

RECEIVED

Jul 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COMMON PLEAS COURT

The Honorable Debra R. McCaslin, Judge

Lexington County Docket No.: 2024-CP-32-01087
Case No. 2024-001479
Lexington County Docket No.: 2024-CP-32-01086
Case No. 2024-001480

Chiquita E. Cain.....Respondent.

v.

New Vision Automotive and Quintin Blackmon.....Appellant.

AND

Chasity Myers.....Respondent.

v.

New Vision Automotive and Quintin Blackmon.....Appellant.

MOTION TO SEVER, MOTION TO COMPEL FILING OF AMENDED NOTICE OF
APPEAL OR IN THE ALTERNATIVE DISMISS, AND MOTION TO STRIKE OR IN THE
ALTERNATIVE DISMISS, MOTION TO DISMISS FOR FAILURE TO PERFECT THE
APPEAL AND FOR ATTORNEY FEES AND SANCTIONS

PLEASE TAKE NOTICE that I, the undersigned attorney, am moving before this Court to sever the consolidated cases listed above. Respondent will further move to compel the filing of an amended notice of appeal or in the alternative dismiss this appeal. Respondent will further move to strike the brief filed on behalf of Appellant or in the alternative dismiss this appeal.

Respondents will further move to dismiss for failure to perfect the appeal and for attorney fees and sanctions. In support of this motion Respondents would show unto the court as follows:

1. Both appeals were filed separately by the Appellants and were assigned case numbers as follows:
 - (a) New Vision Automotive v. Chiquita E. Cain Appellate Case No. 2024-001479
 - (b) New Vision Automotive v. Chasity Myers Appellate Case No. 2024-001480
2. On or about, October 11, 2024, Appellants filed a motion to remove New Vision Automotive from both cases because New Vision did not appeal the magistrate court final order.
3. The Appellant's motion was granted by the Court and Appellant was Ordered to file an Amended Notice of Appeal. Appellate Court Order dated October 25, 2024.
4. Based upon information and belief and a review of the index it does not appear from a review of the Court's file online that the amended notice of appeal was ever filed or served upon the Respondents. The Order indicates that a failure to file an amended notice of appeal will result in dismissal of the appeal.
5. This Court consolidated these cases pursuant to SCACR 214. However, both matters were separate and distinct trials in the Lexington County Magistrate Court, although the same Appellant appealed both matters preserving the same issue in both cases, specifically, "[t]he Defendant's attorney, John S. Keffer of Keffer Law Firm, respectfully requested that this hearing be continued as he was notified by Judge Goodstein that he was commanded to be present in Dorchester County at the time of the judgment in this matter" this issue on appeal is not accurate and is completely false in both cases. I have attached a copy of the

notices of appeal from the Magistrate court to the Court of Common Pleas as Exhibit 1 (Cain) and Exhibit 2 (Myers).

As to Cain v New Vision Automotive and Quintin Blackmon:

6. Appellants and their counsel John Keffer appeared in Magistrate Court for the matter of Chiquita E. Cain v New Vision Automotive and Quintin Blackmon on or about August 23, 2023 and no continuance was requested for that hearing, which is the issue only raised on appeal. See Exhibit 1 and Exhibit 4. Appellants brief does not address the issue on appeal, outlined in paragraph 3 above, but rather explores other issues raised for the first time before this court. Specifically, (1) Did the magistrate court err in finding the Appellant in default; (2) Did the magistrate court err in moving forward with a bench trial instead of a jury trial as requested by the Respondent. (3) Did the trial court err in awarding the respondent a bench trial when counsel for the appellant was required to be in a higher court; (4) Did the trial court err in not rescheduling the jury trial; (5) Did the trial court err in not having this matter heard before a jury as was the appellants request in his answer and amended answer. None of these issues were raised or ruled upon by the lower court. For an issue to be preserved for appeal it must be raised and ruled upon in the lower court. Lucas v Raw Family Ltd. P'ship, 359 S.C. 505, 598 S.E.2d 712 (2004) Wilder Corp. v. Wilke, 330 S.C. 71 497 S.E.2d 731. The original notice of appeal only raises the issue of a request for a continuance. I have attached a copy of the Circuit Court Order as Exhibit 3.
7. Appellant did not file Rule 52 or 59 or Rule 60 motion in the Court of Common Pleas to raise objections to the courts order, seek any other relief, or to alter or amend the judgment.

