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ELECTRONICALLY FILED - 2021 Sep 22 8:37 AM - SUMTER - COMMON PLEAS - CASE#2020CP4300734

STATE OF SOUTH CAROLINA)
 COUNTY OF SUMTER)
 Ronald L. Jones,)
)
 Plaintiff,)
)
 vs.)
)
 Gary A. Jones, Sr., Becky J. Jones,)
 Ima Lee Jones, and Shelley Allsbrooks,)
)
 Defendants.)
 _____)

SC Court of Appeals

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

CASE NUMBER: 2020-CP-43-00734

**ORDER STRIKING CERTAIN
ALLEGATIONS OF PLAINTIFF'S
COMPLAINT**

This matter came before me on August 30, 2021 pursuant to a Notice of Motion and Motion to Strike filed by of the Defendants, Gary A. Jones, Sr., Becky J. Jones and Shelley Allsbrooks, to strike certain allegations in the Plaintiff's Second Amended Complaint.

The Defendants, Gary A. Jones, Sr., Becky J. Jones and Shelley Allsbrooks, are represented by Marvin E. McMillan, Jr., Esquire of the Sumter County law firm of Player & McMillan, L.L.C. The Plaintiff, Ronald L. Jones, is represented by Richard L. Whitt, Esquire of the Whitt Law Firm, LLC.

I have reviewed the Court's file in regard to this matter, considered arguments of counsel, reviewed memorandums and documents presented to the Court by counsel at the hearing and I make the following findings of fact and conclusions of law.

1. That this Court has jurisdiction over the parties hereto and the subject matter herein.
2. That the Defendants seek to strike certain evidentiary allegations in the Plaintiff's Second Amended Complaint and allegations regarding alleged conspiracies or actions on the part of the Defendants which include references in the Complaint to deposition testimony of the Defendant, Shelley Allsbrooks.

3. I find that a Motion to Strike is the proper vehicle for a party to eliminate any immaterial, redundant or impertinent allegations from a pleading. A pleading should set forth a cause of action and shall contain a short statement of the facts showing that the pleader is entitled to relief. Rule 8(a), SCRCP. I further find that pleadings should contain ultimate facts rather than evidentiary facts. *See Watts v. Metro Sec. Agency*, 346 S.C. 235, 240, 550 S.E.2d 869, 871 (Ct. App. 2001).

4. I further find that the first paragraph numbered 13 as well as paragraphs 30 and 31 of the Plaintiff's Second Amended Complaint do not attempt to allege the existence of a cause of action or ultimate facts but appear to allege evidentiary facts which are not necessary and should therefore be stricken.

NOW, THEREFORE, based upon the foregoing, it is

ORDERED that the first paragraph numbered 13 in the Plaintiff's Second Amended Complaint and paragraphs 30 and 31 of the Plaintiff's Second Amended Complaint be, and hereby are, stricken and removed from the Plaintiff's Second Amended Complaint.

AND IT IS SO ORDERED!

R. Ferrell Cothran, Jr.
Circuit Court Judge, Third Judicial Circuit

Sumter, South Carolina
September _____, 2021



Sumter Common Pleas

Case Caption: Ronald L Jones VS Gary A Jones Sr , defendant, et al

Case Number: 2020CP4300734

Type: Order/Other

So Ordered

s/ R. Ferrell Cothran, Jr., 2144