

**FORM 13  
BRIEF OF APPELLANT\***

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Michale G. Nettles, Circuit Court

Judge

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Case No. 2025-000733

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CBL Services,

Respondent,

v.

Ryan Antonio Burgess,

Appellant.

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[INITIAL] BRIEF OF APPELLANT

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Ryan Antonio Burgess  
509 N. Williamson Rd.  
Florence, SC 29506  
843-676-5033  
Pro se Appellant

**RECEIVED**

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SC Court of Appeals

\* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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S.C. Code Ann. § 1-23-320 (1977).....1  
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## STATEMENT OF ISSUES ON APPEAL

1. DID THE CIRCUIT COURT ERR IN FAILING TO ALLOW APPELLENT TO BE HEARD BY A JURY TRIAL AND DENYING APPLLENT THE RIGHT TO DUE PROCESS AND STATING IN OPEN COURT ON THE RECORD THAT IT WAS DENYING THOSE RIGHTS WHEN ASKED BY APPELLENT?
2. DID THE CIRCUIT COURT ERR WHEN IT FOUND THAT THERE WERE NO GENUINE DISPUTES OF MATERIAL FACT?
3. DID THE CIRCUIT COURT ERR WHEN IT FOUND THAT IT HAD JURISDICTION TO HEAR RESPONDENT CASE AND ALLOWED CASE TO MOVE FORWARD?
4. DID THE CIRCUIT COURT ERR WHEN IT FAILED TO VIEW THE EVIDENCE IN THE LIGHT MOST FAVORBLE TO APPELLENT?

## STATEMENT OF THE CASE

On July 30, 2024, Plaintiff, CBL SERVICES filed a summons and complaint seeking judgment against defendant Ryan Transport, LLC and Ryan Antonio Burgess alleging that it had defaulted on a contract to purchase a 53-foot dry van freight trailer. On November 8, and 12<sup>th</sup> of 2024 defendant Ryan Antonio Burgess filed an answer disputing plaintiff's claim. On December 13, 2024 Defendant filed a motion to dismiss. It was denied. On February 11, 2025, defendant filed a motion requesting a jury trial and reconsideration of the motion to dismiss. They were denied.

On March 14, 2025 plaintiff filed a motion for summary judgment it was granted on April 7, 2025.

Defendant Ryan Antonio Burgess filed a notice of appeal on April 17, 2025.

## STANDARD OF REVIEW

Summary Judgment is warranted only if there is no genuine issue as to material facts and the moving party is entitled to a judgment as a matter of law. Rule 56(c), SCRCP.

## FACTS

## ARGUMENTS

### I. . BECACUSE THE COURT IGNORD APPELLANT CONTINUED REQUEST TO PRCEED TO JURY TRIAL IT ERRED AND VIOLATED APPELLANT 14<sup>TH</sup> AMENDMENT DUE PROCESS RIGHTS AND 6<sup>TH</sup> AMENDMENT RIGHT TO A FAIR AN IMPARTIAL TRIAL

As shown in the transcript of the court record held on April 7, 2025, on page 15 lines 4 through 17. Appellant asked the court if it was going to deny his right to due process and right to a jury trial. The court responded on page 15 line 8 “Yes. Yes, I am”.

Throughout the entire case appellant continued to inform the court of his desire to proceed to jury trial. In fact, when appellant stood before the court on his motion to dismiss in January of 2025, advised the court at that time that he wanted a jury trial. The court advised that at that juncture that’s where the case was headed.

The sixth and fourteenth amendments of the United States Constitution guarantees every person the right to due process and a fair and impartial trial. See State v. Chapman, 289 C42, 344 S.E 2d 611 (1986)

Wheeler V. State, 247 S.C. 393, 147 S.E. 2d 627 (1966)

### II. GENUINE DISPUTES OF MATERIAL FACT PRECLUDED SUMMARY JUDGEMEN.

The South Carolina Supreme Court affirmed that genuine issue of material facts did exist and reversed the lower court's order granting summary judgment because the defendant dd not receive notice of sale. See Brockbank v. Best Capital Corp. 341 S.C. 372, 534 S.E. 2d 688 (2000).

