

84395

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge  
Fifteenth Judicial Circuit

Appellate Case No.: 2017-001258

RECEIVED

AUG 28 2017

SC Court of Appeals

Christine LeFont,.....Appellant,

v.

City of Myrtle Beach.....Respondent.

**RESPONDENT CITY OF MYRTLE BEACH'S MOTION TO DISMISS**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Respondent City of Myrtle Beach ("Respondent") respectfully moves this Court for an Order dismissing the present appeal on grounds that the Court lacks jurisdiction because of an untimely Notice of Appeal.

**FACTS/PROCEDURAL HISTORY**

This is a personal injury action arising out of Appellant's alleged trip and fall in the Myrtle Beach Convention Center parking lot on April 13, 2014. On January 5, 2015, Appellant filed the Complaint against the City of Myrtle Beach and Myrtle Beach Convention Center Hotel Corporation. Myrtle Beach Convention Center Hotel was subsequently dismissed by stipulation of all parties.

The case was tried before the Honorable R. Markley Dennis, Jr. the week of September 5, 2016. On September 7, 2016, at the close of all evidence, Respondent made a successful motion for a directed verdict. Following the court's ruling, Appellant did not move for a new trial or request leave to file post-trial motions within ten days in accordance with Rule 59(b), SCRPC. Judge Dennis' Order granting directed verdict to Respondent was entered on September 7, 2016. (Sep. 7, 2016 Order).

On September 20, 2016, Appellant filed a motion captioned "Motion for Reconsideration and/or Alter or Amend Order Granting Defendant's Motion for Directed Verdict and New Trial." (Appellant's Mot. for New Trial, attached as Ex. A). On April 27, 2017, the circuit court entered an order denying Appellant's motion. (April 27, 2017 Order). Appellant served a Notice of Appeal on May 26, 2017. Appellant appeals the September 7, 2016 directed verdict order and the April 27, 2017 Order Denying Motion for Reconsideration and/or Alter or Amend Order Granting Defendant's Motion for Directed Verdict and New Trial. Respondent submits Appellant's September 20, 2016 Motion was untimely and, therefore, did not stay the deadline for subsequent filings. Consequently, Appellant's Notice of Appeal was filed well outside the prescribed time.

## ARGUMENT

### **I. Appellant's Post-Trial Motion did not Stay the Deadline to Appeal.**

In South Carolina, a timely post-trial motion will stay the time for an appeal for all parties. Rule 203(b)(1), SCACR. The South Carolina Rules of Civil Procedure similarly states "The time for appeal for all parties shall be stayed by a timely motion under this Rule." Rule 59(f), SCRPC. Invoking the stay under both rules requires the timely filing of a post-trial motion. To be timely, a motion for a new trial must be made "promptly after the jury is

discharged, or in the discretion of the court not later than 10 days thereafter.” Rule 59(b), SCRCF.

In the present matter, the circuit court directed a verdict for the Respondent at the close of all evidence on September 7, 2016. Appellant did not move for a new trial in open court after the jury was discharged or ask the circuit court for ten days to file a written motion. Instead, thirteen days later, Appellant filed a motion captioned, “Plaintiff’s Motion for Reconsideration and/or Alter or Amend Order Granting Defendant’s Motion for Directed Verdict and New Trial” on September 20, 2016. (Ex. A.)

Although the Motion is labeled, in part, a Motion for Reconsideration, the relief sought was a new trial under Rule 59(a). Appellant’s motion should therefore be construed as a motion for new trial. See Mickie v. Blackmon, 255 S.C. 136, 140, 177 S.E.2d 548, 549 (1970) (treating motion based on its substance and effect as opposed to how it was captioned by party); Richland Cnty v. Kaiser, 351 S.C. 89, 94, 567 S.E.2d 260, 262 (Ct. App. 2002) (“It is the substance of the requested relief that matters regardless of the form in which the request for relief was framed.”). Accordingly, Appellant’s September 20, 2016 Motion should be construed as a motion for new trial pursuant to Rule 59(a), SCRCF.

As noted above, a motion for new trial must be made either promptly after the jury is discharged or within ten days at the discretion of the court. Rule 59(b), SCRCF. Appellant, however, did not make a prompt motion in court or request leave of court to file post-trial motions within ten days. Even if Appellant had been granted leave, Appellant’s motion - filed September 20, 2016 - was nevertheless outside the ten days allowed by Rule 59(b), SCRCF. Accordingly, Appellant’s motion for a new trial was untimely and did not stay the deadline to serve a notice of appeal.

