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Feb 25 2022

SC Court of Appeals

DATE: February 25, 2022

THE STATE OF SOUTH CAROLINA

In THE Court of Appeals

Appeal FROM CHEROKEE COUNTY

Court of Common Pleas

J. Declan Cole, Circuit Court Judge

Case No. 2021-000050

Bobby Dean Littlejohn

vs

Appellant
Respondent

TECH ONE AUTO

Request FOR Continuance

I am writing to ask the court to grant a continuance and in support of that motion showing the court the following: (1) Appellant needs additional time (two (2) months) due to many medical situations concerning (ME) personally and family member (82 years old elder sister diagnosed with Covid and I (Myself) Diagnosed with COVID in late January of 2022 and I'm still having many health issues (I HAVE DOCUMENTS); (2) Additional time (Two (2) MONTHS) is needed to prepare initial brief & Designation of matter for an Appeal Hearing

WHEREFORE, The Appellant respectfully request that this court grant an ORDER for a continuance until a later date and for such other relief, the court deems just and proper.

Bobby Dean Littlejohn

BOBBY DEAN LITTLEJOHN
109 VERMONT DRIVE
GAFFNE, SC 29341
864-812-1176

DATE: February 25, 2022

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Deham Cole, Circuit Court Judge

Case No. 2021-000050

Bobby Dean Littlejohn
Tech One Auto

vs

Appellant
Respondent

Motions

① That I be (Informed) on the (Many) OTHER Motions that I Bobby Dean Littlejohn (Appellant) has Submitted (Already) To The Court OF Appeals; (Tech One Auto / Scott Lusk) ^{Respondent}
② That (all) Evidents ^(papers) mailed or Emailed be Stamped and Dated by THE COURT OF Appeals;

③ That my (5) witnesses from Trial Date August 6, 2020 (Robert B. Howell) Trial Judge be subpoenaed: 1. ISSAC BRIDGES
② Joe Littlejohn ③ TJ Honey ④ TERRY Honey ⑤ James Byers

④ THAT J. Deham Cole, Circuit Court Judge Case No. 2020-CP-1100653 order (judgment) dated December 10, 2020 be Vacated (Vacater Relief) due to INEFFECTIVE ASSISTANCE OF COUNSEL

Bobby Dean Littlejohn

Bobby Dean Littlejohn
109 VERMONT DRIVE
GAFFNEY SC 29341

Date: March 23, 2020
To: Cherokee County Magistrate
Re: Civil Case Number 2020CV1110100688
From: Tech One Auto Repair/Scott Lawhorn

(BDL)

Bobby Dean Littlejohn vs Appellant
Tech One Auto Response
Case NO. 2021-000050

I, Brian Scott Lawhorn, was served with a Complaint on March 5, 2020. My Answer is as follows: I deny that I am responsible at all because, in no way, did I damage the vehicle in question or remove any items from the vehicle that Bobby Littlejohn claims are missing. Here is my summary of events specific to this complaint:

10/31/2019:

- Bobby Littlejohn brought a 2006 Dodge Ram 1500 to my shop that morning around 9:30 – 10:00 as previously scheduled for repairs, specifically because it had a starting issue.
 - This was my first time ever working on this truck for Bobby.
 - Bobby stated that he had recently purchased this vehicle and that someone else had been trying to fix it. He feared that if the truck was cut off, it might not start back. Therefore, once at the shop, it was placed directly in a shop bay.
- The truck was checked and parts were ordered later that afternoon. During this time, the truck remained in a work bay. The parts were installed.
- Bobby Littlejohn was contacted near the end of the working day to pick up the repaired vehicle. He provided instructions to leave the vehicle outside and that he would pick it up after hours. I did this
- We finished working on this day between 6:15-6:30 and left for the day.

Week of 11/04/19:

