

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE CHARLESTON COUNTY
COURT OF COMMON PLEAS

Frank D. Addy, Jr., Circuit Court Judge

Case No. 2016-CP-10-3696

MARGARET CARR,

Respondent

v.

TW GRAHAM and COMPANY, LLC, Appellant.

RECEIVED
MAR 29 2019
SC Court of Appeals

RECORD ON APPEAL

Dennis E. O'Neill
O'Neill Law Firm, LLC
1473 Stuart Engals Blvd.
Mt. Pleasant, South Carolina 29464
(843) 884-9494

C. Mac Gibson, Jr.
1473 Stuart Engals Blvd.
Mt. Pleasant, South Carolina 29464
(843) 852-4646

Attorneys for Appellant
TW Graham and Company, LLC

INDEX TO RECORD TO APPEAL

	<u>Page</u>
<u>ORDERS</u>	
Judgment of the Honorable Frank D. Addy, Jr. dated August 23, 2018.	1
Order to serve Respondent by Publication filed September 16, 2016.	2
Order for Default Judgment filed February 22, 2017.	3-4
Order for Damages dated June 13, 2017	5-6
<u>TRANSCRIPT</u>	
Transcript of Motion Hearing to Set Aside Judgment and Default dated August 23, 2018	7-28
<u>Pleadings and Motions</u>	
Summons and Complaint filed on July 18, 2016.	29-33
Respondent's Motion to serve Appellant by Publication dated September 15, 2016.	34
Respondent's Motion for Default Judgment dated December 20, 2016.	35-36
Respondent's Motion for Entry of Default dated December 20, 2016.	37-38
Respondent's Motion for Default Judgment dated June 2, 2017.	39-40
Appellant's Notice of Motion and Motion to Set Aside Judgment and Default filed May 24, 2018	41-42
<u>EXHIBITS</u>	
Returned envelope from Wigger Law Firm serving Appellant Summons and Complaint dated July 29, 2016	43-44
Affidavit of Non-Service dated August 12, 2016.	45
Affidavit of Publication from The Post and Courier filed on October 18, 2016	46
Certified mail from Wigger Law Firm to Appellant dated January 2, 2017 concerning Motion for Default Judgment. . .	47
Respondent's Affidavit of Default filed February 22, 2017 .	48

Page

Certified mail from Wigger Law Firm to Appellant dated
May 18, 2017 concerning Order for Default Judgment 49-50

Certified mail from Wigger Law Firm to Appellant dated
June 5, 2017 concerning Motion for Default Judgment 51

Certified mail from Wigger Law Firm to Appellant dated
February 9, 2018 and March 21, 2018 concerning Order
for Damages 52-56

Affidavit of Service dated April 2, 2018. 57

Appellant's webpage 58

Certificate of Appellant. 59

Margaret Carr
PLAINTIFF(S)

Graham and company LLC
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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 tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); 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
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

2018 AUG 24 PM 3:35
 FILED
 CLERK OF COURT
 CHARLESTON, SOUTH CAROLINA

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:

This order ends does not end the case.
Additional Information for the Clerk :

Motion/Set Aside Judgment & Default by defendant, crt/srv - Denied

INFORMATION FOR THE PUBLIC 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)
		\$

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

2159
Judge Code

8-23-18
Date

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

MARGARET CARR,

PLAINTIFF,

V.

TW GRAHAM AND COMPANY, LLC,

DEFENDANT.

COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-10-3696

**ORDER TO SERVE
DEFENDANTS BY PUBLICATION**

FILED
2016 SEP 16 AM 10:10
JULIE J. STRONG
CLERK OF COURT


UPON MOTION of the Plaintiff, by and through his undersigned attorney, the Court grants the Plaintiff permission to serve the Defendant, TW Graham and Company, LLC via publication due to the fact that all attempts to serve the Defendant have been exhausted.

The Plaintiff attempted service via United States Postal Service Certified Mail Return Receipt Restricted Delivery and via John Gordon, a Process Server to serve the Defendant personally. The Process Server was unsuccessful in attempting to serve the Defendant, see attached Affidavit of Non Service.

IT IS HEREBY ordered, adjudged and decreed that the Court grants the Plaintiff permission to serve the Defendant TW Graham and Company, LLC via publication due to the unsuccessful service attempts stated above.

IT IS SO ORDERED.

Charleston
Moncks Corner, South Carolina
15th day of Sept, 2016.


Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

MARGARET CARR,

PLAINTIFF;

vs.

TW GRAHAM AND COMPANY, LLC,

DEFENDANT.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-10-3696

ORDER FOR DEFAULT JUDGMENT

FILED
2017 FEB 22 AM 9:33
JULIE ARMSTRONG
CLERK OF COURT
BY

THIS MATTER comes before me upon Plaintiff's Motion for Default Judgment against Defendant, TW Graham and Company, LLC pursuant to Rule 55 of the South Carolina Rules of Civil Procedure.

Present at the hearing was Emily Hanewicz Tong, attorney for the Plaintiff. The Defendant, TW Graham and Company, LLC did not appear at the hearing.

The Defendant, TW Graham and Company, LLC was served with the pleadings on October 7, 2016.

IT APPEARING that the Summons and Complaint were served upon Defendant by publication on October 7, 2016, and that Defendant failed to Answer within the required time as set out in the South Carolina Rules of Civil Procedure Rule 12(a); and in fact still have not filed an Answer;

IT FURTHER APPEARING that a Motion for Default Judgment was filed December 20, 2016;

IT IS ORDERED that the Defendant TW Graham and Company, LLC is hereby adjudged in default;

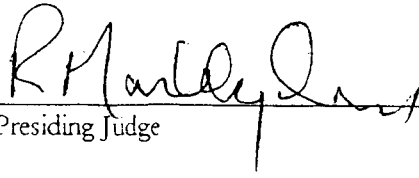
IT IS ORDERED that the Complaint herein is confessed against the Defendant, TW Graham and Company, LLC;

IT IS ORDERED that a hearing be set for damages; and

IT IS SO ORDERED.

[SIGNATURE ON FOLLOWING PAGE]




Presiding Judge

Charleston, South Carolina

This 21st day of February, 2017.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

MARGARET CARR,

CASE NO.: 2016-CP-10-3696

PLAINTIFF;

vs.

ORDER FOR DAMAGES


TW GRAHAM AND COMPANY, LLC,

DEFENDANT.

FILED
2017 JUN 14 AM 11:28
JULIE J. ARMSTRONG
CLERK OF COURT

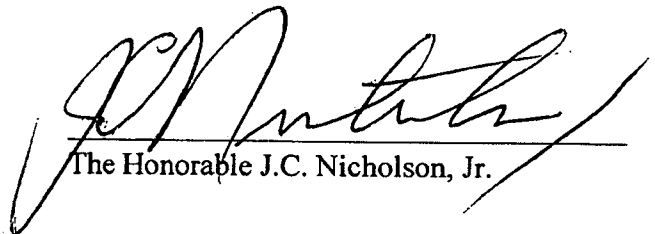
The above matter came to be heard by me on June 9, 2017, following the entry of an Order of Default Judgment against the Defendant, TW Graham and Company, LLC. Stephen J. Ryan appeared for the Plaintiff.

After careful review of and based on the pleadings, testimony, and evidence submitted, Plaintiff is entitled to Judgment as follows:

- 
1. This matter is stemming from a Worker's Compensation Retaliation cause of action. Plaintiff was an hourly employee of Defendant at a rate of eight dollars and fifty cents (\$8.50) an hour. Plaintiff was injured while in the course of her employment on September 3, 2015. Plaintiff received blisters on her arms after contact with dish soap and bleach while being employed as a dishwasher at Defendant's business. After receiving treatment Plaintiff inquired about filing a Worker's Compensation Claim. Plaintiff was terminated on September 5, 2015. Plaintiff was able to find alternative employment approximately six month after termination. This litigation followed.

2. The Defendant, TW Graham and Company, LLC was properly served with the Summons and Complaint and failed to answer or otherwise plead. The time and cost to Plaintiff was increased by Defendant not accepting service by certified mail or process server. Defendant was served by publication.
3. The Defendant, TW Graham and Company, LLC was declared to be in default on February 21, 2017.
4. The Defendant, TW Graham and Company, LLC was properly served with notice of this hearing and failed to appear.
5. Based on the pleadings, testimony, and evidence submitted, Plaintiff is entitled to Judgment by default as follows:
 - a. Damages in the amount of \$7,974.00.
 - b. Attorneys have a Signed Fee Agreement allowing for a 40% fee based on the overall recovery in the case. I find the matter was speculative in nature, and the attorney took a risk by undertaking the matter which would have interfered with his ability to take on other matters; therefore, the fee is inherently reasonable. I therefore award fees in the amount of \$3,189.60 and costs of \$700.00.
 - c. Judgment is hereby entered against the Defendant, TW Graham and Company, LLC for a total judgment in the amount of \$11,863.60.

