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Dec 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Vernon F. Dunbar, Circuit Court Judge

Case No. 2021-CP-23-02492
Appellate Case No. 2025-002312

First Class Barbers, LLC,Appellant,

v.

Douglas Family Partnership, FMO Real Estate, LLP/ Fairway
Outdoor Advertising, and Lamar Advertising Company, Defendants,

Of whom Lamar Advertising Company is the.....Respondent.

MOTION TO DISMISS APPEAL

Appellant failed to timely file its appeal in this matter and/or to perfect its appeal as required by the South Carolina Appellate Court Rules; therefore, this appeal should be dismissed.

Appellant is First Class Barbers, LLC (“First Class”). First Class is a South Carolina LLC, and Ortagus Bennett is its registered agent. (Secretary of State Entity Report attached as Exhibit 1). Mr. Bennett is not an attorney.

The underlying case was dismissed by order dated October 9, 2025. On that date, Respondent’s counsel mailed and emailed a copy of the order to Mr. Bennett. (Letter and email of transmittal attached as Exhibit 2).¹

¹ The email address used by counsel is the same address from which Mr. Bennett has communicated with this Court, tay.5star.ent@gmail.com. (See Exhibit 2). Thus, there is no reason

Mr. Bennett mailed an “Amended Complaint Notice for Appeal for Dismissal” to Respondent’s counsel on November 14, 2025. (Certified mail receipt attached as Exhibit 3). This purported service was more than thirty days after Mr. Bennett received written notice of the entry of the order on October 9. As such, the notice of appeal was not timely and dismissal is required. “The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.” *Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) (citing *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985)); Rule 203, SCACR.

In addition to not being timely, the “Amended Complaint Notice for Appeal for Dismissal” does not include many of the required elements for a notice of appeal as set forth in Rule 203(e), SCACR. The Court directed Mr. Bennett to these deficiencies by letter dated November 18, 2025 and granted him ten days to correct them. Mr. Bennett failed to do so. The November 18 letter further advised that the appeal would be dismissed unless an attorney made an appearance within ten days. No appearance was entered until December 16. Lastly, Mr. Bennett has not ordered a transcript in this matter as required by Rule 207, SCACR.

For all of these reasons, the Court should dismiss this action. “[T]he failure to comply with procedural requirements for an appeal divests a court of appellate jurisdiction.” *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (quoting *State v. Brown*, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004)); *Great Games, Inc. v. S.C. Dep’t of Revenue*, 339 S.C. 79, 83

to believe that Mr. Bennett did not receive notice for purposes of Rule 203, SCACR on October 9, 2025.

n. 5, 529 S.E.2d 6, 8 n. 5 (2000); *see also* Rule 260(a), SCACR (requiring dismissal of an appeal when an appellant fails to comply with the appellate court rules).

Respectfully submitted,

s/ Sarah P. Spruill

Sarah P. Spruill (SC Bar No. 68337)
HAYNSWORTH SINKLER BOYD, P.A.
One North Main Street, 2nd Floor
Greenville, South Carolina 29601
(864) 240-3220
sspruill@hsblawfirm.com

Max T. Hyde, Jr. (SC Bar No. 17014)
HYDE LAW FIRM, P.A.
360 East Main Street
Spartanburg, South Carolina 29302
(864) 804-6330
max@maxhydelawfirm.com

