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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate No. 2023-001467

Michael “Tony” Satterfield, individually and in his capacity as the Personal Representative of the Estate of Gloria Satterfield, and Brian Harriott, Respondents,

v.

Richard Alexander “Alex” Murdaugh, Sr.; Chad Westendorf; Palmetto State Bank; Corey Fleming; and Moss, Kuhn & Fleming, P.A., Defendants,

OF WHOM Richard Alexander “Alex” Murdaugh, Sr., is the Appellant.

NOTICE OF FILING

I, Richard A. Harpootlian, hereby certify that I filed the notice of appeal with the Hampton County Clerk of Court on September 20, 2023, as noted by **Exhibit A**.

Respectfully submitted,

s/ Richard A. Harpootlian
Richard A. Harpootlian, SC Bar No. 2725
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1410 Laurel Street (29201)
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(803) 252-4848
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EXHIBIT A

(Filed copy of notice of appeal)

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Case No. 2021-CP-25-00298

Michael “Tony” Satterfield, individually and in his capacity as the Personal Representative of the Estate of Gloria Satterfield, and Brian Harriott, Respondents,

v.

Richard Alexander “Alex” Murdaugh, Sr.; Chad Westendorf; Palmetto State Bank; Corey Fleming; and Moss, Kuhn & Fleming, P.A., Defendants,

OF WHOM Richard Alexander “Alex” Murdaugh, Sr., is Appellant.

NOTICE OF APPEAL

Richard Alexander Murdaugh, Sr., appeals the Honorable Bentley D. Price’s Order denying his Motion for Relief from Judgment pursuant to Rule 60 of the South Carolina Rules of Civil Procedure, which was entered on August 15, 2023.

Respectfully submitted,

s/ Richard A. Harpootlian
Richard A. Harpootlian, SC Bar No. 2725
Phillip D. Barber, SC Bar No. 103421
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Attorneys for Richard Alexander Murdaugh

September 14, 2023
Columbia, South Carolina.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON) CASE NO.: 2021-CP-25-00298

Michael “Tony” Satterfield, Individually)
and in his Capacity as the Personal)
Representative of the Estate of Gloria)
Satterfield and Brian Harriott,)
)
Plaintiffs,)

**ORDER DENYING MOTION
FOR RELIEF FROM JUDGMENT**

vs.)

Richard Alexander “Alex” Murdaugh, Sr.)
Chad Westendorf, Palmetto State Bank,)
Corey Fleming, and Moss, Kuhn &)
Fleming, P.A.,)
)
Defendants.)

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Hearing Date: August 1, 2023, 8:30 a.m.
Presiding Judge: The Honorable Bentley Price
Attorneys for Plaintiffs: Ronald L. Richter, Jr., Esq.
Scott Mongillo, Esq.
Attorneys for Defendant: Phillip Barber, Esq.
Jim Griffin, Esq.
Richard A. Harpootlian, Esq.

Before the Court is the Defendant Richard Alexander “Alex” Murdaugh’s June 5, 2023, Motion to for Relief from Judgment pursuant to Rule 60 of the South Carolina Rules of Professional Conduct and Plaintiffs’ responsive Motion for Sanctions.

RELEVANT BACKGROUND

1. On September 15, 2021, the Plaintiffs commenced the present action against Defendant Richard Alexander “Alex” Murdaugh (“Murdaugh”) and others complaining (inter alia) that Murdaugh and the other named Defendants misappropriated \$4,305,000.00 in settlement proceeds from a wrongful death claim following the death of the Plaintiffs’ mother, Gloria Satterfield.

2. In late 2021, the Plaintiffs entered into several settlements with Defendants other than Murdaugh, the total value of which exceeded \$7,500,000.00.

3. Also in late 2021, the Plaintiffs and Murdaugh began negotiations for the resolution of the claims against Murdaugh, which culminated in Murdaugh entering into a Confession of Judgment in which Murdaugh confessed judgment to the Plaintiffs in the amount of \$4,305,000.00.

4. In a related action, *Renee S. Beach, as Personal Representative of the Estate of Mallory Beach v. Gregory M. Parker, et. al.*, Civil Action No. 2019-CP-25-00111 (the “Receivership Action”), a receiver had been appointed to marshal the assets of Murdaugh for the benefit of the then known or yet to be identified victims of his alleged financial improprieties.

5. Given the involvement of a court appointed receiver, the parties hereto by and through their counsel agreed that it would be necessary to petition the Court in the Receivership Action to obtain permission for Murdaugh to execute the Confession of Judgment in favor of the Plaintiffs.

