

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
YONDER FIELD, LLC,)
)
Plaintiff,)
)
vs.)
)
RI Inc., Seating Solutions, LLC, Scott)
Suprina, and John Doe Shareholders.)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2020CP3800783

**ORDER PARTIALLY DENYING
SUMMARY JUDGMENT**

RECEIVED
Apr 14 2023
SC Court of Appeals

This matter came before me upon Defendant Suprina’s motion to dismiss for untimely service. Plaintiff was represented by Skyler Hutto. Defendant was represented by Chris Kennedy. A hearing was held on 11 April, 2022.

Generally, in a civil matter, private parties must be served within the statute of limitations or shortly thereafter. In the matter at hand, Defendant Suprina filed this motion on the grounds that he was not served with this suit, in his personal capacity, within 120 days of the Statute of Limitations. SCRCP 3(a)(2).

At the hearing on this matter, Plaintiff raised numerous reasons why the Court should not dismiss this matter for untimely service. These reasons revolve around the central premise that Defendant Suprina was in fact served previously with this action as the representative and owner of the corporation, RI, Inc. It was uncovered later through deposition testimony that RI, Inc. had dissolved and liquidated, which is why Plaintiff sought to name Mr. Suprina personally.

In a previous Order from this Court dated 23 April, 2021, Judge Edgar Dickson acknowledged the dissolution of the corporation and allowed Mr. Suprina to be named personally, as he may have benefited directly from the liquidation of RI, Inc. Judge Dickson's Order specifically allowed for Mr. Suprina to be served with the suit (for a second time) after the statute of limitations would have normally passed, in part because it was demonstrated that Defendant Suprina was aware of this action when Defendant RI, Inc. was dissolved. Furthermore, Plaintiff's Counsel informed the Court that the parties originally discussed the likelihood of Defense Counsel accepting service for Defendant Suprina, but Defendant Suprina, after some delay, informed his Defense Counsel that he did not wish for Counsel to accept service. As such, Defendant Suprina was located and served personally in New York State.

As such, the Court finds that service was accomplished in a timely and effective manner.

The Court finds that, based on Judge Dickson's previous Order in this matter, and based on Counsel's efforts to perfect service promptly, the motion dismissing Defendant Suprina should be DENIED.

AND IT IS SO ORDERED.

19 April, 2022

Orangeburg, South Carolina

Circuit Court Judge – M. Dennis



Orangeburg Common Pleas

Case Caption: Yonder Field, LLC VS RI, Inc.

Case Number: 2020CP3800783

Type: Order/Other

R. Markley Dennis Jr., 2060

R. Markley Dennis Jr., 2060