- Bobby returned to shop:
 - He asked me if we had lights outside the shop. I answered "yes". Both of my employees, Parker Lecroy and Dale Harris, later clarified that he meant "cameras" not lights and that Bobby had complained to them that something was missing out of his truck.
 - He later explained to me that someone had stolen his console. Together, we went to his truck.
 - The console was not missing. His console was in his truck.
 - He said that someone had stolen his console and replaced it, that the one in his truck now was cracked, was 2 different colors and was missing a cup holder and Chicago Bears decals that were stuck to the bottom of the console.
 - I discussed this with Bobby and explained that no one had removed/replaced his console.
 - Bobby told me that it was like "the one in a truck in your parking lot that didn't have a tag on it"
 - Later that day, both of my employees explained to me that Bobby was referring to another Dodge Ram 1500 in my parking lot that belonged to another customer.
 - I actually had this truck at my shop for an extended period of time for major repairs on the engine. So, each time Bobby came back with a complaint, I used this truck as a reference because it was the same year, had the same interior and the same wear patterns consistent with a truck that is 13-14 years old.
 - After hearing this from my employees and knowing that I still had this truck at my shop, I was able to go look at this truck and realized that the interior in this truck was identical to the interior in Bobby's truck. I also realized that the cup holder was located in the dash, not in the console.
 - After seeing this, I felt confident that Bobby was just confused about the location of the cup holder because the truck was new to him. I honestly thought that once I showed and explained this to him that this matter would be resolved.

(B)

Bobby Dean Littlejohn vs Appellant
Tech One Auto Respondent
Case No. 2021-000050

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)
Bobbie Littlejohn,)
APPELLANT,)
VS)
Tech One Auto)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS
020CP-110653

RETURN

IN THE MAGISTRATE'S COURT
2020CV1110100688

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 SEP 10 AM 11:38
BRANNON W. MOBEE

DATE OF HEARING: August 6, 2020
TRIAL JUDGE: Robert B. Howell
ATTORNEY FOR APPELLANT: Pro Se
ATTORNEY FOR RESPONDENT: Pro Se

This matter came before the Court on August 6, 2020 pursuant to a Summons and Complaint filed by the Appellant. The Respondent filed a timely answer denying all allegations.

The Appellant testified: that he took his truck to the Respondent, who had done work for the Appellant in the past many times, to have some cosmetic repairs done to his truck. The Appellant further testified that the Respondent had damaged his truck by taking items off his truck and not replacing them (Chicago Bear Decals), completely changing out the trucks' interior and had put holes in the roof of the truck.

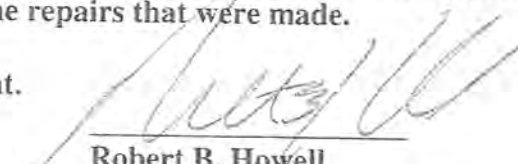
The Appellant further called five (5) witnesses that he had subpoenaed 1. Isaac Bridges, 2. Joe Littlejohn, 3. T. J. Haney, 4. Terry Haney, and 5. James Byers all of which testified that the interior of the Appellant's truck was different from when he first purchased the truck however none of them could testify to the fact that the changes to the interior or the damages were done by the Respondent. None of the witnesses were present when the Appellant picked up his truck from the Respondent and all witnesses testified that significant time had passed from when they first saw the truck to long after the repairs by the Respondent were completed.

The Appellant did not testify to any damages or put any exhibits into evidence.

The Respondent (Scott Lawhorn) testified that he nor his business did any damage to the Appellant's truck. The Respondent further that when the Appellant picked up his truck he was satisfied with the repairs that were made.

The Court found for the Respondent.

Gaffney, South Carolina
September 10th, 2020


Robert B. Howell
Cherokee County Magistrate
Seventh Judicial Circuit

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APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas
J. Deham Cole, Circuit Court Judge

Case No. 2021-000050

Robby Dean Fitzgibbon vs Appellant
Tech ONE Auto Respondent

Proof of Service

I certify that I have served the Request For Continuance to Tech One Auto / Scott Lawhorn by depositing copies in the United States Mail, Postage paid February 25, 2022 addressed to Concord Road Doffney, SC 29341 on Record. Also sent Motions

Robert B. Howell - Return/Relief
+ Tech One Auto / Scott Lawhorn - Statements

Robby Dean Fitzgibbon

Robby Dean Fitzgibbon
109 Vermont Drive
Doffney, SC 29341
864-812-1176
Appellant

RECEIVED

Feb 25 2022

SC Court of Appeals

Date February 25, 2022
Case No. 2021-000050

864-812-1176

Appellant

cc.

Tech One Auto/ Scott Lawhorn

1488 Concord Road

Gaffney, SC 29341

864-488-0554

Respondent

E-mail: techone@techoneauto.net

cc.

THE SOUTH CAROLINA COURT OF APPEALS

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Columbia, South Carolina 29211

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E-mail: CTAppfilings@SCCourts.org

To: TYLER CLARK and STORMY FALIN

Sent By United States Mail and Email To
BOTH: ① Tech ONE Auto / SCOTT LAW HORN
② THE SOUTH CAROLINA COURT OF APPEALS

Bobby Dean Feilich