

**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**

Sula Adams, Appellant,

v.

PennyMac Loan Services, LLC; The United States of
America, acting by and through its agency, The Secretary
of Housing and Urban Development; Lanier Law Firm,
LLC; Abby Robertson; Investors Title Insurance
Company; TransUnion; Experian Information Solutions,
Inc.; and Equifax, LLC, Defendants.

Of whom PennyMac Loan Services, LLC; The United
States of America, acting by and through its agency, The
Secretary of Housing and Urban Development; Lanier
Law Firm, LLC; Abby Robertson; and Investors Title
Insurance are the Respondents.

Appellate Case No. 2021-000265

Appeal From Greenville County
Perry H. Gravely, Circuit Court Judge

Unpublished Opinion No. 2023-UP-184
Submitted March 1, 2023 – Filed May 17, 2023

AFFIRMED

Michanna Talley Tate, of Access Law, LLC, of Greenville, for Appellant.

Demetri K. Koutrakos, of Callison Tighe & Robinson, LLC, of Columbia, for Respondent Investors Title Insurance Company.

Matthew Douglas Patterson, of Nelson Mullins Riley & Scarborough, LLP, and Jason Alexander Richardson, both of Columbia, for Respondent PennyMac Loan Services, LLC.

Matthew Holmes Henrikson, of Henrikson Law Firm, LLC, of Greenville, for Respondents Lanier Law Firm, LLC and Abby Robertson.

Andrew Robert de Holl, of United States Attorney's Office, of Mount Pleasant, for Respondent United States of America.

PER CURIAM: Sula Adams appeals the circuit court's dismissal of her complaint pursuant to the statute of limitations. On appeal, Adams argues the circuit court erred by refusing to equitably toll the statute of limitations. We affirm.

We hold the circuit court did not err by refusing to equitably toll the statute of limitations because Adams failed to show she was prevented from timely filing suit by an event beyond her control. *See Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009) ("On appeal from the dismissal of a case pursuant to Rule 12(b)(6), [SCRCP,] an appellate court applies the same standard of review as the [circuit] court."); *id.* ("That standard requires the [appellate c]ourt to construe the complaint in a light most favorable to the nonmovant and determine if the 'facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case.'" (quoting *Williams v. Condon*, 347 S.C. 227, 233, 553 S.E.2d 496, 499 (Ct. App. 2001))); *Hooper v. Ebenezer Senior Servs. & Rehab. Ctr.*, 386 S.C. 108, 115, 687 S.E.2d 29, 32 (2009) ("The party claiming the statute of limitations should be tolled bears the burden of establishing sufficient facts to justify its use."); *id.* at 116, 687 S.E.2d at 32 ("It has been observed that '[e]quitable tolling typically applies in cases where a litigant was

prevented from filing suit because of an extraordinary event beyond his or her control." (alteration in original) (quoting *Ocana v. Am. Furniture Co.*, 91 P.3d 58, 66 (2004)); *id.* at 117, 687 S.E.2d at 33 ("[E]quitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.").

AFFIRMED.¹

KONDUROS and VINSON, JJ., and LOCKEMY, A.J., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.