

SUSAN MEDLIN

LEGACY HOUSING CORPORATION

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: 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 order (formal order attached) Statement of Judgment by the Court:

THIS MATTER CAME BEFORE THE COURT on July 27, 2023 on Defendant’s motion for relief from an entry of default. Plaintiff was represented by Rodney Brown, Esq. Defendant was represented by Theodore von Keller, Esq. and Jason B. Godwin, Esq. who was admitted *pro hac vice*. Having reviewed the motion, affidavits, law, and considered the argument of counsel, the Court finds as follows.

Plaintiff sued Defendant for defects to a mobile home that she recently purchased. Prior to the present suit, Plaintiff had filed complaints with SCLLR as well as two separate *pro se* lawsuits in Georgia which were dismissed on jurisdictional grounds. In the present case, Plaintiff served Defendant’s registered agent, InCorp Services. Per the affidavit of Mary Saenz, Defendant’s Director of Human Resources and Regulatory Compliance, InCorp forwarded the pleadings in a timely fashion to Defendant. Ms. Saenz believed that, because the matter had been dismissed twice in Georgia, the present action was barred in South Carolina. Ms. Saenz, as an officer and agent of Defendant, never consulted with an attorney or took any action with respect to this litigation even though she was fully aware of Plaintiff’s previous efforts to obtain relief. Significantly, in the Georgia litigation, per Mr. Godwin’s representations, Defendant sought dismissal of Plaintiff’s second suit on the ground that the action should have been brought in

South Carolina, and the Georgia judge in that action apparently ruled accordingly. Having received no answer to her complaint in the present action, Plaintiff moved for default, and an Order of Default dated May 9, 2023 was signed by Judge Donald B. Hocker.

Under Rule 55(c), an entry of default may be set aside based upon a good cause showing of surprise or excusable neglect. Neither are present in this case. Defendant was already on notice, by virtue of Plaintiff’s complaint with LLR and her two lawsuits in Georgia, that she was having issues with the mobile home which she only recently purchased. Defendant’s registered agent was properly served, and the suit was duly and timely forwarded to Defendant. Despite knowing of Plaintiff’s dissatisfaction and issues with her home, and despite the fact that a Georgia judge had previously ruled that Plaintiff’s action should be brought in South Carolina, Defendant inexcusably ignored this litigation for which Plaintiff has been continuously seeking relief since at least 2021. Accordingly, Defendant has failed to make the requisite showing of good cause that they are entitled to relief from the May 9, 2023 Order in that they have wholly failed to provide a satisfactory explanation which would warrant this Court setting aside the entry of default.

Wherefore, Defendant’s motion is denied. The Clerk of Court should set this matter for a damages hearing in the coming months.

It is so ORDERED.

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.

<i>s/ Frank R. Addy, Jr.</i>	2159	Aug. 7, 2023
Circuit Court Judge	Judge Code	Date

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:

Rodney Brown, Esq.

ATTORNEY(S) FOR THE PLAINTIFF(S)

Theodore von Keller, Esq.

Jason B. Godwin, Esq.

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: Lisa Amick

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Laurens Common Pleas

Case Caption: Susan Medlin VS Legacy Housing Corporation

Case Number: 2023CP3000168

Type: Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.