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Aug 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2020-CP-40-00938

Germaine Laing,

Respondent,

v.

Truist Bank; Branch Banking and
Trust Company of South Carolina; and
Angela Alley,

Appellants.

MOTION FOR REINSTATEMENT OR
PETITION FOR HEARING

Truist Bank, Branch Banking and Trust Company of South Carolina, and Angela Alley appeal the Orders of the Honorable DeAndrea Gist Benjamin dated March 2, 2021, March 17, 2021, and March 16, 2022¹. The trial court entered its final order disposing of the case on March 2, 2021. Appellants received written notice of this Court's order dismissing appeal on August 9, 2022. In this Order, the Court found that the appeal was a premature interlocutory appeal. But the trial court had entered its final judgment prior to the notice of appeal, and this judgment and related orders were noticed in Truist Bank and Angela Alley's notice of appeal. Appellants now timely move to reinstate the appeal under SCAR 240 and any other applicable.

As a result, Appellants request the Court reinstate the appeal as a proper appeal arising from a final judgment filed on May 25, 2022 with timely Notice of Appeal filed on June 21, 2022 along with proof of service filed that same day. This Notice of Appeal listed the final judgment date of the lower court and included the orders to be challenged pursuant to SCAR 201 and 203. Appellants have attached the Notice of Appeal and a copy of the trial court's

¹ An order denying a motion to set aside entry of default may not be appealed until after final judgment is entered. See generally, *Thynes v. Lloyd*, 294 S.C. 152, 363 S.E.2d 122 (Ct. App. 1987).

final judgment in this matter and filed a proof of service as required for this motion/petition. Appellants ask the Court to find that good cause exists for reinstatement and to Since these issues are ripe for the Court’s determination, Appellants ask the Court to reinstate the appeal or order a hearing on these matters. Appellants ask the Court to grant any other relief it deems proper.

August 17, 2022

s/ S. Chase Parker
S. Chase Parker
Lewis Brisbois Bisgaard & Smith, LLP
24 Drayton Street, Suite 300
Savannah, Georgia 31401
(912) 525-4960
Counsel for Appellants

Other Counsel of Record:

Lane D. Jefferies
Eric M. Poulin
Roy T. Willey
Poulin, Willey, Anastopoulo, LLC
32 Ann Street
Charleston, South Carolina 29403
Counsel for Respondent
(843) 614-8888

I certify that I have served the above on Germain Laing by electronic service, as allowed by the Supreme Court of South Carolina in its Order Regarding Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as amended May 6, 2022), by e-mailing a copy of it on August 17, 2022, to her attorney of record’s primary email addresses listed in the Attorney Information System (AIS), to wit:

Lane D. Jefferies – cld@akimlawfirm.com
Eric M. Poulin – eric@akimlawfirm.com
Roy T. Willey – roy@akimlawfirm.com

I also certify that I have filed an original and six copies of the motion with the clerk with copies served upon each party, and paid the pertinent filing fee.

August 17, 2022

s/ S. Chase Parker
S. Chase Parker
Lewis Brisbois Bisgaard & Smith, LLP
24 Drayton Street, Suite 300
Savannah, Georgia 31401
(912) 525-4960
Counsel for Appellants

Other Counsel of Record:

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2020-CP-40-00938

Germaine Laing,

Respondent,

v.

Truist Bank; Branch Banking and
Trust Company of South Carolina;
and Angela Alley,

Appellants.

NOTICE OF APPEAL

Truist Bank, Branch Banking and Trust Company of South Carolina, and Angela Alley appeal the Orders of the Honorable DeAndrea Gist Benjamin dated March 2, 2021, March 17, 2021, and March 16, 2022¹. Appellants received written notice of entry of final judgment on May 25, 2022.

