



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 19, 2025

The Honorable Lisa M. Comer
205 East Main Street
Suite 128
Lexington SC 29072

REMITTITUR

Re: Brandi Clarkson v. J. King Real Estate, LLC
Lower Court Case No. 2020CP3202477
Appellate Case No. 2023-001661

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

Enclosure

cc: Joseph Gregory Studemeyer, Esquire
Shaun C. Blake, Esquire
Ryan Gregory Studemeyer, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Brandi Clarkson, Appellant,

v.

J. King Real Estate, LLC and Jason Ernest King,
Respondents.

Appellate Case No. 2023-001661

Appeal From Lexington County
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2025-UP-203
Heard May 13, 2025 – Filed June 25, 2025

AFFIRMED

Joseph Gregory Studemeyer and Ryan Gregory
Studemeyer, both of Studemeyer Law Firm, of Irmo, for
Appellant.

Shaun C. Blake, of Mann Blake & Jackson, of Columbia,
for Respondents.

PER CURIAM: Brandi Clarkson appeals the circuit court's denial of her motion for a new trial and its grant of J. King Real Estate, LLC and Jason Ernest King's (collectively, Respondents') motion for directed verdict on her South Carolina

Unfair Trade Practices Act (SCUTPA)¹ and intentional interference with prospective contractual relations causes of action. She argues the circuit court (1) relied on an error of law in denying the motion for a new trial, (2) erred in granting the directed verdict for the SCUTPA violation, and (3) erred in granting the directed verdict for the intentional interference with prospective contractual relations. We affirm.

1. The circuit court did not err by denying the motion for a new trial. The order denying the motion demonstrates the circuit court based its denial on Clarkson's failure to present evidence to support the unfair or deceptive act element of a SCUTPA claim, not the public interest element. *See Brinkley v. S.C. Dep't of Corr.*, 386 S.C. 182, 185, 687 S.E.2d 54, 56 (Ct. App. 2009) ("The grant or denial of new trial motions rests within the discretion of the circuit court, and its decision will not be disturbed on appeal unless its findings are wholly unsupported by the evidence or the conclusions reached are controlled by error of law."); *Umhoefer v. Bollinger*, 298 S.C. 221, 224, 379 S.E.2d 296, 297 (Ct. App. 1989) ("In deciding whether to assess error to a court's denial of a motion for a new trial, we must consider the testimony and reasonable inferences to be drawn therefrom in the light most favorable to the nonmoving party."); *Est. of Carr ex rel. Bolton v. Circle S Enters., Inc.*, 379 S.C. 31, 43, 664 S.E.2d 83, 89 (Ct. App. 2008) ("To recover in an action under the SCUTPA, the plaintiff must show: (1) the defendant engaged in an unfair or deceptive act in the conduct of trade or commerce; (2) the unfair or deceptive act affected the public interest; and (3) the plaintiff suffered monetary or property loss as a result of the defendant's unfair or deceptive act(s)."); *id.* at 43-44, 664 S.E.2d at 89 ("The second element may be satisfied by proof of 'facts demonstrating the potential for repetition of the defendant's actions.'" (quoting *Daisy Outdoor Advert. Co. v. Abbott*, 322 S.C. 489, 493, 473 S.E.2d 47, 49 (1996))); *Daisy Outdoor Advert. Co.*, 322 S.C. at 496, 473 S.E.2d at 51 ("Sometimes, the potential for repetition or other adverse impact on the public interest will be apparent. Conversely, it will sometimes be apparent that an action has no real potential for repetition.").

2. The circuit court did not err in granting the motion for directed verdict on the SCUTPA cause of action. Clarkson failed to present evidence that would make it reasonably possible for the jury to find Respondents acted unfairly or deceptively. *See RFT Mgmt. Co. v. Tinsley & Adams L.L.P.*, 399 S.C. 322, 331-32, 732 S.E.2d 166, 171 (2012) ("When reviewing the trial court's ruling on a motion for a directed verdict . . . , this [c]ourt must apply the same standard as the trial court by

¹ S.C. Code Ann. §§ 39-5-10 to -890 (2023 & Supp. 2024).

viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *Shenandoah Life Ins. Co. v. Smallwood*, 402 S.C. 29, 35, 737 S.E.2d 857, 860 (Ct. App. 2013) ("[T]he appellate court must determine whether it would have been reasonably possible for the jury to return a verdict for the party opposing the motion."); *Law v. S.C. Dep't of Corr.*, 368 S.C. 424, 434-35, 629 S.E.2d 642, 648 (2006) (explaining the appellate court will reverse the trial court's ruling only when no evidence supports the ruling or when an error of law controls the ruling); *Est. of Carr ex rel. Bolton*, 379 S.C. at 43, 664 S.E.2d at 89 ("To recover in an action under the SCUTPA, the plaintiff must show: (1) the defendant engaged in an unfair or deceptive act in the conduct of trade or commerce; (2) the unfair or deceptive act affected the public interest; and (3) the plaintiff suffered monetary or property loss as a result of the defendant's unfair or deceptive act(s)."); § 39-5-20(a) (stating "[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful"); *deBondt v. Carlton Motorcars, Inc.*, 342 S.C. 254, 269, 536 S.E.2d 399, 407 (Ct. App. 2000) ("An unfair trade practice has been defined as a practice which is offensive to public policy or which is immoral, unethical, or oppressive."); *id.* ("Whether an act or practice is unfair or deceptive within the meaning of the [SC]UTPA depends upon the surrounding facts and the impact of the transaction on the marketplace.").

3. The circuit court did not err by granting the motion for directed verdict on the intentional interference with prospective contractual relations cause of action. Clarkson failed to present any evidence of prospective contracts with which King interfered or with which King interfered for an improper purpose or by an improper method. *See RFT Mgmt. Co.*, 399 S.C. at 331-32, 732 S.E.2d at 171 ("When reviewing the trial court's ruling on a motion for a directed verdict . . . , this [c]ourt must apply the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *Shenandoah Life Ins. Co.*, 402 S.C. at 35, 737 S.E.2d at 860 ("[T]he appellate court must determine whether it would have been reasonably possible for the jury to return a verdict for the party opposing the motion."); *Law*, 368 S.C. at 434-35, 629 S.E.2d at 648 (providing the appellate court will reverse the trial court's ruling only when no evidence supports the ruling or when an error of law controls the ruling); *Eldeco, Inc. v. Charleston Cnty. Sch. Dist.*, 372 S.C. 470, 480, 642 S.E.2d 726, 731 (2007) ("To establish a cause of action for intentional interference with prospective contractual relations, a plaintiff must show: 1) intentional interference with prospective contractual relations; 2) for an improper purpose or by improper methods; and 3) resulting in injury."); *id.* at 482, 642 S.E.2d at 732 ("[A]n essential element to the cause of action for intentional interference with prospective

contractual relations requires that the interference be for an improper purpose or by improper methods."); *United Educ. Distribs., LLC v. Educ. Testing Serv.*, 350 S.C. 7, 14, 564 S.E.2d 324, 328 (Ct. App. 2002) ("Generally, there can be no finding of intentional interference with prospective contractual relations if there is no evidence to suggest any purpose or motive by the defendant other than the proper pursuit of its own contractual rights with a third party.").

AFFIRMED.

KONDUROS, MCDONALD, and VINSON, JJ., concur.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 22, 2025

Mr. Joseph Gregory Studemeyer, Esquire
Studemeyer Law Firm
PO Box 1014
Irmo SC 29063

Re: Brandi Clarkson v. J. King Real Estate, LLC
Appellate Case No. 2023-001661

Dear Counsel:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

cc: Shaun C. Blake, Esquire
Ryan Gregory Studemeyer, Esquire

The South Carolina Court of Appeals

Brandi Clarkson, Appellant,

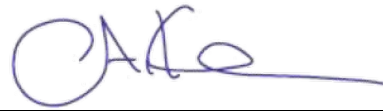
v.

J. King Real Estate, LLC and Jason Ernest King,
Respondents.

Appellate Case No. 2023-001661

ORDER

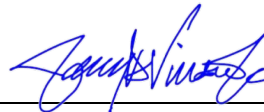
After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

FILED
Aug 22 2025

cc:

Joseph Gregory Studemeyer, Esquire
Shaun C. Blake, Esquire
Ryan Gregory Studemeyer, Esquire
The Honorable Donald B. Hocker

The Supreme Court of South Carolina

Brandi Clarkson, Petitioner,

v.

J. King Real Estate, LLC and Jason Ernest King,
Respondents.

RECEIVED

Nov 18 2025

SC Court of Appeals

Appellate Case No. 2025-001842

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY *Patricia A. Howard*
CLERK

Columbia, South Carolina

November 18, 2025

cc:

Joseph Gregory Studemeyer

Ryan Gregory Studemeyer

Shaun C. Blake

The Honorable Jenny Abbott Kitchings