

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: **24-01495-eg**

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Jun 20 2024

Consent Order

S.C. SUPREME COURT

The relief set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

**FILED BY THE COURT
06/13/2024**



Entered: 06/13/2024

A handwritten signature in black ink, appearing to read "Elisabetta G. M. Gasparini".

Elisabetta G. M. Gasparini
US Bankruptcy Judge
District of South Carolina

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE:)	CASE NO.: 24-01495-eg
)	
JENNIFER MARIE CAMPNEY,)	CHAPTER 13
)	
DEBTOR.)	
)	

CONSENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY

THIS MATTER comes on to be heard upon the Motion for Relief from Automatic Stay (D.E. 13; the “Motion”) filed by Portfolio Recovery Associates, LLC (“PRA”) and the Objection thereto filed on behalf of the debtor, Jennifer Marie Campney (“Debtor”) (D.E. 16; the “Objection”). The Motion was properly served upon all parties entitled to notice thereof, and no other parties timely filed a response or objection to the Motion.

PRA and the Debtor have agreed to resolve the Motion and Objection by consent, and therefore, based upon the record in this case, and with the consent of the Debtor and PRA, the Court makes the following findings of fact and conclusions of law:

1. The debtor, Jennifer Marie Campney (the “Debtor”) filed a voluntary petition for relief under Chapter 13 of the U.S. Bankruptcy Code on April 26, 2024 (the “Petition Date”) in the U.S. Bankruptcy Court for the District of South Carolina (the “Bankruptcy Court”), which was assigned case number 24-01495-eg (the “Bankruptcy Case”).
2. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1334(a) and the Standing Order Concerning Title 11 Proceedings Referred Under Local Civil Rule 83.IX.01, *Referral to Bankruptcy Judges* entered by the U.S. District Court for the District of South Carolina on December 5, 2013. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (G).
3. Prior to the Petition Date, and on or about January 4, 2017, PRA initiated a civil

action against the Debtor in the Dorchester County Magistrate Court, Case No. 2017CV1810300032, seeking a judgment against the Debtor for unpaid credit card debt (the “State Court Lawsuit”). The Debtor eventually filed certain counterclaims against PRA in the State Court Lawsuit, which was then transferred to the Dorchester County Court of Common Pleas (the “State Trial Court”).

4. A bench trial was held in the State Court Lawsuit on October 23, 2019, following which the State Trial Court entered judgment in favor of PRA on its claims against the Debtor in the amount of \$4,236.78 plus court costs and likewise entered judgment in favor of PRA on all of the Debtor’s counterclaims (the “Judgment”).

5. The Debtor timely appealed the Judgment to the Court of Appeals of South Carolina (the “Court of Appeals”), which affirmed the State Trial Court as to PRA’s claims against the Debtor, but reversed and remanded the Judgment as to one of the Debtor’s counterclaims, specifically the Debtor’s counterclaim arising under the South Carolina Consumer Protection Code, S.C. Code Ann. § 37-1-101 et seq. (the “SCCPC”) (the “SCCPC Counterclaim”). *See Portfolio Recovery Assocs., LLC v. Campney*, 441 S.C. 36, 892 S.E.2d 321 (Ct. App. 2023).

6. On October 12, 2023, PRA filed a Petition for Writ of Certiorari (the “Petition”) in the Supreme Court of South Carolina (the “Supreme Court”), which was assigned Case No. 2023-001601 (the “Pending Appeal”), and sought review of the Supreme Court regarding the Court of Appeals’ resurrection of the Debtor’s SCCPC Counterclaim.

7. The Petition is fully briefed and is currently awaiting decision by the Supreme Court pursuant to Rule 242(i), SCACR.

8. In the event the Supreme Court declines to hear the Pending Appeal, the State Court Lawsuit will be remanded to the State Trial Court, which will determine what amount, if any, the Debtor is entitled to recover on the SCCPC Counterclaim.

9. In the event the Supreme Court hears the Pending Appeal, the State Court Lawsuit may likewise require a remand to the State Trial Court, depending on the outcome of the Pending Appeal before the Supreme Court.

10. There is no just reason to delay the final adjudication of the State Court Lawsuit, including final resolution of the Pending Appeal and remand, if necessary, to the State Trial Court.

Now, therefore, and based upon the foregoing findings of fact and conclusions of law, and with the consent of the Debtor and PRA, it is hereby **ORDERED** as follows:

1. The Motion is **ALLOWED**;

2. The automatic stay of 11 U.S.C. § 362(a) is lifted for the purposes of (i) permitting the Supreme Court to rule upon the pending Petition; (ii) if the Supreme Court allows the Petition in whole or in part, to permit PRA and the Debtor to litigate and fully adjudicate the Pending Appeal; and (iii) to permit the State Trial Court to fully adjudicate the State Court

Lawsuit upon remand, whether the case is remanded by the Supreme Court after hearing the Petition and ruling on the Pending Appeal, or whether the Supreme Court denies the Petition;

3. Nothing in this Consent Order shall be interpreted or construed to have any preclusive effect of any type whatsoever in the State Court Lawsuit or the Pending Appeal; and

4. The 14-day stay imposed by Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is inapplicable to the provisions of this Consent Order, and this Consent Order shall be effective and enforceable immediately upon its entry.

AND IT IS SO ORDERED.

WE CONSENT:

/s/ Robert R. Meredith, Jr.
Robert R. Meredith, Jr.
District Court ID No. 6152
MEREDITH LAW FIRM, LLC
4000 Faber Place Drive, Suite 120
North Charleston, South Carolina 29405
Telephone: (843) 529-9000
rm@meredithlawfirm.com
Attorneys for Chapter 13 Debtor

/s/ John R. Cantrell, Jr.
John R. Cantrell, Jr.
District Court ID No. 4951
CANTRELL LEGAL, P.C.
108 Phillips Court
St. Matthews, South Carolina 29135
Telephone: (843) 797-2454
johncantrelljr@gmail.com
Attorneys for Chapter 13 Debtor in Pending State Court Action

/s/ J. Ronald Jones, Jr.
J. Ronald Jones, Jr.
District Court ID No. 5874
SMITH DEBNAM NARRON DRAKE
SAINTSING & MYERS, LLP
171 Church Street, Suite 120C (29401)
P.O. Box 22795
Charleston, South Carolina 29413
Telephone: (843) 714-2535
rjones@smithdebnamlaw.com
Attorneys for Portfolio Recovery Associates, LLC

NO OBJECTION:

/s/Beth Renno
James Wyman, Trustee Dist Ct ID 5552
Beth Renno, Staff Attorney Dist Ct ID 5627
Office of the Chapter 13 Trustee
P.O. Box 997
Mt. Pleasant, SC 29465-0997
Telephone: (843) 388-9844
13office@charleston13.com