IT IS SO ORDERED.


The Honorable J.C. Nicholson, Jr.

Charleston, South Carolina
June 13, 2017

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)
)
Margaret Carr,) CASE NO. 2016-CP-10-03696
)
)
) PLAINTIFF,) TRANSCRIPT OF RECORD
)
)
) VS.)
)
)
) TW Graham and Company, LLC,)
)
)
) DEFENDANT.)
)

August 23, 2018

Charleston, South Carolina

B E F O R E:

The Honorable Frank R. Addy, Jr.

A P P E A R A N C E S:

Marley N. Grim, Esquire
For the Plaintiff

C. Mac Gibson, Jr., Esquire
For the Defense

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
636 Long Point Road, Unit G, #74, Mt. Pleasant, South Carolina 29464
PNorton@sccourts.org

I N D E X

HEARING

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT

-- 22

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: Carr versus Graham. This is a motion to
2 set aside a default judgment. In this case I believe that
3 this was the underlying case was essentially a wrongful
4 termination suit. The defendant was ultimately served by
5 publication.

6 There was -- I did look at the affidavit of service by
7 the process server who indicated he contacted some
8 individual who basically wanted to play a game of hide and
9 seek. And there was some reference to the defendant being
10 in bankruptcy in this case in the file. That is not the
11 case?

12 MR. GIBSON: No, Your Honor.

13 THE COURT: Okay. Let me hear from you on your motion
14 then.

15 MR. GIBSON: Thank you, Your Honor. May it please the
16 court.

17 I am Mac Gibson. And I along with Dennis O'Neill are
18 representing TW Graham and Company. I have here Patrick
19 Runey who is the owner as well as the registered agent.

20 Your Honor, before I go any further I do have a
21 significant speech impairment. I have a hearing loss. So
22 if you can't understand what I am saying ---

23 THE COURT: If you can't hear me -- if you can't hear
24 me -- I haven't been using the microphone. So let me know
25 if you are not able to hear what I say, okay.

1 MR. GIBSON: Thank you, Your Honor. Your Honor, this
2 is -- like you said, it is a motion to set aside judgment
3 and default, which I filed with this court on May the 24th
4 of this year and have set out the different grounds such as
5 Rule 60(b)(4) as well as Section 15-9-730.

6 Your Honor, I do have a memo of law that I just filed
7 this morning and had it ---

8 THE COURT: Sure. Please.

9 MR. GIBSON: --- sent to you. And I would also provide
10 a copy to the opposing attorney.

11 (WHEREUPON, documents presented to the court and opposing
12 counsel.)

13 MR. GIBSON: Your Honor, I believe that the memo itself
14 is going to address everything that I am going to speak to
15 this morning.

16 Your Honor, and by the way, I have a summary to add to
17 the facts in that Mr. Runey as the owner of TW Graham
18 Company he owns a restaurant in McClellanville. And he had
19 hired on a trial basis Margaret Carr around August 17, 2015.
20 She indicated that she had some kind of reaction on her arm
21 and did not return to work. She never called. As a result
22 Mr. Runey released her.

23 Four months later she filed a workers' comp claim. And
24 then almost a year after she was released, Your Honor, Ms.
25 Carr filed a retaliation lawsuit indicating that because she

1 had filed workers comp that she was released. Which is not
2 so.

3 And so the lawsuit was filed on July 19th of 2016. Ms.
4 Carr's attorney indicated an attempt to provide service by
5 way of certified mail. Your Honor, we never saw anything
6 filed or if there was any intent to that effect.

7 More importantly, Your Honor, several months passed
8 after the lawsuit got filed where Mr. Runey received a phone
9 call from the process server which was on August the 9th of
10 2016.

11 And Mr. Runey stated to the process server, says,
12 look, I own a restaurant; that is where I am all the time; I
13 am happy to accept service; you can meet me at the
14 restaurant which is at TW Graham and Company in
15 McClellanville.

16 He never made any attempt to evade service. The
17 problem was he could not leave his restaurant, go to Mt.
18 Pleasant at the convenience of the process server.

19 Furthermore, Your Honor, if you will notice here, he
20 made the attempt of service on August the 9th. The next day
21 he filed this affidavit. He did not engage in any due
22 diligence. You will see nowhere on this affidavit any
23 diligent effort to find Mr. Runey.

24 Furthermore, he talks about trying to serve him at his
25 house. Mr. Runey moved from Mt. Pleasant to McClellanville

1 in 2014. That information was readily available on the
2 Charleston County website.

3 So we would contend, Your Honor, under Section 15-9-730
4 of South Carolina Code when you do a service by publication
5 there has to be a finding -- there -- no officer or agent
6 whom the process server wants to serve can after due
7 diligence be found in this state. Not in Charleston. Not
8 anywhere else. But in this state.

9 So in the affidavit he indicated in here he did talk to
10 Mr. Runey. He knew where Mr. Runey was. Furthermore, he
11 stated in here that he went to the restaurant at four
12 o'clock.

13 But, Your Honor, at the restaurant -- if I may present
14 something to this court. May I approach?
15 (WHEREUPON, document presented to the court.)

16 MR. GIBSON: There is a webpage of T.W. Graham. Your
17 Honor, you will see a picture of the sandwich board which
18 showed the hours of operation. And on that same webpage it
19 has the hours of operation.

20 So that is where Mr. Runey works. He literally lives
21 there. Now operation is from Tuesday through Sunday. He
22 never made any attempt to evade the service. He was ready
23 to accept service. It never occurred.

24 Your Honor, under our Section 60 -- excuse me, Rule
25 60(b)(4), as you recognized in the earlier motion hearing,

1 the court has to obtain personal jurisdiction. It cannot be
2 done without a service of the summons.

3 The court held in BB&T Taylor, 633 S.E.2d 501, quote,
4 there must be something more than a mere suspicious of the
5 defendant's refusal to accept the summons and complaint
6 before we are willing to find that a defendant was
7 sufficiently served with process by a means other than
8 strict compliance with Rule 4(d)(1).

9 Furthermore, Your Honor, what is stated in Cantwell
10 versus Wiquist, which is 741 S.E.2d 741, it states in
11 here: Affidavit devoid of showing of facts that due
12 diligence was not exercised has been held consistently to be
13 insufficient, orders for service by publication based upon
14 such affidavit have uniformly been held beyond jurisdiction
15 and void.

16 Furthermore, in that same case, Your Honor, the court
17 held affidavit must include some factual basis upon which
18 the court issuing the order served by publication can find
19 the defendant cannot after due diligence be found within the
20 state.

21 If the name and address of an individual is reasonably
22 ascertainable then notice by publication is insufficient to
23 satisfy due process.

24 As we indicated, Your Honor, as in this affidavit, he
25 made one attempt to go to the restaurant, as he alleged.

1 And that is just one time. And then he filed this affidavit
2 of non service.

3 Furthermore, there is an affidavit attached to the memo
4 from Mr. Runey which he explained where he had talked with
5 the process service and said, I am happy to accept service;
6 come to my restaurant and I will accept service.

7 Furthermore, Your Honor, what the court said in
8 Caldwell said, quote, decision to reverse the trial court
9 refusal to set aside a default judgment is consistent with
10 the policy of our state to resolve cases on merit, to avoid
11 resolving litigation by default strict compliance with the
12 publication statute is appropriate.

13 And, furthermore, Your Honor, the court in the same
14 case cited Rochester versus Holiday Magic for the
15 proposition that, quote, statute applicable through vacating
16 default judgment should be liberally construed to see that
17 justice is promoted and to strive for disposition of cases
18 on their merits.

19 Furthermore, Your Honor, the alternative ground set
20 aside would be under Rule 60(b) which had four relevant
21 factors.

22 First, you have the promptness with which relief is
23 sought. Mr. Runey was served with the notice of judgment on
24 March -- on or about March 28th of this year. We filed this
25 motion to set aside less than two months later.