8. Appellant only preserved one issue for appeal in the notice of appeal. See Exhibit 1. Specifically, “The Defendant’s attorney, John S. Keffer of Keffer Law Firm, respectfully requested that this hearing be continued as he was notified by Judge Goodstein that he was commanded to be present in Dorchester County at the time of the judgment in this matter.”
9. However, it is unclear why Appellant raised this issue on appeal, as Appellant and his counsel were present for this trial. Respondent and Appellant were able to call witnesses, cross examine witness, introduce evidence, and exhibits to the Court. Both parties were given an opportunity to be heard on the record prior to the Magistrate Court’s ruling. No request for a continuance was filed by the Appellant. I have attached a copy of the Magistrate Courts Return as Exhibit 4.
10. Based upon information and belief, and a review of the public index in the Court of Common Pleas, no notice of appeal to this Court was clocked with the Clerk of Court for the Court of Common Pleas for the 11th Judicial Circuit. It appears there is a certificate of service filed in this case that shows service upon Judge McCaslin, but it does not appear anything was ever filed with the Clerk of Court of the Court of Common Pleas for the 11th Judicial Circuit as required by SCACR 203(d) and 262.
11. Respondents raised these issues to Appellant’s attorney of record Mr. Keffer prior to filing this motion. However, Mr. Keffer has not Responded to my written communications. Pursuant to SCACR Rule 269 Respondent moves for sanctions against Appellant for filing a frivolous appeal containing false and misleading information.

As to Chasity Myers v. New Vision Automotive and Quinton Blackmon

12. Appellants and their counsel John Keffer never requested a continuance in the matter of Chasity Myers v New Vision Automotive and Quinton Blackmon it is an uncontroverted fact that no request for a continuance was filed by John Keffer prior to the trial. There was a motion to reopen filed, by Appellant's attorney John Keffer's, based upon his non-appearance alleging he was in another court, however, no notice was given to the Court or opposing counsel prior to trial, as required by rule.
13. Appellants only preserved one issue for appeal in their notice of appeal. Specifically, "The Defendant's attorney, John S. Keffer of Keffer Law Firm, respectfully requested that this hearing be continued as he was notified by Judge Goodstein that he was commanded to be present in Dorchester County at the time of the judgment in this matter." However, this is not a true statement of fact, no such request was ever made by the Appellant to the Magistrate Court, and no notice was sent to opposing counsel. Therefore, this issue, of requesting a continuance, was never raised or ruled upon by the lower court because it did not happen. Appellant did not request a continuance as presented to the court in the notice of appeal. As outlined above, for an issue to be preserved for appeal it must be raised and ruled upon in the lower court. Lucas v Raw Family Ltd. P'ship, 359 S.C. 505, 598 S.E.2d 712 (2004) Wilder Corp. v. Wilke, 330 S.C. 71 497 S.E.2d 731. I have attached a copy of the Magistrate Court's Return as Exhibit 5.
14. Appellants brief does not address the issue on appeal, outlined in paragraph 13 above, but rather explores other issues raised for the first time before this court. Specifically, (1) Did the magistrate court err in finding the Appellant in default; (2) Did the magistrate court err in moving forward with a bench trial instead of a jury trial as requested by the Respondent.

(3) Did the trial court err in awarding the respondent a bench trial when counsel for the appellant was required to be in a higher court; (4) Did the trial court err in not rescheduling the jury trial; (5) Did the trial court err in not having this matter heard before a jury as was the appellants request in his answer and amended answer. None of these issues were raised or ruled upon by the lower court. For an issue to be preserved for appeal it must be raised and ruled upon in the lower court. Lucas v Raw Family Ltd. P'ship, 359 S.C. 505, 598 S.E.2d 712 (2004) Wilder Corp. v. Wilke, 330 S.C. 71 497 S.E.2d 731. The original notice of appeal only raises the issue of a request for a continuance which is a false statement of fact as no notice or request for a continuance was ever made by Appellant. I have attached a copy of the Circuit Court Order as Exhibit 6, see also Magistrate Return Exhibit 5.