June 21, 2022

s/ Kate Cappelmann

Kate Cappelmann

S. Chase Parker

Lewis Brisbois Bisgaard & Smith, LLP

24 Drayton Street, Suite 300

Savannah, Georgia 31401

(912) 525-4960

Counsel for Appellants

Other Counsel of Record:

Lane D. Jefferies

Eric M. Poulin

Roy T. Willey

Poulin, Willey, Anastopoulo, LLC

¹ An order denying a motion to set aside entry of default may not be appealed until after final judgment is entered. See generally, *Thynes v. Lloyd*, 294 S.C. 152, 363 S.E.2d 122 (Ct. App. 1987).
4873-8116-5860.1

32 Ann Street
Charleston, South Carolina 29403
Counsel for Respondent
(843) 614-8888

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
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DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2020-CP-40-00938

Germaine Laing,

Respondent,

v.

Truist Bank; Branch Banking and
Trust Company of South Carolina;
and Angela Alley,

Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Germain Laing by electronic service, as allowed by the Supreme Court of South Carolina in its Order Regarding Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as amended May 6, 2022), by e-mailing a copy of it on June 21, 2022, to her attorney of record's primary email addresses listed in the Attorney Information System (AIS), to wit:

Lane D. Jefferies – cld@akimlawfirm.com

Eric M. Poulin – eric@akimlawfirm.com

Roy T. Willey – roy@akimlawfirm.com

June 21, 2022

s/ Kate Cappelmann

Kate Cappelmann

S. Chase Parker

Lewis Brisbois Bisgaard & Smith, LLP

24 Drayton Street, Suite 300

Savannah, Georgia 31401

(912) 525-4960

Counsel for Appellants

From: [Cappelmann, Kate](#)
To: cld@akimlawfirm.com; eric@akimlawfirm.com; roy@akimlawfirm.com
Cc: [Jillian Lail](#); [Braddock, Sonyandria](#); [Smith, Lori](#); [Parker, Chase](#)
Subject: Laing v. Truist Bank - Notice of Appeal
Date: Tuesday, June 21, 2022 9:42:00 AM
Attachments: [Laing v. Truist Bank - NOA.pdf](#)
[Laing v. Truist Bank - Proof of Service -NOA.pdf](#)

All,

As per the Supreme Court of South Carolina's Order on electronic service under Rule 262, please find attached Defendants' Notice of Appeal and Proof of Service.

Thank you,
Kate

Jun 21 2022

80 Court of Appeals

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)

IN THE COURT OF COMMON PLEAS)
FOR THE 5TH JUDICIAL CIRCUIT)
CASE NO: 2020-CP-40-00938)

GERMAINE LAING,
Plaintiff,

v.

TRUIST BANK; BRANCH BANKING
AND TRUST COMPANY OF SOUTH
CAROLINA; AND ANGELA ALLEY,
Defendants.

**ORDER GRANTING
PLAINTIFF’S MOTION
FOR ENTRY OF DEFAULT
AS TO
DEFENDANTS TRUIST BANK AND
ANGELA ALLEY**

This matter came before the Court on January 7, 2021. Present for Plaintiff was Lane D. Jefferies. Present for Defendants was Matthew D. Adkins. After carefully reviewing the submissions of counsel, documents of record, arguments of counsel, and the applicable law, for the reasons set forth below, Plaintiff’s Motion for Entry of Default is GRANTED.

Procedural History

Defendants removed this case to federal court, where they then filed several Rule 12 motions. However, after the federal court declared itself lacking in subject matter jurisdiction and remanded the case to state court, Defendants failed to file an Answer or any Rule 12 motions in *state* court within the time remaining to do so.

Defendants based their decision not to file an Answer in state court on their prior counsel’s belief that the federal filings “stayed Defendants’ time to file an Answer to Plaintiff’s Complaint [in State Court] until a ruling is issued on Defendants’ pending motions [in federal court].”¹ Defendants are mistaken, because after remand there were no longer any motions pending. Accordingly, there was nothing to toll the time to answer. As a result, Defendants are in default.

¹ *Defendants Truist Bank and Angela Alley’s Response to Plaintiff’s Motion for Entry of Default, or in the Alternative, Motion to Set Aside Entry of Default*, filed September 29, 2021, p. 2.

Because Defendants have not shown good cause, Defendants cannot be relieved of default. Therefore, Defendant's motion pursuant to Rule 55(c) is DENIED. Plaintiff's Motion for Default must be and here by is GRANTED.