1 And the reason for failure to act promptly, that is not
2 material because we have within two months.

3 Thirdly, which I think is very important is the
4 existence of meritorious defense. Your Honor, Mr. Runey on
5 behalf of his company had a meritorious defense as to the
6 allegation of retaliation.

7 Because in Section 41-1-80 it says in here what deals
8 with workers comp, an employer can argue absence from work
9 as an affirmative defense in an action for retaliation to
10 seek worker's compensation. So with that being said, Mr.
11 Runey on behalf of his company does have a meritorious
12 defense.

13 And, Your Honor, we indicated -- we stress to this
14 court there is an acts of diligence to arrange to have the
15 prompt service of the summons and complaint on Mr. Runey.

16 The process server knew where he was. Only made one
17 attempt supposedly at four o'clock. He knew the operation
18 hours of the restaurant. Did not make any further attempt.

19 Now as the court stressed as well that the court
20 believed that a person with a meritorious defense should
21 have his day in court.

22 With that being said, Your Honor, I would ask this
23 court to set aside the judgment and allow Mr. Runey to
24 defend his company.

25 Thank you.

1 THE COURT: Thank you.

2 All right. Do you want to respond?

3 MS. GRIM: Yes. Good morning, Your Honor.

4 THE COURT: Good morning.

5 MS. GRIM: My name is Marley Grim. I am here from the
6 Wigger Law Firm on behalf of Jerry Wigger today.

7 So this was a game of hide and seek. And in fact
8 defendant's attorney has admitted to our law firm that he
9 was dodging service on purpose.

10 We got his address off of the Secretary of State's
11 website. Which I have copies of all of this today that I
12 can hand up to you. And that was a Mount Pleasant address.
13 We also did an Accurant (ph) search on him and found a Mt.
14 Pleasant address.

15 We send the complaint via certified mail on July 21st,
16 2016. And that came back that it was not accepted. We then
17 sent a process server on August 10th, 2016, to the Mt.
18 Pleasant address. That also was unsuccessful. And we have
19 an affidavit of non service for that.

20 September 16th of 2016 is when the court granted
21 permission for us to serve via publication. And that ran in
22 the Post and Courier from September 23rd through October 7th
23 of 2016.

24 We then sent the motion for default on December 20th,
25 2016. That was sent certified mail and was also returned.

1 We got a court date for the motion. We sent notice of
2 the date on May 18th, 2017. That was also returned. That
3 was sent certified mail. We resent that again on June 5th,
4 2017. That was returned. That was sent certified mail.

5 On June 9th we had the damages hearing. They did not
6 show up to that.

7 And on June 14th the order for damages was filed. We
8 sent the order for damages to him via certified mail to this
9 Mount Pleasant address. That was returned.

10 We sent certified mail again on February of 2018. At
11 that point we sent it to the Mt. Pleasant and the
12 McClellanville address. Both of those were returned. Sent
13 certified mail.

14 On April 2nd of 2018 the process server finally got
15 service on him. He went to the Mount Pleasant address that
16 we have been sending it to this entire time. Followed the
17 man from there to the Mt. -- to the Planet Fitness parking
18 lot, which is where he finally got service on him.

19 And, again, he admitted to his attorney that he was
20 dodging service this entire time. His attorney told our law
21 firm that. So I believe that there is proper service.

22 MR. GIBSON: Your Honor, if I may respond. I can
23 assure you that at no time did Mr. Runey ever make any
24 statement to the effect he was dodging the service.

25 The other thing which concerns me, Your Honor, I am not

1 a computer whiz but I have no trouble finding on the
2 computer of the Charleston County website Mr. Runey's
3 current address. It literally took me five minutes.

4 I think what I would stress is that the statute, the
5 case law required due diligence. The mere fact that the
6 letter was returning indicated that he had moved. They did
7 not show any effort to try to find him.

8 They also knew exactly where he worked at. They did
9 not make any further effort to go to the restaurant and
10 properly serve him. He should have his day in court to
11 argue against the allegation that have been levied against
12 his corporation.

13 By mere fact of making one attempt does not constitute
14 a due diligence. The processor server knew exactly where he
15 was. Stated in his affidavit that he went there.

16 What prevented him from going back during the hours of
17 operation and ask for Mr. Runey and say you are served. He
18 didn't do it. He took a shortcut and did not make any
19 further attempt. That does not constitute a due diligence
20 as required in the case law and the statute of this state.

21 MS. GRIM: Your Honor, he spoke with the process server
22 and kept lying to him telling him he was going to meet up
23 with him.

24 We sent all of these letters to the Mt. Pleasant
25 address. He finally was served at that address, which

1 proves that he was attached to the Mt. Pleasant address.
2 And I would like to hand up to you copies of everything that
3 I have mentioned today.

4 THE COURT: Sure. Go ahead.

5 (WHEREUPON, documents provided to the court.)

6 MS. GRIM: And it was actually the original attorney on
7 the case, Mr. O'Neill, that he told that he was dodging
8 service from.

9 (WHEREUPON, pause for court to review documents presented.)

10 MR. GIBSON: Your Honor, unless I am missing something
11 I don't see anywhere in here where it said that he accepted
12 service by certified mail. I don't see anything with his
13 signature.

14 THE COURT: Right. The point is that it was mailed to
15 his address, that they just kept coming back; that was the
16 point that she was making.

17 You may not have perhaps heard what she said, but she
18 said that they had repeatedly moved -- or mailed the
19 envelope certified, return receipt requested, to the
20 addresses that are listed, the addresses that y'all
21 reference, and it just kept coming back over and over and
22 over again.

23 Here is kind of what the court is focusing on.
24 According to the Secretary of State's website the address
25 given is the 3722 Channel View Court address for the

1 registered agent for this corporation.

2 If you can't serve an officer or director you serve the
3 registered agent. And typically the registered agent if you
4 serve them that is good enough even if you could serve the
5 officer or director.

6 I understand the argument that maybe they could have
7 gone to the restaurant. The biggest problem with that is
8 there is no guarantee that the person that you serve at the
9 restaurant is authorized as an agent to accept service.
10 They hand it to a waitress or somebody, that is probably not
11 good service because they are not the registered agent and
12 they are not an officer or director.

13 MR. GIBSON: Your Honor, if I can interject, please.

14 THE COURT: Sure. Go ahead.

15 MR. GIBSON: With that being said but Mr. Runey had the
16 conversation with the processor server and says, I am
17 available at my restaurant; serve me at the restaurant; I am
18 not trying to evade.

19 Furthermore, Mr. Runey has been -- is in the State of
20 South Carolina. And publication cannot be permitted unless
21 a person is outside of the state. He is in South Carolina.
22 He is in Charleston County.

23 So at no time did he ever show to try to evade service.
24 He was authorized to accept service. He was willing to
25 accept service at the restaurant.

1 THE COURT: Why didn't he ever sign for any of the
2 envelopes that were sent to his address then I mean if it
3 was -- and your client is raising his hand, ---

4 MR. RUNEY: I would love to say something.

5 THE COURT: --- so he wants speak to me. But I mean
6 you may want to talk to your attorney first. But I mean ---

7 MR. RUNEY: I never -- I never sent any of those back.
8 Because I didn't live there anymore. I didn't get any of
9 that -- the stuff they sent me because I didn't live there.
10 Whoever lived there was sending that stuff saying return to
11 sender because they -- it wasn't me.

12 The -- that's -- that's -- I mean they are not being
13 truthful. The -- I was never -- that guy, the second
14 process server that gave me the judgment paper, he called me
15 on the phone and I met him the very next day.

16 He did not follow me. He met me the very next day at
17 the Planet Fitness in Mount Pleasant. Because he said, I
18 have this judgment for you. And I said, what is that for.
19 He said, you have a judgment against you. I said -- and
20 it's -- they are not being truthful.

21 They -- I was always available for them to have served
22 me at the restaurant. I work 70, 80 hours a week. If we
23 are open I am there, other than today because I am here.

24 They -- I spoke with the process server, the very first
25 process server, one single time on the telephone. I told

1 him I am here at the restaurant.

2 I -- he wanted me to drive from McClellanville to Mt.
3 Pleasant to meet him. And I was in the middle of service.
4 I couldn't do that.

5 So I said, I am here; this is where to find me. And
6 that was the last I heard from him. The very next day after
7 talking with him he filed saying he couldn't find me. The
8 very next day.

