

STATE OF SOUTH CAROLINA

In The Appeals Court

APPEAL FROM RICHLAND COUNTY

Common Pleas Court

Alison Renee. Lee, Judge of the Circuit Court

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Case: 2007-CP-40-8423/Appeal: 2012-212896

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Charles Taylor,

Appellant,

v.

Thomas Davis and State Farm  
Mutual Automobile Insurance Company,

Respondents,

---

Respondent Thomas Davis Reply to Appellant's Motion to Strike and  
Respondent State Farm's Reply and Return and Appellant's Response

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Thomas Davis  
P O Box 773  
Manning, S. C.  
29105  
Respondent

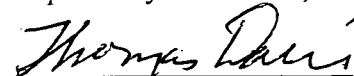
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APR 08 2013  
In The Appeals Court

Respondent Thomas Davis submits respectfully that items one (1) through (11) which was designated by Respondent State Farm as matter to be included in the record on appeal are not relevant or appropriate. SCACR 210 (c), excludes such items--**mainly because, even if such's relevant, such have never before been presented and this would be the first time such was entered, from all the information and documentations I have heretofore been copied with.**

As to the Honorable Judge Lee's Order of July 17, 2012 from which Appellant's appeal came, although discussed in the "**background**" and "**discussion**" sections of the order, such (1--11) items above, were not presented at the hearing, per the hearing transcript, nor ever previously before, per the documentations-information copied to me.

It appears that the reason such was in the background, and discussion, sections of the order is because Respondent State Farm had written such previously--and in an almost identical worded **memo**--submitted it again on May 2, 2012 directly to the Judge before the May 7, 2012 hearing, (copy cover letter attached), because I later got a copy of the same. Respondent State Farm did not want me to have a copy of such originally, **because**, for the most part-it's factually inaccurate due to it being written by them for their benefit, without all the facts first, as such never mattered to them. That's how such found its way in the "**background**" and "**discussion**" sections, even though, there were no documentations submitted, (per the transcript), at the hearing on which to base it; lest such submissions be challenged there. Therefore the subject (1)-(11) items certainly, should not be included **just now** in the ROA, for all the above reasons, and maybe other as well.

Respectfully Submitted,



Thomas Davis, Respondent  
Post Office Box 773  
Manning, S. C. 29105

Manning, South Carolina

McDONALD, McKENZIE, RUBIN, MILLER AND LYBRAND, L.L.P.

ATTORNEYS AT LAW

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†CERTIFIED MEDIATOR AND ARBITRATOR  
\*ALSO ADMITTED IN TEXAS

May 2, 2012

The Honorable Alison R. Lee  
Chief Administrative Judge  
Richland County Judicial Center  
1701 Main Street  
Columbia, South Carolina 29201

Re: Charles Taylor vs. Thomas Davis  
Civil Action No 2007-CP-40-8423

Dear Judge Lee:

This matter is scheduled before you on May 7 at <sup>2:00</sup>~~2:30~~ p.m. for a hearing on certain post-trial motions filed by Plaintiff Charles Taylor. Attached hereto you will find my memorandum submitted on behalf of State Farm which addresses Plaintiff's pending motions. I am sending the memo in both Word and pdf formats. The pdf is being sent in order to attach certain exhibits to my memo.

It is my understanding that Mr. Taylor does not communicate by computer so I am today mailing him copies of my memo with exhibits.

A court reporter will be needed for this hearing.

If you require anything further, please let me know.

With kind regards,

McDonald, McKenzie, Rubin,  
Miller and Lybrand, LLP.

James B. Lybrand, Jr.

JBLjr/pa  
Enc.  
cc: Charles Taylor

1 Mr. Taylor: All right. Your Honor, that's it.

2 The Court: All right. Thank you, gentlemen.

3 Mr. Lybrand: Your Honor, you will---

4 The Court: I'll draft the order.

5 Mr. Lybrand: ---do the order?

6 The Court: Yes, sir.

7 Mr. Lybrand: Thank you, Your Honor.

8 Mr. Taylor: Thank you, Your Honor. I appreciate that  
9 very much.

10 (Whereupon, the proceedings were concluded. There were  
11 no exhibits marked into evidence.)

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April 1, 2013

Clerk Of:  
The South Carolina  
Court of Appeals  
1015 Sumter Street  
Columbia, S. C. 29201

Charles Taylor  
P O Box 3652  
Sumter, S. C. 29151

Reference: Charles Taylor, Appellant  
v. Thomas Davis and State Farm  
Mutual Automobile Insurance  
Company, Respondents:  
Appellate Case No: 2012-212896

**Dear Ms. Kitchings:**

As to Respondent's attorney James B. Lybrand, Jr.'s letter directed to you dated March 27, 2013, my reply to his (that) letter, is to attach a copy of Respondent Thomas Davis' letter to you and copied to all parties dated March 30, 2013. I don't believe any more response is need other than to confirm that Respondent's attorney-Lybrand again is obviously now not telling the truth here.

For my complete record, please clock and return the extra copy enclosed to me per the SASE. I am copying the Respondents with a copy of same with this letter. Thanks very much!

Sincerely Yours,

Charles Taylor  
Appellant

Cc:  
W/attachments

Respondent  
Thomas Davis

Respondent, State Farm Mutual  
Automobile Insurance Company  
c/o: James B. Lybrand, Jr., Esq.

