

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-26-03806

Kelvin Lewis, Anthony McKissick, Back Gate Holdings, LLC, and Fidelis Holdings, LLC

Michael R. Ray

RECEIVED

FEB 08 2016

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: CLERK OF COURT

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. See Page 2 for additional information.
- 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 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 name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Kelvin Lewis, Anthony McKissick, Back Gate Holdings, LLC, and Fidelis Holdings, LLC	Michael R. Ray	\$36,882.25 \$49,772.91 <i>A.H.J.</i>
		\$
		\$

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.**

[Signature]

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1/26/16

For Clerk of Court Office Use Only

This judgment was entered on the 27 day of Jan, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2016, to attorneys of record or to parties (when appearing pro se) as follows:

A. PRESTON BRITTAIN, ESQ.
THE BRITTAIN LAW FIRM, PA
4614 OLEANDER DRIVE, MYRTLE BEACH, SC 29577
ATTORNEY(S) FOR THE PLAINTIFF(S)

Pro Se - Michael R. Ray
Post Office Drawer 350
Herkimer, NY 13350-0350
ATTORNEY(S) FOR THE DEFENDANT(S)
Melanie Higgins Ward
CLERK OF COURT

Court Reporter:

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.
Please see attached order.

Multiple horizontal lines for additional information.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Kelvin Lewis, Anthony McKissick, Back Gate Holdings, LLC, and Fidelis Holdings, LLC

Plaintiffs,

v.

Michael R. Ray,

Defendant.

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

Case No.: 2015-CP-26-3806

ORDER AND AWARD OF DAMAGES

RECEIVED

FEB 08 2016

SC Court of Appeals

FILED
HORRY COUNTY
16 JAN 27 PM 3:22
CLERK OF COURT
MICHAEL RAYMOND

This matter came before the Court on January 6th, 2016, upon motion by Plaintiff Kelvin Lewis, Anthony McKissick, Back Gate Holdings, LLC and Fidelis Holdings, LLC, (hereinafter "Plaintiffs") asking the Court to determine an award of damages subsequent to an entry of default. Plaintiffs were represented by their counsel, A. Preston Brittain of the Brittain Law Firm, PA. At the hearing to establish damages, the Court considered the Plaintiffs' filings, heard the testimony of Plaintiff Kelvin Lewis, and received additional documentary evidence which supported an amount of damages. Upon reviewing the record, statements of counsel, and documentation provided at the time of the hearing, the Court determined that the Defendant, Michael Ray, was duly served with the Summons and Complaint in this action, and that more than thirty (30) days passed with no Answer, Motion, or other responsive pleading being served by said Defendant. These findings are also reflected in the Entry of Default that was signed and filed by the Clerk of Court on August 31, 2015. Furthermore, the Defendant was properly notified of this hearing by mailing notice to the Defendant via Certified Mail, Return Receipt

1 of 3
[Handwritten signature]

Requested pursuant to Rule 5 of the South Carolina Rule of Civil Procedure and by notice from the Clerk of Court's office through publication of the roster online. This Court therefore has jurisdiction over this matter. Prior to the commencement of the hearing, I directed the bailiff to inquire as to the presence of the Defendant outside of the courtroom. Her response indicated the absence of the Defendant.

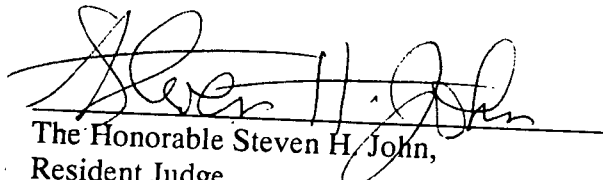
The Court makes the following findings: (1) Defendant Michael Ray received proper notice and failed to appear at the roster and subsequent hearing; (2) Defendant Michael Ray breached the duty of loyalty and care which he owed to Back Gate Holdings, LLC, and Fidelis Holdings, LLC as codified in S.C. Code Ann. §33-44-409(b); (3) that in accordance with S.C. Code Ann. §33-44-601(6) it is proper to dissociate Michael Ray from Back Gate Holdings, LLC, and Fidelis Holdings, LLC; (4) that Plaintiffs are entitled to an award of damages in the amount of Forty-seven Thousand Five Hundred Thirty-five and 58/100 (\$47,535.58) Dollars; (5) that Plaintiffs are entitled to an award of pre-judgment interest in the amount of Two Thousand Two Hundred Thirty-seven and 33/100 (\$2,237.33) Dollars.

2/13
J.H.

Therefore, based upon Plaintiffs' undisputed filings, and evidence presented at the hearing, it is

Ordered that Michael Ray be dissociated from Back Gate Holdings, LLC, and Fidelis Holdings, LLC. It is further

Ordered that the Plaintiffs be granted judgment against the Defendant, Michael R. Ray, in the amount of Forty-nine Thousand Seven Hundred Seventy-two and 91/100 (49,772.91) Dollars.


The Honorable Steven H. John,
Resident Judge
Fifteenth Judicial Circuit

January 26, 2016
Conway, South Carolina

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