

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Hon. R. L. McIntosh, Circuit Court Judge

Magistrate Case No. 2023CV261072351

Common Pleas Case No. 2024-CP-26-3632

Court of Appeals Case No. 2025-000077

Michael Taffaro

Plaintiff - Appellant,

v.

Makayla Arteaga Terry

Defendant - Respondent,

BRIEF OF APPELLANT

Michael Taffaro
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STATEMENT OF ISSUES ON APPEAL

- 1. DID THE TRIAL COURT ERR IN FAILING TO GRANT A DEFAULT JUDGMENT TO THE PLAINTIFF DUE TO THE NON-APPEARANCE OF THE DEFENDANT ON THE TRIAL DATE, DISOBEYING COURT RULE 55 AND COUNTER TO GOODSON v. AMERICAN BANKERS INS. CO?
2. DID THE TRIAL COURT ERR IN FAILING TO POSTPONE THE TRIAL DUE TO THE NON-APPEARANCES OF BOTH OF THE PLAINTIFF'S TWO SUBPOENAED WITNESSES (HORRY COUNTY POLICE OFFICER SUMMER GASQUE AND TIMOTHY WALTER EDLER)?
3. DID THE TRIAL COURT ERR BY DISOBEYING THE COURT RULES SPECIFICALLY BY REFUSING TO CONSIDER ANY OF PLAINTIFFS SUPPORTING EVIDENCE WHICH INCLUDED TEXTS, VIDEOS, STILL SHOTS AND SWORN POLICE REPORTS?
4. DID THE CUMULATIVE ERROR OF THE TRIAL COURT CONTRIBUTE TO THE UNJUST DISMISSAL OF THE PLAINTIFFS CASE?

STATEMENT OF THE CASE

On December 6, 2023, plaintiff-appellant Michael Taffaro brought this action against defendant-respondent Makayla Arteaga "Terry" alleging theft of rent and property (pages 2a – 7a in the enclosed Designation of Matter). On December 19, 2023, defendant filed an Answer and falsely denied that, against plaintiff's wishes, she occupied plaintiff's house along with her daughter and her girlfriend without paying rent or utilities (page 9a). Defendant also denied stealing over \$5,000.00 of plaintiff's possessions as she abandoned the property shortly before the date of her Eviction Hearing. A Writ of Ejectment had been granted to plaintiff Michael Taffaro at the Hearing on March 17, 2021 and enforced on March 23, 2021 (page 8a).

Defendant Makayla Arteaga “Terry” failed to appear to the Writ of Ejectment Hearing since she had abandoned the property and robbed plaintiff. On April 29, 2024 at 10:00 A.M., plaintiff Michael Taffaro appeared for trial but defendant Makayla Arteaga “Terry” did not appear for this matter either. Plaintiff did not leave the courthouse until 11:20 A.M., which gave defendant plenty of time to arrive. Plaintiff and defendant both received a Summons to Appear dated March 8, 2024 (page 10a) which gave the parties over seven weeks of notice to prepare and appear. The Summons specifically states “Herein Fail Not On Pain Of Forfeiting”.

After being railroaded with the two prior Edler cases (which was confirmed at the Court of Common Pleas by their reversals), I knew I had no chance. Instead of properly granting a Default Judgment in favor of plaintiff, Judge Bradley D. Mayers proceeded with the sham trial which barely lasted five minutes due to my inability to question the absent defendant and subpoenaed witnesses. Judge Bradley D. Mayers very unfairly ruled in favor of defendant. These three trials were the most unfair and corrupt trials I ever witnessed. Without the opportunity to question the defendant or my subpoenaed witnesses or the use of my very solid supporting evidence, I had absolutely no chance of proving my case. I knew I was going to appeal these cases as far as needed before I even left the courthouse. On May 28, 2024, Michael Taffaro served the Notice of Appeal on defendant Makayla Arteaga “Terry”. Just to clarify, her real name is Makayla Lilia Arteaga. Makayla “Terry” is one of her numerous aliases which she utilizes in an attempt to abscond from justice.

On December 11, 2024, plaintiff Michael Taffaro appeared before Honorable R. L. McIntosh of the Court of Common Pleas to argue his case. Here, defendant Makayla Arteaga Terry missed a THIRD opportunity to appear in order to contest plaintiff’s arguments. On December 12, 2024, three Orders were issued which properly reversed the two Edler cases but surprisingly denied this case (page 1a). Plaintiff served the Court of Appeals his Notice of Appeal on January 4, 2025.

