

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Mary S. Norris,

Plaintiff,

vs.

Marquis Antonio Porterfield,

Defendant.

COURT OF COMMON PLEAS FOR THE
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2020-CP-40-04371

ORDER OF DISMISSAL WITH
PRE JUDICE

RECEIVED

SEP 27 2021

SC Court of Appeals

This matter comes before the Court on a Motion to Dismiss filed by counsel for Defendant Marquis Antonio Porterfield, filed January 29, 2021. A hearing over the motion was held on August 24, 2021, via WebEx. Attorney Julie Coleman Hunter of Clawson & Staubes, LLC, was present for the Defendant. Attorney Creighton Coleman appeared on behalf of the Plaintiff.

By way of background, this matter arises out of a motor vehicle accident between the parties which occurred on September 18, 2017. The Plaintiff filed its Summons and Complaint on September 11, 2020. Pursuant to S.C. Code Ann. § 15-3-530, the three-year statute of limitations expired on September 18, 2020. Based on the information provided to this Court at the time of the hearing, it does not appear the Defendant has been served with the Summons and Complaint or any other notice of the lawsuit in any valid manner in accordance with the applicable rules. Counsel for the Defendant filed an Answer on his behalf on January 28, 2021, raising the defense of lack of proper service,

and this Motion to Dismiss was filed the following day, moving the Court to dismiss this action with prejudice pursuant to S.C.R.C.P. 12(b)(5) for insufficient service of process.

S.C.R.C.P. 3(a) provides that a civil action is properly commenced with a summons and complaint are filed with the clerk of court if actual service is accomplished not later than one hundred twenty days after filing if not served within the statute of limitations. The statute of limitations in this matter ran on September 18, 2020. To date, it has been at least 347 days since filing, and the Defendant has not yet been properly served as required by the rules. Accordingly, the Plaintiff has failed to properly serve the Defendant in the manner required by the Rules of Civil Procedure so as to properly commence a civil action in this Court, and this action shall be dismissed with prejudice.

NOW THEREFORE, on motion of CLAWSON and STAUBES, LLC, attorney for the Defendant, Marquis Antonio Porterfield, it is hereby

ORDERED that the above-referenced action by Plaintiff Mary Norris against Defendant Marquis Antonio Porterfield hereby is dismissed with prejudice under Rule 12(b)(5) and Rule 41(b) and that any further suit, action or proceeding by the lawsuit against the lawsuit concerning those matters which were or which could have been set forth in the pleadings herein shall henceforth be forever barred.

AND IT IS SO ORDERED this _____ day of _____, 2021, in Columbia, South Carolina.

Jocelyn Newman
Presiding Judge
Fifth Judicial Circuit



Richland Common Pleas

Case Caption: Mary S Norris vs Marquis Antonio Porterfield

Case Number: 2020CP4004371

Type: Order/Dismissal

So Ordered

Jocelyn Newman

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