

ABC LEASING, INC. vs. NE FOODMART, LLC, ET AL.
Motion for Summary Judgment Hearing on 12/28/2016

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT
3
4 ABC LEASING, INC.,)
5 PLAINTIFF,)
6 VS)
7 NE FOODMART, LLC,) CASE NO. 2016-CP-46-941
8 D/B/A FAST PACE STORE,)
9 AND NIGISTI GEBREMEDHIN,)
10 DEFENDANTS.)

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MAR 13 2017

SC Court of Appeals

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13 TRANSCRIPTION OF
14 MOTION FOR SUMMARY JUDGMENT HEARING
15 THE HONORABLE S. JACKSON KIMBALL, PRESIDING
16 YORK, SOUTH CAROLINA
17 DECEMBER 28, 2016
18
19
20
21

22 TRANSCRIPTIONIST: KELLY L. REITER
23 DALLAS REPORTING, A HUSEBY COMPANY
24
25

1 Appearances: For the Plaintiff -
2 Clyde O. Ackerman, Junior, Esquire
3 Ackerman Law Firm, PA
4 3300 Shopton Road
5 Charlotte, North Carolina 28210
6 Phone: 704-522-7733
7 Email: lackerman@ackermanlawpa.com

8 For the Defendants -
9
10 (Not Present, nor Represented by
11 Counsel)
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1 Motion for Summary Judgment Hearing, transcribed by
2 me, Kelly Reiter, a Notary Public for the State of South
3 Carolina, at the Master-in-Equity Court, 1 North Congress
4 Street, York, South Carolina, commencing at (unknown time)
5 on December 28, 2016.

6 * * * * *

7 Judge Kimball - This is December 28th, 2016.
8 This is Case Number 2016-CP-46-941, ABC Leasing,
9 Inc. against NE Foodmart, LLC, doing business as
10 Fast Pace Store, and Nigisti - - - I can't do
11 the rest of it, Gebremedhin, Defendant. This is
12 the plaintiff's motion for summary judgment.

13 Mr. Ackerman?

14 Mr. Ackerman - Yes, Your Honor. We're seeking
15 summary judgment, Your Honor, in the matter of
16 four thousand seven hundred and forty-four
17 dollars and ninety-seven cents with interest at
18 the rate of fifteen percent from February 22nd,
19 2015, and reasonable attorney's fees in the
20 amount of seven hundred and eleven dollars and
21 seventy-four cents, which is fifteen percent of
22 the principal. The defendant responded pro se.
23 His answer was filed on May 6th. Of course,
24 it's allowed for a defendant to represent
25 themselves, but to my knowledge, of course,

1 they're - - - I don't think the defendant is an
2 attorney. So any answer filed on behalf of the
3 LLC, you know, should not be considered, but
4 their - - - Their answer seemed to detail
5 difficulties with the machine, which is the
6 subject of this action. This action is based on
7 the documents attached to the summons and
8 complaint, which include an affidavit and a
9 statement of account, and an equipment lease
10 agreement, and the personal guarantee. We filed
11 a motion for summary judgment and included an
12 affidavit in support of motion for summary
13 judgment and an affidavit of attorney's fees.
14 The affidavit in support of motion for summary
15 judgment details the agreement and specifically
16 cites the paragraph in that, you know, any
17 issues with the equipment have to go against the
18 seller of the equipment. We're just the leasing
19 agent in this matter. To my knowledge, there's
20 not been an affidavit filed in opposition to the
21 motion for summary judgment, and of course, the
22 defendant is not here today. The notice of
23 hearing - - - The amended notice of hearing was
24 filed November 18th, 2016, and it looks like it
25 was mailed on November 16th, 2016, stating this

1 date and time and location. As such, I would
2 ask that you grant our motion for summary
3 judgment.

4 Judge Kimball - All right. Based on the records
5 I've got, I find for the plaintiff. There's no
6 disputed issues of fact, and the plaintiff is
7 entitled to judgment as a matter of law against
8 both defendants. And the total amount is what
9 now?

10 Mr. Ackerman - Four thousand seven hundred and
11 forty-four dollars and ninety-seven cents with
12 interest at a rate of fifteen percent from
13 February 22nd, 2015, and reasonable attorney's
14 fees in the amount of seven hundred and eleven
15 dollars and seventy-four cents. I believe that
16 totals five four five six point seven one, and
17 we have that in the Form 4.

18 Judge Kimball - All right. If you will, let me
19 see that.

20 Mr. Ackerman - If I may approach?

21 Judge Kimball - Yes. Thank you. I am no longer
22 contagious, I am happy to say. Okay. So
23 judgment will be entered in the amount of four
24 thousand seven hundred and forty-four dollars
25 and ninety-seven cents, plus interest from

1 February 22 of 2015, and the attorney's fees of
2 seven hundred and eleven dollars and seventy-
3 four cents. I will enter it in that amount.

4 Being nothing further, that concludes the
5 hearing.

6 Whereupon - The audio file did not specify the
7 time the hearing ended.

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1 CERTIFICATE OF REPORTER/TRANSCRIPTIONIST

2 State of South Carolina)

3 County of York)

4

5 I, Kelly Lynn Reiter, a Notary Public for the State
6 of South Carolina, do hereby certify that I transcribed
7 the foregoing proceedings at the time and place herein
8 designated and that the foregoing pages are a true,
9 accurate, and correct transcript of the aforesaid
10 proceedings.