STANDARD OF REVIEW

South Carolina Rule of Civil Procedure 55.....3,4
Goodson v. American Bankers Ins. Co., 295 S.C. 400 (S.C. Ct. App. 1988).....3,4

ARGUMENTS

1. BECAUSE THE TRIAL COURT DISOBEYED S.C. COURT RULE 55, THE COURT ERRED BY NOT GRANTING PLAINTIFF A DEFAULT JUDGMENT BASED ON DEFENDANTS NON-APPEARANCE

Plaintiff appeared for trial on April 29, 2024. As soon as Judge Bradley D. Mayers witnessed the non-appearance of defendant Makayla Arteaga Terry, he should have granted the Default Judgment to the plaintiff. Instead, he erroneously proceeded with the trial. This deprived plaintiff the basic practice to question the defendant. Additionally, the trial started after 11:00 AM (over one hour after the 10:00 A.M. scheduled time, giving defendant much extra time to arrive).

Furthermore, defendant was fully aware of the trial since she was served a Demand Letter and a Complaint at her address. This is confirmed by her response of filing an Answer two weeks later. If the plaintiff did not appear, the Judge would have surely granted the dismissal to the defendant. The same rules must apply equally to both sides. When co-defendant Timothy Edler failed to Answer a similar Complaint against him, Judge Bradley D. Mayers granted the Default Judgment to plaintiff due to Timothy Edler's non-response. Defendant Makayla Arteaga Terry's non-appearance at trial was an even worse violation because she filed an Answer and denied all of plaintiff's claims (page 9a). She knew a trial was pending and without any explanation, purposely failed to appear. If plaintiff did not appear, the dismissal of his case would have surely been granted. When a party fails to defend against allegations, they are basically agreeing with them. **According to SC Court Rule 55 and citing Goodson v. American Bankers Insurance Company, 295 S.C. 400, (S.C. Ct. App. 1988), plaintiff Michael Taffaro must not only have the dismissal of the case reversed, but the Default Judgment must be granted to him.**

Defendant missed four opportunities to contest everything I filed against her. She failed to appear for the Writ of Ejectment Hearing, the Magistrate trial and the Court of Common Pleas Hearing. Additionally, she failed to respond to this brief at the Court of Appeals. She only merely denied my claims within her Answer (page 9a). For convenience, I have included the pertinent part of the transcript of my unopposed argument at the Court of Common Pleas in front of the Honorable Judge R. L. McIntosh (pages 11a – 15a). From page 3, line 10 through page 4, line 6:

Mr. Taffaro: Okay. So the first issue is, did the trial court err in failing to grant a default – a default judgment to the plaintiff due to the non-appearance of the defendant on the trial date?

I served her a demand letter and a Complaint. Excuse me. She answered. She knew that there was a trial. She didn't appear. I have two pages here. Page 1a is her Answer. Okay? So, she knew there was a trial. And on page 2a, it says she needs to appear on April 29th, "Herein fail not on pain of forfeiting". (there is a typo in the transcript – it's "pain" not paying).

So, according to Rule -- South Carolina Court Rule 55, the judge should have granted me a default judgment. She didn't appear. I got a default judgment on Tim Edler because he didn't answer. What she did was worse. I should have a default judgement. She wasn't there. How could she win? If I don't show up, the case is going to get dismissed. If she doesn't show up, it's a default judgment. So that's that.

Now, if you want to hear anything else -- the other issues are the witnesses and the evidence. And that's it. That's it. That's the main one with this one. She wasn't there. That's a default judgment. South Carolina Rule 55. That's all I have to say, Your Honor.

South Carolina Rule of Procedure 55(a) stipulates that when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the judge shall enter the party's default. In this case, the defendant was duly served with a Demand Letter and Complaint and subsequently filed an Answer, thereby acknowledging the pending trial. However, the defendant failed to appear at the scheduled trial on April 29, 2024. The Summons for trial specifically **orders her to "appear personally on April 29th, Herein fail not on pain of forfeiting"** (page 10a). It absolutely does not read "Herein fail not on pleasure of winning".

