

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Alison Meyers, Appellant,

v.

Shiram Hospitality, LLC, Respondent.

Appellate Case No. 2020-000557

Appeal From Horry County
Larry B. Hyman, Jr., Circuit Court Judge

Unpublished Opinion No. 2022-UP-014
Submitted May 12, 2022 – Filed May 18, 2022

AFFIRMED

Stephanie Holmes Burton, of Gibbes Burton, LLC, of
Spartanburg; and Brendan R. Appel, of Northfield,
Illinois, both for Appellant.

Fred B. Newby, Sr., and C. Scott Masel, both of Newby
Sartip & Masel LLC, of Myrtle Beach, for Respondent.

PER CURIAM: Alison Meyers appeals the circuit court's denial of her motion for entry of a foreign judgment against Shiram Hospitality, LLC (the LLC). On appeal, Meyers argues the circuit court erred by (1) denying her motion for entry of foreign judgment, (2) finding Haricharan "Mike" Mishra was not the LLC's agent

and thus service of process was improper, (3) citing unsupported facts and inapplicable Illinois case law, and (4) its dicta that the Illinois default judgment should not be afforded full faith and credit even if service was proper. We affirm.

We hold there is evidence to support the circuit court's denial of Meyers's motion for entry of foreign judgment.¹ See *Minorplanet Sys. USA Ltd. v. Am. Aire, Inc.*, 368 S.C. 146, 149, 628 S.E.2d 43, 44 (2006) ("An action to enforce a foreign judgment is an action at law."); *id.* ("In an action at law, tried by a judge without a jury, the findings of the trial court must be affirmed if there is any evidence to support them."); *Fin. Fed. Credit Inc. v. Brown*, 384 S.C. 555, 562-63, 683 S.E.2d 486, 490 (2009) ("A judgment of a court without jurisdiction of the person or of the subject matter is not entitled to recognition or enforcement in another state, or to the full faith and credit provided for in the federal Constitution." (quoting 50 C.J.S. *Judgments* § 986 (1997))); *PYA/Monarch, Inc. v. Sowell's Meats & Servs., Inc.*, 327 S.C. 469, 473, 486 S.E.2d 766, 768 (Ct. App. 1997) (providing "[t]he Uniform Enforcement of Foreign Judgments Act² allows a judgment debtor to file a motion for relief from, or a notice of defense to, a foreign judgment" on the ground of lack of personal jurisdiction); *Russell v. SNFA*, 987 N.E.2d 778, 786 (Ill. 2013) ("In all cases involving a nonresident defendant, before a court may subject the defendant to a judgment in personam, 'due process requires that the defendant have certain minimum contacts with the forum State such that maintenance of the suit there does not offend "traditional notions of fair play and substantial justice.'") (quoting *Wiles v. Morita Iron Works Co.*, 530 N.E.2d 1382 (Ill. 1988)); *Soria v. Chrysler Canada, Inc.*, 958 N.E.2d 285, 292 (Ill. App. Ct. 2d 2011) ("[I]f the

¹ As to whether the circuit court included unsupported facts, cited inapplicable Illinois caselaw, or engaged in dicta in its order, we hold these issues are not preserved for appellate review because Meyers did not raise them to the circuit court in a Rule 59(e), SCRCF, motion. See *Sweeney v. Sweeney*, 420 S.C. 69, 82, 800 S.E.2d 148, 154 (Ct. App. 2017) (finding because the husband did not raise an argument in his Rule 59(e) motion—thereby not allowing the family court the opportunity to rule upon the issue or correct any alleged mistakes in its final order—the issue was not preserved on appeal). Similarly, to the extent Meyers contends an evidentiary hearing was warranted to resolve any disputes over personal jurisdiction, this issue is also not preserved for appellate review because it was not raised to the circuit court. See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.").

² S.C. Code Ann. §§ 15-35-900 to -960 (2005 & Supp. 2021).

contacts between a defendant and Illinois satisfy both federal and Illinois due process requirements, an Illinois court may exercise jurisdiction, and we need not consider whether the defendant performed any of the acts enumerated in the long-arm statute."); *id.* ("To satisfy federal due process requirements, a nonresident defendant must 'have certain minimum contacts with [the forum] such that the maintenance of the suit does not offend "traditional notions of fair play and substantial justice.'" (alteration in original) (quoting *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945))); *id.* ("The minimum contacts necessary for jurisdiction depend on whether the jurisdiction asserted is general or specific. General jurisdiction exists when a defendant's general business contacts within the forum state are continuous and systematic. Specific jurisdiction . . . exists when the defendant purposefully directed its activities at the forum state's residents and the cause of action arose out of the defendant's contacts with the forum state." (citations omitted)); *id.* ("[U]nder a federal due process analysis, an Illinois court has specific jurisdiction over a nonresident defendant when: (1) the defendant had minimum contacts with Illinois such that it was fairly warned that it may be haled into an Illinois court; (2) the action arose out of or was related to the defendant's contacts with Illinois; and (3) it is reasonable to require the defendant to litigate in Illinois."). Here, the LLC's only business is a La Quinta Hotel located in Horry County, South Carolina. The LLC has never owned property outside of this location and does not have a presence in Illinois. The LLC, through La Quinta Hotel, provides services to guests, collects payments, and deposits those payments all within Horry County. The action arose out of Meyers's offer to pay for a friend's stay at La Quinta Hotel using her credit card. Myers lived in Illinois at the time. There is no evidence the LLC purposefully directed its activities at Illinois or that the cause of action arose out of or relates to the LLC's contacts with Illinois. *See Russell*, 987 N.E.2d at 787 ("Specific jurisdiction requires a showing that the defendant purposefully directed its activities at the forum state and the cause of action arose out of or relates to the defendant's contacts with the forum state."). Accordingly, because the LLC did not have sufficient minimum contacts such that it was fairly warned it may be haled into an Illinois court, there is evidence to support the Illinois court lacked personal jurisdiction over the LLC.³

AFFIRMED.⁴

³ Because this holding is dispositive of the appeal, we need not address whether Mishra was an agent of the LLC. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not address remaining issues when its resolution of a prior issue is dispositive).

⁴ We decide this case without oral argument pursuant to Rule 215, SCACR.

THOMAS, MCDONALD, and HEWITT, JJ., concur.