


From: Amenhotep Myers scassociationllc@gmail.com 
Subject: Fwd: Transcript Request
Date: April 4, 2022 at 3:44 PM
To:
Cc: Robin Jackson robin@sennlegal.com, Missi Kinard Missi@sennlegal.com

Hi,

Please find attached transcript.

Regards,
Amenhotep Myers
202-679-7947

South Carolina Association LLC
scassociationllc@gmail.com

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Begin forwarded message:

From: "Todd, Sallie B." <sbtodd@sccourts.org>
Date: March 17, 2022 at 2:46:30 PM EDT
To: Peace Within <amenhotep.31@gmail.com>
Subject: Re: Transcript Request

Please find attached the transcript from the hearing on 2/11/22, as well as the Certificate Page. If you need anything further, please let me know.

Thanks,
Sallie Beth Todd

From: Peace Within <amenhotep.31@gmail.com>
Sent: Monday, March 7, 2022 1:46 PM
To: Todd, Sallie B. <sbtodd@sccourts.org>
Subject: Re: Transcript Request

Hi,

Thank you. I will send this out today. If you accept cashapp or other electronic payment, please let me know.

Regards,

Amen Myers

On Mar 7, 2022, at 1:34 PM, Todd, Sallie B. <sbtodd@sccourts.org> wrote:

Good afternoon,

I have received your request for transcript and the approximate cost is \$65. As soon as I receive payment for the transcript I will e-mail it to you. You can mail payment to:

Sallie Beth Todd, Court Reporter
Post Office Box 677

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APR 19 2022

SC Court of Appeals

Conway, SC 29528

If you have any other questions, please let me know.

I look forward to hearing from you,
Sallie Beth

From: Peace Within <amenhotep.31@gmail.com>
Sent: Friday, March 4, 2022 5:45 PM
To: Transcripts <transcripts@sccourts.org>
Cc: Todd, Sallie B. <sbtodd@sccourts.org>
Subject: Transcript Request

Hi,

Please see attached form.

Regards,
Amenhotep Myers

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Myers.vs.SCDM
V.02.11.2022.pdf

Myers vs SCDMV

12

2021-CP-10-03740

1 C E R T I F I C A T E

2

3 I, the undersigned, Sallie Beth Todd, Official Court
4 Reporter for the State of South Carolina, do hereby certify
5 that the foregoing is a true, accurate and complete transcript
6 of the Transcript of Record of the hearing held in the
7 interest of Amenhotep Myers versus South Carolina Department
8 of Motor Vehicles and Kevin A. Shwedo, in his official
9 capacity as Executive Director of Motor Vehicles in the Court
10 of Common Pleas for Charleston County, Charleston County
11 Courthouse, Charleston, South Carolina, on February 11, 2022
12 via WebEx remote hearing.

RECEIVED

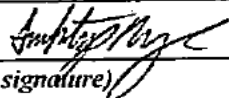
APR 19 2022

SC Court of Appeals

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Amenhotep Myers	Phone Number 202-679-7947	Email Address amenhotep.31@gmail.com	
Mailing Address 1572 Nathaniel Drive	City Charleston	State SC	Zip Code 29412
Transcript Information			
Docket Number 2021CP1003740	Case Caption (i.e. State v. John Doe or Smith v. Smith) Myers v. South Carolina Department of Motor Vehicles		
Date(s) of Proceeding 2/11/22	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County Charleston	
Presiding Judge Judge Roger M. Young	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) Sally Beth Todd	Opposing Counsel Robin Jackson		

Requestor's Signature: 
(Typed name will serve as signature)

Date: 2/14/22

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON) 2021-CP-10-03740

Amenhotep Myers,)
)
Plaintiff,) **Transcript of Record**
)
vs.)
) **FEBRUARY 11, 2022**
South Carolina Department of)
Motor Vehicles and Kevin A.)
Shwedo, in his official)
capacity as Executive Director)
Of Motor Vehicles,)
)
Defendants.)
)

B E F O R E:

Honorable Roger M. Young, Sr.
Charleston County Courthouse
Charleston, South Carolina
Via WebEx Remote Hearing

A P P E A R A N C E S:

Amenhotep Myers, Appearing Pro Se

Robin L. Jackson, Esquire
Attorney for Defendants

Sallie Beth Todd
Circuit Court Reporter

1 **THE COURT:** All right. Next is Myers versus DMV, that's
2 the Department of Motor Vehicles. That's the one with Robin.
3 Robin, are you there?

4 **MS. JACKSON:** Good morning.

5 **THE COURT:** Good morning.

6 So are you Mr. Myers? I don't hear you, so you might be
7 muted.

8 **MR. MYERS:** Yes, I am Mr. Myers, Your Honor. Good
9 morning.

10 **THE COURT:** Okay. How do you pronounce your first name?

11 **MR. MYERS:** It's Amenhotep. It's an ancient Egyptian
12 name.

13 **THE COURT:** Okay. All right. Well let's see, this is
14 the state's motion to dismiss. So, Mr. Myers, you're
15 representing yourself; is that correct?

16 **MR. MYERS:** Yes, Your Honor.

