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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
C/A No. 2023-CP-40-04408
Daniel Coble, Circuit Judge

Appellate Case No. 2024-001242

Kamarah Reynolds-Hall..... Appellant,

v.

Jammie Robinson, John Dixon, Dominic Hill, Joseph Hunter, Anthony (AJ)
Lawson, Javon Benson, Jahmar Brown, Cincere Scott, Jasmine Alexander-
Coleman, Holder Properties, University of South Carolina, Defendants,

of whom University of South Carolina and Holder Properties, Inc., are..... Respondents,

**INITIAL BRIEF OF THE RESPONDENT
HOLDER PROPERTIES, INC.**

Catharine Garbee Griffin, SC Bar No. 9821
Michal Kalwajtys, SC Bar No. 100950
BAKER RAVENEL & BENDER, LLP
3710 Landmark Drive, Suite 109
Columbia, SC 29204
(803) 799-9091
cgriffin@brblegal.com
mkalwajtys@brblegal.com
*Attorneys for the Respondent
Holder Properties, Inc.*

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STATEMENT OF THE ISSUE ON APPEAL

Service upon a corporation can be accomplished through delivery of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The plaintiff’s certified-mail letter—purportedly addressed to the respondent Holder Properties, Inc.—was handed to, and the receipt signed by, a person without requisite authority. Did the circuit court properly dismiss the complaint?

STATEMENT OF THE CASE

On August 22, 2023, Kamarah Reynolds-Hall, a former student and an aspiring athlete at the University of South Carolina (“USC”), filed a complaint *pro se* in the Richland County Court of Common Pleas, naming several individuals, USC, and Holder Properties, Inc. (“Holder”) as the defendants. (Compl. p. 1.) Reynolds-Hall alleged that student-athletes Jammie Robinson, John Dixon, Dominic Hill, Joseph Hunter, Anthony Lawson, and Javon Benson, along with several other USC students, formed a mob and assaulted him on USC’s property. (Compl. ¶¶ 1–29, pp. 1–4.) According to Reynolds-Hall’s allegations, USC engaged in a cover up in order to protect its student athletes. (Compl. ¶¶ 13, 15, 30, 31, pp. 2, 4.) Reynolds-Hall appears to have sued Holder for premises liability, alleging that Holder leased to USC the athletic dorm building located at 650 Lincoln Street in Columbia, SC, in whose stairwell and parking garage the assault took place. (Compl. ¶ 27, 28, p. 4.)

Reynolds-Hall attempted to serve the summons and complaint on Holder Properties via certified mail addressed to Holder at 601 Main Street in Columbia. (Transcript p. 11:13–12:16; Affidavit of Adam Sonenshine.) The certified mail that contained the pleadings was handed to one Brittany McJunkin, an employee of CMM Realty, Inc., a real estate company that manages

Adesso condominiums located at 601 Main Street, and which is not affiliated with Holder Properties, Inc. (Aff.) Ms. McJunkin signed the delivery receipt without having Holder's authority to do so. (Aff.) Reynolds-Hall did not file the proof of service within the ten-day period prescribed by Rule 5(d) of the South Carolina Rules of Civil Procedure.

On October 18, 2023, Holder moved the court, in accordance with Rule 12(b)(2) and (5) of the South Carolina Rules of Civil Procedure, to dismiss the complaint for insufficient service of process and lack of personal jurisdiction. (Holder's Motion to Dismiss.) The motion was supported by an affidavit of Holder's chief operating officer and general counsel, Adam Sonenshine, who attested to the fact that Brittany McJunkin had never been an employee, a managing agent, a general agent or an officer of Holder Properties, Inc., and thus had no authority to accept service on its behalf. (Aff.)

On July 9, 2024, the Honorable Daniel Coble, Circuit Judge, heard Holder's motion along with USC's motion to dismiss based on the statute-of-limitations defense. (Tr. p. 1.) After taking the matter under advisement, Judge Coble granted the motions by a Form 4 Order dated July 15, 2024.

On July 29, 2025, the court issued two formal orders: one dismissing the complaint as to Holder Properties, Inc. (Order); and one granting USC's motion to dismiss. (Ord. Granting USC's Mtn. to Dismiss.) This appeal followed.

