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Nov 13 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Mikell R. Scarborough, Master-In-Equity

Case No. 2020-CP-10-00163

Nicole Le, individually, and in the right of and as a member of Fly Charleston, LLC, and I can fly, LLC Respondents,

v.

Broker’s Exchange, LLC, Channel Remarketing, LLC, Freeman Energies, LLC, Nancy Y. Jordan, William C. Jordan, Tyler Eleise Jordan, William C. Jordan, II, Platinum Automotive Center, LLC, South State Bank, JPMorgan Chase Bank, N.A., John Doe I, and John Doe 2,..... Appellants

of whom Nancy Y. Jordan is the..... Appellants.

NOTICE OF APPEAL

Appellant Nancy Y. Jordan appeals the Order of Judge Mikell R. Scarborough dated November 4, 2024, granting partial summary judgment against her as to Respondents’ negligence claims including negligent hiring, retention, and supervision. Appellant received written notice of the ruling on November 5, 2024. A copy of the order is attached to this notice.

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Respectfully submitted,

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November 13, 2024

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Nicole Le, individually, and in the right of
and as a member of Fly Charleston, LLC, and
I can fly, LLC,

Plaintiffs,

vs.

Broker's Exchange, LLC, Channel
Remarketing, LLC, Freeman Energies, LLC,
Nancy Y. Jordan, William C. Jordan, Tyler
Elise Jordan, William C. Jordan, II, Platinum
Automotive Center, LLC, South State Bank,
JPMorgan Chase Bank, N.A., John Doe 1,
and John Doe 2.

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2020-CP-10-00163

**ORDER GRANTING IN PART AND
DENYING IN PART MOTIONS FOR
SUMMARY JUDGMENT FILED BY
PLAINTIFF NICOLE LE, BY
DEFENDANTS BROKER'S EXCHANGE,
LLC, CHANNEL REMARKETING, LLC,
AND NANCY Y. JORDAN, AND BY
DEFENDANTS WILLIAM C. JORDAN,
TYLER ELISE JORDAN, AND
WILLIAM C. JORDAN, II**

On October 28, 2024, this matter came before the Court for a pretrial hearing, with trial scheduled the week of November 18, 2024, and on the following motions: (1) Plaintiff Nicole Le's (the "Plaintiff") motion for summary judgment on her negligence-based claims against Defendant Nancy Y. Jordan ("Nancy") and on her Statute of Elizabeth/fraudulent conveyance claim against Nancy and Defendant William C. Jordan ("Bill"); (2) Defendants Broker's Exchange, LLC ("Brokers"), Channel Remarketing, LLC ("Channel"), and Nancy's motion for summary judgment on the Plaintiff's defamation, fraud, and negligent misrepresentation claims; and (3) Defendants Bill, Tyler Elise Jordan ("Elise") and William C. Jordan, II's ("Capers") motion for summary judgment on all claims asserted against them. Counsel for the Plaintiff,

Samuel M. Wheeler, and counsel for the moving Defendants, Adam N. Yount, E. Elliott Condon and Carissa S. Land, all appeared to argue their respective motions.¹

All moving parties submitted memorandums of fact and law with supporting exhibits, including deposition transcripts and documents produced in discovery. Further, all moving parties presented oral arguments that lasted approximately two hours. Based on the memorandums of fact and law, the supporting exhibits and the oral arguments of counsel at the above hearing, the Court GRANTS in part and DENIES in part the parties' respective motions for summary judgment as follows:

1. The Plaintiff's motion for summary judgment on her negligence claims, including negligent hiring, retention and supervision, against Nancy Jordan is GRANTED. The Court finds that the Plaintiff has met the elements of these causes of action, but does not enter final judgment pending Plaintiff's proof of damages.
2. The Plaintiff's motion for summary judgment on her Statute of Elizabeth/fraudulent conveyance cause of action against Nancy and Bill Jordan is DENIED. The Defendants' motion on this cause of action is also DENIED. The Court finds that there exist genuine issues of material fact on this cause of action. However, the Court does find that the burden has shifted to Bill Jordan, as transferee of the property in question, to "establish both a valuable consideration and the bona fides

¹ Counsel for Platinum Automotive Center, LLC, Jeffrey M. Crudup, appeared, as the Plaintiff had moved for enforcement of a settlement agreement between her and this Defendant. The motion was withdrawn without prejudice, as the same or a similar motion is pending in Dorchester County against both the Defendant and another party over whom this Court does not have jurisdiction. The parties agreed that Dorchester County should hear the motion to provide full relief against all parties. Procedurally, Defendant Freeman Energies, LLC has been served with this action but has never made an appearance. Defendants South State Bank and JPMorgan Chase Bank, N.A. had been previously dismissed. All parties who have appeared and remain in this action were represented at the above hearing.

of the transaction by clear and convincing testimony.” *Windsor Properties, Inc. v. Dolphin Head Const. Co. Inc.*, 331 S.C. 466, 471, 498 S.E.858, 860 (1998).

3. Brokers and Channel’s motions for summary judgment are all DENIED, and they will remain in the case as Defendants. Nancy Jordan’s motion for summary judgment on the Plaintiff’s fraud and negligent misrepresentation claims is also DENIED.
4. Nancy Jordan’s motion for summary judgment on the Plaintiff’s defamation cause of action is GRANTED, and this claim is dismissed.
5. Bill Jordan’s motion for summary judgment on all claims against him is GRANTED, except that his motion on the Plaintiff’s Statute of Elizabeth/fraudulent conveyance cause of action is DENIED, as discussed above. Bill Jordan will remain a Defendant in this action on the Plaintiff’s Statute of Elizabeth/fraudulent conveyance claim.
6. Elise Jordan’s motion for summary judgment is GRANTED, with all claims against her being dismissed. Elise Jordan is therefore dismissed from this action.
7. Capers Jordan’s motion for summary judgment is DENIED, and he will remain a Defendant in this action.

Pursuant to Rule 54 (b), SCRPC, the Court has determined there is no just reason for delay, but does not direct the entry of final judgment pending resolution of all causes of action among the parties and a final determination of damages.

IT IS SO ORDERED!



Charleston Common Pleas

Case Caption: Nicole Le , plaintiff, et al VS Brokers Exchange Llc , defendant, et al

Case Number: 2020CP1000163

Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062