

Nov 03 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, pursuant to Rule 59(e), SCRPC, TO ALTER OR AMEND an order of this Court denying its motion to set aside an entry of default made pursuant to Rule 55(c) and Rule 60(b), SCRPC.

A motion to alter or amend judgment brought pursuant to Rule 59(e), SCRPC, may be determined on the briefs filed by the parties and without oral argument. Pollard v. County of Florence, 314 S.C. 397 (Ct. App. 1994).

After consideration of the record, the argument of counsel, memoranda submitted, and the applicable rules and case law, this Court finds that the defendant's motion to set aside an entry of default was properly denied by the court and therefore defendant's Rule 59 (e) MOTION to ALTER or AMEND should be and IS therefore DENIED.

Plaintiff's counsel is instructed to prepare a formal proposed order if either party finds a more detailed order is desired.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk

:

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

J. DERHAM COLE, Presiding Judge	2053 Judge Code	09/27/2023 Date
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For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

TOWNES BOYD JOHNSON III, Esq.

ATTORNEY(S) FOR THE PLAINTIFF(S)

PATRICK O'NEILL DOLLAR, Esq.

ATTORNEY(S) FOR THE DEFENDANT

BRICE GARRETT, CLERK OF COURT

Court Reporter:



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