17 **THE COURT:** All right. Ms. Jackson, go ahead.

18 **MS. JACKSON:** Good morning, Your Honor. I am
19 representing the Department of Motor Vehicles and Director
20 Kevin Shwedo in this case. I previously submitted a brief
21 that sets forth all of the dates.

22 There are four bases to dismiss this case. The first one
23 is the statute of limitations. The second is the fact that it
24 was not properly served. Third, Mr. Shwedo is not a proper
25 defendant under the South Carolina Tort Claims Act, and the

1 department is entitled to immunity under the Tort Claims Act.
2 And forth, plaintiff has asked for declaratory relief but has
3 not set forth what exact declaratory relief he is looking for.

4 Your Honor, this case has a two-year statute of
5 limitations under the Tort Claims Act. It is undisputed that
6 the plaintiff did not file a verified claim as is required by
7 the Tort Claims Act in order to extend that statute of
8 limitations to three years. This case goes back to a DUI
9 suspension of license that occurred on July 7th of 2018. There
10 was a hearing requested on August 7th of 2018 under the implied
11 consent rules. There was a letter sent -- this case basically
12 revolves around a mistake in the letters, Your Honor. What
13 happened on August 13th of 2018 was that Mr. Myers had
14 requested a hearing on implied consent, but it was requested
15 one day late. And so the DMV employee put the -- put that
16 request into the system to generate a hearing notice and then
17 realized that it was late. And so what happened was it
18 generated two letters. One, when she had to delete the whole
19 -- the whole entry to be able to reenter it to say that the
20 letter was sent late. When that was deleted, it generated a
21 letter to Mr. Myers saying that the suspension had been
22 lifted. When she reentered it, it generated a letter on the
23 same date letting him know about the hearing. Mr. Myers was
24 sent both letters to the same address. And his position is
25 that he relied solely on the letter that said that the

1 suspension was lifted.

2 The hearing -- the hearing for the implied consent, the
3 DMV submitted an opposition to that motion and requested that
4 it be dismissed because the request for hearing was filed out
5 of time. The occurred on August 14th of 2018 and was served on
6 Mr. Myers. And the hearing officer sent an order to Mr. Myers
7 on August 20th telling him to file a response to the DMV's
8 motion. And then on September 19th of 2018 the hearing officer
9 dismissed the challenge to the implied consent suspension
10 because Mr. Myers had not filed a response.

11 This case was filed on August 16th of 2021, over a year
12 after the expiration of the two-year statute of limitations
13 based on the conflicting letters. It was filed 11 months
14 after receiving the hearing officers order dismissing the
15 implied consent challenge and upholding the license
16 suspension.

17 In addition, Mr. Myers alleges that on August 12th of 2019
18 he was notified by Uber and Lyft that his license was
19 suspended. Even if we use that date as the date of notice, he
20 still missed the two-year statute of limitations. We would go
21 back to the date of the refusal to take the breathalyzer on
22 July 7th of 2018. And even with the declaratory judgment
23 allegations which have a three-year statute of limitations,
24 that statute would have run on July 7th of 2021, and again the
25 plaintiff would have missed the statute of limitations.

1 Your Honor, that's our primary basis for the dismissal of
2 this. Do you want to consider that, or do you want me to
3 argue all of the grounds?

4 **THE COURT:** Well let me ask you this. Is his license
5 suspended or not? I'm really not clear?

6 **MS. JACKSON:** Yes.

7 **THE COURT:** It is? It is suspended?

8 **MS. JACKSON:** It is.

9 **THE COURT:** Okay. All right.

10 Well, Mr. Myers, we need to focus on this statute of
11 limitations question first because if you missed that the rest
12 of them don't matter.

13 **MR. MYERS:** Yes, Your Honor. Thank you, Your Honor.

14 Well the statute of limitations, as far as this case, was
15 filed August 16th 2021. I believe in my complaint I have
16 alleged that after August 16th of 2019 the state has -- the
17 state's conduct through acts or omissions have basically
18 created independent acts of gross negligence that I can claim
19 that I've included in my complaint.

20 For example, Your Honor -- well let's step back. This is
21 the first time I'm actually hearing the state's side that it
22 was some process issue with their system that generated this
23 letter. When I received it, I'm under the assumption that
24 it's a valid letter. It's coming from the government. It has
25 the governor's name on it, it's signed, it says that the

1 information is deleted. At that point I'm under the
2 assumption that my license is valid. All right. So the
3 statute of limitations she's saying starts on the date of that
4 letter, but it actually wouldn't start until I had a
5 reasonable belief that my license was suspended. As she said,
6 there was a DUI, my license was suspended. Uber and Lyft, for
7 whatever purposes, not government entities, have determined
8 that my license was suspended. They -- I don't know what
9 information that they are operating off of, the prior
10 information, do they know about the letter that the state has
11 sent me saying that this information was deleted? I don't
12 know. But what I've claimed is I've taken that letter to the
13 DMV as the letter instructs to take it to the DMV to get a new
14 license. That's what I've done after August 16th 2019. And
15 that's just one example of the acts and omissions that the
16 state has been accused of committing in this action.