15. Appellant did not file a Rule 52 or 59 or Rule 60 motion in the Court of Common Pleas to raise objections to the courts order, seek any relief, or to alter or amend the judgment.
16. Based upon information and belief, and a review of the public index in the Court of Common Pleas, no notice of appeal to this Court was clocked with the Clerk of Court for the Court of Common Pleas for the 11th Judicial Circuit. It appears there is a certificate of service filed in this case that shows service upon Judge McCaslin, but it does not appear that anything was ever filed with the Clerk of Court of the Court of Common Pleas for the 11th Judicial Circuit as required by SCACR 203(d) and 262.
17. Respondents raised these issues to Appellant's attorney of record Mr. Keffer prior to filing this motion. However, Mr. Keffer has not Responded to my written communications. Pursuant to SCACR Rule 269 Respondent moves for sanctions against Appellant for filing a frivolous appeal containing false and misleading information.

WHEREFORE, Respondents respectfully request the following relief:

- (1) An Order of this court severing these matters.
- (2) An Order of this court compelling the Appellant to file an amended notice of appeal removing New Vision Automotive or in the alternative dismiss this appeal for failure to follow the Courts order requiring the filing of an amended notice of appeal within ten (10) days
- (3) An Order of this Court striking Appellants initial brief or in the alternative dismissing these appeals since Appellant has not addressed any issue preserved for appeal.
- (4) An Order of this Court Dismiss this appeal because Appellant has not perfected his appeal by failing to file the Notice of Appeal to this Court with the Clerk of Court for 11th Judicial Circuit pursuant to SCACR 203(d).
- (5) An Order sanctioning the Appellant at the discretion of the Court for filing frivolous appeals containing false and misleading information.
- (6) An Order requiring Appellant to pay Respondents attorney fees and costs associated with the filing of this motion.
- (7) Respondents respectfully request the time for filing their initial briefs be extended until this Court rules on the above motions.

Respectfully submitted,

/s/ Michael Laubshire_____

Michael Laubshire, Esq.
459 St Andrews Road
Columbia, SC 29210-4476
(803)708-4755 (Phone)
(803)708-4888 (Fax)
michael@laubshirelaw.com
Attorney for the Respondents Cain and Myer

July 22, 2025

Columbia, SC

EXHIBIT 1

STATE OF SOUTH CAROLINA)	_____
	)	COMMON PLEAS CASE NUMBER
COUNTY OF LEXINGTON)	_____
	)	2020-CV-32-1061107
Quintin Blackmon, New Vision Automotive,	)	MAGISTRATE CIVIL CASE NUMBER
APPELLANT(S))	
	)	IN THE COURT OF COMMON PLEAS
VS.	)	NOTICE OF CIVIL APPEAL
)	
Chiquita E. Cain)	
RESPONDENT(S))	

The defendant, Quinton Blackmon, hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Lexington.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 8th day of February, 2024.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

The Defendant's attorney, John S. Keffer of Keffer Law Firm, respectfully requested that this hearing be continued as he was notified by Judge Goodstein that he was commanded to be present in Dorchester County at the time of the judgment in this matter. The Defendant is entitled to representation and Mr. Keffer was unable to be in two places at one time.

Dated: March 7, 2024.

