

No. 19-5854

**ORIGINAL**

Supreme Court, U.S.  
FILED

**AUG 28 2019**

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

SABRINA D DAVIS

— PETITIONER

(Your Name)

vs.

BANKERS LIFE AND CASUALTY COMPANY

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SOUTH CAROLINA STATE SUPREME COURT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SABRINA D DAVIS

(Your Name)

PO BOX 238

(Address)

CLINTON SC 29325

(City, State, Zip Code)

864-982-1799

(Phone Number)

**RECEIVED**

**SEP - 3 2019**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

**CAN THE SOUTH CAROLINA COURTS IGNORE PRECEDENT SET BY THE US SUPREME COURT THAT CLEARLY STATES THAT TIME FOR SERVICE CANNOT BE REDUCED AND PRODUCE CONFLICT AMONG , SC C.§15-9-3(A&B), and SCRCP(South Carolina Rules of Civil Procedure) Rule 3 THAT LEADS TO A VIOLATION OF THE 14<sup>TH</sup> AMENDMENT IN WHICH BIAS IS ALLOWED TO GO UNCHECKED IN THE STATE COURTS?**

## **LIST OF PARTIES**

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

**SABRINA D DAVIS v. BANKERS LIFE AND CASUALTY COMPANY  
(6:16-cv-03100-TMC)**

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## **TABLE OF AUTHORITIES CITED**

### **CASES**

### **PAGE NUMBER**

Henderson v. US

517 US 654(1996)

Carr v. Cornette

Oklahoma State Supreme Court 2013

Mims v. Babcock Center

South Carolina State Supreme Court 2012

Hooper v. Ebenezer Senior Services and Rehabilitation Center

687 SE 2d 29 SC Supreme Court(2009)

### **STATUTES AND RULES**

SC Code Ann. § 15-9-3(A&B)

**SECTION 15-3-20.** General rule as to time for commencement.

(A) Civil actions may only be commenced within the periods prescribed in this title after the cause of action has accrued, except when, in special cases, a different limitation is prescribed by statute.

(B) A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing.

### SCRCP Rule 3

**a) Commencement of civil action.** A civil action is commenced when the summons and complaint are filed with the clerk of court if:

(1) the summons and complaint are served within the statute of limitations in any manner prescribed by law; or

(2) if not served within the statute of limitations, actual service must be accomplished not later than one hundred twenty days after filing.

OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at \_\_\_\_\_ t  
Appendix \_\_\_\_\_ o  
the petition and is  
reported

☐ at \_\_\_\_\_ ; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the United States district court appears at \_\_\_\_\_ to  
Appendix \_\_\_\_\_  
the petition and is  
reported

☐ at \_\_\_\_\_ ; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears  
at

Appendix A \_\_\_\_\_  
x \_\_\_\_\_ to the petition and is  
reported

☐ at \_\_\_\_\_ ; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the SC Court of Appeals court  
appears at \_\_\_\_\_  
Appendix \_\_\_\_\_ to the petition and is  
reported

☐ at \_\_\_\_\_ ; or,

[ ] has been designated for publication but is not yet reported; or,  
[✓] is unpublished.

**1.**



## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of

Appeals on the following \_\_\_\_\_, and a copy of the date: \_\_\_\_\_ the order denying rehearing appears at \_\_\_\_\_ Appendix

☐ An extension of time to file the petition for a writ of certiorari was granted

to and \_\_\_\_\_ (date) \_\_\_\_\_ (date) including \_\_\_\_\_ on \_\_\_\_\_ ) in Application \_\_\_\_\_ No. A

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.

A copy of that decision appears at \_\_\_\_\_ Appendix

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_

\_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted

to and \_\_\_\_\_ (date) \_\_\_\_\_ (date)

Application  
No.

— A —

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**14<sup>th</sup> Amendment**

**Due Process**

## **STATEMENT OF THE CASE**

**On February 14, 2014 Ms. Davis filed a badfaith complaint against Bankers Life and Casualty Company without the summons in the Greenville, South Carolina Court of Common Pleas. On March 24, 2014<sup>1</sup> a motion to dismiss for insufficient service was filed by S Hurley of Turner and Padgett on behalf of Bankers Life and casualty Company. Ms. Davis mailed a summon to S Hurley on April 6, 2014. On May 20, 2014, Judge Lee granted a dismissal for insufficient service. Ms. Davis filed a motion for reconsideration on June 14, 2014 which was denied on July 29, 2014. An appeal was filed August 8, 2014 in the South Carolina Court of Appeals. The appeals court ruled that the case was not appealable on July 15, 2014. It was discovered after the refiled case was dismissed due to the statute of limitations that in the prior case Judge Lee had dismissed the case prematurely for insufficient service. South Carolina Code 15-9-3(A&B) and SCRCP Rule 3 allows 120 days to accomplish service but Judge Lee only allowed Ms. Davis 96 days to accomplish service before issuing a dismissal for insufficient service. Ms. Davis filed a motion in the Greenville, SC Court of Common Pleas to vacate the court ruling due to a violation of due process. The Greenville Court ruled that because the refiled case was removed to federal court it was up to the federal courts to resolve any issues in the case. The judgment issued by the Greenville Court of Common Pleas was left unchanged by both the SC appeals Court and the SC Supreme Court. This matter is now being presented to this court for a resolution that enforce the laws of the state and that adhere to court rules.**

## **REASONS FOR GRANTING THE PETITION**

**In Henderson v. US the US Supreme court established that judges could not reduce the time for service in federal courts, however state courts often assert that they do not have to follow US Supreme Court precedent . The South Carolina courts is not only refusing to follow US Supreme Court ruling in Henderson, but South Carolina is also refusing to follow its own laws and court rules. In Mims v Babcock Center. and Hooper v. Ebenezer Senior Services the South Carolina Supreme Court and the South Carolina Court of Appeals strongly relied on both the law and the court rules. SC Code Ann. § 15-3-20(A&B) and SCRPC Rule 3. Both allow 120 days to accomplish service The conflict the South Carolina courts have created is a direct result of the violation of the 14<sup>th</sup> Amendment of the United States Constitution. South Carolina has failed to apply the laws equally to all and because of this continued oversight, the biased history of South Carolina courts must be questioned. Has South Carolina denied Ms. Davis her right to due process because of her race, sex , economic status and the fact that she is pro se? South Carolina has a history of depriving poor minorities and women from the protection of the law and this case will prove to the South Carolina courts that poor black females that are representing themselves are equally entitled to the laws and courts rules in South Carolina.**

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date:   
\_\_\_\_\_