ELECTRONICALLY FILED - 2025 Apr 17 10:22 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303730

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

Roland O'Neil Rabon, Jr.,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Margaret Ann Miniard, John & Jane Does ##1-14,

Defendants.

C.A. No. 2024-CP-23-03236

ORDER

RECEIVED
Aug 11 2026
SC Court of Appeals

Fred W. "Trey" Suggs, III,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard,

Defendants.

C.A. No. 2024-CP-23-03258

Clayton Jennings,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Mayra Michalski, Margaret Ann Miniard, John & Jane Does ##1-14,

Defendants.

C.A. No. 2024-CP-23-03271

Exhibit H

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Joseph M. Plaxco, Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, John & Jane Does ##1-14, Defendants.	**C.A. No. 2024-CP-23-03329**
Jennifer L. Browning and Browning Geriatric Consulting, LLC, Plaintiffs, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist, John & Jane Does ##1-14, Defendants.	**C.A. No. 2024-CP-23-03730**

This matter came before the Court upon the respective Motions for Default Judgment (treated together, "Default Motions") filed by Plaintiffs Roland O'Neil Rabon, Jr., Fred W. "Trey" Suggs, III, Clayton Jennings, Joseph M. Plaxco, Jennifer L. Browning, and Browning Geriatric Consulting, LLC (collectively, "Plaintiffs") on November 12, 2024; and the Motions to Set Aside Entry of Default (treated together, "Defendants' Motions") filed by Defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist, and John & Jane Does ##1-14 (collectively, "Defendants") on November 18, 2024, in the above-captioned cases. The Court held a hearing on

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the Default Motions and Defendants' Motions on March 14, 2025. For Plaintiffs, Lane W. Davis of Maynard Nexsen, PC appeared on behalf of Mr. Rabon; Samuel W. Outten of Nelson Mullins Riley & Scarborough, LLP appeared on behalf of Mr. Suggs; Beattie B. Ashmore of Beattie B. Ashmore, P.A. appeared on behalf of Ms. Browning and Browning Geriatric Consulting, LLC; and Carter R. Massingill of Gallivan, White & Boyd, P.A. appeared on behalf of Messrs. Jennings and Plaxco. Haley Hubbard of Ballard & Watson and Jessie T. Carroll of Truluck Thomason, LLC appeared on behalf of Defendants.

The filings of record are consistent across all five cases. Pursuant to the agreement of counsel for all parties, the Default Motions and Defendants' Motions were heard collectively by the Court to determine the common issue of whether good cause exists to set aside the entry of default against Defendants in each case. Based upon the filings of record, the dates of such filings, arguments of counsel, and the authorities cited by the parties, the Court denies Defendants' Motions. The Court further grants Plaintiffs' Default Motions pending an ensuing damages hearing needed prior to the entry of a final judgment.

Defendants failed to offer a satisfactory explanation as to why they did not file timely answers and counterclaims, as was their required threshold burden needed to establish good cause under SCRCP 55(c). *See Sundown Operating Co., Inc. v. Intedge Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009); *Williams v. Vanvolkenburg*, 312 S.C. 373, 375, 440 S.E.2d 408, 409 (Ct. App. 1994) *with* Tr. 6:4-6 and 12:23-24. But, even if they had made such a threshold showing, Defendants still failed to satisfy South Carolina's *Wham* factors because: (1) Defendants waited too long to seek relief from the entry of default against them particularly after receiving Plaintiffs' Default Affidavits explaining the facts and circumstances surrounding Defendants' default (*e.g.*, ineffective SCRCP 59(e) Motion, etc.); (2) Defendants made no evidentiary submittal establishing

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the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants' Motion, as Plaintiffs have now lost the ability to depose Defendant Hulsey, a named party in these cases, whose deposition could have been published substantively as evidence by Plaintiffs at trial, *see* Tr. p. 31: l. 7, and because Plaintiffs' ability to vindicate their reputations would be even further delayed. *See Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 339–40, 907 S.E.2d 129, 135 (Ct. App. 2024); *Wilder v. Blue Ribbon Taxicab Corp.*, 396 S.C. 139, 144, 719 S.E.2d 703 (Ct. App. 2011); *Bank of Southside Virginia v. Host & Cook, LLC*, 239 F.R.D. 441, 445 (E.D. Va. 2007) (to support meritorious defense, movant "must proffer '*some evidence*'—not just a 'conclusory assertion'…."); *see also* SCRCP 32(a). Accordingly, the Court finds Defendants have not established the good cause needed to set aside the entry of default against them as required under SCRCP 55(c).

The Parties shall confer and contact the Court to request a status conference on scheduling the damages phase of Plaintiffs' Default Motions. Following the conclusion of each damages hearing in each case, the Court shall thereafter enter a corresponding Final Order.

IT SO ORDERED this ___ day of April, 2025.

_____

Eugene C. Griffith, Jr.
Circuit Judge Presiding

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Greenville Common Pleas

Case Caption: Jennifer L Browning , plaintiff, et al vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303730

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154