I. Defendants defaulted by failing to answer within the time remaining to do so after remand.

The applicable law is clear. First, motions in federal court cannot and do not remain pending after the federal court remands the case for lack of subject matter jurisdiction. "Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the *only* function remaining to the court is that of announcing the fact and dismissing the cause." *Ex parte McCardle*, 74 U.S. 506, 514, 19 L. Ed. 264 (1868) (emphasis added).² As a result, as soon as the federal court remanded this case, there were no longer any

²See also, *Sykes v. Texas Air Corp.*, 834 F.2d 488, 490 (5th Cir. 1987) ("the entry of a remand order *ends the proceeding* in the federal court") (emphasis added); *City & Cty. of San Francisco v. PG & E Corp.*, 433 F.3d 1115, 1122 (9th Cir. 2006) ("entry of a remand order *ends the proceeding in the federal court* and the state (or other) court proceeding gets under way.") (emphasis added); *Pelleport Inv'rs, Inc. v. Budco Quality Theatres, Inc.*, 741 F.2d 273, 279 (9th Cir. 1984) ("We do not address Budco's motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(6) or its motion to transfer the action to a more convenient forum pursuant to 28 U.S.C. § 1404(a). It is clear that *a remand order ends the federal court's jurisdiction.*") (emphasis added); *Anton Leasing, Inc. v. Engram*, 846 F.2d 69 (4th Cir. 1988) ("once the initial remand order was entered, the *district court lacked jurisdiction to entertain a motion* to transfer the case") (emphasis added); *Sanders v. Progressive Direct Ins. Co.*, No. 9:20-CV-2480-DCN, 2020 WL 5017855, at *3 (D.S.C. Aug. 25, 2020) ("The court thus remands the entire action to the Hampton County Court of Common Pleas. *Bereft of jurisdiction, the court does not consider the motion to dismiss.*") (emphasis added); *Overhead Door Corp. v. Assa Abloy Entrance Sys. Greenville, Inc.*, 234 F. Supp. 3d 716, 723 (D.S.C. 2017) ("Plaintiff's motion to remand is **GRANTED** and this matter is **REMANDED** to the South Carolina Court of Common Pleas for Greenville County. Consequently, AAES US's motion to dismiss is **RENDERED MOOT.**) (emphasis in original); *Senior Ride Connection v. ITNAmerica*, 225 F. Supp. 3d 528, 536 (D.S.C. 2016) ("Because the Court lacks subject-matter jurisdiction over this matter, it *cannot reach Plaintiff's motion to transfer, which is made moot by remand* to state court.") (emphasis added); *Finch v. U.S. Fid. & Guar. Co.*, No. 3:19-CV-01827, 2020 WL 2988944, at *1 (D.S.C. June 4, 2020) ("Plaintiff's motion to remand is granted because the Court lacks subject matter jurisdiction over this action. Accordingly, all other pending motions . . . are denied as moot."); *Limehouse v. Hulsey*, 397 S.C. 49, 60, 723 S.E.2d 211, 217 (Ct. App. 2011), *rev'd on*

motions pending (either in federal or state court), and thus, “pending motions” could not have tolled the time to answer.

Second, when the state court resumed jurisdiction upon remand, it had “a duty to proceed as though no removal had been attempted.” *Limehouse* at 112 (internal quotations omitted). As a result, upon remand the state court clock started ticking again. Whatever time the parties had left on the state court clock at the time of removal to answer discovery, file responsive pleadings, move to change venue, etc., they still had left immediately upon remand when the state clock started ticking again. However, they did not get any *extra* time; just however much they had left. This is the unmistakable holding in *Limehouse v. Hulsey*. *Id.* (The Supreme Court agrees that “there [is] no authority in this state to support Hulsey's position that a removing party is entitled to a fresh thirty days to answer a Complaint upon remand.”). Instead, “the time for filing an Answer [is] tolled until the state court resume[s] jurisdiction.” *Id.* at 113.

