

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2014-CP-23-04432

Richard A. Gorman,

Plaintiff,

-vs-

John C. Monarch; Direct Outbound Services,
LLC; ShipChain, Inc.; Aaron Kelly; Sami
Rusani; and Brian Evans,

Defendants.

ORDER

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JAN 17 2019
SC Court of Appeals

On this day, the Court considered the Motions to Dismiss for Lack of Personal Jurisdiction pursuant to South Carolina Rule of Civil Procedure 12(b)(2) (the "Motions") of Defendants Brain Evans, Sami Rusani, and Aaron Kelly (the "Non-Resident Defendants"). This Court held a hearing on October 31, 2018, where all Parties to this case were present by and through their respective attorneys.

NOW, THEREFORE, after considering the Motions, any response and reply thereto, arguments of counsel, controlling law, affidavits of the Non-Resident Defendants, the evidence presented, and any papers in the file or otherwise available to the Parties, the Court is of the opinion that the Motions should be **GRANTED** as follows:

1) The Court finds that none of the Non-Resident Defendants is a resident or domiciliary of the State of South Carolina. Defendants Brian Evans and Sami Rusani are residents and domiciliaries of the State of California. Defendant Aaron Kelly is a resident and domiciliary of the State of Arizona.

2) The Court finds that the Non-Resident Defendants have not consented to this Court's exercise of jurisdiction over them.

3) The Court finds that none of the Non-Resident Defendants own, used, or possessed any real or personal property in the State of South Carolina and have never owned, used, or possessed any real or personal property in the State of South Carolina.

4) The Court finds that the Non-Resident Defendants individually do not have an “enduring relationship” with the State of South Carolina, and individually have not engaged in any activities giving rise to any “enduring relationship” as contemplated by S.C. Code Ann. § 36-2-802.

5) The Court finds that the Non-Resident Defendants individually lack sufficient minimum contacts for this Court to exercise personal jurisdiction over them. This Court is cognizant of the standard form corporate filing of ShipChain, Inc. with the Secretary of State; however, this form, together with all of the additional representations of the Plaintiff, is not sufficient to overcome traditional notions of fair play and substantial justice in conferring jurisdiction over any of the Non-Resident Defendants.

6) The Court finds that it cannot exercise general or specific jurisdiction over the Non-Resident Defendants.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Motions are **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims against Defendants Brian Evans, Sami Rusani, and Aaron Kelly are hereby dismissed without prejudice.

SO ORDERED this ____ day of _____, 2018

PRESIDING JUDGE

APPROVED AND ENTRY REQUESTED:

/s/ George G. Robertson

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Greenville Common Pleas

Case Caption: Richard A Gorman vs. John C Monarch , defendant, et al.

Case Number: 2014CP2304432

Type: Order/Dismissal

So Ordered

s/ Robin B. Stilwell 2158

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