6. On April 22, 2022, Nautilus Insurance Company, which paid \$3,800,000.00 of the \$4,305,000.00 in total settlement proceeds following the death of Gloria Satterfield, filed an action for declaratory relief in the United States District Court for the District of South Carolina, Action 2:22-cv-01307-RMG (the “Nautilus Action”). The Nautilus Action was then amended on May 11, 2022, to assert causes of action against Murdaugh to recover the funds that Nautilus had paid beneficially for the Estate of Gloria Satterfield on the basis that Murdaugh had lied about the facts giving rise to the claims for which it paid the settlement proceeds.

7. At the request of Murdaugh and the Plaintiffs, on May 16, 2022, the Honorable Daniel Dewitt Hall entered an Order in the Receivership Action granting Murdaugh to execute the Confession of Judgment.

8. On May 31, 2022, the Confession of Judgment was filed of record.

9. On May 16, 2023, Murdaugh filed the present Motion for Relief from Judgment.

10. On June 6, 2023, the Plaintiffs filed their Memorandum of Law in Opposition to Motion for Relief Under Rule 60(b) and Motion for Sanctions.

After carefully considering the arguments of counsel and their respective submissions, as well as the South Carolina Rules of Civil Procedure and the applicable case law, the Court hereby **DENIES** both Murdaugh’s Motion for Relief Under Rule 60 and the Plaintiffs’ Motion for Sanctions. In so ruling, **I FIND and ORDER:**

1. Murdaugh first urges the Court that he is entitled to relief from his Confession of Judgment based on the alleged fraud, misrepresentation or other misconduct of an adverse party as provided for in Rule 60(b)(3). However, in reviewing the submissions to the Court and having considered the arguments of counsel, I find nothing that would rise to the level of fraud, misrepresentation or other misconduct of an adverse party that would support the relief requested. As such, I deny Murdaugh’s request for relief under Rule 60(b)(3).
2. Murdaugh next advances that he is entitled to relief from the Confession of Judgment under Rule 60(b)(4), and in support Murdaugh argues that technical defects which

render the judgment void as a matter of law for having failed to comply with the requirements of S.C. Code 15-35-360. However, "[t]he definition of 'void' under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (citations omitted). There is no such contention here. Furthermore, even if technical defects existed in the execution of the Confession of Judgment (and I make no such findings here), in the limited authority on such issues, our Court has not required strict statutory compliance in upholding judgments. See *Linda McCo. v. Shore*, 390 S.C. 543, 703 S.E.2d 499, (2010). As a result, I hereby deny the relief requested under Rule 60(b)(4).

3. The Plaintiffs' Motion for Sanctions is likewise denied.

IT IS SO ORDERED!

The Honorable Bentley Price

Charleston, South Carolina

August ____, 2023



Hampton Common Pleas

Case Caption: Michael ?Tony? Satterfield , plaintiff, et al VS Richard Alexander
"Alex" Murdaugh , defendant, et al
Case Number: 2021CP2500298
Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

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v.

Richard Alexander "Alex" Murdaugh, Sr.; Chad Westendorf; Palmetto State Bank; Corey Fleming; and Moss, Kuhn & Fleming, P.A., Defendants,

OF WHOM Richard Alexander "Alex" Murdaugh, Sr., is Appellant.

CERTIFICATE OF SERVICE

I, Richard A. Harpootlian, hereby certify that I have served, via email the following individuals with a copy of the **Notice of Appeal** on September 14, 2023.

Eric Bland, Esq.
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Respectfully submitted,

s/ Richard A. Harpootlian
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Phillip D. Barber, SC Bar No. 103421
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September 14, 2023
VIA EMAIL

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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Re: Michael "Tony" Satterfield, individually and in his capacity as Personal Representative of the Estate of Gloria Satterfield, and Brian Harriott v. Richard Alexander "Alex" Murdaugh, Sr., et al.
C/A No. 2021-CP-25-00298

Dear Ms. Kitchings,

Enclosed please find Richard Alexander Murdaugh's notice of appeal. By copy of this letter I am serving all parties with a copy of the same.

The filing fee will follow via U.S. Mail.

With warm personal regards, I am

Sincerely,

s/Richard A. Harpootlian
Richard A. Harpootlian

/hm
Enclosure
cc: Jim Griffin, Esq.

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OF WHOM Richard Alexander “Alex” Murdaugh, Sr., is the Appellant.

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I, Richard A. Harpootlian, hereby certify that I have served, via email the following individuals with a copy of the Notice of Filing on September 22, 2023.

Eric Bland, Esq.
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Respectfully submitted,

s/ Richard A. Harpootlian
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Appellate Case No. 2023-001467

Dear Ms. Kitchings,

Pursuant to the Court's instructions, enclosed please find proof that the notice of appeal in this matter was filed with the Hampton County Clerk of Court.

With warm personal regards, I am

Sincerely,

s/Richard A. Harpootlian
Richard A. Harpootlian

/hm
Enclosure