*Attorneys for the Respondent
Lamar Advertising Company*

December 22, 2025
Greenville, South Carolina

Business Entities Online

File, Search, and Retrieve Documents Electronically

FIRST CLASS BARBERS LLC

Corporate Information

Entity Id: 00748085

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 07/25/2008

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: ORTAGUS BENNETT

Address: 387 S. PLEASANTBURG DR.
GREENVILLE, South Carolina 29607

Official Documents On File

Filing Type	Filing Date
Organization	07/25/2008

RECEIVED

Nov 14 2025

SC Court of Appeals

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

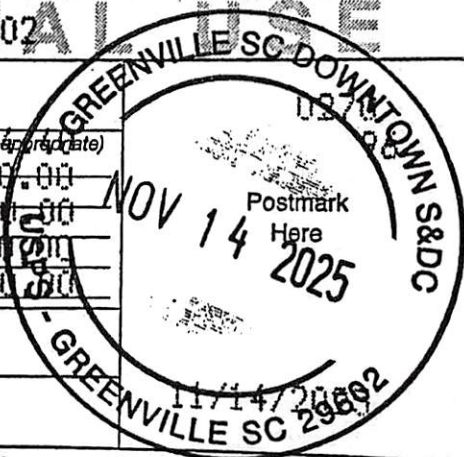
Spartanburg, SC 29302

Certified Mail Fee	\$	\$5.30
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage
\$ 0.78

Total Postage and Fees
\$10.48

Sent To
 HYDE Law Firm, P.A.
 Street and Apt. No., or PO Box No.
 360 East Main Street
 City, State, ZIP+4®
 Spartanburg, South Carolina 29303



9589 0720 5270 3568 6999 59

Max T. Hyde, Jr.

From: Max T. Hyde, Jr.
Sent: Thursday, October 9, 2025 2:50 PM
To: 'tay.5star.ent@gmail.com'
Subject: FW: Courtesy NEF RE: 2021CP2302492
Attachments: Order of Dismissal.pdf

Please find attached a filed copy of the Order of Dismissal.

Max T. Hyde, Jr.
HYDE LAW FIRM, P.A.
360 East Main Street
Spartanburg, South Carolina 29302
(864) 804-6330
max@maxhydelawfirm.com



HYDE
LAW FIRM, P.A.

From: efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>
Sent: Thursday, October 9, 2025 8:31 AM
To: Max T. Hyde, Jr. <max@maxhydelawfirm.com>
Subject: Courtesy NEF RE: 2021CP2302492

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2302492

Official File Stamp: 10-09-2025 08:30:55 AM
Court: CIRCUIT COURT
Common Pleas
Greenville
Case Caption: First Class Barbers LLC vs. Douglas Family Partnership LLP , defendant,
et al
Document(s) Submitted: Order/Dismissal Order/Dismissal
Filed by or on behalf of: Vernon Dunbar

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Troy Edward Nance for Lamar Advertising Company, FMO Real Estate
LLP, Fairway Outdoor Advertising

Samantha Nicholson Larkins for Lamar Advertising Company, FMO Real
Estate LLP, Fairway Outdoor Advertising

Max Thomas Hyde, Jr. for Lamar Advertising Company, FMO Real Estate
LLP, Fairway Outdoor Advertising

**The following people have not been served electronically by the Court. Therefore, they must be
served by traditional means:**

First Class Barbers LLC for First Class Barbers LLC

Ortagus Bennett

Douglas Family Partnership

First Class Barbers LLC for First Class Barbers LLC

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain  
information that is confidential. If you are not the intended recipient, do not read, copy, retain, or  
disseminate this message or any attachment. If you have received this message in error, please contact  
the sender immediately and delete all copies of the message and any attachments.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

First Class Barbers LLC,

Case No. 2021-CP-23-02492

Plaintiff,

**ORDER OF DISMISSAL**

Douglas Family Partnership, FMO Real Estate, LLP/Fairway Outdoor Advertising, and Lamar Advertising Company,

Defendants.

**Date of Hearing:**

**September 24, 2025, at 2:00 p.m.**

**Judge:**

**The Honorable Vernon F. Dunbar**

**Attorney for Plaintiff:**

**Pro Se**

**Attorney for Defendant**

**Lamar Advertising Company:**

**Max T. Hyde, Jr.**

This Matter comes before the Court on the Motion to Dismiss filed on or about September 9, 2025 by Defendant Lamar Advertising Company ("Lamar"). The motion was heard on or September 24, 2025 at 2:00 p.m. Ortagus Bennett, who is not an attorney, appeared in court at the hearing for Plaintiff First Class Barbers LLC. Attorney Max T. Hyde, Jr. appeared at the hearing for Lamar. After reviewing the motion, arguments, and applicable law, the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT & PROCEDURAL BACKGROUND**