The trial court's decision to proceed with the trial despite the defendant's absence contravenes the principles underlying Rule 55. The rule is designed to prevent a defendant from impeding the judicial process by failing to participate. As established in *Goodson v. American Bankers Insurance Co.*, a party's nonappearance at trial does not automatically constitute a default; however, the court must consider the circumstances surrounding the nonappearance. In this instance, the defendant's absence was without explanation (she never called the Court or anything), and the plaintiff was present and prepared to proceed. Therefore, **the trial court should have granted a default judgment in favor of the plaintiff.**

I am surprised that my previous brief and oral argument to the Court of Common Pleas was not enough to reverse this case. In order to avoid having to appeal to the next level, I will now overemphasize my argument, so please forgive me for being repetitive. There are only three scenarios to where a trial can be immediately concluded before it even begins. If the Plaintiff no-shows, the plaintiff loses. If both the plaintiff and the defendant no-show, again, the plaintiff loses. But if the defendant no-shows, how can she possibly win that too! This case is a textbook violation of everything that Rule 55 and Goodson stand for and it goes much, much further than that. Nowhere in life can someone win any kind of battle simply by not showing up. If a boxer (or anyone) doesn't show up at the scheduled time, he loses by forfeit. How did Makayla Arteaga get away with robbing me by forfeiting? Doesn't that give me the liberty to rob even more from her and get away with it simply by not appearing? Of course not. And the same rules must apply equally to both sides. I am not 100% sure if I properly cited case law here but I am an expert at common sense and fairness. Makayla Lilia Arteaga beat me for rent and stole my property and now she owes me money. NOTHING CHANGES THAT.

My case against Makayla Lilia Arteaga is strong, which is most likely the reason why she chose not to appear. I have Ring camera video proof of Defendant-Respondent Makayla Arteaga, her daughter Tenzley Arteaga and her girlfriend living at the house for four months, from December through March. Additionally, I have a Writ of Ejectment and numerous police reports and witness testimony confirming that she stole over \$5,000.00 of my property. Makayla Arteaga owes me for four months of rent and my stolen property which exceeds \$7,500.00.

2. BECAUSE OF THE NON-APPEARANCES OF MY TWO KEY SUBPOENAED WITNESSES (HORRY COUNTY POLICE OFFICER SUMMER GASQUE AND TIM EDLER), THE COURT ERRED BY ALLOWING THE CASE TO PROCEED WITHOUT EITHER OF THEM INSTEAD OF ADJOURNING THE TRIAL

Just in case defendant Makayla Arteaga "Terry" somehow survives the first argument regarding SC Court Rule 55 due to her non-appearance, I will proceed with the rest of my arguments. Besides, I need these issues to be scrutinized and decided in order to avoid them to be repeated in a possible remanded trial.

I paid to have two witnesses subpoenaed. The first was Horry County Police Officer Summer Gasque. I am sure that she appears every single time she is needed to testify on the behalf of the Horry County Solicitors Office. Why did she disobey my subpoena despite the fact that she works in the same courthouse? I needed to question her regarding her police report on March 1, 2021. In her report, Tim Edler stated that he helped defendant Makayla Arteaga "Terry" and her boyfriend, Joey Edler, load my couch and TV (the heavy items) onto the truck while he witnessed them steal all my other property that I listed. The officer asked me if I wanted Tim arrested and I declined because he told the truth and did not benefit from anything that was stolen. Tim Edler disobeyed his subpoena because he refused to Answer my Complaint and I was properly awarded a Default Judgment against him. Judge Bradley D. Mayers should have postponed the trial to at least have Horry County Police Officer Summer Gasque confirm the content of her police report. There was absolutely no benefit for Tim Edler to confess to helping the defendant load my stolen items onto the truck. At that point, Tim risked being arrested. It is clearly obvious that Tim Edler made these incriminating statements to the officer only because it was the truth. Tim told me that Makayla boxed my dishes and silverware and helped them load a lot of the light stuff into Joseph Edler's truck.

3. BECAUSE THE COURT REFUSED TO CONSIDER ANY OF MY SUPPORTING EVIDENCE (TEXTS, VIDEOS AND POLICE REPORTS), THE COURT ERRED BY DISOBEYING THE COURT RULES AND MAKING AN UNFAIR AND INCORRECT RULING AGAINST ME

Take note that the record does not reflect that I had raised an issue regarding my evidence in this case. Judge Mayers had already addressed that issue less than one hour earlier in the related case, Michael Taffaro vs. Joseph Edler, in which I have successfully appealed. Judge Mayers made it clear that he would not allow my solid evidence into the prior case and I knew that his decision would not change here. Included in my arsenal was eight sworn police reports, numerous Ring camera video clips, paper copies of still shots with captions, a thumb drive and my laptop, printed texts and Facebook screen shots and other evidence which Judge Bradley D. Mayers and defense attorney Francis A. Humphries blocked me from entering.

