

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Elyse Decker,

Plaintiff,

vs.

Caishen II, LLC and Columbia Property
Management, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2025-CP-40-03138

**ORDER GRANTING
SUMMARY JUDGMENT IN FAVOR
OF CAISHEN II, LLC****RECEIVED****Oct 02 2026****SC Court of Appeals**

This matter is before the Court upon Defendant Caishen II, LLC's ("Caishen") Motion for Summary Judgment filed on February 25, 2026. A hearing was held on May 19, 2026. Plaintiff was represented by Brady Thomas, Esq. Columbia Property Management, LLC, having filed its own Motion, was represented by Stephen Foster, Esq. Caishen was represented by Kevin Maroney, Esq. and Stephen D. Porter, Esq. After carefully considering the arguments of counsel, along with all memoranda and exhibits, the Court grants Caishen's Motion for Summary Judgment.

I. Background

This is a premises liability case. Plaintiff Elyse Decker filed her lawsuit on May 5, 2025. In her Complaint, Plaintiff alleges that on February 23, 2023, she tripped and fell on the brick front porch of Alayna Decker's leased apartment. Plaintiff's Complaint, p. 3, ¶9. Alayna Decker is Plaintiff's daughter. At the time, Alayna was residing at 1722 Heyward Street, Columbia SC, 29005, Unit F (the "Property"). Plaintiff asserts that the uneven positioning of bricks on the front porch of the Property created an unsafe condition. Following her fall, Plaintiff went to Prisma

Health Baptist Emergency Department. She complained of right wrist pain.¹ Plaintiff sued Caishen as owner and lessor of the Property, as well as Caishen's property manager, Columbia Property Management, LLC ("Property Manager").

II. Standard of Review – Motion for Summary Judgment

Per Rule 56(c), summary judgment shall be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRPC. Furthermore, "[w]hen a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but...must set forth specific facts showing that there is a genuine issue for trial." Rule 56(e), SCRPC.

If the opposing party does not set forth specific facts, "summary judgment...shall be entered against him." Rule 56(e), SCRPC. Finally, the South Carolina Supreme Court has stated that "the 'mere scintilla' standard does not apply under Rule 56(c)...[because] the proper standard is the 'genuine issue of material fact' standard set forth in the text of the Rule." Kitchen Planners, LLC v. Friedman, 440 S.C. 456, 463, 892 S.E.2d 297, 301 (2023). Consequently, "it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine." Id.

III. Findings of Fact and Conclusions of Law

- i. Plaintiff's premises liability claim fails as a matter of law, as the uneven nature of the Property's front porch bricks was an "open and obvious" condition.**

¹ While the Court recognizes from the parties' submissions that there is a dispute as to where the Plaintiff fell, no finding of fact as to location is necessary to the Court's decision.

“South Carolina recognizes four classes of persons present on the property of another: adult trespassers, invitees, licensees, and children[, and a] landowner's duty toward a person to maintain his land in a certain condition depends upon the person's status.” Landry v. Hilton Head Plantation Property Owners Ass'n, Inc., 452 S.E.2d 619, 620 317 S.C. 200, 203 (emphasis added). Plaintiff was a social guest of her daughter when she alleges to have fallen on her daughter’s front porch and entranceway.² “A licensee is a social guest or ‘a person who is privileged to enter upon land by virtue of the possessor's consent.’” Harris v. the Univ. of South Carolina, 391 S.C. 518, 523, 706 S.E.2d 45, 47 (Ct. App. 2011) (citation omitted). The duty owed toward a licensee requires a landowner “to [1] use reasonable care to discover the licensee, to [2] conduct activities on the land so as not to harm the licensee, and to [3] warn the licensee of any *concealed* dangerous conditions or activities.” Id., 391 S.C. 518, 523, 706 S.E.2d 45, 47-48 (emphasis added).

Nonetheless, “[a] licensee cannot recover for an injury caused by known dangers[.]” Neil v. Byrum, 288 S.C. 472, 474, 343 S.E.2d 615 (1986). The South Carolina Supreme Court “refuses to make every landowner an insurer of the safety of [] social guests.” Neil v. Byrum, 288 S.C. 472, 474, 343 S.E.2d 615.³ In this case, “if [the Court] determine[s] that the danger posed by the steps was not hidden or concealed, *then respondent had the duty to discover and avoid the danger.*” Id., 288 S.C. 472, 473, 343 S.E.2d 615 (emphasis added).