Based on the above, the *Limehouse* court held that the trial judge properly “ruled that any unexpired portion of the thirty-day time period to answer was tolled during the time the case was removed to federal court. Therefore, Hulsey had until August 5, 2006, to file an Answer to the Complaint . . . Because Hulsey removed the case fourteen days after he was served, Judge Pieper [properly] found Hulsey had sixteen days following the remand order to file his Answer.” *Limehouse v. Hulsey*, 404 S.C. 93, 111 and FN 10, 744 S.E.2d 566, 576 (2013). Likewise, the *Limehouse* court also found no fault with the trial judge’s decision not “to decide whether Hulsey was entitled to five additional days for mailing pursuant to Rule 6(e), SCRCP because Hulsey's Answer was filed twenty-four days outside of the tolled time frame.” *Id.*

other grounds, 404 S.C. 93, 744 S.E.2d 566 (2013) (“*remand ends the federal court's jurisdiction*”) (emphasis added).

Limehouse is directly on point. It does not matter how much of the original thirty days to answer or responsively plead remained when this case was remanded. Nor does it matter whether Defendants were entitled to an extra five days under Rule 6(e), or to an extra thirty days under the Supreme Court of South Carolina's Operation of the Trial Courts During the Coronavirus Emergency Order dated April 3, 2020 – because Defendants still had not answered as of the date Plaintiff's motion was heard, 155 days after remand. Regardless of how much time remained on the state court clock on the date the case was remanded, under no conceivable stretch of the rules are Defendants entitled to an additional 155 days on top of that to file their Answer.

Based on the above, this Court holds that Defendants defaulted by failing to answer within the time remaining to do so after remand.

II. Defendants did not show good cause for relief from default.

Having held that Defendants are in default, the next question is whether they are entitled to be relieved from default by showing good cause and satisfying the *Wham* factors. For the reasons set forth below, Defendants are not entitled to relief.

The first dispositive issue that prevents relief from default in this case is lack of good cause. To be relieved from an entry of default, Defendants must *first* “put forth a satisfactory explanation for the default.” *Sundown Operating Co., Inc. v. Intedge Industries, Inc.*, 681 S.E.2d 885, 888 (S.C. 2009) (citing *Wham v. Shearson Lehman Bros., Inc.*, 381 S.E.2d 499, 501–02 (S.C. Ct. App.1989)). Only after a showing of good cause does the court consider such factors as existence of a meritorious defense, prejudice to Plaintiff, timeliness of seeking relief, etc. (the “*Wham* factors”).

If Defendants do not put forth a satisfactory explanation for the default – in other words, do not show good cause for failing to answer the complaint – then the analysis ends, and the court does not consider the *Wham* factors. *See Regions Bank v. Owens*, 741 S.E.2d 51, 55 (S.C. Ct. App.

2013) (“Because we find the master did not err in finding Owens failed to show good cause for failing to answer the complaint, *we need not consider the Wham factors.*) (emphasis added); *Sundown*, 681 S.E.2d at 888 (holding a court need consider the *Wham* factors *only* “[o]nce a party has put forth a satisfactory explanation for the default”); *Dixon v. Besco Eng'g, Inc.*, 463 S.E.2d 636, 639 (S.C. Ct. App.1995) (holding the trial court is not required to make specific findings of fact on the record for each *Wham* factor if the record contains sufficient evidentiary support for the finding of lack of good cause).

Attorney negligence is not good cause. “In South Carolina, negligence on the part of an attorney is imputable to the client and *will not* be the basis of finding good cause to set aside entry of default.” *Limehouse v. Hulsey*, 397 S.C. 49, 71, 723 S.E.2d 211, 223 (Ct. App. 2011) (emphasis added), *rev'd on other grounds*, 404 S.C. 93, 744 S.E.2d 566 (2013).³ Accordingly, as recently as 2013, our Supreme Court found no fault with a trial court judge’s decision that “attorney confusion about the deadline for when an answer was due” after remand is not good cause to set aside entry of default. *Limehouse v. Hulsey*, 404 S.C. 93, 112, 744 S.E.2d 566, 576 (2013).