John S. Keffer

 John S. Keffer

EXHIBIT 2

STATE OF SOUTH CAROLINA	)	COMMON PLEAS CASE NUMBER
)	
COUNTY OF LEXINGTON	)	<u>2020-CV-32-1061136</u>
	)	MAGISTRATE CIVIL CASE NUMBER
Quintin Blackmon/New Vision Automotive,)	
APPELLANT(S)	)	IN THE COURT OF COMMON PLEAS
)	
VS.	)	NOTICE OF CIVIL APPEAL
)	
Chasity Myers)	
RESPONDENT(S))	

The defendant, Quinton Blackmon, hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Lexington.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 8th day of February, 2024.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

The Defendant's attorney, John S. Keffer of Keffer Law Firm, respectfully requested that this hearing be continued as he was notified by Judge Goodstein that he was commanded to be present in Dorchester County at the time of the judgment in this matter. The Defendant is entitled to representation and Mr. Keffer was unable to be in two places at one time.

John S. Keffer

Dated: March 7, 2024.

John S. Keffer

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

Chasity Myers)

Case No.: 2020CV321061136

Plaintiff,)

vs.)

CERTIFICATE OF SERVICE

Quinton Blackmon)

Defendant.)

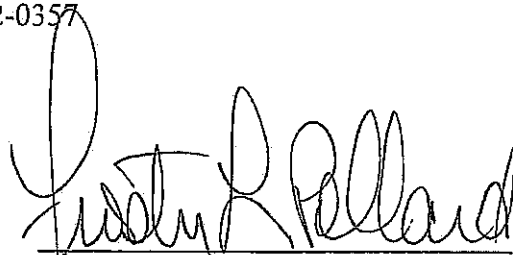
I, Frosty L. Pollard, the undersigned, an employee of Keffer Law Firm, do hereby certify that I have this 7th day of March 2024, served the foregoing, **Notice of Civil Appeal** on the Petitioner, Chiquita E. Cain in the above-captioned matter by hand-delivering, an envelope containing the aforementioned document addressed to her attorney of record, Mr. Michael V. Laubshire, Esquire, addressed as follows;

Michael Vincent Laubshire
455 St. Andrews Rd., Suite
E-1
Cayce, SC 29033
[michael@laubshirelaw.co](mailto:michael@laubshirelaw.com)
m
Fax: 803-708-4888

The Honorable Gary S.
Morgan
231 West Church Street
Batesburg, SC 29006-2103
FAX: 803-332-0357

Cayce-West Columbia
Magistrate Court
650 Knox Abbott Drive
Cayce, SC 29033
Fax: 803-796-7635

And by emailing the email address listed above.



Frosty L. Pollard
Legal Assistant to John S. Keffer

EXHIBIT 3

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

New Vision Automative and Quintin)
Blackmon,)
)
Appellant,)
)
)

Case No.: 2024CP3201087

v.)
)
)

Chiquita E. Cain,)
)
Respondent.)
)
)

ORDER AFFIRMING JUDGMENT
OF MAGISTRATE COURT

This matter was before this Court on July 30, 2024, on Appeal from the Cayce-West Columbia Magistrate Court. (Case No.: 2020CV321061107). Pursuant to S.C. Code §18-7-10, I find that jurisdiction and venue are proper before this Court.

The Notice of Appeal was filed by the Appellant on or about March 7, 2024. The Magistrate Court filed a Return on or about April 2, 2024. I find that all parties were properly notified of the date, time, and place of this hearing and all legal requirements as to filing, service, notice and waiting periods have been met.

The only ground raised by Appellant in his Notice of Appeal was that Appellant's attorney requested that this matter be continued because he was in another court. However, it is uncontested that all parties were present, and represented by counsel, at the hearing before the Cayce-West Columbia Magistrate Court on or about August 23, 2023.

Since all parties were present and represented by counsel at the hearing in the Magistrate Court, no request for a continuance was filed by Appellant or ruled upon by the Cayce-West Columbia Magistrate Court, this issue is not properly before this Court on Appeal.

I find that there are no applicable errors of law cited by the Appellant. Pursuant to S.C. Code §18-7-30, I further find that there are no errors of law that have been preserved for appeal. Based upon the aforementioned, I find that the judgment of the Magistrate Court must be **AFFIRMED.**

IT IS THEREFORE ORDRED that the judgment of the Cayce-West Columbia Magistrate Court is **AFFIRMED.**

IT IS SO ORDERED!

