

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Christopher Jones, Jane Freeman,
Shaynia Mayes,

Plaintiffs,

Perelli Auto Sales, Cesar Perelli,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEEN JUDICIAL CIRCUIT

C.A. No.: 2025-CP-23-00640

**ORDER GRANTING MOTION TO
AMEND**

This matter is before the Court on the motion of Defendants pursuant to South Carolina Rule of Civil Procedure 15(a) to amend Defendants' Answer and to assert a counterclaim for claim and delivery. For the reasons stated below, Defendants' motion is granted.

In Plaintiffs' complaint, they claim that they purchased three vehicles and a Dura-haul dump trailer from Defendants in August of 2024. The vehicles and trailer were financed by Defendants pursuant to consumer financing agreements entered with Plaintiffs Freeman and Mayes. Plaintiffs allege that the financing arrangements for these purchases were misrepresented and the payments pursuant to these arrangements have been improperly applied so as to create defaults that should not exist. Plaintiffs still are in possession of two of the vehicles. One of the vehicles and the Dura-haul trailer have been repossessed by Defendants. Plaintiffs seek recovery of damages for numerous causes of action arising from these purchases, including for what Plaintiffs claim to be the improper repossession of Plaintiffs' vehicle and trailer. Plaintiff's also seek injunctive relief and specific performance.

Defendants deny the material allegations of the Complaint and assert that Plaintiffs have failed to make payment in accordance with the financing agreements for these purchases.

Defendants seek to add a counterclaim for claim-and-delivery to give Defendants immediate possession of the two vehicles that remain in possession of Plaintiffs.

The Court is given wide latitude in granting motions to amend. Leave to amend pleadings is to be “freely given when justice so requires and does not prejudice any other party.” SCRCP 15(a). It is well established that a motion to amend or supplement is addressed to the discretion of the trial judge, and the party opposing the motion has the burden of establishing prejudice. *Pool v Pool*, 329 S.C. 324, 494 S.E. 2d 820 (1998). “The prejudice the Rule 15 envisions is a lack of notice that the new issue is going to be tried, and a lack of opportunity to refute it.” *Id.*

After hearing the arguments of Defense counsel, Plaintiffs consented to the amendment. Even in the absence of that consent, the Court would be compelled to grant the motion. In this case, the parties still are in the initial phase of discovery, and the case has not yet been set for trial. The Court finds that Plaintiffs have ample time to respond to the amendments and counterclaim and that Plaintiffs have not demonstrated that they would be prejudiced by the granting of this amendment.

Accordingly, the Defendants’ motion is granted.

AND IT IS SO ORDERED.

Vernon F. Dunbar

Judge, Thirteenth Judicial Circuit

Greenville, SC

Date: May 26, 2026



Greenville Common Pleas

Case Caption: Christopher Jones , plaintiff, et al vs. Perelli Auto Sales , defendant,
et al
Case Number: 2025CP2300640
Type: Order/Other

So Ordered

Vernon F. Dunbar