

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

CHERYL CARTER

Plaintiffs,

vs.

MCELVEEN BUICK-GMC, Inc.

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2025-CP-08-00615

ORDER

RECEIVED

JAN 27 2026

SC Court of Appeals

BACKGROUND

This matter came before the Court on Plaintiff's Motion to Set Aside Judgment. On April 22, 2025, this Court entered judgment in favor of McElveen Buick GMC, Inc. and dismissed this case pursuant to Rule 12(b)(6). On June 10, 2025, Plaintiff filed a Motion to Set Aside Judgment. The Court heard the motion on September 15, 2025, with Victoria W. Kurtz appearing on behalf of McElveen Buick-GMC, Inc. and Cheryl Carter appearing pro-se. Having considered the motion, any response, the record, and the arguments of counsel and the parties, the Court issues the following Order.

LEGAL STANDARD

Rule 60(a)–(b), South Carolina Rules of Civil Procedure, governs relief from judgments or orders. Under Rule 60(a), the Court may correct clerical mistakes arising from oversight or omission. Under Rule 60(b), the Court may relieve a party from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud, misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or

it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. Motions under Rule 60(b) must be made within a reasonable time, and for reasons (1), (2), and (3), not more than one year after the judgment, order, or proceeding was entered or taken.

ANALYSIS

Plaintiff's motion fails to identify, argue, or substantiate any specific ground for relief recognized under Rule 60(a) or Rule 60(b), SCRCP. The motion does not allege clerical error under Rule 60(a), nor does it assert facts supporting mistake, newly discovered evidence, fraud, voidness, satisfaction, prospective inequity, or any other reason justifying relief under Rule 60(b).

Plaintiff argued that she was not properly served a copy of the Judgment entered by the Court, however, Plaintiff acknowledged that she did receive an electronic copy, and the Court system reflected Plaintiff's choice for emailed service.

Plaintiff likewise provided no affidavits, evidentiary support, or legal authority demonstrating entitlement to extraordinary relief from a final judgment. Absent a properly pled and supported Rule 60 ground, the Court lacks a basis to disturb the final judgment. Accordingly, Plaintiff has not met the burden required to obtain relief under Rule 60, SCRCP.

CONCLUSION

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Set Aside Judgment is DENIED.

AND IT IS SO ORDERED.

Jennifer B. McCoy

Dated: November 17, 2025



Berkeley Common Pleas

Case Caption: Cheryl Carter VS McElveen Buick GMC, Inc.
Case Number: 2025CP0800615
Type: Order/Other

So Ordered

s/Jennifer B. McCoy #2764

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