Dated: _____
Lexington, SC

Judge Debra McCaslin



Lexington Common Pleas

Case Caption: New Vision Automotive , plaintiff, et al VS Chiquita E. Cain

Case Number: 2024CP3201087

Type: Order/Other

So Ordered

Debra R. McCaslin

Electronically signed on 2024-08-06 14:48:35 page 3 of 3

EXHIBIT 4

FILED

STATE OF SOUTH CAROLINA)

2024 APR -2 PM 2: 22

COUNTY OF LEXINGTON)

2024-CP-32-01086

New Vision Automotive/ Quinton)
Blackmon)

Defendant/Appellant)

VS.)

Chasity Myers)

Plaintiff/ Respondent)

LISA H. OWEN
CLERK OF COURT

RETURN OF CIVIL APPEAL
Magistrate's Case 2020CV321061136

Case Type:	Summons and Complaint
Court:	Magistrate's District 6 (Cayce-West Columbia)
Presiding Judge:	Gary S. Morgan
Plaintiff's Attorney:	Michael V. Laubshire
Defendant's Attorney:	John S. Keffer
Ruling:	Find for Plaintiff

This case was filed as a Summons and Complaint for monetary damages on September 1, 2020. The defendant was personally served by the Lexington County Sheriff's Department on September 14, 2020. The defendant filed a pro se answer on September 20, 2020. On October 6, 2020, the Court received a letter of representation for the defendant and an amended answer from attorney John S. Keffer.

A bench trial was scheduled on October 27, 2020. The plaintiff appeared. The defendant and defendant attorney, John Keffer, failed to appear. The case was heard and the Court found in favor of the plaintiff and issued judgement. On November 5, 2020, the defense made a motion to re-open the case and grant a jury trial as requested in the amended answer. The Court granted

the motion to reopen and the request for a jury trial. The case was subsequently sent to mediation, as required.

The case was called to mediation on June 16, 2021. All parties appeared. No settlement was reached at mediation and the case was sent back to the Cayce-West Columbia Magistrate for a jury trial. On August 26, 2021, the court received a letter of representation for the plaintiff from attorney Michael V. Laubshire.

The case was called for a jury trial on August 17, 2022. The plaintiff and plaintiff attorney appeared while the defendant and defendant attorney failed to appear. The plaintiff made a motion to waive the trial by jury and proceed with a bench trial. The motion was granted, the jury dismissed and the case proceeded to trial where the Court found in favor of the plaintiff and issued judgement.

On August 23, 2022, the Court received a motion to set aside judgement from the defense. On August 23, 2023, the Court heard the motion to set aside judgment. All parties appeared and the motion was denied. On September 6, 2023 the Court received a motion to reconsider from the defense. On November 29, 2023 the Court heard the motion to reconsider. All parties appeared and the motion was denied.

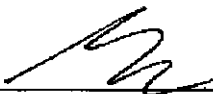
Appeal

The defense filed their appeal on the grounds that defendant attorney, John Keffer, was summoned to appear before the Honorable Diane Goodstein in Dorchester County Court of Common Pleas at the same date and time (August 17, 2022) of the trial scheduled in the Cayce-West Columbia Magistrate Court.



This Court gave both parties considerable discretion in scheduling throughout the entirety of this case that was pending for a period of approximately three years. The Court received no advanced notice, motion for continuance or any communication whatsoever from the defense prior to the August 17, 2022 trial. A proper motion to set aside the jury and proceed with a bench trial was made by the plaintiff and was therefore granted.

Respectfully submitted this 29th day of March, 2024.



Gary S. Morgan, Magistrate
County of Lexington
605 Knox Abbott Drive
Cayce, SC 29033

Enclosures

1. Filings

EXHIBIT 5

FILED

STATE OF SOUTH CAROLINA)

2024 APR 2 PM 2: 12

COUNTY OF LEXINGTON)

2024-CP-32-01087

New Vision Automotive/ Quinton)

Blackmon)

Defendant/Appellant)

VS.)

