

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

MIDLAND CREDIT MANAGEMENT, INC.

Plaintiff,

vs.

BRANDON MYERS A/K/A BAKHA EL

Defendant(s).

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

ORDER

RECEIVED

C/A NO: 2025-CP-10-05699

Aug 25 2026**SC Court of Appeals**

THIS MATTER came before me on June 11, 2026 on Plaintiff's Motion for Summary Judgment and Defendant's Motion to Dismiss. Present at the hearing was Elias Fain, Attorney for Plaintiff, and Brandon Myers a/k/a Bakha El. At the hearing Defendant informed the Court that has name had been changed and Plaintiff requested the case caption be amended to reflect an a/k/a, which the Court granted. This case shall be captioned as "Midland Credit Management, Inc., vs. Brandon Myers a/k/a Bakha El.

This is a debt collections action arising out of the issuance of two credit cards to the Defendant. The first, a Credit One Bank, N.A. card issued in August of 2022 and the second, also a Credit One Bank, N.A. card issued in July of 2021. Defendant acknowledged these accounts by use of the card for purchases and making payments on the accounts. Defendant subsequently became delinquent in repaying the accounts as required under the terms of the agreement amongst the parties. The account was subsequently assigned to Plaintiff making Plaintiff the holder of the account. Plaintiff made demand upon Defendant for the sums due and after such demand the sum remained outstanding.

Thereafter, Plaintiff instituted this collection action to collect the amounts due them in the Charleston County Magistrate Court. Defendant was served the Summons and Complaint on April 28, 2025. On May 25, 2025, Defendant issued an Answer in two ways – a Magistrate form and a lengthier, more formal Answer. The form acknowledged service, in the Defendant's handwriting, on April 28, 2025. Defendant went on to check the box "I deny that I am responsible at all because:" and wrote out a defense based on the contractual relationship between the parties. The

formal Answer acknowledges receipt of the Summons and Complaint due to it enumerating paragraphs 1-18 from said document and denying each. The formal Answer then goes on to list nine affirmative defenses. Defendant also filed a motion to dismiss at this time on six grounds, none of which were deficiency of service of process. Defendant filed a Counterclaim and Plaintiff filed a Reply and Motion to Dismiss Counterclaim. A hearing was held by the Magistrate on September 22, 2025. On October 8, 2025, a Transfer Order was signed by the Presiding Judge for the Charleston County Small Claims Court due to the amount in controversy exceeding the jurisdictional limits. This matter was transferred to the Charleston County Circuit Court on October 9, 2025. On December 5, 2025, Defendant filed an Affidavit and Supplemental Motion to Dismiss alleging that he was not properly served with the Summons and Complaint.

Upon transfer of this matter to the Circuit Court, Plaintiff engaged in discovery with Defendant by sending Interrogatories, Request for Production and Request for Admissions to Defendant on November 10, 2025, as evidenced by a certificate of mailing signed by Eric C. Hale, attorney for Plaintiff.

On April 15, 2026, Plaintiff moved for Summary Judgment and filed a memorandum which included four exhibits: 1. A certificate of mailing for discovery; 2. Discovery sent to Defendant, which included billing statements, chain of title and bill of sale data, and cardholder agreements for both accounts; 3. An affidavit of default for the Requests for Admissions signed by attorney for Plaintiff; 4. Affidavits of account in support of summary judgment for both accounts. A hearing with this Court was set for June 11, 2026, and both parties were notified to be present.

At the call of the case Defendant argued his motion to dismiss. He alleged that he had never been properly served with the Summons and Complaint and therefore the case should be dismissed due to a lack of personal service. Attorney for Plaintiff argued that Defendant had been properly served, first because an affidavit of service was filed with the Magistrate properly sworn to and notarized attesting to service on Defendant and secondly, because Defendant filed both a form Answer acknowledging service and a formal Answer which disputed the averments of Plaintiff. I find that Defendant was properly served. The South Carolina Rules of Civil Procedure allow for service to be made "...by any other person not less than eighteen (18) years of age, not an attorney in or a party to the action."¹ Defendant admitted that an employee for the Magistrate Court gave him the Summons and Complaint, and that person filed a sworn affidavit attesting to that fact and

¹ SCRCF Rule 4(c)

that they met the non-party and age requirements of the rule. Filed along with that affidavit is an identification card with a picture of Defendant.

