

STATE OF SOUTH CAROLINA
COUNTY OF EDGEFIELD

IN THE COURT OF COMMON PLEAS

Case No. 2021-CP-19-00005

Barry Lanham and Obvia Gamble-Lanham,
Plaintiff,

WUMAG TEXROLL GMBHH & CO.
KG'S MOTION TO DISMISS

vs.

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Wumag Texroll GmbH & Co. KG,
Defendants.

Feb 23 2026

SC Court of Appeals

PLEASE TAKE NOTICE Defendant Wumag Texroll GmbH & Co. KG (“Wumag”), appearing for the limited purpose of filing this motion, hereby moves, pursuant to Rules 12(b)(2), 12(b)(5) and 12(b)(6) of the South Carolina Rules of Civil Procedure, for an order dismissing Plaintiffs’ Complaint.

Wumag is a German corporation with its principal place of business in Düren, Germany. Plaintiffs bring this products liability action against Wumag based upon an accident occurring on January 22, 2018 in which plaintiff Barry Lanham was severely injured while cleaning a Laminating Calender Line machine (the “Machine”) while working at Bondex, Inc. in Trenton, South Carolina. (Compl. ¶¶ 6—8). Plaintiffs allege the Machine was designed, manufactured and sold by Wumag. (*Id.* ¶ 6). However, Wumag had no involvement in the design, manufacture or sale of the Machine. Rather, approximately eighteen (18) months after the accident, Wumag purchased the assets (but did not assume liabilities) of the company who, upon information and belief, designed, manufactured and sold the Machine to Bondex.

Plaintiffs’ claims against Wumag must be dismissed. Wumag is not subject to either general or specific personal jurisdiction in South Carolina, and therefore, Plaintiffs’ claims should be dismissed for lack of personal jurisdiction pursuant to Rule 12(b)(2), SCRPC. Additionally, Plaintiffs’ purported service of the Complaint through the South Carolina Secretary of State

pursuant to S.C. Code Ann. §15-9-245 is ineffective because Wumag does not do business in South Carolina. *See* S.C. Code Ann. §15-9-245 (allowing for service of process through the Secretary of State when a foreign corporations does business in South Carolina but fails to register with the Secretary of State). Thus, Plaintiffs' Complaint should also be dismissed pursuant to Rule 12(b)(5), SCRCF. Finally, because Wumag did not design, manufacture or sell the Machine, Plaintiffs' Complaint fails to state a claim against Wumag and should be dismissed pursuant to Rule 12(b)(6).

WHEREFORE, Wumag respectfully requests that this Court enter an Order dismissing Plaintiffs' Complaint for lack of personal jurisdiction, insufficient service of process and failure to state a claim pursuant to Rules 12(b)(2), 12(b)(5) and 12(b)(6). This Motion is based on the pleadings, applicable statutes, regulations, case law and legal authorities, and other materials as may be submitted in support hereof.

Respectfully submitted,

s/ Robert H. Jordan

Robert H. Jordan (SC Bar No. 13612)
 Robert C. Osborne III (SC Bar No. 101827)
 PARKER POE ADAMS & BERNSTEIN LLP
 200 Meeting Street, Suite 301
 Charleston, SC 29401
 (843) 727-2650
robertjordan@parkerpoe.com
robertosborne@parkerpoe.com

*Attorneys for Defendant
 Wumag Texroll GmbH & Co. KG*

March 22, 2021

Charleston, South Carolina