

# The South Carolina Court of Appeals

Complete Heat and Air, LLC, Respondent,

v.

Michelle Lindsey and Shaun Lindsay, Defendants,

of whom Shaun Lindsay is the Appellant.

Appellate Case No. 2026-001025

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## ORDER

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On April 27, 2026, Appellant filed a notice of appeal from a circuit court's order denying a motion to "vacate judgment, stay enforcement, and issue protection." The circuit court determined Appellant failed to satisfy his burden under Rule 60 of the South Carolina Rules of Civil Procedure.<sup>1</sup> *See* Rule 60, SCRCP (describing circumstances from which a party may seek relief from a judgment or order). On April 27, 2026, Appellant also filed an "emergency motion for stay of enforcement pending appeal." Appellant argued his appeal is not frivolous and raises substantial legal questions appropriate for appellate review, that he will suffer immediate and irreparable harm absent a stay, that the balance of equities favors preservation of the status quo, and that a stay serves the interests of fairness, judicial economy, and orderly appellate process. On May 5, 2026, Respondent filed a return opposing the request for a stay. In the alternative, Respondent requested the "posting of a full supersedeas bond" should this court grant the motion to stay. On May 18, 2026, Appellant filed a reply, reiterating his request for a stay and opposing the requirement of a supersedeas bond.

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<sup>1</sup> A review of the public index shows Appellant moved to vacate the judgment pursuant to Rule 60(b)(4). *See* Rule 60(b)(4), SCRCP ("On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding [when] the judgment is void."); Rule 60(b), SCRCP ("A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation.").

After careful consideration, we deny Appellant's motion to stay as moot because orders from Rule 60(b) motions are automatically stayed by an appeal. *See Stearns Bank Nat. Ass'n v. Glenwood Falls, LP*, 375 S.C. 423, 426, 653 S.E.2d 274, 276 (2007) (explaining that appeals from Rule 60(b) motions are automatically stayed by an appeal); *C-Sculptures, LLC, No. 3 v. Brown*, 393 S.C. 27, 31, 709 S.E.2d 705, 707 (Ct. App. 2011) (explaining "the execution of a judgment is not generally stayed by the denial of a Rule 60(b) motion because the denial of such a motion grants 'no relief' to the movant so that there is nothing to stay").

To the extent Appellant requests this court stay the underlying orders granting a judgment in Respondent's favor and addressing supplemental proceedings to collect the judgment, we deny Appellant's request. *See Stearns Bank Nat. Ass'n*, 375 S.C. at 426, 653 S.E.2d at 276 (explaining the denial of a Rule 60(b) motion "grants no relief"; the granting of "no relief" thus "leaves the parties in the exact position they were in before the 60(b) motion and appeal, that is, the original judgment is unaffected. Accordingly, absent the grant of some extraordinary relief to the debtor by the appellate court during the pendency of such an appeal, the creditor is entitled to enforce its judgment."); Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); Rule 241(b)(1), SCACR (explaining that money judgments are not subject to the automatic stay rule); S.C. Code Ann. § 18-9-130(A)(1) (2014) ("A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution.").



J.

FOR THE COURT

Columbia, South Carolina

**FILED**  
**May 21 2026**

cc:

Shaun Lindsay

David S. Wyatt, Esquire