

# EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2023-CP-22-00012
	)	
THE HERTZ CORPORATION,	)	MAGISTRATE
	)	CASE NO.: 2022-CV-22-1050745
Appellant(s),	)	
	)	
-vs-	)	<b>ORDER</b>
	)	
GERRY HARMON,	)	
	)	
Respondent(s).	)	

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This matter comes before the Court on The Hertz Corporation’s appeal filed on January 10, 2023. The case arises out of a contractual agreement between Respondent and Appellant. On October 4, 2022, Respondent filed a Summons and Complaint in the Magistrate Court in Georgetown County. The Appellant was served with the Summons and Complaint on October 7, 2022, and filed responsive pleadings on November 1, 2022.

The answer filed by the Appellant was signed by Lindsay Burdick and contained no exhibits or attachments. There is no evidence in the record that Ms. Burdick is a licensed attorney in the State of South Carolina. There is no evidence in the record that Ms. Burdick requested to be admitted, temporarily, pro hac vice, or otherwise to practice law in South Carolina. There is also no evidence in the record that Ms. Burdick presented her designation as representative in writing to the Magistrate at the time the initial pleading in the case was filed.

A trial was held on December 13, 2022, and the Magistrate found in favor of and ordered damages to the Respondent. At the trial, an employee of Appellant appeared and requested to speak on behalf of the company. Appellant’s representative admitted he was not licensed to practice law in South Carolina or any state. Respondent moved to exclude Appellant’s filings and Appellant’s employee representative based on SC Code 33-1-103.

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The Magistrate granted Respondent's motions and the trial was conducted. The Respondent was awarded damages by the trial court and this appeal followed.

South Carolina Code Section 33-1-103 states in part:

“A corporation or partnership, as defined in this section, may designate an employee or principal of the corporation or partnership to represent it in magistrates' court. This designation must be in writing and must be submitted to the magistrate at the time the initial pleading in the case is filed by the party.”

Courts in South Carolina have analyzed and interpreted this statute to mean exactly as it states. *See, e.g., State ex rel. Daniel v. Wells, 191 S.C. 468, 5 S.E.2d 181 (1939); In re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar, 309 S.C. 304, 422 S.E.2d 123 (1992).* Similarly, the statute comports with other South Carolina Laws, Regulation, and Rules of Procedure which make it clear that a non-lawyer may not represent a partnership, LLC, Corporation, or like entity in South Carolina courts without following statutory or common law procedure<sup>1</sup>. The Magistrate correctly found that Appellant failed to comply with South Carolina law and therefore ruled in favor of Respondent.

This Court, after careful review of the Magistrate's return, applicable law, the parties' briefs and oral arguments, and after considering the entire record, hereby **affirms** the judgment of the Magistrate Court.

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The Honorable William H. Seals, Jr.  
Presiding Judge, Fifteenth Judicial Circuit

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<sup>1</sup> SC Mag. Court Rule 21 - <https://www.sccourts.org/courtReg/displayRule.cfm?ruleID=21.0&subRuleID=&ruleType=MAG>



Georgetown Common Pleas

**Case Caption:** Hertz Corporation VS Gerry Harmon

**Case Number:** 2023CP2200012

**Type:** Order/Other

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

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# EXHIBIT B

# Georgetown County Central Traffic Court



333 Cleland St.  
Georgetown, S.C. 29440

Office: 843-545-3371  
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**Judge John A. Love**  
Magistrate

December 29, 2022

Mr. Gray T. Culbreath  
P. O. Box 7368  
Columbia, S. C. 29202

RE: Motion To Reopen

Mr. Culbreath:

I have received your request for a Motion to Reopen case 2022CV221050745. Your request is based on the grounds your client was found in default under SC Code of Law 33-1-103. Your argument also states Rules 7, 14 and 21 were not properly followed. All Rules of Court were properly considered during this hearing, and the "Representative" for The Hertz Corporation was given an opportunity to respond to the motion made by the plaintiff's attorney prior to my decision.

You have also failed to request your Motion to Reopen within ten days as required. Therefore, your motion is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Love".

Judge John A. Love

dh/JAL