1. Plaintiff First Class Barbers LLC filed an Amended Summons and Amended Complaint on or about February 3, 2022, adding Lamar as a party to this action.
2. When the Amended Complaint was filed, Plaintiff was represented by counsel. Plaintiff is presently not represented by counsel. Adrienne Turner previously served as counsel

to Plaintiff. However, the Court granted the mutual request of the parties that Adrienne L. Turner be relieved of counsel. Moreover, Plaintiff contended that Arthur Aiken was also the attorney of record, but there was no record of such in the Court's file. As a matter of fact, in another action captioned 2020-CP-23-02012, Attorney Aiken was relieved as Ortagus Bennett's counsel on or about September 19, 2025 (five days prior to this scheduled hearing) because of the deterioration of the attorney/client relationship.

3. Defendant Douglas Family Partnership is a necessary and indispensable party and has not been served in this matter.

4. Defendant Lamar moved to dismiss the Amended Complaint on the following grounds:

- a) Plaintiff, as a limited liability company, is not represented by a licensed attorney, and therefore lacks the capacity to proceed in this Court.
- b) To the extent the Amended Complaint asserts claims or seeks affirmative relief against Lamar, the Complaint fails to state facts sufficient to constitute causes of action against it.

#### CONCLUSIONS OF LAW

1. Under South Carolina law, corporations and other artificial entities, such as limited liability companies, may not appear pro se in Circuit Court. They must be represented by a licensed attorney. *Doe v. McMaster*, 355 S.C. 306, 313, 585 S.E.2d 772, 777 (2003); *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999); *State ex rel. Daniel v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939).

2. A party that lacks the legal capacity to prosecute an action may be subject to dismissal.

3. Further, Rule 12(b)(6), SCRCPP, allows dismissal of a claim for failure to state facts sufficient to constitute a cause of action.

4. In addition, the Court notes that Rule 12(f), SCRCPP, authorizes the Court to strike defective pleadings. Since a non-attorney, Ortagus Bennett, cannot represent First Class Barbers LLC in any capacity in circuit court, the Amended Complaint is hereby stricken.

5. It is further noted as additional supporting grounds that since Defendant Douglas Family Partnership, a necessary and indispensable party, has not been served, this action may be dismissed. Rule 12(h), SCRCPP; Rule 19, SCRCPP.

**THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:**

1. The Motion to Dismiss filed by Defendant Lamar Advertising Company is hereby GRANTED;

2. All claims asserted against Defendant Lamar Advertising Company are hereby dismissed with prejudice.

3. This matter is dismissed with prejudice pursuant to Rule 12(b)(6) and Rule 41(a)(2) of the South Carolina Rules of Civil Procedure;

**IT IS SO ORDERED.**

\_\_\_\_\_  
The Honorable Vernon F. Dunbar  
Judge of the Thirteenth Judicial District

\_\_\_\_\_, 2025

Greenville, South Carolina



Greenville Common Pleas

**Case Caption:** First Class Barbers LLC vs. Douglas Family Partnership LLP,  
defendant, et al  
**Case Number:** 2021CP2302492  
**Type:** Order/Dismissal

So Ordered

Vernon F. Dunbar

Electronically signed on 2025-10-08 16:18:51 page 5 of 5

ELECTRONICALLY FILED - 2025 Oct 09 8:30 AM - GREENVILLE - COMMON PLEAS - CASE#2021CP2302492



**HYDE**  
LAW FIRM, P.A.

Max T. Hyde, Jr.

October 9, 2025

Ortagus Bennett  
504 Piedmont Golf Course Road  
Piedmont, SC 29673

**RE: First Class Barbers, LLC vs. Douglas Family Partnership, FMO Real Estate,  
LLP/Fairway Outdoor Advertising, and Lamar Advertising Company  
CA: 2022-CP-23-02492**

Dear Mr. Bennett:

Please find the enclosed filed copy of the *Order of Dismissal* along with a Certificate of Service.