9 So the reason all of those things were returned is
10 because they were mailing it to the wrong address.

11 MS. GRAW: Your Honor, there was also something mailed
12 to McClellanville that was also returned so ---

13 MR. RUNEY: I didn't get that either. What address was
14 that mailed to?

15 MS. GRAW: The address that you are saying is correct.

16 MR. RUNEY: I never got any of that. Had I gotten that
17 I would have been -- I would have been there. Because there
18 was no reason for me not to defend myself when they had no
19 case.

20 THE COURT: All right. Well, I am simply looking at
21 the affidavit of non service in this case. And, you know,
22 again the obligation of the service -- the person trying to
23 effect service is to serve the corporate agent.

24 According to this the registered agent did not live at
25 address given, attempted service August 9th at 4:15 p.m. in

1 McClellanville, business not open. Found phone number.
2 They said they spoke to you. Said he would not make himself
3 available for service, that I had to find him.

4 MR. RUNEY: I did not say that. I said I am at the
5 restaurant all the time, this is the easiest way to get me.

6 THE COURT: Okay.

7 MR. RUNEY: And I didn't live at that 3722 address
8 anymore. So I did not get any of that information. I
9 didn't -- I talked to him August 9th.

10 And then I didn't know anything else about this until I
11 got this second process server and I met him and he gave me
12 the judgment papers. Those are the two things I knew, and
13 that was it.

14 MR. GIBSON: Your Honor, I would just stress again due
15 diligence on just one attempt doesn't constitute a due
16 diligence.

17 I have dealt with process servers many times. I have
18 had a process server go out many times to effectuate a
19 service so that folks can have a day in court.

20 I think the harsh reality that the process server did
21 not make another attempt to try to serve him so he could
22 have his day so by the mere fact making one service that in
23 and of itself leads to a judgment, Your Honor, I would just
24 stress that I do not believe that that satisfied due
25 diligence.

1 And the mere fact that I was able to find Mr. Runey's
2 address on a Charleston County website within five
3 minutes ---

4 THE COURT: And that is all nice. But it is the
5 address that's on file with the Secretary of State's office.
6 Because if they had sent it to the other address and it had
7 come back unclaimed then the court would say, well, did you
8 look to the Secretary of State's website to find which is
9 the proper address.

10 And so even if they had served him at some other
11 address -- and according to what she has handed up they have
12 provided a great deal -- they tried a number of other
13 addresses for this particular company, and they came up dry
14 every time.

15 And here is the thing. I mean, you know, you have got
16 a filed lawsuit. Even taking your client's statement that,
17 okay, well, I was willing to meet him and I was happy to
18 receive service, assuming for the moment that that is
19 true -- and maybe it is. He knows at this point in time
20 that there is some legal process out there. Three strokes
21 of the keyboard on his computer and he can pull up anything
22 that is pending in the Court of Common Pleas in Charleston
23 County.

24 So assuming for the moment that your client's version
25 of the events is correct and he was totally happy with

1 accepting service - which I am not saying necessarily is the
2 case - it would have been very easy for him to find out
3 about this lawsuit.

4 I am looking at this. This ain't my first rodeo. This
5 looks like a case where somebody is dodging service. I'm
6 sorry to put it so bluntly, sir.

7 But I don't reward people who attempt to evade service
8 and force us to go to publication, which I agree is a lousy
9 way to effect personal service. But sometimes it is the
10 only way, especially when a person won't cooperate with
11 service.

12 And I realize you didn't represent him on the
13 underlying stuff. But I am being told from plaintiff's
14 counsel that a representation has been made that maybe he
15 wasn't quite as helpful as he could have been with service.

16 I am not doing anything. I am not lifting this. The
17 judgment stands. He was properly served. He had plenty of
18 opportunities. And based upon everything that has been
19 presented to this court it looks like he was less than
20 forthcoming in terms of the being willing to accept service.

21 And so they forced -- if they are forced to chase you
22 down you can't complain that it is put in the newspaper.

23 MR. RUNEY: I wasn't running from anyone. I did not
24 run. The addresses they -- I moved. And it is probably my
25 negligence for not changing my address on the social ---

1 THE COURT: Secretary of State.

2 MR. RUNEY: Secretary of State's thing. But I've
3 changed my driver's license. I've changed everything else.
4 All of my other mail I got.

5 I don't know what the other addresses are that they
6 tried to send them to. But my -- I have -- I had two
7 addresses, my home address and my business address. I
8 did -- I never was served any -- received any type of
9 certified mail from anyone.

10 THE COURT: And I -- and, sir, I genuinely understand
11 where you are coming from. I understand that you feel this
12 isn't the correct result.

13 In the course of a day I might sign ten default
14 judgments. And if every time that the law was followed, the
15 process was followed, if every time I signed one of those it
16 was subject to being reopened even though the proper
17 procedure was followed, whether that is personal service,
18 service by publication, service by registered agent, all
19 this court would be doing is spending 45 minutes re-hearing
20 cases that have already been adjudicated.

21 Sir, ---

22 MR. RUNEY: But if you go through the case there is no
23 case. She ---

24 THE COURT: Mr. ---

25 MR. RUNEY: There is no case.

1 THE COURT: I appreciate your position, sir. You
2 dodged service.

3 MR. RUNEY: I didn't. I promise. I mean I swear on my
4 life I did not dodge service. They didn't -- they didn't
5 know -- they had the wrong address the entire time.

6 THE COURT: Very good. If I am wrong the Court of
7 Appeals will straighten me out. I have no problem with
8 that. It is a free country, and I encourage anyone who
9 wants to appeal. So y'all have a nice day. Wish I could do
10 otherwise. But y'all take care.

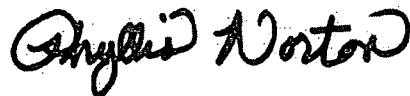
11 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on August 23, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



PHYLLIS NORTON, CVR

Date: September 11, 2018

Certified Transcript Provided For: C. Mac Gibson, Jr.
Certification Reference #2018-0911 Original

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
MARGARET CARR,)
) Plaintiff,)
)
v.)
)
TW GRAHAM AND COMPANY, LLC.,)
)
) Defendant.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2016-CP-10- 30910

SUMMONS


FILED
2016 JUL 19 PM 3:49
JULIE J. AMMISTROONG
CLERK OF COURT
BY _____

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and requested to answer the Complaint in this action of which a copy is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber at his office, 8086 Rivers Avenue, Suite A, North Charleston, South Carolina 29406, within thirty (30) days after service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

Respectfully submitted,

WIGGER LAW FIRM, INC.



Joshua T. Howle, Esquire
South Carolina Bar No.: 100642
8086 Rivers Avenue, Suite A
North Charleston, SC 29406
(843) 553-9800 (telephone)
(843) 553-1648 (facsimile)
Attorney for Plaintiff

North Charleston, South Carolina
This 16th day of July, 2016.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2016-CP-10- _____

Margaret Carr,)

Plaintiff,)

v.)

TW Graham and Company, LLC.,)

Defendant.)

COMPLAINT
(JURY TRIAL REQUESTED)

FILED
2016 JUL 19 PM 3:50
JULIE A. ARISTON
CLERK OF COURT
BY

The Plaintiff complaining of the Defendant would show unto this Honorable Court as follows:

1. The Plaintiff is a citizen and resident of Berkeley County, South Carolina.
2. The Defendant, TW Graham and Company, LLC., upon information and belief, is a domestic corporation organized in the State of South Carolina and is operating by virtue of laws of the State of South Carolina, and at all times herein operated as a business within the State of South Carolina and the County of Charleston.
3. The parties, matters and all things and matters hereinafter alleged are within the jurisdiction of this Court.

STATEMENT OF FACTS

4. Plaintiff reiterates and realleges each and every allegation as if fully set forth herein.
5. On or about August 22, 2015, Plaintiff began working for Defendant, TW Graham and Company, LLC., as a dish washer and also prepared food, which resulted in the Defendant providing monetary compensation to the Plaintiff for services rendered.
6. The Plaintiff was efficient and effective in her work.

7. On or about September 3, 2015, Plaintiff sustained an injury to her arms while washing dishes. The Plaintiff arms were swollen and blistered.

8. Plaintiff immediately reported the on-the-job injury to her Supervisor, Patrick Rooney.

9. Plaintiff went to Roper Emergency Room and was diagnosed with Contact Dermatitis caused by dish soap and bleach.

10. Later that day, Ms. Carr returned to work with her release to come back to work.

11. The Plaintiff inquired about filing a Workers' Compensation claim for her injuries.

12. After inquiring about filing a Workers' Compensation claim Plaintiff was terminated on September 5, 2015.

13. Said reason was pretextual in nature and the termination was in reality, retaliation for filing a Workers' Compensation claim.

