

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 Janet E Jenkins as Personal)
 Representative for the Estate of)
 Herman Manigault III)
)
 Plaintiff,)
)
 -versus-)
)
 A Place in The Woods, Social)
 Club, Sam Lawrence)
 and Sha'Quille Mi'Leak)
 Jamal Washington)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CIVIL ACTION NO. 2016-CP-08-1989

ORDER DENYING DEFENDANT
 LAWRENCE'S MOTION TO SET-ASIDE
 DEFAULT

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 CLERK OF COURT
 BERKELEY COUNTY, S.C.
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This matter came before this Court on Defendant Samuel Lawrence's Motion to Set-Aside the Default on February 15, 2018. Oana D. Johnson Esq. appeared on behalf of Plaintiff. Percy Beauford, Esq. appeared on behalf of Defendant Sam Lawrence.

PROCEDURAL HISTORY

This case began on August 24, 2016, when Plaintiff filed its complaint seeking monetary damages for the wrongful death of Herman Manigault while at The Place in the Woods, a Gentleman's Club owned and operated by Defendant Samuel Lawrence, Jr. Defendants Samuel Lawrence was properly served on December 21, 2016 at Mr. Lawrence's residence, 1206 Charity Church Road, Huger, South Carolina as indicated in the Affidavits of Service filed with this Court on June 26, 2017. Despite proper service, Defendants failed to Answer or otherwise Plead.

Upon application by Plaintiff, through its attorney, this Court entered and Order of Default on July 26, 2017.

Defendant Sam Lawrence, through his attorney filed his motion to be relieved from

default on December 17, 2018, almost twelve months after service.

The Court's findings of fact and conclusions of law are set forth below.

Defendant Lawrence was properly served with the Summons and Complaint by a process server on December 21, 2016. Defendant Lawrence failed to provide a response to the allegations presented in the Complaint. Defendant Lawrence failed to respond to the Summons served upon him within the 30-day period as stated plainly in the Summons.

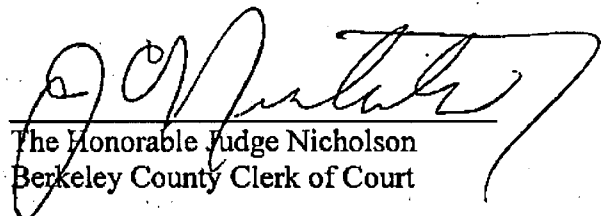
Defendant argues that good cause for failing to answer or otherwise plead was established because Defendant is elderly and did not understand that a personal judgment could be obtained against him. Defendant further argues that he has meritorious defenses and thus should be relieved from default.

This Court finds that Defendant Lawrence was served with the form Summons clearly notifying Defendant of the necessity of filing an answer within thirty days of service and that Defendant Lawrence clearly understood the meaning of the Summons especially since Defendant Lawrence, by and through his counsel, transferred most if not all of the real property to a life estate between October 13, 2017 and December 14, 2017.

The law is clear that if not good cause is shown for failure to answer or otherwise plead, a defendant cannot be relieved from default. *Sundown Operating Co. v. Intedgen Indus., Inc.*, 383 S.C. 601, 610, 681 S.E.2d 885, 889 (2009)

The Court finds that Defendant was not able to show good cause for his failure to answer or otherwise plead. The Court needs not address any meritorious defenses since good cause was not established. Thus Defendant Sam Lawrence's Motion to Set Aside Default is denied.

AND IT IS SO ORDERED.


The Honorable Judge Nicholson
Berkeley County Clerk of Court

gen 15
This 2nd day of March, 2017
Charleston, South Carolina