STANDARD OF REVIEW

"The trial court's findings of fact regarding validity of service of process are reviewed under an abuse of discretion standard." *Clark v. Key*, 304 S.C. 497, 500, 405 S.E.2d 599, 601 (1991). An abuse of discretion arises where the judge issuing the order was controlled by an error of law or where the order is based on factual conclusions that are without evidentiary

support. *Tri-County Ice & Fuel Co. v. Palmetto Ice Co.*, 303 S.C. 237, 242, 399 S.E.2d 779, 782 (1990).

ARGUMENT

Because the circuit court did not acquire jurisdiction over Holder Properties due to lack of effective service of process, the dismissal of the complaint was appropriate.

For a court to acquire jurisdiction over a defendant, the plaintiff has to comply with the requirements of Rule 4 of the South Carolina Rules of Civil Procedure, which serves two purposes: “it confers personal jurisdiction on the court and it assures the defendant has reasonable notice of the action.” *Roche v. Young Bros., Inc., of Florence*, 318 S.C. 207, 209, 456 S.E.2d 897, 899 (1995). Thus, absent effective service, adjudication of a matter would violate the defendant’s constitutional right to due process of law.

Under Rule 4(d)(3) of the South Carolina Rules of Civil Procedure, service of process on a corporation may be made by delivery of “a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.” Rule 4(d)(3), SCRPC. The plaintiff can choose to deliver the summons and complaint through US Mail: “Service of a summons and complaint upon a defendant of any class referred to in paragraph (1) or (3) of this subdivision of this rule may be made . . . by registered or certified mail, return receipt requested and delivery restricted to the addressee. Service is effective upon the date of delivery as shown on the return receipt.” Rule 4(d)(8), SCRPC. In other words, service upon a corporation is accomplished, and personal jurisdiction is conferred onto a court, when the certified or

registered mail is accepted and the return receipt signed by an officer, a managing agent, a registered agent, or a general agent of the corporation.

Here, Reynolds-Hall failed to effectively serve Holder Properties for several reasons. First, he chose to serve Holder—a Georgia corporation with a registered agent in South Carolina, whose address is listed on the South Carolina Secretary of State’s website—by sending a certified letter to Adesso condominium complex at 601 Main Street. Second, he failed to comply with the requirements of Rule 4(d): the “green card” attached to the certificate of service shows that delivery was not restricted to the addressee as the boxes for “Certified Mail Restricted Delivery” and “Registered Mail Restricted Delivery” were not checked. (Return Receipt filed on 7/17/24.) And “delivery not restricted to the addressee renders service pursuant to Rule 4(d)(8) defective” *Roche v. Young Bros.*, 313 S.C. 356, 359, 437 S.E.2d 560, 562 (Ct. App. 1993) *reversed* 318 S.C. 207, 456 S.E.2d 897 (1995). Note here that Reynolds-Hall submitted to the clerk of court the return receipt, which was filed as a certificate of service, only after the hearing on motions to dismiss was held.

And finally, the certified-mail letter was handed to a person without requisite authority. Brittany McJunkin, who inadvertently signed the “green card” receipt, is neither a corporate officer of Holder Properties nor its managing or general agent. (Aff. Sonnenshine.) As attested by Holder’s chief operating officer and general counsel, David Sonnenshine, Holder did not appoint her to be its agent or authorize her to accept service of process. In fact, she was an employee of an unrelated company, CMM Realty, Inc., which managed the Adesso building at 601 Main Street. (Aff. Sonnenshine.) Reynolds-Hall presented no competent evidence that could rebut Sonnenshine’s affidavit or establish that McJunkin was Holder’s agent.

CONCLUSION

Because Reynolds-Hall failed to perfect valid service, the circuit court properly dismissed the complaint for insufficient service of process and the consequent lack of personal jurisdiction. For this reason, the respondent Holder Properties, Inc., asks this Court to affirm the circuit court's order granting its motion to dismiss.

Respectfully submitted,



Catharine Garbee Griffin, SC Bar No. 9821
Michal Kalwajtys, SC Bar No. 100950
BAKER RAVENEL & BENDER, LLP
3710 Landmark Drive, Suite 109
Columbia, SC 29204
(803) 799-9091
cgriffin@brblegal.com
mkalwajtys@brblegal.com
*Attorneys for the Respondent
Holder Properties, Inc.*

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