Yours truly,

Max T. Hyde, Jr.

MTH, Jr./lab

Enclosures

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

First Class Barbers LLC,

Plaintiff,

Douglas Family Partnership, FMO Real Estate, LLP/Fairway Outdoor Advertising, and Lamar Advertising Company,

Defendants.

IN THE COURT OF COMMON PLEAS

Case No. 2021-CP-23-02492

**ORDER OF DISMISSAL**

**Date of Hearing:**

**September 24, 2025, at 2:00 p.m.**

**Judge:**

**The Honorable Vernon F. Dunbar**

**Attorney for Plaintiff:**

**Pro Se**

**Attorney for Defendant**

**Lamar Advertising Company:**

**Max T. Hyde, Jr.**

This Matter comes before the Court on the Motion to Dismiss filed on or about September 9, 2025 by Defendant Lamar Advertising Company ("Lamar"). The motion was heard on or September 24, 2025 at 2:00 p.m. Ortagus Bennett, who is not an attorney, appeared in court at the hearing for Plaintiff First Class Barbers LLC. Attorney Max T. Hyde, Jr. appeared at the hearing for Lamar. After reviewing the motion, arguments, and applicable law, the Court makes the following findings of fact and conclusions of law:

#### **FINDINGS OF FACT & PROCEDURAL BACKGROUND**

1. Plaintiff First Class Barbers LLC filed an Amended Summons and Amended Complaint on or about February 3, 2022, adding Lamar as a party to this action.
2. When the Amended Complaint was filed, Plaintiff was represented by counsel. Plaintiff is presently not represented by counsel. Adrienne Turner previously served as counsel

to Plaintiff. However, the Court granted the mutual request of the parties that Adrienne L. Turner be relieved of counsel. Moreover, Plaintiff contended that Arthur Aiken was also the attorney of record, but there was no record of such in the Court's file. As a matter of fact, in another action captioned 2020-CP-23-02012, Attorney Aiken was relieved as Ortagus Bennett's counsel on or about September 19, 2025 (five days prior to this scheduled hearing) because of the deterioration of the attorney/client relationship.

3. Defendant Douglas Family Partnership is a necessary and indispensable party and has not been served in this matter.

4. Defendant Lamar moved to dismiss the Amended Complaint on the following grounds:

- a) Plaintiff, as a limited liability company, is not represented by a licensed attorney, and therefore lacks the capacity to proceed in this Court.
- b) To the extent the Amended Complaint asserts claims or seeks affirmative relief against Lamar, the Complaint fails to state facts sufficient to constitute causes of action against it.

#### CONCLUSIONS OF LAW

1. Under South Carolina law, corporations and other artificial entities, such as limited liability companies, may not appear pro se in Circuit Court. They must be represented by a licensed attorney. *Doe v. McMaster*, 355 S.C. 306, 313, 585 S.E.2d 772, 777 (2003); *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999); *State ex rel. Daniel v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939).

2. A party that lacks the legal capacity to prosecute an action may be subject to dismissal.

3. Further, Rule 12(b)(6), SCRCP, allows dismissal of a claim for failure to state facts sufficient to constitute a cause of action.

4. In addition, the Court notes that Rule 12(f), SCRCP, authorizes the Court to strike defective pleadings. Since a non-attorney, Ortagus Bennett, cannot represent First Class Barbers LLC in any capacity in circuit court, the Amended Complaint is hereby stricken.

5. It is further noted as additional supporting grounds that since Defendant Douglas Family Partnership, a necessary and indispensable party, has not been served, this action may be dismissed. Rule 12(h), SCRCP; Rule 19, SCRCP.

**THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED** that:

1. The Motion to Dismiss filed by Defendant Lamar Advertising Company is hereby GRANTED;

2. All claims asserted against Defendant Lamar Advertising Company are hereby dismissed with prejudice.

3. This matter is dismissed with prejudice pursuant to Rule 12(b)(6) and Rule 41(a)(2) of the South Carolina Rules of Civil Procedure;

**IT IS SO ORDERED.**

---

The Honorable Vernon F. Dunbar  
Judge of the Thirteenth Judicial District

\_\_\_\_\_, 2025

Greenville, South Carolina



Greenville Common Pleas

**Case Caption:** First Class Barbers LLC vs. Douglas Family Partnership LLP ,  
defendant, et al  
**Case Number:** 2021CP2302492  
**Type:** Order/Dismissal

So Ordered

Vernon F. Dunbar

Electronically signed on 2025-10-08 16:18:51 page 5 of 5

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

First Class Barbers, LLC,

Plaintiff,

Douglas Family Partnership, FMO Real  
Estate, LLP/Fairway Outdoor Advertising,  
and Lamar Advertising

Defendants.

IN THE COURT OF COMMON PLEAS

CERTIFICATE OF SERVICE

Docket No.: 2021-CP-23-02492

The undersigned hereby certifies that she is employed in the Law Office of Hyde Law Firm, P.A., 360 E. Main Street, Spartanburg, South Carolina, and is a person of such age and discretion as to be competent to serve papers.

That on **October 9, 2025**, she served a copy of the **Order of Dismissal** on the person hereinafter named by placing a copy in a postpaid envelope addressed to the person named below at the place and address stated below via electronic and United States Postal Service.


**EMAIL and USPS**

Ortagus Bennett

[tay.5star.ent@gmail.com](mailto:tay.5star.ent@gmail.com)

504 Piedmont Golf Course Road  
Piedmont, SC 29673

By: \_\_\_\_\_

  
Lorry Bruce, Paralegal

**RECEIVED**

**Dec 22 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
In the Court of Common Pleas  
Vernon F. Dunbar, Circuit Court Judge

Case No. 2021-CP-23-02492  
Appellate Case No. 2025-002312

First Class Barbers, LLC, .....Appellant,

v.


Douglas Family Partnership, FMO Real Estate, LLP/ Fairway  
Outdoor Advertising, and Lamar Advertising Company, ..... Defendants,

Of whom Lamar Advertising Company is the .....Respondent.

**PROOF OF SERVICE**

I certify that I have served the *Notice of Appearance for Sarah P. Spruill* and *Motion to Dismiss Appeal* on counsel of record on December 22, 2025, by electronic mail only to the following:

Monier Abusaft  
Law Office of Mo Abusaft  
133 E. Frederick Street  
Gaffney SC 29340  
[mo@moabusaft.com](mailto:mo@moabusaft.com)  
*Attorney for Appellant*

  
Stacey Carberry, Legal Assistant

**HAYNSWORTH  
SINKLER BOYD**

**RECEIVED**

**Dec 22 2025**

**SC Court of Appeals**

HAYNSWORTH SINKLER BOYD, P.A.  
ONE NORTH MAIN STREET, 2<sup>ND</sup> FLOOR  
P.O. BOX 2048 (29602)  
GREENVILLE, SOUTH CAROLINA 29601  
MAIN 864.240.3200  
FAX 864.240.3300  
www.hsblawfirm.com

**SARAH P. SPRUILL**  
DIRECT 864.240.3220  
sspruill@hsblawfirm.com

December 22, 2025

**VIA EMAIL & REGULAR MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: *First Class Barbers, LLC v. Douglas Family Partnership, LLP*  
Appellate Case No. 2025-002312

Dear Ms. Kitchings:

This firm represents the Respondent Lamar Advertising Company in the above matter. Enclosed for filing, please find a *Notice of Appearance for Sarah P. Spruill* and *Motion to Dismiss Appeal* together with our *Proof of Service* for the same. Also enclosed is our firm's check to cover the cost of the filing fee (w/ mailed copy).

If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac  
Enclosures

cc: Max T. Hyde, Jr. (max@maxhydelawfirm.com)  
Monier Abusoft (mo@moabusoft.com)