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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Michale G. Nettles, Circuit Court

Judge

Case No. 2025-000733

CBL Services,

Respondent,

v.

Ryan Antonio Burgess,

Appellant.

FINAL BRIEF OF APPELLANT

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

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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 APPELLENT 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 FAVORABLE 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. (R. pp. 10-16.) On November 8, and 12th of 2024 defendant Ryan Antonio Burgess filed an answer disputing plaintiff's claim. (R. pp.17-21.) On December 13, 2024, Defendant filed a motion to dismiss, it was denied. (R. pp. 39-41.) On February 11, 2025, Defendant filed a motion requesting a Jury Trial and reconsideration of the motion to dismiss. They were denied. (R. pp. 45-46.) (R. pp. 42-44.) On March 14, 2025, Plaintiff filed a motion for summary judgment. It was granted on April 7, 2025. (R. pp. 8-9.) (R. pp. 1-7.) Defendant Ryan Antonio Burgess filed a notice of appeal on April 17, 2025. (R. pp. 93-95.)

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 judgement as a matter of law. Rule 56(c), SCRPC.

FACTS

ARGUMENT

- I. BECAUSE THE CIRCUIT COURT IGNORD APPELLANT CONTINUOUS REQUEST TO PROCEED TO JURY TRIAL IT ERRED AND VIOLATED APPELLANT'S 14TH AMENDMENT DUE PROCESS RIGHTS AND 6TH AMENDMENT RIGHT TO A FAIR 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". (R. pp. 22-38.) 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, Appellant advised the court at that time that he wanted a Jury Trial. The court advised appellant 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)

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

See S.C. Code Ann. § 1-23-320(1977)

2. GENUINE DISPUTES OF MATERIAL FACT PRECLUDED SUMMARY JUDGEMENT.

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 did not receive notice of sale. See Brockbank V. Best Capital Corp., OP. NO. 99-UP-098 (S.C. CT. APP.1999)

Similarly 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 CIRCUIT 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. (R. pp. 76-79.) 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 Roch V. Young Bros., INC. OF FLORENCE, 318 S.C. 207 (1995)

4 THE CIRCUIT 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. (R. pp. 55-56) (R. pp. 22-38.) 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

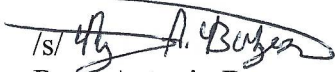
For the reasons set forth in Appellant's Initial Brief and as further demonstrated in his reply brief, Respondent has failed to rebut Appellant's arguments or establish that the circuit court's decision should be affirmed. The record, the applicable law, and the controlling South Carolina authorities demonstrate that the circuit court committed reversible errors of law and abused its discretion, thereby substantially prejudicing Appellant's rights.

The errors identified by Appellant were not harmless but affected the fairness and integrity of the proceedings and resulted in a judgment that cannot stand under South Carolina law. Respondents' arguments do not cure these errors, nor do they provide a legal basis for affirmance.

Accordingly, Appellant respectfully requests that this Honorable Court reverse the order appealed from, Order Granting Summary Judgment, grant such relief as is just and proper, and remand this matter to the circuit court for further proceedings consistent with this Court's opinion, Appellant further request any additional relief that this Court deems appropriate in the interest of justice.

July 23, 2026

Respectfully submitted,

/s/ 

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