11 I further certify that I am not a relative, employee,
12 attorney or counsel of any of the parties, nor relative or
13 employee of such attorney or counsel, nor in any way
14 interested in the event of said cause.

15 In witness my hand and official seal this the
16 7th day of March, 2017, in the City of Rock Hill,
17 County of York, State of South Carolina.

18

19

Kelly Lynn Reiter

20

Kelly Lynn Reiter

21

Court Reporter/Notary Public

22

23 My Commission Expires:

24

7-20-22

25

ABC LEASING, INC. vs. NE FOODMART, LLC, ET AL.
 Motion for Summary Judgment Hearing on 12/28/2016

Index: 1..file

	5:10,20	Case 3:8	disputed 5:6
<u>1</u>			
	action 4:6	cents 3:17,	documents
1 3:3	affidavit	21 5:11,	4:7
16th 4:25	4:8,12,13,	15,25 6:3	dollars
18th 4:24	14,20	cites 4:16	3:17,20
	agent 4:19	commencing	5:11,15,24
		3:4	6:2
<u>2</u>	agreement		
	4:10,15	complaint	
2015 3:19	allowed 3:24	4:8	<u>E</u>
5:13 6:1	amended 4:23	concludes	eleven 3:20
2016 3:5,7	amount 3:20	6:4	5:14 6:2
4:24,25	5:8,14,23	Congress 3:3	ended 6:7
2016-CP-46-941	6:3	considered	enter 6:3
3:8	approach	4:3	entered 5:23
22 6:1	5:20	contagious	entitled 5:7
22nd 3:18	attached 4:7	5:22	equipment
5:13	attorney 4:2	Court 3:3	4:9,17,18
28 3:5	attorney's		
28th 3:7	3:19 4:13	<u>D</u>	<u>F</u>
	5:13 6:1	date 5:1	fact 5:6
<u>4</u>		December	Fast 3:10
	audio 6:6	3:5,7	February
4 5:17		defendant	3:18 5:13
	<u>B</u>	3:11,22,24	6:1
<u>6</u>	based 4:6	4:1,22	fees 3:19
	5:4	defendants	4:13 5:14
6th 3:23	behalf 4:2	5:8	6:1
	business 3:9	detail 4:4	fifteen
		details 4:15	3:18,21
<u>A</u>		difficulties	5:12
ABC 3:8	<u>C</u>	4:5	file 6:6
account 4:9	Carolina		
Ackerman	3:3,4		
3:13,14			

ABC LEASING, INC. vs. NE FOODMART, LLC, ET AL.

Motion for Summary Judgment Hearing on 12/28/2011 Index: filed..responded

filed 3:23	interest		
4:2,10,20, 24	3:17 5:12, 25	M	P
find 5:5	issues 4:17	machine 4:5	Pace 3:10
Foodmart 3:9	5:6	mailed 4:25	paragraph 4:16
Form 5:17	J	Master-in- equity 3:3	percent 3:18,21
forty-four	Judge 3:7	matter 3:15	5:12
3:16 5:11, 24	5:4,18,21	4:19 5:7	personal 4:10
G	judgment	motion 3:1, 12 4:11, 12,14,21 5:2	plaintiff 5:5,6
Gebremedhin	3:1,12,15	N	plaintiff's 3:12
3:11	4:11,13, 15,21 5:3, 7,23	NE 3:9	point 5:16
grant 5:2	K	Nigisti 3:10	principal 3:22
guarantee	Kelly 3:2	ninety-seven	pro 3:22
4:10	Kimball 3:7	3:17 5:11, 25	Public 3:2
H	5:4,18,21	North 3:3	R
happy 5:22	knowledge	Notary 3:2	
hearing 3:1	3:25 4:19	notice 4:22, 23	rate 3:18 5:12
4:23 6:5,7	L	November	reasonable 3:19 5:13
Honor 3:14, 15	law 5:7	4:24,25	records 5:4
hundred	lease 4:9	Number 3:8	Reiter 3:2
3:16,20	leasing 3:8	O	represent 3:24
5:10,14,24	4:18	opposition	responded 3:22
6:2	LLC 3:9 4:3	4:20	
I	location 5:1		
include 4:8	longer 5:21		
included			
4:11			

rest	3:11	5:1 6:7
_____		today 4:22
S		total 5:8

seeking	3:14	totals 5:16
seller	4:18	transcribed
seventy-	6:2	3:1
seventy-four		_____
3:21 5:15		U

South	3:2,4	unknown 3:4
specifically		_____
4:15		Y

State	3:2	York 3:4
statement		
4:9		
stating	4:25	
Store	3:10	
Street	3:4	
subject	4:6	
summary	3:1,	
12,15		
4:11,12,		
14,21 5:2		
summons	4:7	
support		
4:12,14		

T		

thousand		
3:16 5:10,		
24		
time	3:4	

THE STATE OF SOUTH CAROLINA COUNTY OF YORK

In Court of Common Pleas

APPEAL FROM YORK COUNTY

JUDGMENT IN A CIVIL CASE

Nigisti Gebremedhin

S. Cherry Rd.

Rock Hill, SC 29732

Re: ABC Leasing, Inc. v. NE Foodmart, LLC

Appellate Case No. 2017-000141

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The attached recorded audio presented is transcribed correctly.

Sincerely,

Nigisti Gebremedhin

Nigisti G.

03/09/2017

Fast Pace Store
106 S Cherry Rd
Rock Hill, SC 29732



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29201

U.S. POSTAGE
PAID
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29732
MAR 09, 17
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The South Carolina Court of Appeals
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