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**Oct 28 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

The Honorable Dale Van Slambrook, Master-In-Equity

Case No. 2014-CP-08-00321  
Appellate Case No. 2024-000658

Edgefield Holdings, LLC,

.....Respondent,

v.

Christian E. Hamlin,

.....Appellant,

**REPLY IN SUPPORT OF MOTION TO DISMISS**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent Edgefield Holdings, LLC (“Edgefield”) hereby files its Reply in support of its Motion to Dismiss this appeal.

There is no doubt any ruling on this appeal will be advisory in nature. Edgefield has confirmed through the filing of the Motion to Dismiss that it waives and releases any rights it may have to execute its judgment obtained under Case No. 2014-CP-08-00321.

The arguments raised by Appellant are unavailing. This case does have a rare fact pattern concerning the deadline to execute on a judgment: The Master in Equity issued an order for relief on the judgment, but such relief necessarily could not occur until after the ten-year deadline had run. However, by Edgefield affirming that it will not seek execution on the 2014 judgment

regardless of the Court's ruling on the Motion to Dismiss or in this appeal, the issue necessarily becomes moot.

Furthermore, none of the exceptions to the rule of mootness apply. This issue is not capable of repetition but evading review. If a creditor in the future gets a similar ruling, a debtor in similar shoes to the Appellant would have the same right to file an appeal.

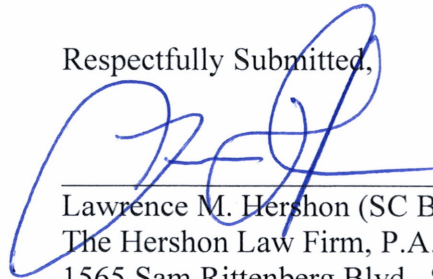
Second, there is no imperative question and manifest urgency before the Court. Judgment creditors in this state are aware of the ten-year deadline as set by statute and ruled on by this Court and the Supreme Court in previous appeals; what is before the Court in this appeal is a rare circumstance that may never again repeat itself.

Third, the ruling by the trial court will not affect future events relating to the parties. As stated by Appellant, there is a separate case pending between the parties based on a 2023 judgment that originated in North Carolina and has been domesticated in South Carolina under Case No. 2024-CP-08-01165. Appellant argues, through a very inaccurate reading of the language in the statute at S.C. CODE ANN. 33-44-504(e), that somehow the ruling in the appeal at bar can have an effect on the 2024 case. The referenced statute is the "exclusive remedy by which a judgment creditor of a member may satisfy a judgment out of the judgment debtor's distributional interest in an LLC." *Levy v. Carolinian, LLC*, 410 S.C. 140, 145, 763 S.E.2d 594, 596 (2014). This is not an exclusive remedy of recovery overall, as positioned by Appellant; rather, it is just an exclusive remedy for satisfying a judgment from a distributional interest. There is no election of a remedy or other future effect, especially when Edgefield has confirmed that it is not going to seek any further execution efforts under Case No. 2014-CP-08-00321. This is a red herring; Appellant's effort to bring in a separate case that is not on appeal is only meant to conflate issues and matters that are not the subject of the pending appeal.

Again, regardless of any success it may obtain in this appeal in opposing Appellant's positions, Edgefield will not take any efforts to execute upon the judgment or the orders issued under the captioned case (Case No. 2014-CP-08-00321). The judgment is now more than ten years old. It therefore no longer has active energy and no further execution efforts can occur under the 2014 judgment. Therefore, any ruling on appeal will be advisory in nature, as the issues on appeal are now moot.

WHEREFORE, Edgefield replies in favor of its Motion to Dismiss, as the Court should dismiss this appeal due to mootness.

Respectfully Submitted,



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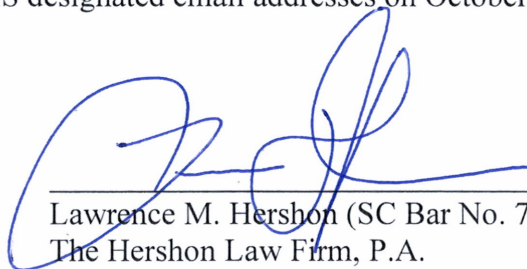
Christian E. Hamlin,

.....Appellant,

**PROOF OF SERVICE**

I, the undersigned, hereby certify that I have served the Reply in Support of Motion to Dismiss on counsel of record via their AIS designated email addresses on October 28, 2024, as follows:

paul@ferraralawfirm.net



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Attorney for Respondent Edgefield Holdings, LLC



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**Via Email <ctappfilings@sccourts.org>**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**Re: *Edgefield Holdings, LLC v. Christian Hamlin*  
*Appellate Case No. 2024-000658***

Mrs. Kitchings:

Enclosed please find Respondent Edgefield Holdings, LLC's Reply in Support of Its Motion to Dismiss in the above-referenced matter.

Sincerely,

Lawrence M. Hershon

LMH:  
Enclosure

cc: Paul Ferrara, Esq. (via email only w/ encl.)

