

The Supreme Court of South Carolina

Christopher L. Gadsden, Petitioner,

v.


Tuan Qvoc Pham, Respondent.

Appellate Case No. 2023-001866

ORDER

Petitioner appealed his eviction, and the court of appeals granted a temporary stay pending the court's receipt and review of Respondent's return to the petition and Petitioner's signed undertaking pursuant to section 27-40-800 (f)(1) of the South Carolina Code (2007). When Petitioner failed to file the undertaking required by the statute, the court of appeals denied the request for a stay. In addition, the court dismissed the appeal for Petitioner's failure to correct deficiencies in his notice of appeal. Petitioner's request for rehearing was denied on November 9, 2023.

Petitioner now seeks a stay from this Court until his "case is heard."¹ In order to stay the execution of a judgment for ejection on appeal, a tenant must "sign an undertaking that he will pay to the landlord the amount of rent, determined by the order of the circuit court, as it becomes due periodically after judgment was entered." S.C. Code Ann. § 27-40-800(f)(1) (2007). Because Petitioner has not presented proof of an undertaking in compliance with the statute, the motion to stay is denied.



FOR THE COURT C.J.

¹ A petition for a writ of certiorari to review the court of appeals' dismissal of Petitioner's appeal is due on December 11, 2023.

Columbia, South Carolina
December 12, 2023

cc:

Christopher L. Gadsden
Tuan Qvoc Pham