

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 David Wilson, individually and )  
 derivatively on behalf of Carolina )  
 Custom Converting, LLC, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 John Gandis, Andrea Comeau- )  
 Shirley, ZOi Films, LLC, and )  
 DecoTex, LLC, )  
 )  
 Defendants, )  
 )  
 John Gandis and Andrea )  
 Comeau-Shirley, )  
 Third-Party Plaintiffs, )  
 )  
 -vs- )  
 )  
 Carolina Custom Converting, LLC, )  
 Third Party Defendant. )  
 )  
 )  
 )  
 )  
 )

IN THE COURT OF COMMON PLEAS

C.A. NO.: 2012-CP-23-02887

ORDER

**RECEIVED**  
 AUG 26 2015  
 SC Court of Appeals

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Plaintiff David Wilson filed this Rule To Show Cause seeking a finding of contempt for Defendants John Gandis and Andrea Comeau-Shirley's failure to pay Wilson \$347,863.23 for his membership interest in Carolina Custom Converting, LLC (CCC) as previously ordered. Defendants Gandis and Andrea Comeau-Shirely opposed the motion, arguing the order was stayed upon the filing of an appeal. Defendant CCC opposed being a party to any bond requirement because the money judgment was not against Defendant CCC, but only Gandis and Comeau-Shirley as individual members. The Court has considered the arguments of the parties, all of whom agree this court has jurisdiction to consider the issues at hand, and finds as follows:

*MH*

1. This Court's January 2, 2015 and January 9, 2015 orders constitute a money judgment as provided in S.C. Code §18-9-130, and therefore an exception to the automatic stay under South Carolina Appellate Rule 241(b). However, under §18-9-130, this Court may stay enforcement of the judgment upon posting of a bond, and this Court hereby grants a stay upon the Defendants' posting of a bond or other surety in the amount of \$347,863.23 within 30 days of the issuance of this Order.

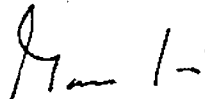
2. Defendant Gandis is the manager of Defendant CCC, of which Plaintiff remains a member of CCC until his interest is purchased. Gandis and Comeau-Shirley have appealed, and argue that any obligation to pay Plaintiff for his membership share properly belongs to Defendant CCC. Because Gandis continues to manage CCC without Plaintiff's involvement and in light of the findings in the orders under appeal regarding shareholder oppression, requiring a bond is necessary to protect Plaintiff's interest. In addition, considering the unique circumstances of this case, requiring CCC to post bond protects Plaintiff should an appellate court decide that the obligation to pay Plaintiff for his membership interest properly rests with CCC, and the company—of which he is still a member, yet from whose affairs he is excluded—becomes insolvent or otherwise unable to pay the judgment should it be affirmed.

3. Defendant Gandis and Comeau-Shirley argue that the judgment is automatically stayed by the appeal and no exception applies. Even if Defendants are correct, this Court would still order the stay lifted unless Defendants post a bond or other undertaking. See Rule 241(c)(3), SCAR.

**THEREFORE**, Defendants shall post bond or other surety in the amount of \$347,863.23 within 30 days which shall provide for payment to Plaintiff in the event that one or more of the Defendants is required to pay Plaintiff for the value of his interest in CCC as ordered after the appeal is concluded.

**IT IS SO ORDERD.**

July 22, 2015  
Greenville, South Carolina



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D. Garrison Hill  
Circuit Judge

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NO: 2012CP2302887

David Wilson vs. John Gandis

**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), 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;  Statement of Judgment by the Court.

Dated at Greenville, South Carolina, this \_\_\_\_\_

Court Reporter: \_\_\_\_\_

\_\_\_\_\_  
**PRESIDING JUDGE -**

This judgment was entered on the 24th day of July, 2015, and a copy mailed first class this 24th day of July, 2015, to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
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\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of  
Court