

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Ronald Soles, Respondent,

v.

Ioan Gherman d/b/a USA Auto Transport LLC and Jason
Brockman d/b/a JNJ Transport, LLC, Defendants,

Of whom Jason Brockman d/b/a JNJ Transport, LLC is
the Appellant.

Appellate Case No. 2024-000071

Appeal From Greenville County
Bentley Price, Circuit Court Judge

Unpublished Opinion No. 2026-UP-427
Submitted August 20, 2026 – Filed August 26, 2026

AFFIRMED

Ward Benjamin McClain, Jr., of W. Benjamin McClain,
Jr., LLC, of Greenville, for Appellant.

Ronald Soles, of Port Orange, Florida, pro se.

PER CURIAM: Jason Brockman d/b/a JNJ Transport, LLC (JNJ Transport)
appeals the circuit court order granting Ronald Soles's motions for attorney's fees

and damages and determining JNJ Transport's motion to stay was moot. On appeal, JNJ Transport argues the circuit court erred in (1) not allowing JNJ Transport to appear and present any evidence at the hearing, (2) not allowing JNJ Transport to present any legal argument at the hearing, (3) not making specific findings of fact or conclusions of law in its order, (4) not granting JNJ Transport's motion to stay, and (5) awarding Soles excessive damages. We affirm pursuant to Rule 220(b), SCACR.

1. As to issues one and two, we hold the circuit court did not err in not allowing Jason Brockman to present evidence or legal arguments at the hearing on behalf of JNJ Transport. Although JNJ Transport contends the circuit court had notice prior to the October 2023 hearing that JNJ Transport's counsel was retained only for the appellate case and thus, Brockman should have been permitted to argue before the circuit court, we hold Jason Brockman, as a non-lawyer, could never have argued on behalf of JNJ Transport, a limited liability company, before the circuit court. *See Renaissance Enters., Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999) ("[A] non lawyer cannot represent a corporation in circuit or appellate courts.").

2. As to issue three, we hold the circuit court did not err in not making findings of fact or conclusions of law because the rules do not require the circuit court to have done so. *See* Rule 52(a), SCRCPP ("Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 [of the South Carolina Rules of Civil Procedure] or any other motion except as provided in Rule 41(b) [of the South Carolina rules of Civil Procedure]."); Rule 41(b) (explaining in an involuntary dismissal of an action, the court must make findings of fact and conclusions of law "[i]f the court renders judgment on the merits against the plaintiff").

3. As to issue four, we hold the circuit court did not err in failing to grant JNJ Transport's motion to stay. *See Thompson v. Swicegood*, 430 S.C. 648, 659, 845 S.E.2d 920, 925 (Ct. App. 2020) ("The granting of a motion for a stay of proceedings rests entirely within the discretion of the trial [court]." (alteration in original) (quoting *City of Spartanburg v. Belk's Dep't Store of Clinton*, 199 S.C. 458, 480, 20 S.E.2d 157, 167 (1942))). Although JNJ Transport contends the circuit court lacked jurisdiction to move forward with the October 2023 hearing and thus, the stay should have been granted, the circuit court retained jurisdiction to enforce the underlying judgment because the judgment was not one that would be automatically stayed by the filing of a notice of appeal and this court denied JNJ Transport's motion to stay enforcement of the order on appeal; therefore, the circuit

court retained jurisdiction to enforce the order on appeal. *See* Rule 241(a), SCACR ("As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision."); *id.* ("The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal."); Rule 241(b)(2), SCACR (providing a notice of appeal does not automatically stay the execution of a judgment "directing the assignment or delivery of documents or personal property"). Further, we hold, to the extent JNJ Transport challenges the jurisdiction of the court because Soles did not have title of the vehicle at issue, the argument is meritless because a challenge to standing is nonjurisdictional. *See Nat'l Tr. for Historic Pres. in U.S. v. City of N. Charleston*, 447 S.C. 287, 292 n.2, 926 S.E.2d 230, 234 n.2 (2026) (noting that a motion to dismiss for lack of standing does not challenge the court's subject matter jurisdiction). JNJ Transport first raised this argument in its motion to stay, but the circuit court did not rule on it, and JNJ Transport failed to raise it in its motion to reconsider and, therefore, it is not preserved for appellate review. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal."); *Rodriguez v. Gutierrez*, 391 S.C. 323, 330, 705 S.E.2d 94, 98 (Ct. App. 2011) ("When an issue or argument has been raised to but not ruled upon by the circuit court, a party must file a Rule 59(e) [of the South Carolina Rules of Civil Procedure] motion in order to preserve it for appellate review."); *Williams v. Jeffcoat*, 444 S.C. 224, 237, 906 S.E.2d 588, 595 (2024) (finding a challenge to standing was not preserved when it was not raised to and ruled upon by the trial court).

4. As to issue five, we hold JNJ Transport has failed to provide this court with a sufficient record upon which this court could intelligently review the issue of damages. During the circuit court hearing, an invoice from Soles's "supplier" was made a part of the record, but it was not included in the record on appeal. *See Hamilton v. Greyhound Lines E.*, 281 S.C. 442, 444, 316 S.E.2d 368, 369 (1984) ("The appealing party has the burden of furnishing a sufficient record from which this court can make an intelligent review."). Further, to the extent JNJ Transport is arguing the circuit court erred in awarding attorney's fees, we hold that issue is not preserved because it was not raised to or ruled upon by the circuit court. *See Wilder Corp v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have

been raised to and ruled upon by the trial judge to be preserved for appellate review.").

AFFIRMED.¹

WILLIAMS, C.J., and MCDONALD and TURNER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.