² Request to Admit (“Admit that you were a social guest of a tenant when you entered the subject property on February 23, 2023. ANSWER: Admitted”)

³ For this summary judgment motion only, Caishen assumed, without admitting, that the uneven brick on the patio constituted a dangerous condition.

Plaintiff admits she visited her daughter and grandson often at the Property.⁴ She admits entering her daughter's home via the front porch several times⁵ and smoking cigarettes on the front porch several times.⁶ In her affidavit that she submitted in opposition to summary judgment, she admits that she had "seen and used" the dangerous brick porch⁷ and had "walked across the brick landing on several occasions[.]"⁸

In addition, Plaintiff's daughter testified that her mother was "fully aware of the condition of the bricks on the porch"⁹ and was aware the bricks were a "hazard[.]"¹⁰ Although Plaintiff swore in her affidavit that she did not "appreciate that the condition of the brick landing posed a tripping hazard or dangerous condition[.]"¹¹ this contention is irrelevant. Because "the danger posed by the steps was not hidden or concealed, [*Plaintiff*] had the duty to discover and avoid the danger." Neil v. Byrum, 288 S.C. 472, 473, 343 S.E.2d 615 (emphasis added). No precautions or warnings were

⁴ Plaintiff's Deposition, p. 29, lines 23-25 cont. p. 30, lines 1-6 ("Q. How many times did you visit Alayna at 1722 Heyward Street? A. Many times. Q. Okay. More times than you can remember? A. I mean, for -- yeah, I'm sure, yes. Her and my grandson were there, so... Q. You visited a lot? A. Yeah.")

⁵ Plaintiff's Deposition, p. 32 lines 23-25 cont. p. 33, line 1 ("Okay. So at least some of the time that you visited Alayna, you walked up the front stairs in the daylight; is that correct? A. Yeah, yeah, yeah. Yes.")

⁶ Plaintiff's Deposition, p. 31, lines 9-16 ("Q. Okay. Did you also smoke cigarettes on the front porch right there? A. Mostly in the back, but sometimes in front, yes. Q. And so how many times did you smoke cigarettes on the front porch? A. Probably less than ten, the same amount of times that I would even go up there, yeah.")

⁷ Affidavit of Elyse Decker, p. 1, ¶4.

⁸ Affidavit of Elyse Decker, p. 1, ¶3.

⁹ Alayna Causey's Deposition, p. 61, lines 14-20 ("Q. Sure. On February 22nd, the day of the incident, she was fully aware of the condition of the bricks on the porch, which is the area that we've described, kind of identified as being at the top of the stairs on the front of the residence? A. Yes.")

¹⁰ Alayna Causey's Deposition, p. 140, lines 17-25 cont. p. 141, line 1 ("Q. Yes, I understand you spent most of your time out back, but you just said that the reason you -- one of the reasons perhaps you avoided the front was because of the hazard that you recognized, correct? A. Yes, which is why I created a space out back and a focus out back for us to be, yes. Q. And your mom was aware of that hazard, correct? A. Yes.")

¹¹ Affidavit of Elyse Decker, p. 1, ¶4.

required.¹² Summary judgment is appropriate because the condition of the front steps constitutes an open and obvious danger.

ii. Caishen is not liable to a Third Party Plaintiff.

An additional ground for this Court’s decision, under South Carolina law, “[t]he landlord is liable to third persons for a defective condition of premises only...where the landlord retains control over the premises or a part thereof where the injury occurred, such as a common passageway to this and other property, or an elevator.” Binnicker v. Adden, 204 S.C. 487, 30 S.E.2d 142, 143 (1944). Plaintiff testified that she fell on the front porch and entranceway of the Property. Per the uncontested affidavit of Caishen’s owner, Marwan Marzago, filed May 15, 2026, Caishen did not retain control over this part of the premises.¹³ The front porch and entranceway were under the exclusive possession and control of the tenant.¹⁴ Consequently, Caishen is not liable to Plaintiff.