## II. Appellant's Notice of Appeal was Untimely.

Because Appellant did not file a timely motion for new trial, the Court lacks jurisdiction to hear the appeal unless Appellant filed a timely Notice of Appeal. The filing requirements for a notice of appeal are governed by Rule 203(b)(1), SCACR, which requires service "on all Respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." The failure to timely file a notice of appeal deprives the Appellate Court of jurisdiction. See State v. Brown, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004) (failure to comply with procedural requirements for filing appeal divests the court of appellate jurisdiction). See also Elam v. South Carolina Dep't of Transp., 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) ("[I]f a party misses a deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."); Mears v. Mears, 287 S.C. 168, 337 S.E.2d 205 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.").

Here, the circuit court entered an order directing a verdict for Respondent on September 7, 2017. If Appellant received written notice of entry of the order in late September 2016, the deadline to serve a notice of appeal would have been late October 2016.<sup>1</sup> Appellant's Notice of Appeal was served on May 26, 2017, well after the deadline passed. Because Appellant's Notice of Appeal was not timely filed in accordance with Rule 203(b)(1), SCACR, the appeal should be dismissed for lack of jurisdiction.

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<sup>1</sup> Appellant's Notice of Appeal does not identify the date of receipt of the written order directing a defense verdict. Respondent received notice of the written order on September 19, 2016. (Sep. 7 Order, attached as Ex. B).

**CONCLUSION**

Appellant's September 20, 2016 post-trial motion is properly construed as a motion for new trial. The motion, however, was not timely filed and did not operate to stay the deadline for subsequent filings. Consequently, Appellant's Notice of Appeal was filed well outside the time prescribed by Rule 203(b)(1), SCACR, thus depriving the Appellate Court of jurisdiction. Respondent therefore respectfully requests dismissal of the present appeal.

Respectfully submitted,

COLLINS & LACY, P.C.

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ATTORNEYS FOR RESPONDENT  
CITY OF MYRTLE BEACH

Murrells Inlet, South Carolina  
August 24, 2017.

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

Christine LeFont,

*Plaintiff,*

v.

City of Myrtle Beach; Myrtle Beach  
Convention Center Hotel Corporation,

*Defendants.*

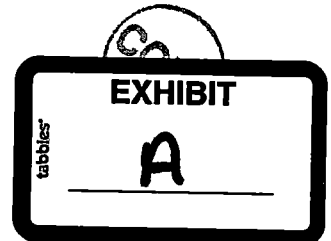
IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

C/A No.: 2015-CP-26-00034

**MOTION AND ORDER INFORMATION FORM  
AND COVER SHEET**

2016 SEP 20 PM 4:38  
FILED IN HORRY COUNTY

<b>Plaintiff's Attorney:</b> Stephen L. Goldfinch, Jr. (SC #77665) Goldfinch Winslow, LLC P.O. Box 829 Murrells Inlet, SC 29576 T: 843.357.9301 / F: 843.357.9303 E: stephen@goldfinchwinslow.com		<b>Defendant's Attorney:</b> William A. Bryan (SC # ) Collins & Lacy, P.C. 11945 Grandhaven Drive, Suite D Murrells Inlet, SC 29576 T: / F: E: wbryan@collinsandlacy.com	
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion & complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
<b>SECTION I: Hearing Information</b>			
Nature of Motion: <u>Motion for Reconsideration, and/or Alter or Amend Order and New Trial</u> Estimated Time Needed: <u>30 minutes</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO			
<b>SECTION II: Motion/Order Type</b>			
<input checked="" type="checkbox"/> Written Motion Attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant		September <u>20</u> , 2016 Date submitted	
<b>SECTION III: Motion Fee</b>			
<input checked="" type="checkbox"/> PAID - AMOUNT: <u>\$25.00</u> <input type="checkbox"/> EXEMPT: (check reason)			
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of court or reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____			
<b>JUDGE'S SECTION</b>			
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____		JUDGE CODE _____ Date: _____	
<b>CLERK'S VERIFICATION</b>			
Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____		Date Filed: _____	



STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

Christine LeFont,

*Plaintiff,*

v.