Default in this case resulted from the attorney’s failure to file an answer after remand, specifically “attorney confusion about the deadline for when an answer was due.” *Id.* Because attorney negligence cannot be the basis for a finding of good cause, this Court need not consider the *Wham* factors before holding that default cannot be set aside.

³ That negligence of an attorney is not good cause is so long-standing and well-established as to be practically axiomatic. *See, e.g., Roberts v. Peterson*, 292 S.C. 149, 151, 355 S.E.2d 280, 281 (Ct.App.1987) (“courts of this state have consistently held that the negligence of an attorney or insurance company is imputable to a defaulting litigant.”); *Sundown Operating Co. v. Intedge Indus., Inc.*, 383 S.C. 601, 609, 681 S.E.2d 885, 889 (2009) (“the law is clear that an attorney or insurance company's misconduct is imputable to the client.”); *Williams v. Vanvolkenburg*, 312 S.C. 373, 375, 440 S.E.2d 408, 409 (Ct.App.1994) (observing that an attorney's negligence in failing to answer is imputable to the defendant).

Although not necessary to this Court's holding, this Court observes that even if good cause had been shown, Defendants still would not be entitled to relief from default, because Defendants did not come forward with any evidence to satisfy the *Wham* factors. At the hearing on this matter, Defendants presented only arguments of counsel – which are, of course, not evidence. *Sulton v. HealthSouth Corp.*, 400 S.C. 412, 420, 734 S.E.2d 641, 646 (2012).

Absent any supporting evidence, even if this Court had reached the *Wham* factors, relief from default would not be proper. *Sundown Operating Co. v. Intedg Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009) (“An abuse of discretion occurs when the judge issuing the order was controlled by some error of law or when the order, based upon factual, as distinguished from legal conclusions, *is without evidentiary support.*”) (emphasis added).

WHEREFORE, for the reasons set forth above, Defendant's Motion to Set Aside is DENIED. Defendant's Motion to Amend Request to Admit is moot. Plaintiff's Motion for Default is GRANTED, and a hearing to determine the amount of Plaintiff's damages shall be set at the Court's and the parties' earliest convenience.

IT IS SO ORDERED.

Columbia, South Carolina
March _____, 2021

The Honorable DeAndrea Gist Benjamin



Richland Common Pleas

Case Caption: Germaine Laing vs Truist Bank , defendant, et al

Case Number: 2020CP4000938

Type: Order/Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2020CP4000938

Germaine Laing

Truist Bank

RECEIVED

PLAINTIFF(S)

DEFENDANT(S)

Jun 21 2022

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

SC Court of Appeals

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: This matter comes before the Court on a Motion to Reconsider, Alter, Amend, And/Or Clarify filed by Defendant Truist Bank and Angela Alley on March 29, 2021.

The Motion to Reconsider, Alter, Amend, And/Or Clarify is **DENIED**.
The Order entered by the Court on March 17, 2021 stands.

IT IS SO ORDERED.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20 _____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

ELECTRONICALLY FILED - 2022 Mar 16 3:34 PM - RICHLAND - COMMON PLEAS - CASE#2020CP4000938



Richland Common Pleas

Case Caption: Germaine Laing vs Truist Bank , defendant, et al

Case Number: 2020CP4000938

Type: Order/Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161

ELECTRONICALLY FILED - 2021 Mar 02 1:51 PM - RICHLAND - COMMON PLEAS - CASE#2020CP4000938

Germaine Laing

PLAINTIFF(S)

Truist Bank

DEFENDANT(S)

Submitted by: _____ Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
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 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk :



This matter came before the Court on Plaintiff's Motion for Entry of Default and Request for Hearings on Damages heard on January 7, 2021. This Court finds that pursuant to Rule 55, SCRPC and upon the motion of the Plaintiff, the Defendant is in default.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Default is GRANTED and a damages hearing will be scheduled. Plaintiff's counsel is to prepare a proposed order consistent with this ruling.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
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Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20 _____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

ELECTRONICALLY FILED - 2021 Mar 02 1:51 PM - RICHLAND - COMMON PLEAS - CASE#2020CP4000938



Richland Common Pleas

Case Caption: Germaine Laing vs Truist Bank , defendant, et al

Case Number: 2020CP4000938

Type: Order/Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)

IN THE COURT OF COMMON PLEAS
FOR THE 5TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-40-00938

Germaine Laing,

Plaintiff,

v.