FOR A FIRST CAUSE OF ACTION
RETALIATORY DISCHARGE SC Code 41-1-80

14. Plaintiff reiterates and realleges each and every allegation as if fully set forth herein.

15. Plaintiff's termination arose directly from her assertion of work-related injury claims.

16. Plaintiff's termination, in fact, was retaliatory in nature for Plaintiff's bringing a workers' compensation claim and the arbitrary and irrational reason given was a pretext, all in violation of the S.C. Code of Laws, §41-1-80, as amended.

17. Plaintiff's attempt to institute a worker's compensation claim was a substantial factor in bringing about her discharge.

18. Due to the acts of Defendant, its agents and/or employees, Plaintiff is entitled to back wages, interest on those back wages from the date of her termination to the present date, front pay for wages, wages she will lose in the future, and reinstatement.

19. By reason of such wrongful and retaliatory discharge by Defendant, its agents and employees, Plaintiff has been damaged in such an amount to be determined by the trier of fact.

20. Due to the acts of Defendant, its agents and employees, the Plaintiff is entitled to injunctive relief and/or civil damages, back wages, plus interest, payment for lost benefits, reinstatement of benefits, front pay, and compensatory damages.

REQUEST FOR RELIEF

21. The Plaintiff reiterates and realleges each and every allegation as if fully set forth herein.

22. That by reason of such wrongful acts of Defendant, the Plaintiff has been damaged in such an amount to be determined by the trier of fact.

WHEREFORE, the Plaintiff prays for the following relief:

A. Judgment in favor of the Plaintiff and against the Defendant for all causes of action in an amount which is fair, just and reasonable, and for compensatory damages;

B. Judgment in favor of the Plaintiff and against the Defendant with back pay and associated benefits she would have earned with all lost or diminished benefits such date to be determined by the trier of fact;

C. Judgment in favor of the Plaintiff and against the Defendant for front pay and any other work benefits she lost in an amount to be determined by the trier of fact;

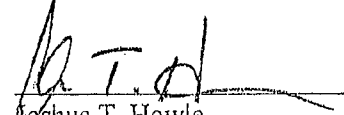
D. Judgment against the Defendant, in such an amount of actual damages and any other relief this Honorable Court deems allowable under law, and just and proper;

E. Reinstatement to her former position.

F. Prejudgment interest, costs and attorneys fees as may be allowed by law; and

G. For such other and further relief as this Court deems just and proper.

WIGGER LAW FIRM, INC.


Joshua T. Howle
8086 Rivers Avenue, Suite A
North Charleston, SC 29406
Telephone: (843) 553-9800
Facsimile: (843) 553-1648
Attorney for Plaintiff

North Charleston, South Carolina
This 18 day of July, 2016.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

MARGARET CARR,

PLAINTIFF,

V.

TW GRAHAM AND COMPANY, LLC

DEFENDANT.

COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-10-3696

**MOTION TO SERVE THE DEFENDANT
BY PUBLICATION**

FILED
2016 SEP 15 PM 12:08
JULIE J. ARMSTRONG
CLERK OF COURT
BY

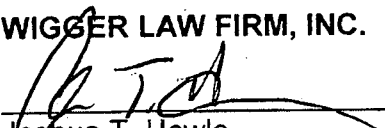
TO: TW GRAHAM AND COMPANY, LLC, the Defendant:

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, moves the Court for an Order, pursuant to Rule 4(g) of the South Carolina Rules of Court, allowing the Plaintiff to serve the Defendant, TW Graham and Company, LLC by publication.

On July 21, 2016, the Plaintiff, Margaret Carr attempted to serve the Defendant, TW Graham and Company, LLC via United States Postal Service Certified Mail Return Receipt Restricted Delivery and was unsuccessful. On August 9, 2016, the Plaintiff, Margaret Carr attempted to serve the Defendant, TW Graham and Company, LLC via Process Server at their last known address. The Process Server was unsuccessful in serving the Defendant with the Pleadings. (See attached Affidavit of Non-Service). The Plaintiff has performed her due diligence in trying to serve the Defendant, TW Graham and Company, LLC however, he has been unsuccessful.

WHEREFORE, the Plaintiff hereby moves the Court for an Order allowing the Plaintiff, Margaret Carr to serve the Defendant, TW Graham and Company, LLC by publication in the local newspaper, to run once a week for three consecutive weeks.

WIGGER LAW FIRM, INC.


Joshua T. Howle
Attorney for the Plaintiff
8086 Rivers Avenue
North Charleston, SC 29406
843-553-9800

N. Charleston, South Carolina
1 day of September, 2016.

IN THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2016-CP-10-3696

Margaret Carr

Plaintiff,

v.

TW Graham and Company, LLC.,

Defendant.

**PLAINTIFF'S MOTION FOR DEFAULT
JUDGEMENT**

The Plaintiff, Margaret Carr, by and through her undersigned counsel, respectfully applies for a Judgment by Default against the Defendant pursuant to Rule 55 of the South Carolina Rules of Civil Procedure, hereby moves this Court for the entry of an order holding Defendant, T.W. Graham and Company, LLC, in default and granting default judgment on Plaintiff's claims.

Plaintiff bases this Motion on the following:

1. A complaint in this matter was filed with the Charleston County Court of Common Pleas on July 19, 2016. (*See*, Exhibit A – Filed Summons and Complaint).
2. Following commencement of her claim, Plaintiff, Margaret Carr, attempted to serve the Defendant, T.W. Graham and Company, LLC, via USPS Certified Mail Restricted Delivery and was unsuccessful.
3. On August 9, 2016, Plaintiff attempted to serve the Defendant via Process Server at their last known address. The Process Server was unsuccessful in serving the Defendant with the Pleadings (*See*, Exhibit B- Affidavit of Non-Service).
4. Plaintiff moved before this Honorable Court on September 12, 2016, for an order to serve Defendant by publication. An Order was issued on September 16, 2016, granting Plaintiff permission to serve the Defendant via publication. Plaintiff

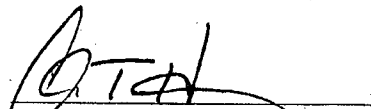
proceeded with service by publication and filed an Affidavit with the Court on October 18, 2016, denoting successful service by publication in the Post and Courier of Charleston, South Carolina, for September 23, 30 and October 7, respectively (*See*, Exhibit C- Affidavit of Service).

5. The Defendant has failed to plead or otherwise defend as provided in Rule 12 of the South Carolina Rules of Civil Procedure and are now in default pursuant to Rules 12(a) and 55, SCRCP.
6. Plaintiff seeks the following judgment against the Defendants: damages and attorney's fees. (*See*, Exhibit D- Affidavit of Counsel; Exhibit E-Affidavit of Margaret Carr).
7. The court may enter default under Rule 55(b)(2), SCRCP.
8. A hearing on damages is required under Rule 55, SCRCP, as it is necessary to determine the amount of damages,

Therefore, Plaintiff now moves this Court for entry of a Default Judgment and for a hearing within ten (10) days or at such time which may be convenient to the Court to set the damages to be awarded to Plaintiff against said Defendant in such amount as may be properly found due, pursuant to the provisions of Rule 55, SCRCP, and for attorneys fees and costs related to this matter.

Respectfully Submitted,

WIGGER LAW FIRM, INC.



Joshua T. Howle, Esq.
Attorney for the Plaintiff
8086 Rivers Avenue, Suite A
North Charleston, S.C. 29406

IN THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2016-CP-10-3696

Margaret Carr
Plaintiff,

v.

TW Graham and Company, LLC.,
Defendant.

MOTION FOR ENTRY OF DEED

FILED
2016 DEC 20 AM 11:45
JULIE J ARMSTRONG
CLERK OF COURT

TO: TW GRAHAM AND COMPANY, LLC.:

PLEASE TAKE NOTICE that the Plaintiff, Margaret Carr, by and through her undersigned counsel, will move before the Court for Damages against Defendant, T.W. Graham and Company, LLC. pursuant to Rule 55 of the Federal Rules of Civil Procedure.

This action was filed on July 19, 2016. **(Exhibit A – Filed Summons and Complaint)**
Following commencement of her claim, Plaintiff, Margaret Carr, attempted to serve the Defendant, T.W. Graham and Company, LLC, via USPS Certified Mail Restricted Delivery and was unsuccessful.