City of Myrtle Beach; Myrtle Beach  
Convention Center Hotel Corporation,

*Defendants.*

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

C/A No.: 2015-CP-26-00034

**PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND/OR ALTER OR  
AMEND ORDER GRANTING DEFENDANT'S  
MOTION FOR DIRECTED VERDICT AND  
NEW TRIAL**

Pursuant to Rule 59 of the South Carolina Rules of Civil Procedure (SCRPC), the Plaintiff Christine LeFont ("Plaintiff"), by and through undersigned counsel, moves this Court for an Order Reconsidering and/or Altering or Amending its Form 4 Order granting verdict for the Defendant, and New Trial. This Motion is timely made under Rule 59, SCRPC, as the Court's Form 4 Order was entered on September 7, 2016, and signed by the Honorable R. Markley Dennis, Jr. that same day. As of the date of this Motion, written notice of entry of the Order has not been received. Plaintiff respectfully asks this Court to reconsider and/or to alter and amend its Order granting verdict for the Defendant, and grant a new trial for the reasons set forth below. While the court has ruled in the Defendant's favor, the Plaintiff submits this Motion to ensure that she has "enable[d] the lower court to rule properly after it has considered all relevant facts, law, and arguments." *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000).

**DIRECTED VERDICT STANDARD**

In ruling on the Defendant's motion for directed verdict, the Court must view the evidence and all reasonable inferences in the light most favorable to the



Plaintiff as the non-moving party. *See Futch v. McAllister Towing*, 335 S.C. 598, 518 S.E.2d 591 (1999). When the evidence yields only one inference, a directed verdict in favor of the moving Defendant may be proper. If more than one reasonable inference can be drawn from the evidence, the case must be submitted to the jury. In determining whether to grant or deny a directed verdict motion, the Court need only be concerned with the existence or non-existence of evidence. The Court does not have the authority to decide credibility issues or to resolve conflicts in the testimony or evidence. *See Hoover v. Broome*, 324 S.C. 531, 538, 479 S.E.2d 62, 66 (Ct. App. 1996). The Court must deny a motion for directed verdict and the case must be submitted to the jury if the evidence presents more than one reasonable inference or if its inferences are in doubt. *See Hoover*, 324 S.C. at 538, 479 S.E.2d at 66; *see also Jinks v. Richland County*, 355 S.C. 341, 345, 585 S.E.2d 281, 283 (2003).

1. **PLAINTIFF'S STATUS ON THE PREMISES**

Respectfully, the Court improperly granted directed verdict for the Defendant ruling that, as a matter of law, the Plaintiff was a licensee and was not an invitee, while on the Defendant's Myrtle Beach Convention Center premises.

Of course, the classification of persons who come onto a premises is of great significance in South Carolina premises liability cases because "[t]he level of care owed is dependent upon the class of the person present." *Larimore v. Carolina Power & Light*, 340 S.C. 438, 444, 531 S.E.2d 535, 538 (Ct. App. 2000). The nature and scope of the duty Defendant owed to the Plaintiff largely depends on whether she was a licensee or an invitee at the time of her injury.

Respectfully, the Court erred in granting a directed verdict on the ground that the Plaintiff was a licensee as a matter of law at the time of her injury. This was in error because: (1) there was evidence that the Plaintiff's presence on the premises of the landowning Defendant was to the benefit of both; (2) there was evidence that the Plaintiff entered onto the Defendant's premises, specifically into the rear parking lot at issue, through an express or implied invitation; and (3) there was evidence that the Plaintiff entered onto the Defendant's premises for her own business connected to the purpose for which the Convention Center was held open. Of course, "[i]nvitees include patrons of stores, patients in a physician's office, persons visiting a filling station to use the restroom or vending machine or to ask directions, and workmen invited to work on the premises." *Sims v. Giles*, 343 S.C. 708, 717, 541 S.E.2d 857, 862 (Ct. App. 2001). "However, the class of persons qualifying as business visitors *is not limited to* those coming upon the land for a purpose directly or indirectly connected with the business conducted thereon by the possessor, *but includes as well* those coming upon the land for a purpose connected with their own business, which itself is directly or indirectly connected with a purpose for which the possessor uses the land." *Id.* (emphases added).

