

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF RICHLAND)
)
)
Brenda G. Harmon,)
)
)
Plaintiff,)
)
)
v.)
)
)
Joel E. Johnson, D.M.D.,)
)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO: 2014-CP-40-02507

ORDER DENYING PLAINTIFF'S
MOTION TO DEFAULT JUDGMENT

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SC Court of Appeals


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This matter came before me upon Plaintiff's Motion for Default filed on November 10, 2014. A hearing was held before me on January 6, 2015 at 9:30 am during the Common Pleas Non-Jury Term of Court in Richland County at which Plaintiff represented herself pro se, and Dr. Johnson was represented by Kelli Sullivan, Esq.

Plaintiff's Complaint was originally filed on April 17, 2014, and served on the Defendant May 22, 2014. Defendant filed a Motion to Dismiss on May 30, 2014. That Motion to Dismiss was denied with leave to re-file by Judge Alison Lee on August 11, 2014. Defendant then filed an Answer on August 12, 2014, and a second Motion to Dismiss on September 23, 2014.

Plaintiff claims that Defendant never filed a timely Answer in the case; however, there is an Answer in the Court's file, as well as a Certificate of Service noting that the Answer was served on the Plaintiff at her last known address. I find that the Defendant timely answered the Complaint in this case.

IT IS THEREFORE ORDERED that Plaintiff's Motion for a Default Judgment is DENIED.



Hon. DeAndrea G. Benjamin
Fifth Judicial Circuit

Columbia, South Carolina
January 6, 2015.

SCANNED

Brenda Harmon

JAN 23 2015

Joel Johnson

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and 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.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; 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 PUBLIC 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 name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

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.**

Circuit Court Judge _____ Judge Code _____ Date _____

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 7 January 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Brenda Harmon

Kelli Lister Sullivan

Brenda Harmon

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