Chiquita Cain)

Plaintiff/ Respondent)

MICHAEL COMER
CLERK OF COURT

RETURN OF CIVIL APPEAL

Magistrate's Case 2020CV321061107

Case Type:	Summons and Complaint
Court:	Magistrate's District 6 (Cayce-West Columbia)
Presiding Judge:	Gary S. Morgan
Plaintiff's Attorney:	Michael V. Laubshire
Defendant's Attorney:	John S. Keffer
Ruling:	Defendant in Default- Judgement for Plaintiff

This case was filed as a Summons and Complaint for monetary damages on August 20, 2020. The defendant was personally served by the Lexington County Sheriff's Department on August 26, 2020. On September 8, 2020, the court received a letter of representation for the plaintiff and jury trial request from attorney Michael V. Laubshire. The defendant filed a pro se answer on September 16, 2020. On September 25, 2020 a motion to strike defendant's answer and motion for default judgement was filed with the Court. On October 7, 2020, the Court received a letter of representation for the defendant and an amended answer from attorney John S. Keffer. The case was thereafter transferred to mediation as required.

On December 8, 2020 the plaintiff filed an amended complaint. The defendant's attorney was served via US Mail. The case was recalled from mediation pending an answer to the

amended complaint. On February 5, 2021 the Court had yet to receive an answer to the amended complaint and transferred the back to mediation.

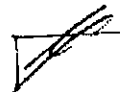
The case was called at mediation on September 29, 2021. Both parties appeared. No settlement agreement was reached and the case was transferred back to the Cayce-West Columbia Magistrate Court.

On November 9, 2021 an Affidavit of Default was filed by the plaintiff. The Court ordered a default hearing to be scheduled.

On June 14, 2022 the Court heard the default hearing. A motion to set aside default was filed by the defendant. The court ruled that the case had proceeded on the merits of the original complaint. It further found that while an answer had been filed timely by the defendant, the answer was filed on behalf of a corporate entity and it did not include a Non-Lawyer Authorization Form as required (§ 33-1-103) and was therefore inadmissible. The amended answer filed by attorney Keffer was found to be untimely and therefore inadmissible. The motion to set aside default was denied pursuant to SCMCR 7 & 11.

A damages hearing was heard on August 23, 2023. The Court issued judgement in the amount of \$2878.10 for the plaintiff.

A motion to reconsider was filed by the defendant. The defense's argument was based on SCMCR 12. The motion to reconsider was heard on November 29, 2023. The motion to reconsider was denied as the Court found there were no errors, oversights or omissions in the case.

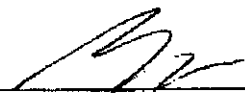


Appeal

The appellant filed their appeal on the grounds that defendant attorney, John Keffer, was summoned to appear before the Honorable Diane Goodstein in Dorchester County Court of Common Pleas at the same date and time (August 17, 2022) of the trial scheduled in the Cayce-West Columbia Magistrate Court.

There is no applicable error in matter of law cited by the appellant. The term of court the appellant cites in this appeal is in regards to Magistrate civil case 2020CV321061136. All terms of court, with respect to case number 2020CV321061107, were attended by all parties.

Respectfully submitted this 29th day of March, 2024.



Gary S. Morgan, Magistrate
County of Lexington
605 Knox Abbott Drive
Cayce, SC 29033

Enclosures

1. Filings

EXHIBIT 6

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

New Vision Automative and Quintin)
Blackmon,)
)
Appellant,)
)
)

Case No.: 2024CP3201086

v.)
)
)

Chasity Myers,)
)
Respondent.)
)
)

ORDER AFFIRMING JUDGMENT
OF MAGISTRATE COURT

This matter was before this Court on July 30, 2024, on Appeal from the Cayce-West Columbia Magistrate Court. (Case No.: 2020CV321061136). Pursuant to S.C. Code §18-7-10, I find that jurisdiction and venue are proper before this Court.

The Notice of Appeal was filed by the Appellant on or about March 7, 2024. The Magistrate Court filed a Return on or about April 2, 2024. I find that all parties were properly notified of the date, time, and place of this hearing and all legal requirements as to filing, service, notice and waiting periods have been met.