"Ordinarily, when conflicting evidence is presented as to whether someone is a licensee or invitee, the question becomes one of fact and as such, is properly left to the jury." *Vogt v. Murraywood Swim and Racquet Club*, 357 S.C. 506, 511, 593 S.E.2d 617, 620 (Ct. App. 2004) (citing *Hoover v. Broome*, 324 S.C. 531, 537-38, 479 S.E.2d 62, 66 (Ct. App. 1996); see also *Harris v. Univ. of S.C.*, 391 S.C. 518, 523-24,

706 S.E.2d 45, 47-48 (Ct. App. 2011) (finding it is a jury issue as to whether plaintiff was invitee or licensee). Similarly, “[t]he loss of invitee status is usually a question for the jury.” *Sims*, 343 S.C. at 733, 541 S.E.2d at 870 (Ct. App. 2001).

Assisting in set up and re-stocking as a paid vendor in the trade show, Plaintiff arguably provided an economic benefit to the Defendant. Because evidence existed that the Plaintiff served an economic interest of the Defendant, she raised a fact issue as to whether she was an invitee or licensee at the time of her injury. Thus, respectfully, the Court improperly granted directed verdict to the Defendant on the grounds that the Plaintiff was a licensee as a matter of law. The Court’s ruling, as a corollary, essentially found there was no evidence that, when viewed in the light most favorably to the Plaintiff, could yield any reasonable inference that the Plaintiff entered the premises either directly or indirectly connected with the purpose for which the property owning Defendant uses or holds open the premises.

The Plaintiff’s status on the premises is completely based on a factual determination of her status at the time she actually fell in the Defendant’s rear parking lot. At trial, evidence existed from which the jury could reasonably infer that an employee of the Defendant expressly invited and/or impliedly invited the Plaintiff into the Defendant’s rear parking lot area where she subsequently fell.

First, there was testimony from the Plaintiff that a gentleman employed by the Defendant was working at the gate arm located at the entrance area of the Defendant’s rear parking lot. The Plaintiff further testified at trial that this same

gentleman specifically opened the gate arm for the Plaintiff to allow her entry into the rear parking lot area where she subsequently fell.

Second, this testimony elicited at trial was not directly contradicted by the Defendant or by any other evidence introduced. In fact, an employee of the Defendant, specifically testified at trial that one of the Defendant's employees could have opened the gate to allow Plaintiff's entry into the rear parking lot area, even though the practice is not necessarily common or normal.

Here, denial of the Defendant's directed verdict motion was required in light of the existence of conflicting evidence yielding more than one reasonable inference and, further, because inferences yieldable from said conflicting evidence are also in doubt. Respectfully, these issues should have been submitted to the jury for their determination. When the evidence is viewed in the light most favorable to the Plaintiff—as it must be for purposes of a directed verdict—there exists a question of fact as to whether Plaintiff had an express or implied invitation to the Defendant's premises and whether her presence on the premises, for the reason for which it was held open, benefited the Defendant. Respectfully, this question of fact concerning the Plaintiff's status while on Defendant's premises is one which is to be determined by the jury.

2. NOTICE

The decision of the Court to direct a verdict for the Defendant on the grounds that, as a matter of law, there was no evidence the Defendant had notice—actual, constructive, nor otherwise—of the condition complained of. Respectfully, this was reached and decided in error as a result of the Court's erroneous ruling that the

Plaintiff was a licensee as a matter of law. (*See* Section 1, *supra*). Then, as a result of that ruling, the Court applied a licensee analysis, further compounding the error, to then conclude, as a matter of law, that there was no evidence that the Defendant had either constructive notice or actual notice of the condition in its own rear parking lot.

Respectfully, this Court overlooked, or otherwise failed to view the evidence and all reasonable inferences from said evidence in the light most favorable to the Plaintiff. The existence of evidence in the record presents more than one reasonable inference and/or inferences which are in doubt.

There was testimony from Defendant's own employees establishing that this rear parking lot at issue is where they park their vehicles, as employees of the Defendant, to go to work in the Convention Center. Testimony from one of the Defendant's employees established that she has worked for the Defendant and parked here for 16 years. She further testified that, during those 16 years in which she has been an employee of the Defendant, this particular parking lot and the asphalt surfacing has been repaired and resurfaced several times. She and another employee testified that this is the area in which they park their vehicles during their time at work.

