

Oct 27 2023

SC Court of Appeals

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022-CP-23-02699

WEEKEND WARRIOR LANDSCAPING, LLC,

MDK STEEL CORP., and POINT 08, LLC,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: the COURT
Attorney for: Plaintiff Defendant or Self-Represented Litigant

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. See Page 2 for additional information.
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

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 formal order Statement of Judgment by the Court:

This matter is before the Court on motion of the defendant, Point 08, LLC, seeking relief from an entry of default pursuant to Rule 55(c) and Rule 60(b), SCRPC. Defendant asserts that good cause exists to set aside the entry of default pursuant to Rule 55(c), SCRPC, and that the default was the result of mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation, misconduct of the adverse party, and that the entry of default is inequitable and should be set aside pursuant to Rule 60(b), SCRPC.

Plaintiff filed a Summons and Complaint against Defendant, Point 08 LLC on 05/23/2022. On 06/13/2022, Defendant was served the Summons and Complaint via South Carolina Secretary of State's Office pursuant to SC Code §33-44-111(c). The Court's records indicate proof of service. An Answer or other appropriate response was due from Defendant on or before 07/18/2022. An Affidavit of Default was filed by plaintiff's counsel on 08/25/2022. An order granting default judgment was entered on 09/09/2022 and revised on 09/15/2022. A Motion to Set Aside Entry of Default was filed by defendant on 09/28/2022.

The standard for granting relief from an entry of default is good cause under Rule 55(c), SCRPC, while the standard is more rigorous for granting relief from default judgment under Rule 60(b), SCRPC. "This standard requires a party seeking relief from an entry of default under Rule 55(c) to provide an



Greenville Common Pleas

Case Caption: Weekend Warrior Landscaping LLC vs. MDK Steel Corp , defendant,
et al
Case Number: 2022CP2302699
Type: Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053