

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024-CP-42-01645

PNC EQUIPMENT FINANCE, LLC,

S & J ASPHALT PAVING LLC, Jose Luis
GUERRERO, and Scott Robert RONSON,

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); Rule 56, SCRPC
- 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 formal order to follow Statement of Judgment by the Court:

This action came before the court on motion of the defendants for judgment on the pleadings (SCRPC 12(c)) or in the alternative to dismiss (SCRPC 12(b)(6)) and to strike immaterial portions of the complaint (SCRPC 12(f)).

This is a civil action brought to collect on default of a secured note obligation to pay money. The defendants assert that the plaintiff lacks capacity to sue for failure to possess a certificate of authority to do business in this State from the Secretary of State and therefore barred from maintaining this action due to the requirements of S. C. Code Ann. Section 33-44-1008(a). Defendants further move to strike Exhibit A to the complaint as it appears to be a note between the plaintiff's assignor and a non-party to this action and not the defendants.

This Court finds, after consideration of the record, argument of counsel, any memoranda submitted, and the applicable rules, statutory, and case law, that the defendant's **MOTIONS** should be and **ARE** therefore **DENIED** without prejudice.

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the
Clerk :

RECEIVED

Apr 01 2025

SC Court of Appeals

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>J. Derham Cole</i>	2053	11/20/2024
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of August, 2024 and a copy mailed first class or placed in the appropriate attorney’s box on this _____ day of August, 2024 to attorneys of record or to parties (when appearing pro se) as follows:

RACHEL E. ROGERS, Esq.	WILLIAM H. MCABEE, III, Esq.
ATTORNEY(S) FOR THE PLAINTIFF(S)	ATTORNEY(S) FOR THE DEFENDANT(S)
	AMY W. COX, CLERK OF COURT

Court Reporter: WEBEX

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.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Spartanburg Common Pleas

Case Caption: Pnc Equipment Finance, Llc VS S & J Asphalt Paving, Llc ,
defendant, et al
Case Number: 2024CP4201645
Type: Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053