17 But all of the other remaining concerns that opposing
18 counsel has can be dealt with with an amended complaint with
19 leave from the Court. To include a claim of promissory
20 estoppel, which does not have a statute of limitations
21 according to the Supreme Court of South Carolina. It states
22 in the letter that there are several promises that this
23 information is deleted, that I may make application to the DMV
24 for a new license, all of which was refused.

25 **THE COURT:** Well I understand, but the way the law works

1 on statute of limitations questions is when is the first time
2 that you knew or should have known that you had a problem.
3 And that appears that those problems were brought to your
4 attention vis-à-vis by sending you these letters prior to,
5 more than two years prior to you filing the lawsuit. So those
6 letters got sent out and you were in essence, basically a year
7 late in filing since it's a two-year statute of limitation on
8 that. So you know there's really nothing I can do to help you
9 out on that. They're entitled to raise that as a defense. It
10 appears to be a valid defense. You didn't act on those at
11 that time and that's, under the law, the first time you knew
12 or should have known that you had a problem, that let you know
13 you should have acted on it, or if you're going to file a
14 lawsuit to do it no later than two years from the date you got
15 those letters. So you missed the statute of limitations.

16 **MR. MYERS:** Your Honor, if I may? When I received that
17 letter, my license was essentially reinstated. What action
18 should a reasonable person take when they receive a letter
19 that their license is reinstated. I don't know why I should
20 file a lawsuit when they sent me a letter saying this
21 information is deleted.

22 **THE COURT:** Well, it's my understanding that you got two
23 letters at the same time with contradictory information on it
24 and that was the point.

25 **MR. MYERS:** I received the letter -- the second letter

1 not the same day, but I did receive it. But still, like I
2 said, I understand where you're coming from as far as them
3 sending the letter, but there's multiple acts of gross
4 negligence that I've alleged. Not just the ---

5 **THE COURT:** I understand that, but that's the first time
6 that you knew that you had a problem was when they sent you
7 one letter saying you're not suspended. They sent you another
8 letter saying you were suspended. When you got notice that
9 you had two contradictory things coming in, under the law
10 that's when the clock starts ticking so that if you wanted to
11 bring a lawsuit, it started then.

12 **MR. MYERS:** Yes, sir.

13 **THE COURT:** So I understand you've alleged various
14 things, but they all arise back out of the fact that they sent
15 you two letters that said two different things. So you had
16 notice in the eyes of the law back then that you had a problem
17 and that's when you should have acted.

18 **MR. MYERS:** I understand.

19 **THE COURT:** All right.

20 **MR. MYERS:** With leave from the Court, I can amend my
21 complaint to include ---

22 **THE COURT:** Well it's too late. That doesn't start the
23 clock over again.

24 **MR. MYERS:** The estoppel claim, as stated by the Supreme
25 Court of South Carolina, it does not have a statute of

1 limitations on that issue.

2 **THE COURT:** Well I kind of disagree with you on that.
3 But you are welcome to appeal my order. And I'm going to have
4 Ms. Jackson, if you would, take a draft on that, send it to me
5 -- prepare a draft, send it to me. After I review it, if I
6 want to make any changes I will, if not, I'll file it and then
7 you have the right to appeal after that if you want to. Okay.

8 **MR. MYERS:** Thank you so much, Your Honor.

9 **THE COURT:** All right. Good luck to you.

10 **MS. JACKSON:** Your Honor, can I add one thing?

11 **THE COURT:** Sure.

12 **MS. JACKSON:** Just because of the potential for appeal.
13 If I can just also put on the record the fact that the first
14 alternate argument was that the defendant's were not properly
15 and timely served. Again, this complaint was filed August 16th
16 of 2021. It was never served on Kevin Shwedo or the
17 Department of Motor Vehicles. It was only served on the
18 attorney general, which is not proper under the Rules of Civil
19 Procedure, Rule 4(d)(5) for a state officer or agency. And
20 that the 120 days from the date of filing expired December 14th
21 of 2021. They have not been properly served, so we would
22 assert that as an additional ground for dismissing this case.
23 And I only put that on the record because of that discussion
24 about the potential for appeal.

25 **THE COURT:** Okay. That'll be fine. Add that in.

C E R T I F I C A T E

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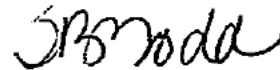
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I, the undersigned, Sallie Beth Todd, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the Transcript of Record of the hearing held in the interest of Amenhotep Myers versus South Carolina Department of Motor Vehicles and Kevin A. Shwedo, in his official capacity as Executive Director of Motor Vehicles in the Court of Common Pleas for Charleston County, Charleston County Courthouse, Charleston, South Carolina, on February 11, 2022 via WebEx remote hearing.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



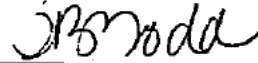
Sallie Beth Todd, CVR
Official Reporter

March 17, 2022.

13 I do hereby certify that I am neither of kin, counsel,
14 nor interest to any party hereto.

15

16



17

Sallie Beth Todd, CVR

18

Official Reporter

19

20

21 March 17, 2022.

Amenhotep Myers
1572 Nathaniel Drive
Charleston, SC 29412

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Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



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