

# SUPPLEMENTAL AFFIDAVIT OF DEFAULT & NOTICE OF APPELLATE PRESERVATION

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

CASE NO: 2025-CP-07-01666

RECEIVED  
DEC 12 2025  
SC Court of Appeals

2025 DEC 30 PM 5:18  
JERRI AHR RUSSELL-AD  
BEAUFORT COUNTY, SC  
CLERK OF COURT

I, Tony Williams, being duly sworn, depose and say:

### 1. DEFAULT BY WAIVER AND SILENCE:

Plaintiff served the Rule 59(e) Motion on 12/18/2025. Defendants have failed to respond. Under South Carolina law, the failure to deny an allegation or respond to a post-trial motion constitutes an admission and a waiver of the right to contest the facts therein. See *Hall v. United States Fidelity & Guar. Co.*, 307 S.C. 348 (1992) (holding that failure to respond to a motion results in a waiver of objections).

### 2. VICARIOUS LIABILITY AND RATIFICATION:

Plaintiff served Lowe's Home Centers, LLC (Juliette Pryor, CLO) with a **Notice of Vicarious Liability**. By failing to repudiate the "Ghost Order" fraud, Lowe's has legally **ratified** the tortious acts of its agents. See *Crittenden v. Thompson-Walker Co., Inc.*, 288 S.C. 112 (Ct. App. 1986) (holding that a principal is liable for the fraudulent acts of its agent committed within the scope of employment).

### 3. EXTRINSIC FRAUD PRECEDENT:

The Public Index confirms an administrative ambush. This constitutes **Extrinsic Fraud**, which is an absolute ground to vacate a judgment. See *Hainer v. Am. Med. Int'l, Inc.*, 328 S.C. 128 (1997) (defining extrinsic fraud as fraud that prevents a party from fully exhibiting his case).

### 4. PRESERVATION OF APPEALABLE ISSUES:

Plaintiff hereby **preserves for the appellate record** the following issues of law:

- **The Rule 6(a) Violation:** The lack of a Judicial Identification Code (JIC) on the 12/17 Order renders it void *ab initio*.
- **The Rule 16 Default:** Defendants' prior default on discovery deadlines precludes their standing to seek sanctions.
- **Due Process Denied:** The entry of an order while an Emergency Objection was pending violates the South Carolina Constitution's mandate for a fair hearing.

- **Eggshell Plaintiff Doctrine:** The intentional targeting of a 100% disabled veteran's PTSD/OCD to secure a fraudulent dismissal.

**FURTHER AFFIANT SAYETH NOT.**

~~Tony Williams~~ *Williams* 12/30/25  
Plaintiff Pro Se

Dated: December 30, 2025

Notary  
*Rebecca R. Stone*

TO THE HONORABLE COURT OF COMMON PLEAS

2025 SEP 10 PM 4:33

COUNTY OF BEAUFORT, SOUTH CAROLINA

JERRI ANN ROSENEAU  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

RECEIVED

JAN 12 2026

SC Court of Appeals

TONY WILLIAMS, PLAINTIFF

VS

ANDREW MELLING, DEFENDANT

Affidavit for Default

C/A 2025-CP-07-01666

## I. INTRODUCTION

Plaintiff, Tony Williams, *pro se*, pursuant to **South Carolina Rule of Civil Procedure 55**, respectfully moves this Court for an entry of default against Defendant Andrew Melling for his failure to file a timely responsive pleading to the **Amended Complaint**.

## II. FACTUAL BACKGROUND AND ARGUMENT

1. On August 6, 2025, the Plaintiff filed and served an **Amended Complaint** on Defendant Andrew Melling, adding him as a new defendant in this case. A copy of the Amended Complaint and the Certificate of Service are on file with the Court.
2. On August 20, 2025, Defendant Andrew Melling filed a **Motion to Dismiss** in response to the original Complaint.
3. On August 25, 2025, the Plaintiff filed and served an **Amended Complaint** on Defendant Melling.
4. Under **South Carolina Rule of Civil Procedure 15(a)**, the Plaintiff had the right to amend the complaint once as a matter of course before a responsive pleading was served. As Defendant Melling's filing on August 20, 2025, was a pre-answer motion and not a responsive pleading, the Amended Complaint was properly filed without needing a motion for leave to amend and became the operative pleading.
5. According to **South Carolina Rule of Civil Procedure 15(a)**, Defendant Melling's deadline to file a responsive pleading was **15 days** after the service of the Amended Complaint, making the deadline **September 9, 2025**.
6. On September 8, 2025, in response to a reminder from the Plaintiff, Defendant Melling sent an email (attached hereto as Exhibit A) in which he admitted to receiving the filing but incorrectly claimed, "No response is due from me until that motion is granted."
7. He further stated in the email that a response "won't happen for a while because of your failure to show up at the hearing." This statement proves his deliberate and conscious refusal to file a responsive pleading. He is attempting to use the Plaintiff's non-attendance at a hearing—which he orchestrated—to justify his own failure to adhere to the Rules.

8. Defendant Melling's own email demonstrates that he has **actual notice** of the Amended Complaint. His failure to respond is not a result of a lack of notice but is a deliberate act of procedural gamesmanship in an attempt to delay the case and prejudice the Plaintiff.
9. As of the date of this filing, Defendant Melling is in default for having failed to file a responsive pleading within the time required by law.

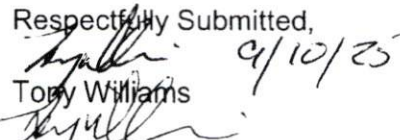
### III. CONCLUSION AND PRAYER FOR RELIEF

For the reasons stated above, the Plaintiff respectfully requests that the Court:

1. Enter an **Order of Default** against Defendant Andrew Melling.
2. Set the matter for a default hearing to prove damages.
3. Award any other relief the Court deems just and proper.

Dated: September 9, 2025

Respectfully Submitted,

  
Tony Williams


145 Fort Sullivan Drive

Ridgeland, SC 29936

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Notary

  
exp 5/29/34