IV. Assumed Duties

Plaintiff argues that Caishen assumed a duty “to use reasonable care in the property-management, inspection, and walkthrough system it created, authorized, and relied upon through [Columbia Property Management]” and “to use reasonable care in the maintenance and safety-repair reporting system it created through John Lanier, and Chris, including a duty to respond

¹² See Padgett v. Colleton County, 383 S.C. 431, 436, 679 S.E.2d 533, 536 (Ct. App. 2009) (“Reasonable care on the part of [a] possessor [of land] ... does not ordinarily require precautions, or even warning, against dangers which are known to [a] visitor, *or so obvious to him that he may be expected to discover them.*”) (emphasis added) (concerning duties owed to invitees, *which are more numerous and involve a higher standard of care than that owed to licensees like Plaintiff*) (citation omitted) (alterations added by Padgett Court).

¹³ Affidavit of Marwan Marzago, ¶¶7-8; see also Residential Rental Agreement.

¹⁴ Daniels v. Timmons, 216 S.C. 539, 549, 59 S.E.2d 149, 154 (1950) (“The law implies an obligation [and] creates a legal duty to keep the same in repair and to operate properly such parts of the premises which the *lessor reserves possession and control of for the common use of several tenants* and this is peculiarly applicable to halls, entrances, porches or stairways *of which no particular tenant has exclusive possession or control.*”) (emphasis added).

reasonably to the unsafe stoop/stairway condition Plaintiff's daughter reported to Chris before the fall."

Plaintiff relies on three cases to support her contention that Caishen undertook the above duties. Two cases involve institutions that were caring for a mentally impaired individual residing therein. Madison v. Babcock Center, Inc., 371 S.C. 123, 638 S.E.2d 650 (2006) ("Madison" was a mentally disabled adult who lived in a residential home operated by Babcock Center); Hubbard v. Taylor, 339 S.C. 582, 529 S.E.2d 549 (Ct. App. 2000) (Hubbard was an elderly woman suffering from periods of confusion and short-term memory issues who lived in the Greenbriar Retirement Village). The third case involves an apartment building that voluntarily undertook a duty to provide security for tenants. Wright v. PRG Real Estate Mgmt., Inc., 426 S.C. 202, 826 S.E.2d 285 (2019). All these cases involve a duty that was undertaken on behalf of a tenant rather than a social guest. Even assuming Caishen undertook the duties that Plaintiff alleges, those duties would have been undertaken for the benefit of Plaintiff's daughter, the Property's tenant—not the Plaintiff. A breach of these alleged duties would perhaps give Plaintiff's daughter a cause of action; but a breach does not provide Plaintiff a cause of action.

Furthermore, although it's true that a landlord must use reasonable care while making any voluntarily undertaken repairs and "is liable for injuries caused by his negligence or unskillfulness or that of his servants and employees in making them[.]"¹⁵ the voluntarily undertaken front porch repairs occurred after Plaintiff's fall. Plaintiff's Memorandum in Opposition to Columbia Property Management's MSJ, p. 5 ("[T]he evidence demonstrates that after the condition [on the front

¹⁵ Conner v. Farmers and Merchants Bank, 243 S.C. 132, 140, 132 S.E.2d 385, 389 (1963)

porch] came to attention, the walking surface was altered and repaired.”). Plaintiff is not alleging that she fell because of negligently performed repairs that were voluntarily undertaken.

V. Conclusion

Plaintiff was a licensee when she entered the Property on February 23, 2023. She can only recover if Caishen failed to warn her of a latent or concealed dangerous condition. The allegedly dangerous bricks on the front porch were not latent or concealed. The condition of the bricks was open and obvious. Plaintiff was fully aware of the allegedly dangerous bricks. Further, Caishen did not retain control over the front porch, meaning Caishen cannot be liable to Plaintiff. Plaintiff’s voluntary undertaking argument is also unpersuasive. Based on all the above, Plaintiff’s premises liability claim fails as a matter of law.

THEREFORE, Caishen’s Motion for SUMMARY JUDGMENT IS GRANTED.

IT IS SO ORDERED.

The Honorable Thomas W. McGee, III

Electronic signature page to follow.



Richland Common Pleas

Case Caption: Elyse Decker vs Caishen Ii Llc , defendant, et al

Case Number: 2025CP4003138

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So Ordered

s/ Thomas W. McGee III, Judge Code 2786