

Joe Carrano
PLAINTIFF(S)

Access Equipment Co
DEFENDANT(S)

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
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other Dismissed

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:

See Page 2 for Court Order.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/29/2023 .

East Greenville Summary Court for Access Equipment Co
Joe Carrano for Joe Carrano
Access Equipment Co for Access Equipment Co
Access Equipment Co for Access Equipment Co
Joe Carrano for Joe Carrano

RECEIVED

OCT 10 2023

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

This is an appeal from a Judgment in Magistrate's Court and the appeal was heard on August 29, 2023. Appellant Joe Carrano appeared pro se while representatives appeared for Respondents, but they were not attorneys. The basis for this appeal was that Appellant was in the hospital at the time of the hearing in Magistrate's Court and had not received proper notice of the hearing. First, the Court must determine the threshold issue of whether Appellant timely filed his appeal. In reviewing the record presented by the Magistrate's Return, the Court sets out the following timeline which is relevant to this threshold decision:

October 14, 2022- Summons and Complaint filed by Appellant.

November 26, 2022- Answer filed by Respondent.

November 28, 2022-Counterclaim filed by Respondent.

December 13, 2022- Hearing before Magistrate, but Plaintiff failed to appear. Magistrate ruled for Defendant and awarded damages on Counterclaim of \$1503.00.

January 17, 2023-Judgment entered in favor of Appellant against Respondent for \$1503.00.

January 26, 2023-Magistrate's Order vacating original Judgment and issuing an Amended Judgment in favor of Respondent and against Appellant for \$1503.00. Date Judgment received by Appellant based on this Notice of Civil Appeal.

March 17, 2023. Date when Notice of Civil Appeal filed with Greenville County Clerk of Court.

Regardless of the issues relating to the Judgment in the underlying case and the very good reason for Appellant's not appearing for the hearing, the Appellant must properly perfect his appeal for this Court to have jurisdiction to address these issues. Rule 18, Rules of Magistrate Court requires that an Appeal be filed in Circuit Court within 30 days of receipt of written notice of the Judgment. The Appellant clearly states in his Notice that the Judgment from which he is appealing was received on January 26, 2023, but he failed to file his Notice of Appeal until March 17, 2023, more than 30 days required for such an appeal. Therefore, this Court has no jurisdiction to hear the matter and has no choice but to dismiss this appeal and reinstate the Judgment of the Magistrate.

It is so Ordered.



Greenville Common Pleas

Case Caption: Joe Carrano VS Access Equipment Co
Case Number: 2023CP2301355
Type: Order/Electronic Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2023-08-29 15:58:27 page 3 of 3