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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Circuit Court for the Eleventh Judicial Circuit

Walter J. McLeod, Circuit Court Judge

Appellate Case No. 2025-001470

M.C. Blease, Individually, and as Co-Trustee of the M.C. Blease et. al. Trust, the M.C. Blease BMB Irrevocable Trust, the M.C. Blease BMB Revocable Trust; Connie B. Reames, Individually, and as Co-Trustee of the M.C. Blease et. al. Trust, the M.C. Blease BMB Irrevocable Trust, the M.C. Blease BMB Revocable Trust; Rufus Eugene Trotter, as Co-Trustee of the M.C. Blease BMB Irrevocable Trust, the M.C. Blease BMB Revocable Trust; Alexis B. Gunter, Joseph B. Hammond, Charlton B. Sample, Sue B. Sample, Russel L. Sample, and John B. Crawford.....Appellants,

vs.

Little Giant ATM, Inc., Samuel Sturkie, Jackson, Jr., Samuel Sturkie Jackson, III, Daniel Frank" Shumpert, III, Daniel F. Shumpert, IV, Steven Davis, Boss Ramsey, John Quick, Dale Young, and D.M. Skip Mayes,..... Respondents.

APPELLANTS' RETURN TO MOTIONS TO DISMISS

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As more fully set forth in the Appellants' Brief, previously filed with this Court, this case arises out of a series of significant investments made by Appellants between April 2016 and October 2018 in an automated teller machine ("ATM") business operated by Little Giant ATM, Inc. ("Little Giant"). Respondent Daniel Frank Shumpert III ("Shumpert") is the sole shareholder and principal owner of Little Giant. Defendant Samuel Jackson, Jr. ("Jackson") was the manager of Little Giant, the Chief Financial Officer of Little Giant, and, in his own words, Respondent Shumpert's "right hand man." (Sworn Pelion Police Statement of Frank Shumpert, dated January 15, 2019.) Defendant Jackson used his position as Little Giant's manager, employee and Respondent Shumpert's "right hand man" to steal at least 2.5 million dollars from Appellants. Daniel F. Shumpert, IV, Steven Davis, Boss Ramsey, John Quick, Dale Young, and D.M. Skip Mayes, all worked for Little Giant as "cash loaders," travelling to locations where Little Giant owned and maintained ATMs in order to load them with cash to be taken out by customers ("Loader Respondents").

Appellants initiated this case against all of the above Respondents and Defendant Jackson. Appellants subsequently filed and served an Amended Complaint. On September 11, 2020, Appellants filed and served a Second Amended Complaint containing causes of action for (i) breach of contract, (ii) breach of contract with a fraudulent intent, (iii) unjust enrichment, (iv) conversion, (v) breach of fiduciary duty, (vi) negligence, (vii) unfair trade practices, and (viii) piercing the corporate veil.

On August 6, 2021, Respondents filed three separate motions for Summary Judgment seeking dismissal of the causes of action contained in Appellants' Second Amended Complaint. The motions were filed by (i) Little Giant ATM, Inc., (ii) Daniel Frank Shumpert, III, and (iii) Daniel F. Shumpert, IV, Steven Davis, Boss Ramsey, John Quick, Dale Young, and D.M. Skip

Mayes (“Cash Loaders”). Defendant Jackson filed a Motion for Summary Judgment which has not yet been heard by the Court.

These motions were heard by the Honorable Walter J. McLeod via Judge McLeod’s Virtual Courtroom on March 31, 2025.

On May 22, 2025, Judge McLeod issued his Order granting in part and denying in part, Respondent Little Giant’s Motion for Summary Judgment as to all Appellants, granting the Cash Loader Respondents’ Motion for Summary Judgment as to all Appellants, and granting in part and denying in part Respondent Shumpert’s Motion for Summary Judgment as to all Appellants. Other than preserving certain claims linked to the payment of \$250,000 worth of checks to Respondent Little Giant and transactions involving Respondent Shumpert’s use of a stamped signature, the Court granted Summary Judgment as to Appellants’ causes of action, including their claims for breach of contract and breach of contract with fraudulent intent. The Court further granted Summary Judgment as to Appellants’ claims, again with a handful of exceptions, for breach of fiduciary duty, unjust enrichment, conversion, unfair trade practices, and negligence.

Appellants timely moved for Reconsideration. On July 11, 2025, Judge McLeod issued his Order denying Appellants’ Motion. This appeal timely followed. In January of 2026, following receipt of the Transcript of Record, Appellants prepared and served their Initial Brief on Respondents. It was only after their receipt of this Brief that the Respondents filed their Motion to Dismiss the Appellants’ appeal on the grounds that Judge McLeod’s Order was interlocutory and as such, not immediately appealable.

The Court has held that Orders are immediately appealable and not interlocutory if they involve the merits of the case or affect a substantial right of a party. *Richardson v. Halcyon Real Estate Services, LLP*, 439 S.C. 419, 887 S.E.2d, 153 (Ct. App. 2023). The Court’s Order goes right

to the merits of the Appellants' claims and essentially "guts" the Appellant's case and potentially restricts recovery against Respondent Little Giant and Respondent Shumpert. In addition the Court's Order granted Summary Judgment as to all of the Appellant's causes of action against the Respondent Cash Loaders. The Court's Order, in essence, strikes out a considerable portion of the Appellants' Complaint against the Respondents to this Appeal. In addition, an Order determining that this matter was not ripe for appeal would potentially subject the parties to multiple trials involving the same parties and the same issues.

CONCLUSION

Appellants submit that the Appellant's Motion should be denied and that the appeal remaining pending before this Court.

Respectfully submitted,

s/S. Jahue Moore

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