The Defendant, through its employees including those who testified at trial, has knowledge of facts (e.g. this parking lot receives more traffic regularly, wear and tear to the surface of the lot has occurred before, the lot surfacing has then had repairs and resurfacings to remediate the surface) that should lead them or some

employee or agent of the Defendant to conduct regular inspections. If these facts were pursued with any reasonable diligence, and regular inspections designed to respond to foreseeable hazards were conducted, previously undisclosed defects of the Defendant's employee parking lot would be discovered.

Constructive notice is a legal inference which substitutes for actual notice. It is notice imputed to a person whose knowledge of facts is sufficient to put him on inquiry; if these facts were pursued with due diligence, they would lead to other disclosed facts. *See Strother v. Lexington County Recreation Comm'n*, 332 S.C. 54, 64, 504 S.E.2d 117, 122 (1998). During trial, the testimony of the Defendant's own employees established some evidence as to said inquiry notice and constructive notice. Further, these employees of the Defendant testified that the Defendant had a policy and procedure requiring the Defendant's employees to actively report a defective or hazardous condition such that a defect or hazard could be repaired to ensure hazard-free conditions at the Convention Center. Therefore, because Defendant should have observed the at-issue condition during this procedure, and particularly so given the location of the at-issue condition in its own employee parking lot, it had inquiry or constructive notice of the condition.

Evidence showing that the condition existed *after* the Plaintiff's fall is particularly relevant to the condition's existence at the time of her injury and preceding that time, as well as to the Defendant's constructive notice of that condition. Pictures in evidence showed the condition still existed for some time after the Plaintiff's fall.

When the evidence as a whole is viewed in the light most favorable to the Plaintiff—as it must be for purposes of the Defendant’s directed verdict motion—there firmly exists questions of fact concerning Defendant’s notice of the condition because the evidence is reasonable capable of yielding more than one inference.

**3. CONDITION NOT DANGEROUS AS A MATTER OF LAW**

It is not clear or known to the Plaintiff whether the Court ruled on or granted a directed verdict to the Defendant on the grounds or reasoning that the condition complained of was not dangerous as a matter of law. To ensure adequate preservation of this issue, the Plaintiff respectfully requests that the Court clarify if, in fact, this was a ground upon which it granted a directed verdict. To the extent this may be a ground or reasoning upon which the Court granted directed verdict, the Plaintiff respectfully requests that this Court reconsider such ruling or reasoning because: (1) the Court reached out and ruled on this issue which nobody raised, and the Defendant did not raise or argue this issue as a ground in its motion for directed verdict; and (2) there was evidence and expert witness testimony establishing that the condition complained of on the Defendant’s premises was in violation of and noncompliant with provisions of the International Property Maintenance Code (IPMC)—which was adopted by the City of Myrtle Beach and thereby has the force of mandatory law—as well as applicable industry standards, including ASTM F1637, Standard Practice for Safe Walking Surfaces.

When the evidence is viewed in the light most favorable to the Plaintiff—as it must be for purposes of a directed verdict—there exists evidence giving rise to a question of fact as to whether the complained of condition, being a hole existing in

the walking surface, constituted a dangerous condition. Respectfully, this question of fact must be determined by a jury.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court reconsider the above-mentioned, and address and rule on the matters previously raised but not ruled upon in the Court's Order.

This Motion will be further supported by the transcript of testimony at the trial of this case, argument, memoranda, stipulations of fact, the pleadings, and/or other materials as may be filed and served upon the parties in accordance with the South Carolina Rules of Civil Procedure.

*[Signature Page Follows]*

Respectfully submitted,

**GOLDFINCH WINSLOW, LLC**

By: \_\_\_\_\_



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Ryan P. Compton  
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ATTORNEYS FOR PLAINTIFF  
CHRISTINE LEFONT

September 20, 2016  
Murrells Inlet, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

Christine LeFont,

*Plaintiff,*

v.

