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May 05 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Appeal from Pickens County  
G. D. Morgan, Jr., Circuit Court Judge

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Appellate Case No. 2026-001025

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Complete Heat and Air, LLC, Respondents,

v.

Michelle Lindsay and Shaun Lindsay,

Appellants,

of whom Shaun Lindsay is the Appellant.

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Plaintiff respectfully opposes Defendants' request for a stay of enforcement of the judgment pending appeal. Defendants' have failed to meet the required legal standard, and the motion should be denied. Alternatively, any stay should be conditioned upon the posting of a full supersedeas bond.

**I. BACKGROUND**

This Court entered a default judgment against Defendants on August 26, 2024. Plaintiff sought collection through Supplemental Proceedings and Defendant Shaun Lindsay failed to show up for the hearing and Michelle Lindsay showed up without all of the documents. Plaintiff filed a Rule to Show Cause for Contempt and a date for the hearing was set and only then did Defendants file a motion pursuant to Rule 60(b), SCRCPP, alleging lack of personal jurisdiction

based on improper service. Defendants also filed other miscellaneous motions to enforce discovery and due process.

After a hearing on March 31, 2026, at which Defendants appeared pro se and were fully heard, this Court denied Defendants' Rule 60 motion and the other miscellaneous motions as meritless and upheld the validity of service, the Court's jurisdiction and the judgment.

Defendant have now filed a Notice of Appeal and seek to stay enforcement of the judgment.

## **II. LEGAL STANDARD**

A stay pending appeal is not automatic. The moving party must demonstrate:

1. A likelihood of success on the merits of the appeal;
2. Irreparable harm absent a stay;
3. Lack of substantial harm to the opposing party; and
4. That the stay serves the public interest.

Additionally, any stay should be conditioned upon adequate security, including a supersedeas bond sufficient to protect the judgment creditor.

## **III. ARGUMENT**

### **A. Defendant Cannot Demonstrate a Likelihood of Success on the Merits**

Defendant's appeal challenges this Court's denial of Rule 60(b) relief. Such rulings are reviewed for abuse of discretion, a highly deferential standard.

At the hearing, the Court considered Defendant's arguments regarding service and rejected them.

The record reflects valid service of process, including:

- Service on Michelle Lindsay was made on June 13, 2024, at 5:54 p.m. at 196 Mistr Lane Pickens, SC 29671.

- Service on Michelle Lindsay for Mr. Lindsay was made on June 13, 2024, at 5:56 p.m. at 196 Mistr Lane, Pickens, SC 29671.
- An affidavit of service for each Defendant was duly filed with the Court;
- The Defendant Michelle Lindsay sent an email within thirty minutes of this service at 6:25 p.m. to Plaintiff’s counsel saying, “We will have to go to court...”, which is evidence she had just been served.
- Defendant presented no credible evidence sufficient to overcome the presumption of proper service.
- After the Judge reviewed the Affidavits of Service and the email from Defendants the Judge said she did not need to hear from the process server who was under subpoena at the hearing on the Rule 60 Motion.

Defendant’s appeal merely attempts to relitigate factual issues already decided by this Court. There is no basis to conclude the appellate court will find an abuse of discretion.

**B. Defendant Will Not Suffer Irreparable Harm**

Defendants cannot show irreparable harm. The judgment at issue is purely monetary. It is well-established that monetary harm does not constitute irreparable injury because any amounts collected can be restored if the judgment is reversed. Defendants’ conclusory assertions of hardship are legally insufficient.

**C. A Stay Would Substantially Prejudice Plaintiff**

Granting a stay would materially prejudice Plaintiff. Plaintiff has obtained a valid judgment and is entitled to enforce it.

Further delay:

- Increases the risk that Defendant may dissipate or conceal assets;

- Impairs Plaintiff's ability to collect on the judgment;
- Undermines the finality of this Court's ruling.

The equities weigh strongly against granting a stay.

**D. Justice Would Require Any Stay Be Conditioned on a Full Supersedeas Bond**

If the Court is inclined to grant a stay, to protect the Plaintiff, justice would require Defendant to post a supersedeas bond sufficient to secure the full amount of the judgment, plus accrued interest, attorney's fees and costs.

Absent such security, Plaintiff faces significant risks of non-collection. Defendant has made no showing of ability or willingness to post an adequate bond.

**IV. CONCLUSION**

Defendant has failed to meet the required standard for a stay pending appeal. The motion should be denied.

Alternatively, any stay should be conditioned upon Defendant posting a full supersedeas bond in an amount sufficient to protect Plaintiff's judgment.

Respectfully Submitted

/s/ David S. Wyatt  
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I, Marisa Valles, a Paralegal for Wyatt Law, P.A. hereby certify that on May 5, 2026, Defendants were served the foregoing Plaintiff's Opposition to Defendants' Motion for Stay Pending Appeal by mailing a copy of the same by United States First Class Mail, postage paid to the Defendants' home addresses.

Pleadings:

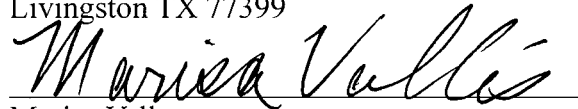
Plaintiff's Opposition to Defendants' Motion for Stay Pending Appeal

Defendants Michelle Lindsay:

196 Mistr Lane  
Pickens, SC 29671

Defendant Shaun Lindsay:

101 Rainbow Drive, Box #14938  
Livingston TX 77399



Marisa Valles  
Paralegal

May 5, 2026  
Greenville, SC