

No. 22-898

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**In the  
Supreme Court of the United States**

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RONALD I. PAUL,

*Petitioner,*

V.

SOUTH CAROLINA DEPARTMENT OF  
TRANSPORTATION; ET AL.,

*Respondents.*

—◆—  
**On Petition For A Writ Of Certiorari  
To The South Carolina Court Of Appeals**

—◆—  
**BRIEF IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI**

—◆—  
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**STATEMENT OF THE CASE**

This litigation arises from a state court condemnation action that was commenced in 2002 by the Respondent South Carolina Department of Transportation ("SCDOT") and captioned *South Carolina Department of Transportation v. Buckles*, Civil Action Number 2002-CP-40-4800. That condemnation action was tried in October 2004. In the Order of Judgment filed March 11, 2005, the state circuit court directed the Clerk of Court to disburse \$2,450.00 to the Petitioner Ronald Paul as the just compensation payable for his leasehold interest. That Order was subsequently appealed by the Petitioner, and the South Carolina Court of Appeals affirmed on October 23, 2006. The South Carolina Supreme Court later denied a petition for writ of certiorari on October 18, 2007.

On February 20, 2008, the Petitioner filed a civil action bearing Civil Action Number 2008-CP-40-1259 in the state circuit court against most of the same Defendants as in this case, including SCDOT, de Holczer, Quinn, and Ormond. That Complaint included causes of action for civil conspiracy in several particulars. By Order filed March 25, 2009, the state circuit court granted the Defendants' motion to dismiss based on a statute of limitations defense and other defenses. The Petitioner appealed to the South Carolina Court of Appeals which affirmed the dismissal on November 19, 2010. On

October 9, 2011, the South Carolina Supreme Court again denied a petition for writ of certiorari.

The Petitioner thereafter filed several repetitive and duplicative lawsuits in the United States District Court. In these federal lawsuits, the Petitioner alleged causes of action under 42 U.S.C. § 1983 for civil conspiracy in which he sought both declaratory and monetary relief. In the 2012 action, which was brought against the same Defendants as in the present case, United States District Judge Cameron M. Currie granted the Defendants' motions to dismiss without prejudice. The Petitioner thereafter continued to file the identical or nearly identical Complaints in 2013, 2015, and 2016, and each of those lawsuits was dismissed by Judge Currie without prejudice and without issuance of service of process. In dismissing the 2016 action, Judge Currie imposed a pre-filing injunction on the Petitioner. In those federal lawsuits, the Petitioner alleged conspiracy claims under state and federal law against the current Respondents arising from the prosecution of the 2002 condemnation action in state court, including a settlement reached with the Buckles parties as well as actions taken during the trial of that case in October 2004.

On October 26, 2018, the Petitioner filed the current lawsuit in state court. This action, like the others, includes federal § 1983 civil conspiracy claims against the same Defendants. In lieu of filing Answers, the Respondents SCDOT, de Holczer, Moore, Quinn, and Ormond filed Motions to Dismiss

which were granted by the state circuit court by Order filed November 13, 2019. The court granted a dismissal on several alternative grounds including statute of limitations, res judicata, and collateral estoppel defenses. The Petitioner filed a Rule 59(e) Motion for Reconsideration, which was denied by Order entered on November 26, 2020.<sup>1</sup>

On February 9, 2022, the South Carolina Court of Appeals issued an unpublished *per curiam* decision affirming the circuit court's order dismissing this action. *See, Paul v. South Carolina Department of Transportation*, Op. No. 2022-UP-051 (Ct. App. filed February 9, 2022). The Petitioner filed a petition for rehearing which was denied by order filed March 18, 2022. The Petitioner subsequently filed a petition for writ of certiorari which was denied by the South Carolina Supreme Court on February 10, 2023.

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<sup>1</sup> The Petitioner also named the Respondents Oscar K. Rucker and Macie M. Gresham in the 2018 lawsuit. In response to the Petitioner's attempt to hold them in default, the Respondents Rucker and Gresham filed a Motion to Set Aside Entry of Default and Motion to Dismiss. The state circuit court granted both of those motions by separate orders. Those orders were appealed separately. On February 9, 2022, the South Carolina Court of Appeals affirmed the circuit court which had dismissed Rucker and Gresham. The remittitur has been issued, and that appeal is now over. For that reason, the Respondents Rucker and Gresham are technically not proper parties to this appeal.

### **REASONS FOR DENYING THE PETITION**

In his Petition for Writ of Certiorari, the Petitioner fails to set forth any basis for review by this Court. The Petitioner merely states in a conclusory manner that his claims against the Respondents were improperly dismissed. He fails to challenge or address each of the bases for the dismissal in state court.

The only issue mentioned by the Petitioner is the statute of limitations defense. The South Carolina Court of Appeals ruled: “we hold the circuit court properly granted Respondents' motions to dismiss because Paul's complaint reflects he pursued causes of action under 42 U.S.C. section 1983 for alleged conduct that occurred outside the applicable three-year statute of limitations.” (App. 3).

As the circuit court correctly ruled and the South Carolina Court of Appeals affirmed, the only appropriate statute of limitations for a § 1983 action is three years. In determining the proper statute of limitations in a § 1983 claim, this Court has directed the lower courts to adopt the state law statute of limitations for personal injury. *Wilson v. Garcia*, 471 U.S. 261, 276 (1985). In *Owens v. Okure*, 488 U.S. 235 (1989), this Court further explained that “where state law provides multiple statutes of limitations for personal injury actions, courts considering § 1983 claims should borrow the general or residual statute for personal injury actions.” 488 U.S. at 249-250. Under South Carolina law, the statute of limitations for a personal injury claim is



three years. *See*, S.C. Code Ann. § 15-3-530(5). Consequently, the South Carolina Supreme Court has correctly recognized that “[i]n South Carolina, § 1983 claims are subject to a three-year statute of limitations.” *Estate of Mims v. South Carolina Department of Disabilities and Special Needs*, 422 S.C. 388, 811 S.E.2d 807, 813 (Ct. App. 2018). *See also*, *Simmons v. South Carolina State Ports Authority*, 694 F.2d 64 (4th Cir. 1982). Thus, the circuit court was correct in applying a three-year statute of limitations to the Petitioner’s § 1983 claims and in finding those claims, both for declaratory and monetary relief, were time-barred.

In short, there is no basis for the issuance of a writ of certiorari. The Petitioner has not shown that his petition raises any issues of substantial importance or conflict among the circuits or the state courts. The application of the statute of limitations to this case was correct and does not warrant any further review.

**CONCLUSION**

For the foregoing reasons, the Respondents submit that the Petition for Writ of Certiorari should be denied.

Respectfully Submitted,

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