City of Myrtle Beach; Myrtle Beach  
Convention Center Hotel  
Corporation,

*Defendants.*

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

C/A No.: 2015-CP-26-00034

CERTIFICATE OF SERVICE

2015 SEP 20 PM 4:38  
MYRTLE BEACH COURT

The undersigned certifies that a true copy of the foregoing Plaintiff's Motion for Reconsideration and/or Alter or Amend Order Granting Defendant's Motion for Directed Verdict and New Trial was served upon the following counsel of record on the below-indicated date via the following methods:

United States Postal Service  Facsimile  Email  Hand Delivery

William Bryan, Jr.  
Amy Neuschafer  
Collins & Lacy, PC  
11945 Grandhaven Drive, Suite D  
Murrells Inlet, SC 29576  
wbryan@collinsandlacy.com  
aneuschafer@collinsandlacy.com

*Attorney for Defendant City of Myrtle Beach*



September 20, 2016  
Murrells Inlet, South Carolina

# Common Pleas

Clerk : Melanie Huggins-Ward

PO Box 677

Conway, SC 29528

Phone:(843) 915-5080 Fax:(843) 915-6081

**DUPLICATE**

Received From: Winslow, Thomas William  
11019 Tournament Blvd.  
Murrells Inlet, SC 29576

Date: 9/20/2016

Receipt #: 957333

Clerk: c26jballen

Paying for: LeFont, Christine

Transaction Type: Payment

Reference #: 2559

Payment Type: Check \$25.00

Comment:

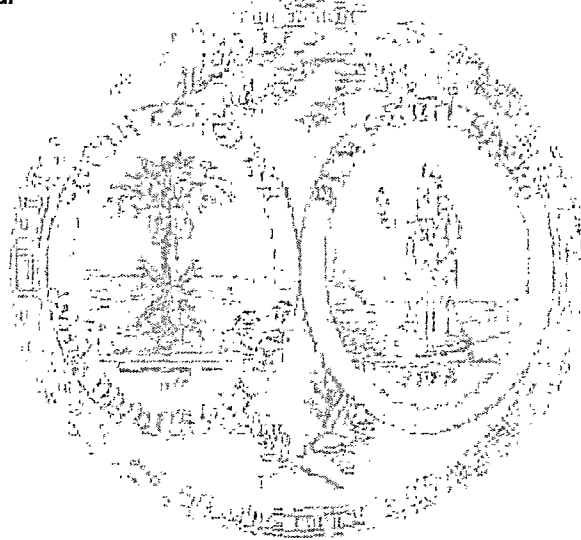
Total Paid: \$25.00

Non-Refundable

You may check the status of your Horry case at:

<http://www.sccourts.org/caseSearch/>

<u>Case #</u>	<u>Caption</u>	<u>Previous Balance</u>	<u>Amount Paid</u>	<u>Balance Due</u>
2015CP2600034	Christine LeFont VS Myrtle Beach City of defendant, et al	\$25.00	\$25.00	\$0.00



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<b>Total Cases:</b> 1		<b>\$25.00</b>	<b>\$25.00</b>	<b>\$0.00</b>
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# Goldfinch Winslow

Attorneys and Counselors at Law

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Post Office Box 829  
Murrells Inlet, SC 29576  
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f. 843.357.9303

---

**Ryan P. Compton**  
Associate Attorney  
ryan@goldfinchwinslow.com

September 20, 2016

**VIA HAND DELIVERY**

Honorable Melanie Huggins-Ward  
Horry County Clerk of Court  
P.O. Box 677  
Conway, SC 29528

Re: Christine LeFont v. City of Myrtle Beach; Myrtle Beach Convention  
Center Hotel Corporation  
C/A No.: 2015-CP-26-00034  
GW File No.:14.159

Dear Ms. Huggins-Ward:

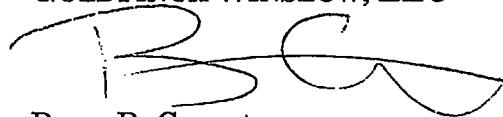
In regards to the above-referenced matter, please find enclosed an original and one copy of each of the following: Plaintiff's Motion for Reconsideration and/or Alter or Amend Order Granting Defendant's Motion for Directed Verdict and New Trial and Motion Form and Cover Sheet. I am also enclosing my firm's check made payable to you in the amount of \$25.00 for the motion fee.

Please file the original and return a filed-stamped copy of each to me. Should you have any questions, please feel free to contact me.