**JUDGMENT AGAINST
DEFENDANTS TRUIST BANK AND
ANGELA ALLEY**

Truist Bank; Branch Banking and Trust
Company of South Carolina; and Angela
Alley,

Defendants.

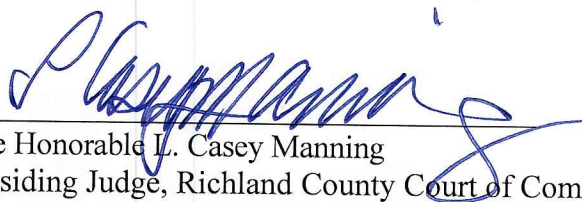
This matter came before the Court on April 6th, 2022 for a default damages hearing with respect to Defendants Truist Bank and Angela Alley (herein referred to as “Defendants”) with the Honorable L. Casey Manning presiding. Present for Plaintiff was Lane Douglas Jefferies of the Anastopoulo Law Firm. Present for Defendants was Kate Cappelmann of the Lewis Brisbois Bisgaard & Smith LLP.

During the hearing, Plaintiff called herself as a witness and entered various documents into evidence. The witness was cross-examined by Defendants’ counsel. The testimony and documentary evidence presented during the hearing indicated that as a direct and proximate result of Defendants’ negligence, Plaintiff accrued medical bills in the amount of \$55,587.30 and lost wages in the amount of \$4,000.00. Evidence of pain and suffering was presented, however, there was no indication of any permanent injury to Plaintiff. No testimony was offered regarding punitive damages nor was there any request made by Plaintiff’s Counsel for a finding of punitive damages.

WHEREFORE, IT IS HEREBY ORDERED THAT DEFENDANTS TRUIST BANK AND ANGELA ALLEY SHALL PAY TO PLAINTIFF, GERMAINE LAING, THE TOTAL SUM OF THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$300,000.00). IT

IS FURTHER ORDERED THAT JUDGMENT BE ENTERED OF RECORD
ACCORDINGLY.

AND IT IS SO ORDERED!



The Honorable L. Casey Manning
Presiding Judge, Richland County Court of Common Pleas

May 25th, 2022.

RECEIVED

Aug 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Truist Bank; Branch Banking and
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Appellants.

PROOF OF SERVICE OF MOTION FOR
REINSTATEMENT OR PETITION FOR HEARING

I certify that I have served my clients' Service of Motion for Reinstatement or Petition for Hearing on Germaine Laing by electronic service, as allowed by the Supreme Court of South Carolina in its Order Regarding Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as amended May 6, 2022), by e-mailing a copy of it on August 17, 2022, to her attorney of record's primary email addresses listed in the Attorney Information System (AIS), to wit:

Lane D. Jefferies – cld@akimlawfirm.com

Eric M. Poulin – eric@akimlawfirm.com

Roy T. Willey – roy@akimlawfirm.com

August 17, 2022

s/ S. Chase Parker
S. Chase Parker
Lewis Brisbois Bisgaard & Smith, LLP
24 Drayton Street, Suite 300
Savannah, Georgia 31401
(912) 525-4960
Counsel for Appellants

I certify that I have served the above on Germain Laing by electronic service, as allowed by the Supreme Court of South Carolina in its Order Regarding Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as amended May 6, 2022), by e-mailing a copy of it on August 17, 2022, to her attorney of record's primary email addresses listed in the Attorney Information System (AIS), to wit:

Lane D. Jefferies – cld@akimlawfirm.com
Eric M. Poulin – eric@akimlawfirm.com
Roy T. Willey – roy@akimlawfirm.com

I also certify that I have filed an original and six copies of the motion with the clerk with copies served upon each party, and paid the pertinent filing fee.

August 17, 2022

s/ S. Chase Parker
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