

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Leslie Rainey-Gilmore,

Plaintiff,

v.

Sergio Cruz and Sabrina Cruz,

Defendants.

) IN THE COURT OF COMMON PLEAS

) CIVIL ACTION NO; 2017-CP-40-00159

) ORDER DENYING DEFENDANT'S
) MOTION TO SET ASIDE DEFAULT

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THIS MATTER came before the Court on October 8, 2018 for a Motion to Set Aside Default. The Defendants were represented by Michael Coulter. The Plaintiff was represented by Tony Dessausure.

BACKGROUND

On March 15, 2015, Plaintiff was involved in an automobile accident with the Defendant in Richland County, South Carolina. Defendant resides in Richland County, South Carolina. An original Complaint and Summons were filed on January 12, 2017. An Amended Complaint and Summons was filed on January 25, 2018. Defendant was properly served with this action and failed to answer the Amended Summons and Complaint. On July 25, 2018, Plaintiff filed an Application for Entry of Default. An Order for Default was issued by the Court on July 26, 2018. Defendant filed a Motion to Set Aside Default on July 27, 2018. Based on the pleadings in this matter and evidence provided to the Court, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Defendant is in Default having failed to respond to this action.
2. Defendant's Motion to Set Aside the Default is denied.
3. Plaintiff is entitled to a Damages Hearing to be scheduled by the Court.

Therefore, it is hereby

ORDERED that the Defendant's Motion to Set Aside Default be denied, and that the Plaintiff is entitled to a damages hearing to be scheduled by the Court.

IT IS SO ORDERED.

Honorable L. Casey Manning
Fifth Judicial Circuit

October 30, 2018
Columbia, South Carolina



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Richland Common Pleas

Case Caption: Leslie Rainey Gilmore vs Sergio Cruz , defendant, et al

Case Number: 2017CP4000159

Type: Order/Other

So Ordered

s/L. Casey Manning, 2061

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ELECTRONICALLY FILED - 2018 Nov 15 12:27 PM - RICHLAND - COMMON PLEAS - CASE#2017CP4000159