On August 9, 2016, Plaintiff attempted to serve the Defendant via Process Server at their last known address. The Process Server was unsuccessful in serving the Defendant with the Pleadings **(Exhibit B- Affidavit of Non-Service)**.

Plaintiff moved before this Honorable Court on September 12, 2016, for an Order to Served Defendants by Publication. An Order was issued on September 16, 2016, granting Plaintiff permission to serve the Defendant via publication. Plaintiff proceeded with service by publication and filed an Affidavit with the Court on October 18, 2016, denoting successful service by publication in the Post and Courier of Charleston, South Carolina, for September 23, 30 and October 7, respectively **(Exhibit C- Affidavit of Service)**.

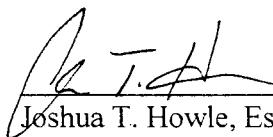
The Defendants have failed to plead or otherwise defend as provided in Rule 12 of the South Carolina Rules of Civil Procedure.

Based upon the Defendants failure to plead or otherwise defend and pursuant to the provisions of South Carolina Rules of Civil Procedure Rule 55, the Plaintiff requests that an Entry of Default be filed against the Defendant and a hearing on the damages be scheduled.

Therefore, Plaintiff now moves this Court for entry of a Default Judgment and for a hearing within ten (10) days or at such time which may be convenient to the Court to set the damages to be awarded to Plaintiff against said Defendant in such amount as may be properly found due, pursuant to the provisions of South Carolina Rules of Civil Procedure Rule 55 and for attorneys fees and costs related to this matter.

Respectfully Submitted,

WIGGER LAW FIRM, INC.



Joshua T. Howle, Esq.
Attorney for the Plaintiff
8086 Rivers Avenue, Suite A
North Charleston, S.C. 29406
Telephone: (843) 553-9800
Facsimile: (843) 553-1648

North Charleston, South Carolina
This 19th Day of December, 2016.

IN THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Margaret Carr

Plaintiff,

v.

TW Graham and Company, LLC.,

Defendant.

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2016-CP-10-3696

**PLAINTIFF'S MOTION FOR DEFAULT
JUDGEMENT**

FILED
2017 JUN -9 AM 11:10
JULIE HARRIS STRONG
CLERK OF COURT

The Plaintiff, Margaret Carr, by and through her undersigned counsel, respectfully applies for a Judgment by Default against the Defendant pursuant to Rule 55 of the South Carolina Rules of Civil Procedure, hereby moves this Court for the entry of an order holding Defendant, T.W. Graham and Company, LLC, in default and granting default judgment on Plaintiff's claims.

Plaintiff bases this Motion on the following:

1. A complaint in this matter was filed with the Charleston County Court of Common Pleas on July 19, 2016. (*See*, Exhibit A – Filed Summons and Complaint).
2. Following commencement of her claim, Plaintiff, Margaret Carr, attempted to serve the Defendant, T.W. Graham and Company, LLC, via USPS Certified Mail Restricted Delivery and was unsuccessful.
3. On August 9, 2016, Plaintiff attempted to serve the Defendant via Process Server at their last known address. The Process Server was unsuccessful in serving the Defendant with the Pleadings (*See*, Exhibit B- Affidavit of Non-Service).
4. Plaintiff moved before this Honorable Court on September 12, 2016, for an order to serve Defendant by publication. An Order was issued on September 16, 2016, granting Plaintiff permission to serve the Defendant via publication. Plaintiff

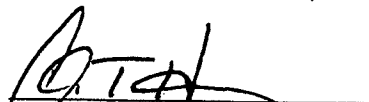
proceeded with service by publication and filed an Affidavit with the Court on October 18, 2016, denoting successful service by publication in the Post and Courier of Charleston, South Carolina, for September 23, 30 and October 7, respectively (*See*, Exhibit C- Affidavit of Service).

5. The Defendant has failed to plead or otherwise defend as provided in Rule 12 of the South Carolina Rules of Civil Procedure and are now in default pursuant to Rules 12(a) and 55, SCRP.
6. Plaintiff seeks the following judgment against the Defendants: damages and attorney's fees. (*See*, Exhibit D- Affidavit of Counsel; Exhibit E-Affidavit of Margaret Carr).
7. The court may enter default under Rule 55(b)(2), SCRPC.
8. A hearing on damages is required under Rule 55, SCRPC, as it is necessary to determine the amount of damages,

Therefore, Plaintiff now moves this Court for entry of a Default Judgment and for a hearing within ten (10) days or at such time which may be convenient to the Court to set the damages to be awarded to Plaintiff against said Defendant in such amount as may be properly found due, pursuant to the provisions of Rule 55, SCRPC, and for attorneys fees and costs related to this matter.

Respectfully Submitted,

WIGGER LAW FIRM, INC.


Joshua T. Howle, Esq.
Attorney for the Plaintiff
8086 Rivers Avenue, Suite A
North Charleston, S.C. 29406

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
) CASE NO.: 2016-CP-10-3696

MARGARET CARR,

Plaintiff,

-versus-

TW GRAHAM AND COMPANY, LLC,

Defendant.

**DEFENDANT'S NOTICE OF MOTION
AND MOTION TO SET ASIDE
JUDGMENT AND DEFAULT**

FILED
2018 MAY 24 PM 3:36
JULIE J. ARMSTRONG
CLERK OF COURT

TO: PLAINTIFF MARGARET CARR and her ATTORNEY JOSHUA T. HOWLE, ESQUIRE

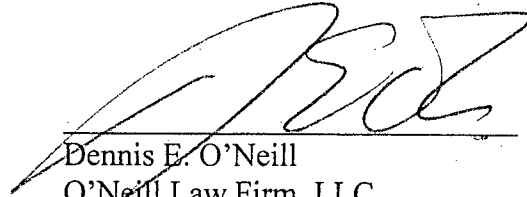
PLEASE TAKE NOTICE that the Defendant TW Graham and Company, LLC will move before the presiding judge for the Court of Common Pleas for the County of Charleston, at the Charleston County Judicial Center at 100 Broad Street, Charleston, South Carolina, on the tenth day after service hereof, or at such other time and place as is convenient to the Court and counsel, for an Order granting the Defendant's Motion to set aside judgment and default pursuant to Rules 59 and 60 of the South Carolina Rules of Civil Procedure.

This Motion is supported on the following grounds:

1. Rule 60(b)(4) of the South Carolina Rules of Civil Procedure is applicable on the basis the Court of Common Pleas did not procure personal jurisdiction of the Defendant due to the failure of proper service.
2. Plaintiff failed to comply with S.C. Code Ann. §15-9-730 for service upon Defendant.
3. Defendant was not afforded reasonable notice of the action due to Plaintiff's failure to comply with Rule 4 of the South Carolina Rules of Civil Procedure.
4. Plaintiff failed to exercise due diligence to serve Defendant with Summons and Complaint prior to seeking an Order for Publication.
5. Plaintiff and her process server failed to exercise due diligence in locating the registered agent for Defendant.

6. Defendant has a meritorious defense against the allegations, and Defendant is entitled to due process.

Attorney for the Defendant
TW Graham and Company, LLC

A handwritten signature in black ink, appearing to read "Dennis E. O'Neill", is written over a horizontal line.

Dennis E. O'Neill
O'Neill Law Firm, LLC
1473 Stuart Engals Blvd.
Mt. Pleasant, SC 29464
(843) 884-9494

Mt. Pleasant, South Carolina
Date: May 16, 2018

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

JARREL L. WIGGER*

JOSHUA T. HOWLE
MARY F. FISHBURNE
BRICE E. RICKER

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

(843) 553-9800
(843) 553-1648 Fax

Summerville Office:
1055-A N. Main St.
Summerville, SC 29483
(843) 851-9900
(843) 851-9044 Fax

July 21, 2016

Certified Mail 7014 2120 0001 3083 2723
Return Receipt 9590 9403 0119 5077 9622 55
Restricted Delivery

TW Graham and Company LLC
c/o George Patrick Rooney III
3722 Channel View Court
Mt. Pleasant, SC 29466

RE: Margaret Carr v. TW Graham and Company, LLC
Case No. 2016- CP-10-3696

Dear Sir or Madam:

Enclosed please find the *Summons, Complaint, and Plaintiff's First Set of Request to Produce to Defendants, Plaintiff's First Set of Interrogatories to Defendants and Plaintiff's Request to Admit* for service upon you as the Registered Agent for the Defendant in the above referenced matter.