Moreover, Defendant acknowledged service in his own hand and under penalty by using the Magistrate form Answer. Finally, Defendant made a voluntary appearance by filing not one, but two Answers along with a subsequent Counterclaim that addressed the substantive allegations of Plaintiff's Complaint.² Therefore Defendant's motion to dismiss is **DENIED**.

Plaintiff then argued its motion for summary judgment. After hearing arguments of the parties and reviewing the record I find the following: On or about August 2, 2022, Defendant opened a Credit One Bank Account bearing an account number ending in 7855. Defendant made purchases and payments on the account until October of 2022. The account was subsequently charged off due to non-payment on or about May 15, 2023. The account balance at that time was \$1,447.82. Plaintiff purchased and was assigned this account. Additionally, on or about July 15, 2021, Defendant opened a Credit One Bank Account bearing an account number ending in 9023. Defendant made purchases and payments on the account until October of 2022. The account was subsequently charged off due to non-payment on or about May 28, 2023. The account balance at that time was \$1,016.60. Plaintiff purchased and was assigned this account. The above is supported by account statements included in the record, an Affidavit and Itemization of Accounts and the Affidavit of Regina Miller. Plaintiff filed suit on both accounts seeking a total of \$2,464.42 plus associated costs. As above, Defendant filed an Answer and Counterclaim. Thereafter, Plaintiff sent discovery requests to Defendant. Plaintiff's Requests for Admissions addressed the existence of the agreements between the parties, Defendant's default on the terms of the agreements and the direct and consequential damages suffered by Plaintiff as a result of Defendant's default. Defendant failed to answer these Requests for Admissions. Accordingly, Plaintiff requested and is entitled to have those matters contained in its Requests for Admissions deemed admitted in accordance with SCRCR Rule 36(a). Further, Plaintiff argued that because their motion was supported by an un rebutted affidavit Defendant could not rest on denials from his Answers. Defendant filed no evidence or affidavits in support of his Counterclaim. I find that because defendant did not respond to the Requests for Admissions and did not file a counter-affidavit or any other supporting documents or evidence there is no genuine issue of material fact and Plaintiff is entitled to judgment as a matter of law.

² "Voluntary appearance by defendant is equivalent to personal service;" SCRCR Rule 4(d)

Accordingly, Defendant's Counterclaim is **DISMISSED WITH PREJUDICE**.

NOW, THEREFORE, FOR GOOD CAUSE HAVING BEEN SHOWN, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's motion for judgment on the pleadings shall be granted and judgment be entered against Defendant as follows:

Amount of Debt:	\$2,464.42
Costs of Action:	\$111.74
TOTAL JUDGMENT:	\$2,576.16

AND IT IS SO ORDERED.

Form 4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTONJUDGMENT IN A CIVIL CASE
CASE NO. 2025-CP-10-05699

Midland Credit Management, Inc.

Brandon Myers a/k/a Bahka El

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Elias Fain SC Bar #101193
CLARKSON & HALE, LLC
1044 Wildwood Centre Dr.
Columbia, SC 29229Attorney for: ☒ Plaintiff ☐ Defendant
☐ Self-Represented

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried a verdict rendered.☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court.The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.☐ **ACTION DISMISSED.** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other☐ **ACTION STRICKEN** (CHECK REASON) ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This Order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List names(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Midland Credit Management, Inc.	Brandon Myers a/k/a Bahka El	\$2,576.16
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

SCRCP Form 4C (12/2016)

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR PLAINTIFF(S)

ATTORNEY(S) FOR DEFENDANT(S)

CLERK OF COURT

COURT REPORTER:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing as pro-se. See Rule 77(d).

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.



Charleston Common Pleas

Case Caption: Midland Credit Management Inc VS Brandon Myers , defendant, et al
Case Number: 2025CP1005699
Type: Order/Judgment and Form 4

So Ordered

s/ T.J. Rode (#2792)