

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) CIVIL ACTION NO.: 2016-26-7866

COUNTY OF HORRY

EAGLE HOSPITALITY INTERIORS,
LLC

Plaintiff,

vs.

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

HOME FURNISHINGS RESOURCE
GROUP, INC.

Defendant.

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SC Court of Appeals

THIS MATTER COMES BEFORE THE COURT upon Defendant Home Furnishings Resource Group, Inc.'s ("Defendant") Motion to Dismiss pursuant to Rule 12(b)(2) of the South Carolina Rules of Civil Procedure for lack of personal jurisdiction. Present at the hearing were Charles B. Jordan, Jr., Esquire on behalf of Plaintiff Eagle Hospitality Interiors, LLC ("Plaintiff") and Alan R. Belcher, Esquire on behalf of Defendant.

After hearing the arguments of counsel and reviewing the contents of the Clerk of Court's file, this Court finds the Defendant's Motion to Dismiss for lack of personal jurisdiction should be granted. Based upon applicable South Carolina statutory and common law, the Court finds there is not sufficient contact to support jurisdiction pursuant to S.C. Code § 36-2-802, or pursuant to the State of South Carolina's long arm statute S.C. Code § 36-2-803.


Defendant is a non-resident corporation which maintains its principal place of business in Tennessee. Defendant contracted with Plaintiff, but the performance of the contract was to occur in Maryland. Defendant never came to South Carolina but rather handled all transactions regarding the contract with the Plaintiff via telephone or electronic mail. This Court finds no part

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of the contract was performed in South Carolina and therefore distinguishes the instant case from Cribb v. Spatholt, 382 S.C. 475 (2009). This Court further finds the facts do not satisfy due process to support jurisdiction. It is therefore,

ORDERED that the Defendant's Motion be GRANTED, and further, it is

ORDERED that this matter be dismissed with prejudice.



The Honorable Benjamin H. Culbertson
Chief Administrative Judge
Court of Common Pleas
Fifteenth Judicial Circuit

March 16, 2017
Conway, South Carolina