Should you have any questions, please feel free to call me at the above attention to this matter.

SH

Enclosures

7014 2120 0001 3083 2723

U.S. Postal Service	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 11.83
Sent To	TW Graham and Company LLC
Street & Apt. No. or PO Box No.	c/o George Patrick Rooney III
City, State, ZIP+4	Carr, Margaret
PS Form 3800, July 2014	
See Reverse for Instructions	

Postmark Here
7/21/16
SH

Wigger Law Firm, Inc.

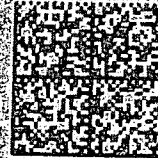
ATTORNEYS AT LAW
8086 Rivers Avenue, Suite A
North Charleston, SC 29406

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL



7014 2120 0001 3083 2723



PITNEY BOWES
02 1P \$011.835
0001906602 JUL 21 2016
MAILED FROM ZIP CODE 29406

NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD
PLEASE CALL 23464-9938

RETURN TO SENDER
KEY RETURN ZIP CODE



any LLC
0007/29/16
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

RT: 29406982173 * 9554-93678-21-42

AFFIDAVIT OF NON-SERVICE

State of South Carolina

County of Charleston

Common Pleas Court

Case Number: 2016-CP-10-3696

Plaintiff:
MARGARET CARR

vs.

Defendant:
TW GRAHAM AND COMPLANY , LLC

RETURN NON EST INVENTUS

For:
Joshua T. Howle
Wigger Law Firm, Inc.
8086 Rivers Avenue
Suite A
North Charleston, SC 29406

Received by PROCESS SERVICE, INC. to be served on TW GRAHAM AND COMPANY, LLC, 3722 CHANNEL VIEW COURT, MT PLEASANT, SC 29466.

I, John Gordon, being duly sworn, depose and say that on the 10th day of August, 2016 at 9:30 am, I:

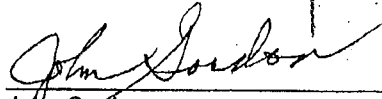
DISCONTINUED ATTEMPTING SERVICE of the CIVIL ACTION COVERSHEET; SUMMONS; COMPLAINT; PLAINTIFF'S FIRST SET OF REQUEST TO PRODUCE TO DEFENDANTS; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

THE REGISTERED AGENT DID NOT LIVE AT ADDRESS GIVEN. ATTEMPTED SERVICE ON AUGUST 9, 2016 , 4:15 PM AT T.W. GRAHAM AND COMPANY, LLC AT 810 PINCKNEY STREET, MCCLELLANVILLE, SC AND THE BUSINESS WAS NOT OPEN. RESEARCHED AND FOUND PHONE NUMBER AND CONTACTED GEORGE PATRICK ROONEY III. I ADVISED HIM I HAD LEGAL DOCUMENT FOR T.W GRAHAM AND COMPANY LLC. HE SAID HE WOULD NOT MAKE HIMSELF AVAILIABLE FOR SERVICE THAT I HAD TO FIND HIM. AVOIDING SERVICE RETURNING DOCUMENT PER ATTORNEYS OFFICE

I am over eighteen and have no interest in the above action.

FILED
2016 SEP 15 PM 12:38
JULIE J. ARMSTRONG
CLERK OF COURT



John Gordon
Process Server

Subscribed and Sworn to before me on the 12th day of August, 2016 by the affiant who is personally known to me.


NOTARY PUBLIC

Commission Expires: 5-6-19

PROCESS SERVICE, INC.
P.O. Box 20097
Charleston, SC 29413
(843) 577-2355

Our Job Serial Number: LEX-2016001847

Attn: Shannon Haik
WIGGER LAW FIRM, INC.
8086 RIVERS AVE STE # A
NORTH CHARLESTON SC 29406

FILED
2016 OCT 18 PM 12:58
JULIE J. ARMSTRONG
CLERK OF COURT

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

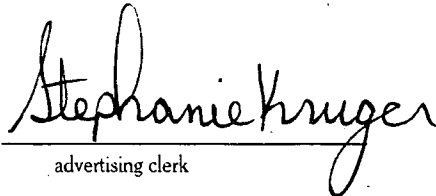
(copy attached)

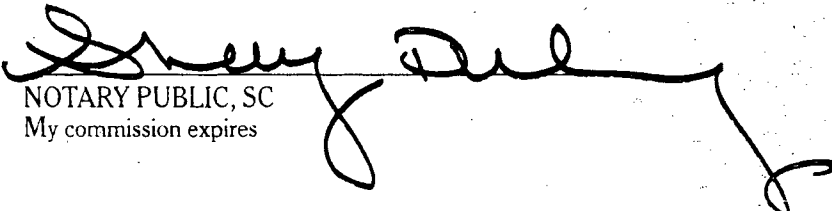
appeared in the issues of said newspaper on the following day(s):

09/23/16 Fri PC 10/07/16 Fri CNW
09/30/16 Fri PC
10/07/16 Fri PC
09/23/16 Fri CNW
09/30/16 Fri CNW

at a cost of \$294.06
Account# 108681
Order# 1499966
P.O. Number:

Subscribed and sworn to before
me this 11 day
of October
A.D. 2016


Stephanie Kruger
advertising clerk


NOTARY PUBLIC, SC
My commission expires

State of South Carolina
County of Charleston
IN THE COURT OF
COMMON PLEAS
9TH JUDICIAL CIRCUIT
CASE NO.
2016-CP-10-3696
MARGARET CARR, Plaintiff
v.
TWO GRAHAM AND COM-
PANY, LLC, Defendant.
SUMMONS
TO THE ABOVE NAMED
DEFENDANTS:
YOU ARE HEREBY SUM-
MONED and requested to an-
swer the Complaint in this
action of which a copy is
herewith served upon you,
and to serve a copy of your
Answer to said Complaint
upon the subscriber at this
office, 8086 Rivers Avenue,
Suite A, North Charleston,
South Carolina, 29406, within
thirty (30) days after service
hereof, exclusive of the day of
such service; and if you fail to
answer the Complaint within
the time aforesaid, the Plain-
tiff will apply to the Court for
the relief demanded in the
Complaint.
WIGGER LAW FIRM, INC.
Joshua T. Howie, Esquire
South Carolina Bar No. 100642
8086 Rivers Avenue,
Suite A
North Charleston, SC 29406
(843) 553-9800 (telephone)
(843) 553-1648 (facsimile)
Attorney for Plaintiff
North Charleston, SC
This 18th day of July, 2016.
AD# 1499966

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

JARREL L. WIGGER*

JOSHUA T. HOWLE
BRICE E. RICKER
EMILY H. TONG
STEPHEN J. RYAN

(843) 553-9800
(843) 553-1648 Fax

Summerville
(843) 851-9900

West Ashley
(843) 203-1500

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

January 2, 2017

Certified Mail 7015 0640 0001 0425 2261

Return Receipt 9590 9401 0024 5168 4848 83

TW Graham and Company LLC
c/o George Patrick Rooney III
3722 Channel View Court
Mt. Pleasant, SC 29466

RE: *Margaret Carr v. TW Graham and Company, LLC*
Case No. 2016- CP-10-3696

Dear Mr. Rooney:

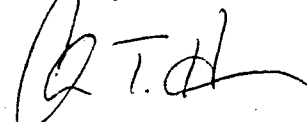
If you are represented by an attorney in this matter, please forward this correspondence to him/her immediately.

I represent the Plaintiff in the above-captioned case presently pending against you in Charleston County, South Carolina. Enclosed is a copy of the Motion for Default Judgment filed against you on December 20, 2016.

Please contact your attorney and have he/she contact me at (843) 553-9800.

U.S. Postal Service CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <i>TW Graham and Co</i>	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047-301 See Reverse for Instructions	

Sincerely,


Joshua T. Howle, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

MARGARET CARR,

PLAINTIFF;

vs.

TW GRAHAM AND COMPANY, LLC,

DEFENDANT.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

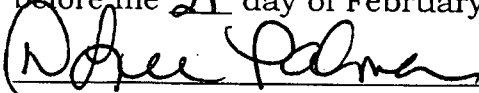
CASE NO.: 2016-CP-10-3696

AFFIDAVIT OF DEFAULT

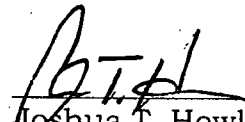
FILED
2017 FEB 22 AM 9:33
JULIE J. ARMSTRONG
CLERK OF COURT
BY

PERSONALLY appeared before me, Joshua T. Howle who, being sworn, states that he is the Attorney for the Plaintiff and that more than thirty (30) days have elapsed since the service of the Summons and Complaint, exclusive of the date of service, upon the Defendant, and that no Answer, Demurrer or Notice of Appearance has been served upon him as required by the Summons in this action; and that the Defendant is not a member of the military service and the Defendant is in default.

