

THE STATE OF SOUTH CAROLINA
In The court of appeal
Writ Of Certiorari From The court Of Appeals

Appeal From Anderson
Court OF Common Pleas

Case No: 2018-CP-04-01409
Appellate Case No.2019-000754

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SC Court of Appeals

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S.C. SUPREME COURT

Cordell Maddox Jr.
Judge

Presiding

Taranika Subrina Webb.....

Plaintiff

Fairview Gardens.....

Defendant

Petition For writ Of Certiorari

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1. Did the court of appeal err when the trial court dismissed the motion to reinstate because of time barred? South carolina Rule 6 (a-d)

2. Did the trial court appeal error when trial judge granted motion to strike a lease of handbook that was present in lower court. Proof of binding contract between two parties?

3. Did the trial court abuse discretion when the trial court dismissed appeal because the argument was abandoned because it lacked authorities and conclusory statements?

4. Did the trial court err when they looked over bias behavior and statements showing that the judge was going to be in favor of defendant and ex parte communication dismissing the case with prejudice after defendant asks after ten day advisement.

5. Did the trial court abuse his discretion when he dismissed Breach of Contract and Negligence?
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Cases

Stiles vs Ororanto 457. S.E.2d 601(1995)

Coles Vision Corp Vs Hobbs 394 S.C. 144,148,714 S.E. 2d539(2011)

Toussaint vs Ham 292 S.C. 415,357,S.E.

Statue

S.C. Code Ann 16-17-470(2021)

S.C. Code Ann 31-3-30-910

S.C. Code Ann 16-17-480(1962)

Other Authorities

Erin Andrews vs Marriott(Invasion Of Privacy)

Snakenburg Vs Hartford Case

Hamburger Vs Eastman N.H.107 206

FACTS

At the time of the hearing the plaintiff stayed there in Fairview Gardens Apartments and a couple of places like grandmother's house and family. She requested P.K. Management to relocate the plaintiff off the property because of the acts that were committed against her. Defendant suggested that she go back to the homeless shelter where she once resided. Plaintiff filed breach of contract, Invasion of privacy(intrusion),negligence Case against Apartment complex because after many complaints about a peeping tom defendant refused to address issues and continued to do things like leave apartment keys in door and go to lunch giving access to home, refusing to make the apartment habitable which it promises in the handbook. Case was dismissed with prejudice on April 5,2019.

STATEMENT OF THE CASE

On July 19,2018, Appellant (Taranika Webb) filed a lawsuit in common plea court for Anderson County. Appellant served Summons and complaint by mail on October 17,2018. Respondent filed a motion to dismiss or in alternative Motion for a more Definite Statement on November 6, 2018. (R. 32 Mtn. to Dismiss.) A hearing was held on respondent's motion to dismiss on January 10,2019, before the Honorable Judge R.Scott Sprouse. At the Conclusion of the hearing, Judge Sprouse instructed Appellant to file an Amended complaint within thirty days to address the issues raised by respondent in its motion to dismiss. On January 11,2019, Judge Sprouse issued a form 4 order, in which he denied Respondent's motion to dismiss and instructed Plaintiff to amend her Complaint within thirty(30) days. On January 23,2019, Appellant filed an Amended Complaint with the Anderson County Clerk of Court.(R.17-19, Am Compl) Appellant served counsel for Respondent Via mail on or about January 28,2019. On February 6, 2019. Respondent filed a motion to dismiss the Amended complaint.(R.).

The honorable Judge J. Cordell Maddox Jr.,held a hearing on Respondent's Motion to dismiss on March 19,2019 (R.6-12 Order).Order a 10 day Advisement for respondent to move Appellant and they did not. On April 5,2019, Judge Maddox issued an order Granting keys and dismissing respondent's motion and dismissed respondent's Amended complaint with prejudice. On May 6,2019, Appellant filed her of Appeal with the Court of Appeal. Plaintiff did submit a handbook in court of common pleas regarding lease and handbook. (R.p6.line 9-17).

Conclusion

On April 04, 2020 Appellant filed a motion to leave to go back to the court of common plea to set aside a judgement Rule (60)(a,b,) to correct and omission/oversight. On May 21, 2020 motion was denied. South Carolina Rule 60(a,b,) clarifies that leave of the appellate court is necessary to correct a clerical mistake or to make a motion to set aside an order of judgement while the appeal is pending. An appeal is pending from the time the notice of appeal is served until the issuance of the remittitur. The proposed order does not reflect what's in the transcripts this appeal has been pending for a year now. Judge Cordell Maddox Granted something in this case; he also ordered the Respondent to move the plaintiff ;all this information was left out of the proposed order. Appellant filed a breach of contract, negligence, invasion of privacy(intrusion). On April 28, 2020 Respondent filed a motion to strike and a supplemental record Respondent asked that the court strike the handbook/lease because it was not presented in lower courts. On May 21, 2020 Motion to strike was granted this is abuse by dissection because this lease/handbook represents the lease agreement in the breach of contract that was submitted in lower court. I request that leave be granted to correct oversight/omission and that the lease/handbook be used as evidence of a lease agreement in breach of contract.

Respectfully Submitted,

Taranika Subrina Webb