

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Rachel Sanders,

Plaintiff,

v.

Modern Construction Services LLC, (also known as Modern Construction of South Carolina LLC),

Defendant.

IN THE COURT OF COMMON PLEAS

FOR THE SIXTEENTH JUDICIAL CIRCUIT

C/V NO. 2019-CP-46-01258

ORDER ON DAMAGES

RECEIVED

Jun 20 2024

SC Court of Appeals

This Matter is before the Court on Plaintiff's hearing for damages. This Court finds the Summons and Complaint in this action was filed on April 8th 2019. The Record indicates that Defendant Modern Construction Services LLC was served on July 8, 2021 with service being perfected in accordance with S.C.R.C.P. 4(d)(3) upon Tracy Snowdy, registered agent for the Defendant located at 5900 Harris Technology Boulevard, Suite D, Charlotte, N.C. 28269. Defendant Modern Construction Services LLC failed to answer the Plaintiffs' Complaint within the thirty (30) days required by the South Carolina Rules of Civil Procedure. The Plaintiffs' Attorney thereafter filed a Motion for Entry of Default and for a Default Judgment Hearing. Plaintiff also served the Defendant with a copy of the Motion for Entry of Default on April 1, 2022. However, Plaintiff received no response from Defendant.

A hearing was held on Plaintiff's Motion for Default on May 23, 2022. Upon the required showing by Plaintiff, the Honorable Craig Brown issued an Order granting Entry of Default on May 24, 2022. Thereafter, the Court scheduled a damages hearing in this matter for March 8, 2023. Defendant Modern Construction did not appear at this hearing, despite proper notice from this Court. Upon review of the evidence presented by Plaintiff's counsel and testimony of the Plaintiff, this Court finds that a judgement in the amount of one million, one hundred thousand dollars (\$1,100,000) is appropriate.

THEREFORE IT IS ORDERED that a judgement be entered against Defendant Modern Construction in the amount of one million, one hundred thousand dollars (\$1,100,000).

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019 CP-46-01258

Rachel Sanders

Modern Construction Services LLC, (also known as
 Modern Construction of South Carolina LLC),

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Donald Gist and Erica McCrea, Gist Law Firm P.A.

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 order (formal order to follow) Statement of Judgment by the Court:

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)
Rachel Sanders	Modern Construction Services LLC, (also known as Modern Construction of South Carolina LLC),	\$1,100,000
		\$
		\$

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

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title “Circuit Court Judge” below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the “Judgment Amount To Be Enrolled” box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



York Common Pleas

Case Caption: Rachel Sanders , plaintiff, et al VS Novant Health Inc , defendant, et al
Case Number: 2019CP4601258
Type: Order/Judgment by Default and Form 4

So Ordered

/s William A. McKinnon, #2761, Resident Circuit
Judge and Chief Admin. Judge for CP, 16th Cir.