like grandmother's house and family. She requested P.K. Management to relocate the plaintiff off the property because of the acts that were committed against her. Defendant suggested that she go back to the homeless shelter where she once resided. Plaintiff filed breach of contract, Invasion of privacy(intrusion),negligence Case against Apartment complex because after many complaints about a peeping tom defendant refused to address issues and continued to do things like leave apartment keys in door and go to lunch giving access to home, refusing to make the apartment habitable which it promises in the handbook. Case was dismissed with prejudice on April 5,2019.

STATEMENT OF THE CASE

On July 19,2018, Appellant (Taranika Webb) filed a lawsuit in common plea court for Anderson County. Appellant served Summons and complaint by mail on October 17,2018. Respondent filed a motion to dismiss or in alternative Motion for a more Definite Statement on November 6, 2018. (R. 32 Mtn. to Dismiss.) A hearing was held on respondent's motion to dismiss on January 10,2019, before the Honorable Judge R.Scott Sprouse. At the Conclusion of the hearing, Judge Sprouse instructed Appellant to file an Amended complaint within thirty days to address the issues raised by respondent in its motion to dismiss. On January 11,2019, Judge Sprouse issued a form 4 order, in which he denied Respondent's motion to dismiss and instructed Plaintiff to amend her Complaint within thirty(30) days. On January 23,2019, Appellant filed an Amended Complaint with the Anderson County Clerk of Court.(R.17-19, Am Compl) Appellant served counsel for Respondent Via mail on or about January 28,2019. On February 6, 2019. Respondent filed a motion to dismiss the Amended complaint.(R.).

The honorable Judge J. Cordell Maddox Jr.,held a hearing on Respondent's Motion to dismiss on March 19,2019 (R.6-12 Order).Order a 10 day Advisement for respondent to move Appellant and they did not. On April 5,2019, Judge Maddox issued an order Granting keys and dismissing respondent's motion and dismissed respondent's Amended complaint with prejudice. On May 6,2019, Appellant filed her of Appeal with the Court of Appeal. Plaintiff did submit a handbook in court of common pleas regarding lease and handbook. (R.p6.line 9-17).

Conclusion

On April 04,2020 Appellant filed a motion to leave to go back to the court of common plea to set aside a judgement Rule (60)(a,b,) to correct and omission/oversight. On May 21, 2020 motion was denied. South Carolina Rule 60(a,b,) clarifies that leave of the appellate court is necessary to correct a clerical mistake or to make a motion to set aside an order of judgement while the appeal is pending. An appeal is pending from the time the notice of appeal is served until the issuance of the remittitur. The proposed order does not reflect what's in the transcripts this appeal has been pending for a year now. Judge Cordell Maddox Granted something in this case; he also ordered the Respondent to move the plaintiff ;all this information was left out of the proposed order. Appellant filed a breach of contract, negligence, invasion of privacy(intrusion). On April 28,2020 Respondent filed a motion to strike and a supplemental record Respondent asked that the court strike the handbook/lease because it was not presented in lower courts. On May 21,2020 Motion to strike was granted this is abuse by dissection because this lease/handbook represents the lease agreement in the breach of contract that was submitted in lower court. I request that leave be granted to correct oversight/omission and that the lease/handbook be used as evidence of a lease agreement in breach of contract.

Respectfully Submitted,

Taranika Subrina Webb

STATE OF SOUTH CAROLINA)

COUNTY OF)

Tarunica Subrina Webb)
Plaintiff,)

vs.)

Fairview Gardens)
Defendant.)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

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JUN 30 2021

SC Court of Appeals

Case No.:

2018-Cp-04-01409
Appellate case # 2019-00754

I certify that on this date, I served a copy of _____ in this action, dated _____, on _____ by _____

- Delivering it to him/her personally;
- Mailing it to him/her, at his/her last known address, by depositing it in the U.S.

Mail, in an envelope with sufficient postage affixed, addressed as follows:

1320 Main Street Suite 750
Columbia, South Carolina 29201

- Delivering it by commercial delivery service in accordance with Rule 4(d)(9),

SCRCP, addressed as follows: _____; or,

- Other:

June 27, 2021
Date

Tarunica Webb
Signature

Taranika Webb
215 Kirks Lane
Pendleton S.C. 29670

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South Carolina Appeals Court
Jenny Abbott Kitchings
1220 Senate St.
Columbia S.C. 29201

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