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APR 03 2013

SC Court of Appeals

March 30, 2013

To: The Honorable Jenny Abbott Kitchings  
Clerk of the S. C. Court of Appeals  
Post Office Box 11629  
Columbia, S. C. 29211

From: Thomas Davis  
Respondent  
P O Box 773  
Manning, S. C. 29105

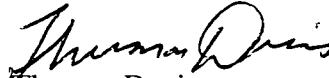
Case: Charles Taylor, Appellant v. Thomas Davis and State Farm Mutual Automobile Insurance  
Company, Respondents; c/a no: 2007-cp-40-8423--Appeal case number: 2012-212896

**Referenced: Mr. Lybrand's Letter To You Dated March 27, 2013.**

Dear Mrs. Kitchings:

I am Respondent Thomas Davis who wish to respond to Respondent State Farm Attorney, Mr. James Lybrand's letter to you dated March 27, 2013, (copy attached). As to the subject number 1 document, submitted to me also by Mr. Lybrand dated March 15, 2013; had the same hand writing on the bottom of page 2, (see attached copy), when I received that document, which indicated to me that such had to be on there when the attorney Lybrand sent it from Columbia and therefore Taylor could not have put such on there as Lybrand claims. So it's obvious he's not being truthful as to tampering with that document and then wanting to put such into the record for the Appeals Court; and by the way; that specific document, I never signed, if he claims I did. A similar document I signed consisted of 3 pages dated 11-13, 08 when I signed it. Please clock stamp and return the extra copy to me in the s.a.s.e. I'm sending each below a copy.

Thank You,

  
Thomas Davis  
Respondent

Cc:

Mr. Charles Taylor  
Appellant

Respondent State Farm  
Care of: Attorney James Lybrand

incident. Once the aforementioned payment has been accepted, the obligations of the entities making the payment and those on whose behalf the payment is being made and all those who could be responsible for the actions of these entities, are fully and completely ended and finally and forever discharged from any further responsibility in connection with this action.

I fully preserve any and all rights to pursue any other potentially applicable liability insurance or underinsured motorist coverage from any other source or provider, and it is my intent to covenant only with Mr. Davis and Avis Budget Group, Inc.

*SUBJECT CHECK TO BE RECEIVED ON OR BEFORE WEDNESDAY, November 12th, 08  
OR THIS COVENANT SHALL BECOME NULL & VOID AFTER THAT DATE.*

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 8<sup>TH</sup> day of NOVEMBER, 2008.

IN THE PRESENCE OF:

\_\_\_\_\_  
\_\_\_\_\_

  
CHARLES TAYLOR

↑                    ↑                    ↑                    ↑  
MR. TYLER:

*I Am Reluctantly Trusting  
What You Said!*

*THANKS! M V TAYLOR*

McDONALD, McKENZIE, RUBIN, MILLER AND LYBRAND, L.L.P.  
ATTORNEYS AT LAW

ROBERT A. McKENZIE  
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\*ALSO ADMITTED IN TEXAS

March 27, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: Charles Taylor, Appellant vs. Thomas Davis and State Farm Mutual  
Automobile Insurance Company, Respondents  
Appellate Case No: 2012-212896

Dear Ms. Kitchings:

On behalf of Respondent State Farm, I enclose for filing an original and copy of a Return and Reply to Appellant's motion to strike dated March 22, 2013. Please return a clocked copy in the envelope provided.

By copy of this letter to Appellant and Respondent Thomas Davis, I am enclosing a copy of ... this filing.

As a related issue I received in today's mail a letter from Appellant (copy attached) making inquiries regarding one of the documents (item 1) included in Respondent State Farm's Designation of Matter to be Included in the Record. In the attached letter Appellant makes the accusation that I and/or my client has "tampered with" the document by including handwriting on the document. Appellant goes on to accuse me or my client of "fraud" by inserting this language. Appellant requests an explanation. I am advising Appellant herein that the handwritten language to which he refers was not inserted by me nor my client. This document was provided by counsel for Budget Rental prior to State Farm being formally brought into this case in late 2009. I am lead to believe that the handwriting is that of Appellant. I simply bring this matter to the Court's attention based upon Appellant's letter to me of March 26. I do not see that the Court was copied with Appellant's letter discussing this issue.

Should you require anything further, please let me know.

With Kind Regards,

McDonald, McKenzie, Rubin,  
Miller and Lybrand, L.L.P.

James B. Lybrand, Jr.

JBLjra

Enc.

cc: Charles Taylor  
Thomas Davis

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STATE OF SOUTH CAROLINA

In The Appeals Court

APPEAL FROM RICHLAND COUNTY

Common Pleas Court

Alison Renee. Lee, Judge of the Circuit Court

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APR 08 2013

**SC Court of Appeals**

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Case: 2007-CP-40-8423 /Appeal: 2012-212-212896

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Charles Taylor,

Appellant,

v.

Thomas Davis and State Farm  
Mutual Automobile Insurance Company,

Respondents,

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Proof of Service

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I hereby certify that a copy of Respondent Thomas Davis; Reply to Appellant's Motion to Strike and Respondent State Farm's Reply and Return and Appellant's Response; was served upon Appellant Charles Taylor and Respondent State Farm Mutual Automobile Insurance Company by depositing said papers in the United States Mail, Manning, South Carolina 29105, on the 3<sup>rd</sup> day of April, 2013, with first class postage duly affixed and a return address clearly indicated on the envelope, addressed as follows:



Thomas Davis, Respondent  
P O Box 773  
Manning, S. C. 29105

Appellant Charles Taylor  
Post Office Box 3652  
Sumter, South Carolina 29151

Respondent State Farm Mutual Automobile Insurance Company  
Attorney: James B. Lybrand, Jr.  
Post Office Box 58, Columbia, South Carolina 29202