The only ground raised by Appellant in his Notice of Appeal was that Appellant’s attorney requested that this matter be continued because he was in another court. However, it is uncontested that no notice was sent to the Court or Opposing Counsel requesting a continuance or notifying the Court that Appellant’s Counsel was in another Court.

Rule 14, of the South Carolina Magistrate Court Rules, provides that the court shall be lenient in the granting of continuances of trials for good cause shown when necessary to serve the ends of justice and all continuances must have the specific approval of the court. However, pursuant to Rule 601(c) “[a]n attorney who cannot make a scheduled appearance because of the

priority established by paragraph (a) of this rule shall notify the affected tribunals as soon as the conflict becomes apparent.” (emphasis added)

It has long been the rule in this State that motions for a continuance are addressed to the sound discretion of the trial judge, and his ruling will not be upset unless it clearly appears that there was an abuse of discretion to the prejudice of appellant. South Carolina Public Service Authority v. Carolina Power and Light Company, 244 S.C. 466, 137 S.E.2d 507; State v. Lytchfield, 230 S.C. 405, 95 S.E.2d 857.

The authority of the court to grant continuances and to determine the order in which cases shall be heard is derived from its power to hear and decide cases. This adjudicative power of the court carries with it the inherent power to control the order of its business to safeguard the rights of litigants. Waites v. Sondock, Tex., 561 S.W.2d 772; 17 Am.Jur.2d, Continuance, Section 2. Williams v. Bordon's, Inc., 262 S.E.2d 881, 274 S.C. 275 (S.C. 1980)

In this case, there was no request or notice to the court or opposing counsel for a continuance made by Appellant. Appellant’s counsel failed to follow the requirements set forth in Rule 601 which states he shall notify the affected tribunals as soon as the conflict becomes apparent. Therefore, I find that there was no applicable error of law and no abuse or discretion by the Magistrate Court.

In addition, this issue of a continuance was only raised for the first time in a post-trial motion. A party may not use a post-trial motion to raise an issue that could have been raised prior to trial or at trial. Patterson v Reid, 318 S.C. 183, 456 S.E.2d 436 (Ct. App. 1995) and Prop. Owners Grp. Inc. v. Pub. Serv. Comm’n of S.C., 359 S.C. 105, 597 S.E.2d 145 (2004).

I find that there was no abuse of discretion by the Magistrate Court and no applicable errors of law cited by the Appellant. Based upon the aforementioned, I find that the judgment of the Magistrate Court must be **AFFIRMED**.

IT IS THEREFORE ORDRED that the judgment of the Cayce-West Columbia Magistrate Court is **AFFIRMED**.

IT IS SO ORDERED!

Dated: _____
Lexington, SC

Judge Debra McCaslin



Lexington Common Pleas

Case Caption: New Vision Automotive VS Chasity Myers

Case Number: 2024CP3201086

Type: Order/Other

So Ordered

Debra R. McCaslin

Electronically signed on 2024-08-09 13:48:37 page 4 of 4

RECEIVED

Jul 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COMMON PLEAS COURT

The Honorable Debra R. McCaslin, Judge

Lexington County Docket No.: 2024-CP-32-01087
Case No. 2024-001479
Lexington County Docket No.: 2024-CP-32-01086
Case No. 2024-001480

Chiquita E. Cain.....Respondent.

v.

New Vision Automotive and Quintin Blackmon.....Appellant.

AND

Chasity Myers.....Respondent.

v.

New Vision Automotive and Quintin Blackmon.....Appellant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the Respondent’s Notice of Appearance of Counsel by depositing a copy of it in the United States Mail, postage prepaid, on the 22th day of July 2025, addressed to the attorney for the Appellant as follows:

John S. Keffer, Esquire
Keffer Law Firm
10 Law Range
Sumter, SC 29150

(803) 774-1004

/s/ Victoria L. Ford
Victoria L. Ford, Paralegal
The Laubshire Law Firm

July 22, 2025
Columbia, SC