With kind regards, I remain,

Yours sincerely,

GOLDFINCH WINSLOW, LLC



Ryan P. Compton

Enclosures: As Stated

cc: William A. Bryan, Jr., Esquire  
Amy Neuschafer, Esquire

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2015CP2600034

Christine LeFont		Myrtle Beach City of	Myrtle Beach Convention Center Hotel Corporation
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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 heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC;
  - 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: \_\_\_\_\_

FILED  
 Horry County  
 CLERK OF COURT  
 MELANIE HUGHES WAHL  
 2015 SEP -7 PM 4:12

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  
 VERDICT FOR THE DEFENDANT.

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)
n/a	n/a	n/a

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 *R. Markley Dennis, Jr.* MARKLEY DENNIS, JR.

Judge Code

9/7/2016

Date

For Clerk of Court Office Use Only



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

**Thomas William Winslow** 11019 Tournament Blvd. PO Box  
829 Murrells Inlet, SC 29576  
**Stephen Lewis Goldfinch Jr.** PO Box 829 Murrells Inlet,  
SC 29576

**Alan Grant Jones** PO Box 2980 Greenville, SC 29602  
**William Alfred Bryan Jr.** 11945 Grandhaven Drive Suite D  
Murrells Inlet, SC 29576

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

---

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

---

**Court Reporter**

---

**Melanie Huggins-Ward - Clerk of Court**

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**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.

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge  
Fifteenth Judicial Circuit

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Appellate Case No.: 2017-001258

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Christine LeFont,.....Appellant,

v.

City of Myrtle Beach.....Respondent.

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PROOF OF SERVICE

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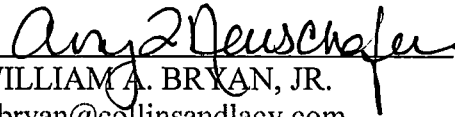
I hereby certify that I served Respondent City of Myrtle Beach's Motion to Dismiss upon all parties, by placing a copy in the United States mail, postage prepaid, to all counsel of record on August 24, 2017, addressed to the following:

**COUNSEL SERVED:**  
Thomas Winslow, Esquire  
Ryan Compton, Esquire  
Stephen L. Goldfinch, Jr., Esquire  
Goldfinch Winslow, LLC  
11943 Grandhaven Drive, Suite A-2  
Post Office Box 829  
Murrells Inlet, SC 29576  
*Attorney for Appellants*

RECEIVED  
AUG 28 2017  
SC Court of Appeals

Respectfully submitted,

COLLINS & LACY, P.C.

By: 

WILLIAM A. BRYAN, JR.

[wbryan@collinsandlacy.com](mailto:wbryan@collinsandlacy.com)

AMY L. NEUSCHAFER

[aneuschafer@collinsandlacy.com](mailto:aneuschafer@collinsandlacy.com)

11945 Grandhaven Drive, Suite D

Murrells Inlet, South Carolina 29576

843.353.2350 (voice)

843.353.2351 (fax)

ATTORNEYS FOR RESPONDENT

CITY OF MYRTLE

**RESPONDENT CITY OF MYRTLE BEACH'S  
MOTION TO DISMISS**



William A. Bryan, Jr. | D: 843.353.2330 | E: wbryan@collinsandlacy.com

August 24, 2017

The Honorable Jenny A. Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: **Christine LeFont v. City of Myrtle Beach**  
**Appellate Case No. 2017-001258**  
**C&L File No. 000456-01020**

Dear Ms. Kitchings:

Please find enclosed for filing the unbound original and seven (7) copies of Respondent City of Myrtle Beach's Motion to Dismiss in the above-referenced matter. Also enclosed is our firm's check in the amount of \$25.00. Please file the original and return a clocked copy in the enclosed stamped, self-addressed envelope.

By copy of this letter and enclosure, I am serving same on counsel of record.

With kind regards,

Sincerely,

*Amy A. Neuschaefer*  
for  
William A. Bryan, Jr.

WAB/dma

Enclosures

cc: Thomas Winslow, Esquire  
Ryan Compton, Esquire  
Stephen Goldfinch, Jr., Esquire

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AUG 28 2017

SC Court of Appeals

For Domestic and International Use



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AUG 28 2007

SC Court of Appeals

From: /Expéditeur:

**Collins Lacy**  
ATTORNEYS AT LAW

11945 Grandhaven Drive, Suite D | Murrells Inlet, SC 29576

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211



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