Summarily, in this case, Appellant advised the court that he did not recall signing or recognized the personal guarantor document. That is in fact a Genuine Dispute of material facts.

### 3 THE COURT ERRED WHEN IT FOUND THAT IT HAD JURISDICTION TO PROCEED WITH RESPONDENT CASE.

Appellant was not served with the summons and complaint properly. In fact, appellant was never served. Appellant only appeared in the case to have the case dismissed. The Limited Liability company was legally dissolved and once appellant mentioned that fact plaintiff asked the court to remove Ryan Transport LLC from the case. An LLC is separate from an individual. In South Carolina case Power Products & Services Co. v. Kozma (Ct. App.2008) the court emphasized that a contract alone is not enough to establish personal jurisdiction. “An individual’s contract with an out of state party cannot alone establish sufficient minimum contacts”

Jurisdiction must be based on the proper defendant. The court stated that you cannot

rely on relationships between entities of individuals to establish jurisdiction. Courts cannot bootstrap jurisdiction over a party simply because that party is connected to another entity that has sufficient contacts. See Roche V. Young Bros., INC. Of Florence, 318 S.C. 207 (1995).

5. THE COURT FAILED TO VIEW THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO APPELLANT

As outlined in the transcript of April 7, 2025, appellant advised the court that he didn't recognize the document of that plaintiff claimed he signed. In fact, appellant advised the court that his signature was not actually on the document at all. There were only initials and appellants' addresses were not listed correctly on that document either.

Granting summary judgment while ignoring favorable inferences to defendants and resolving factual disputes is reversible error. In Summary judgment, all evidence and reasonable inferences must be viewed in the light most favorable to the non-moving party see Lanham v. Blue Cross & Blue Shield of South Carolina at 349 S.C. 356, 563 S.E. 2d 331 (2002).

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

April 6, 2026

Respectfully submitted,

/s/  Ryan Antonio Burgess

509 N Williamson  
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843-676-5033  
Pro se Appellant

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As shown in the transcript of the court record held on April 7, 2025, on page 15 lines 4 through 17. Appellant asked the court if it was going to deny his right to due process and right to a jury trial. The court responded on page 15 line 8 “Yes. Yes, I am”.

Throughout the entire case appellant continued to inform the court of his desire to proceed to jury trial. In fact, when appellant stood before the court on his motion to dismiss in January of 2025, advised the court at that time that he wanted a jury trial. The court advised that at that juncture that’s where the case was headed.

The sixth and fourteenth amendments of the United States Constitution guarantees every person the right to due process and a fair and impartial trial. See State v. Chapman, 289 C42, 344 S.E 2d 611 (1986)  
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Summarily, in this case, Appellant advised the court that he did not recall signing or recognized the personal guarantor document. That is in fact a Genuine Dispute of material facts.

### 3 THE COURT ERRED WHEN IT FOUND THAT IT HAD JURISDICTION TO PROCEED WITH RESPONDENT CASE.

Appellant was not served with the summons and complaint properly. In fact, appellant was never served. Appellant only appeared in the case to have the case dismissed. The Limited Liability company was legally dissolved and once appellant mentioned that fact plaintiff asked the court to remove Ryan Transport LLC from the case. An LLC is separate from an individual. In South Carolina case Power Products & Services Co. v. Kozma (Ct. App.2008) the court emphasized that a contract alone is not enough to establish personal jurisdiction. “An individual’s contract with an out of state party cannot alone establish sufficient minimum contacts”

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CONCLUSION

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Respectfully submitted,

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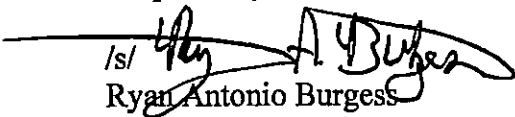
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