4. BECAUSE THE TRIAL COURT MADE ERRONEOUS DECISIONS REGARDING DEFENDANTS NON-APPEARANCE AT TRIAL, ALONG WITH THE ABSENCE OF PLAINTIFFS SUBPOENAED WITNESSES AND SUPPORTING EVIDENCE, A DEFAULT JUDGMENT OR A NEW TRIAL SHOULD BE GRANTED TO NEGATE AN ERRONEOUS AND UNJUST CONCLUSION

The cumulative effect of the trial court's errors – including the failure to immediately grant a default judgment due to the defendant's non-appearance, proceeding with the trial in the absence of my subpoenaed witnesses or the defendant to question, and refusing to consider my supporting evidence – resulted in a fundamentally unfair trial. Without these vital elements, I had no chance. These errors collectively deprived me of my right to a fair adjudication of my claims.

Judge Bradley D. Mayers gave the defendant a pass to rob me. Makayla Arteaga Terry beat me for four months of rent and utilities for herself, her daughter Tenzley and her unnamed girlfriend and robbed my property prior to being evicted. NOTHING CHANGES THAT! Furthermore, defendant Makayla Arteaga Terry's actions speak volumes to the truthfulness of all my claims. Although she filed an Answer simply by denying my allegations, she avoided appearing for the Eviction Hearing, the Magistrate Trial, the Common Pleas Hearing and responding to this Court of Appeals also. Additionally, she did not file any criminal or civil actions against me for lying to the police or making frivolous criminal and civil Complaints.

It must be noted that there were two prior related trials on the same date, April 29, 2024 (Michael Taffaro vs. Joseph Edler, #2023CV261072315 and Michael Taffaro vs. Jacqueline Edler, #2023CV261072377). Judge Bradley D. Mayers unethically engaged in ex-parte communication with Joseph Edler's attorney, Francis A. Humphries, of the law firm Monckton, Hembree and Humphries, 1300 Professional Drive, Myrtle Beach, SC 29577. He allowed Mr. Humphries into his chambers for almost an hour prior to the trials. These violations denied me of my right to due process and ruined all three of my trials. Please thoroughly scrutinize any future appeals involving Judge Mayers and attorney Francis A. Humphries.

The two cases against Joseph Edler and his parents were properly remanded for new trials due to the absence of my subpoenaed witnesses. Within these two prior cases, Judge Mayers ruled that I could not use my subpoenaed witnesses or my evidence, which laid the foundation to block my witnesses and my evidence in this Arteaga case. That is the reason why this last trial had lasted only a few minutes.

I am baffled that this case against Makayla Arteaga Terry was not remanded for the same reason that the Edler cases were. The only difference is that all three of the Edler defendants (Joseph and both parents) appeared for their cases and Makayla Arteaga Terry did not, which warrants this case against her to be reversed much more so.

CONCLUSION

When one party appears for trial and the other does not, the ruling should ALWAYS be in favor of the one who is in attendance. In all fairness, a Default Judgment should be granted to plaintiff and defendant should have an opportunity to explain why she did not appear. Additionally, for all of the remaining reasons regarding the unavailability to question my absent subpoenaed witnesses and the defendant, and the judge's refusal to consider my supporting evidence, a ruling regarding these issues should be made to ensure fairness in a possible Remand.

For all of the reasons stated, this Court should reverse the judgment of the Court of Common Pleas.

Respectfully submitted,



Michael Taffaro

March 21, 2025

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**FORM 7
PROOF OF SERVICE**

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
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Hon. R. L. McIntosh, Circuit Court Judge

Court of Appeals Case No. 2025-000077

Michael Taffaro

Plaintiff / Appellant,

v.

Makayla Arteaga "Terry"

Defendant / Respondent.

PROOF OF SERVICE

I certify that I have served a copy of my Appeal Brief to the Court of Appeals by e-mail in PDF form on March 18, 2025. Additionally, I served a hard copy of my corrected Appeal Brief with numbered pages along with a 'Designation Of Matter To Be Included In The Record On Appeal' and signed both according to the Deficiency Letter dated March 19, 2025. This was sent by Certified Mail #9589 0710 5270 1808 9125 16 on March 24, 2025. A copy of same was sent to Makayla Arteaga Terry by Certified Mail #9589 0710 5270 1808 9125 23 on March 24, 2025.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

Sincerely,


Michael Taffaro

 MICHAEL TAJANO
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CERTIFIED MAIL



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