SWORN TO AND SUBSCRIBED
before me 21 day of February, 2017.



Notary Public for South Carolina
My Commission Expires: 3/13/25



Joshua T. Howle
Attorney for Plaintiff

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

JARREL L. WIGGER*

JOSHUA T. HOWLE
BRICE E. RICKER
EMILY H. TONG
STEPHEN J. RYAN

(843) 553-9800
(843) 553-1648 Fax

Summerville
(843) 851-9900

West Ashley
(843) 203-1500

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

May 18, 2017

Certified Mail 7016 2140 0000 8908 6453

Return Receipt 9590 9402 2104 6132 2686 43

TW Graham and Company LLC
c/o George Patrick Rooney III
3722 Channel View Court
Mt. Pleasant, SC 29466

RE: *Margaret Carr v. TW Graham and Company, LLC*
Case No. 2016- CP-10-3696

Dear Mr. Rooney:

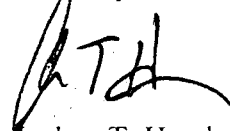
If you are represented by an attorney in this matter, please forward this correspondence to him/her immediately.

I represent the Plaintiff in the above-captioned case presently pending against you in Charleston County, South Carolina. Enclosed is a copy of the Order of Default Judgment filed in the above referenced matter on February 22, 2017.

A hearing to determine damages for the Plaintiff in this matter has been scheduled for 10:30 a.m. on May 24, 2017, to be held at the Charleston County Judicial Center, 100 Broad St.,

I have he/she contact me at (843) 553-9800.

Sincerely,


Joshua T. Howle, Esq.

Postmark
Here

U.S. Postal Service™ *Scanned*
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2016 Edition

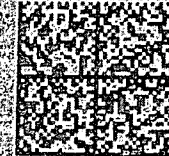
Wigger Law Firm, Inc.

ATTORNEYS AT LAW
8086 Rivers Avenue, Suite A
North Charleston, SC 29406

CERTIFIED MAIL



2140 0000 8908 6453



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 006.56⁰
0001906602 MAY 18 2017
MAILED FROM ZIP CODE 29406

[Handwritten signature]

TW G
c/o G
3722
Mt P



29406

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

(843) 553-9800
(843) 553-1648 Fax

Summerville
(843) 851-9900

West Ashley
(843) 203-1500

JARREL L. WIGGER*

JOSHUA T. HOWLE
BRICE E. RICKER
EMILY H. TONG
STEPHEN J. RYAN

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

June 5, 2017

Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

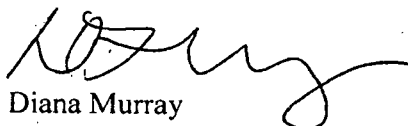
RE: *Margaret Carr vs. TW Graham and Company, LLC.*
2016-CP-10-3696

Dear Clerk:

Enclosed for filing, please find an original of the Plaintiff's Motion for Default Judgment in the above referenced case. Please file the enclosure in Case No. 2016-CP-10-3696.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Diana Murray
Paralegal to Joshua T. Howle

Cc: TW Graham and Company, LLC

Enclosures

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

JARREL L. WIGGER*
JOSHUA T. HOWLE

(843) 553-9800
(843) 553-1648 Fax

Summerville
(843) 851-9900

BRICE E. RICKER
EMILY H. TONG
STEPHEN J. RYAN

West Ashley
(843) 203-1500

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

February 9, 2018

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

TW Graham and Company, LLC
George Patrick Rooney, III, RA
3722 Channel View Court
Mt. Pleasant, SC 29466

RE: *Margaret Carr v. TW Graham and Company, LLC*
Case No.: 2016-CP-10-03696

Dear Mr. Rooney:

Enclosed please find the *Order for Damages* in the amount of **\$11,863.60** plus interest that has been accruing since it was awarded to our client in the above referenced matter. Please be advised that this is a Judgment that is entered against you. If you do not pay this Judgment immediately we will be forced to execute the said Judgment and come to McClellanville and seize your property. Upon receipt of this letter, please immediately contact our office.

JTH/jdg
Enclosures

Since:


Josh

7014 3490 0001 6677 1716

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6,607
Postmark Here: 2/19/18	
Sent To: TW Graham + Company	
Street & Apt. No. or PO Box No.: George Patrick Rooney, III,	
City, State, ZIP+4:	
PS Form 3800, July 2014 See Reverse for Instructions	

Wigger Law Firm, Inc.

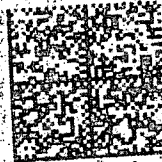
ATTORNEYS AT LAW
8086 Rivers Avenue, Suite A
North Charleston, SC 29406

CERTIFIED MAIL



7014 3490 0001 6677 1716

FIRST-CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0001158453
MAILED FROM ZIP CODE 29406
FEB 12 2018
\$ 006.670

*2-13
LN*

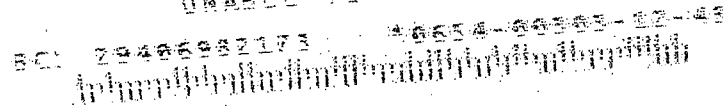
**CERTIFIED MAIL/RETURN RECEIPT
REQUESTED**

JW Graham and
George Patrick
3722 Channel V
Mt. Pleasant, SC

NIXIE

296 DE 1
0003/21/18
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

29406-9821



Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

JARREL L. WIGGER*
JOSHUA T. HOWLE

(843) 553-9800
(843) 553-1648 Fax

BRICE E. RICKER
EMILY H. TONG
STEPHEN J. RYAN

Summerville
(843) 851-9900

West Ashley
(843) 203-1500

February 9, 2018

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

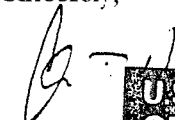
TW Graham and Company, LLC
810 Pinckney Street
McClellanville, SC 29458

RE: *Margaret Carr v. TW Graham and Company, LLC*
Case No.: 2016-CP-10-03696

Dear Sir or Madam:

Enclosed please find the *Order for Damages* in the amount of **\$11,863.60** plus interest that has been accruing since it was awarded to our client in the above referenced matter. Please be advised that this is a Judgment that is entered against you. If you do not pay this Judgment immediately we will be forced to execute the said Judgment and come to McClellanville and seize your property. Upon receipt of this letter, please immediately contact our office.

Sincerely,


Joshua

JTH/jdg
Enclosures

7024 3490 0001 6677 1723 HT01

U.S. Postal Service	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6,167

Postman Here
2/19/18

Sent To
TW Graham + Company, LLC
Street & Apt. No.
or PO Box No. 810 Pinckney St.
City, State, ZIP+4
McClellanville, SC 29458

PS Form 3800, July 2014 See Reverse for Instructions

Wigger Law Firm, Inc.

ATTORNEYS AT LAW
8086 Rivers Avenue, Suite A
North Charleston, SC 29406

NMR

CERTIFIED MAIL



7014 3490 0001 6677 1723

FIRST-CLASS



02.1P
0001158453
MAILED FROM ZIP CODE 29406
\$ 006.67⁰
FEB 12 2018

**CERTIFIED MAIL/RETURN RECEIPT
REQUESTED**

FW Graham a
810 Pinckney S
McClellanville

256 92 1 3602/21/18

RETURN TO SENDER
NO MAIL RECEIPTABLE
UNABLE TO FORWARD

NMR

SC 29406982173 *0654-00300-12-43

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

8086 Rivers Avenue, Suite A
North Charleston, SC 29406

JARREL L. WIGGER*
JOSHUA T. HOWLE

(843) 553-9800
(843) 553-1648 Fax

Summerville
(843) 851-9900

BRICE E. RICKER
EMILY H. TONG
STEPHEN J. RYAN

West Ashley
(843) 203-1500

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

March 23, 2018

VIA PROCESS SERVER:

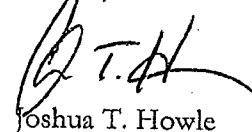
TW Graham and Company, LLC
George Patrick Rooney, III, RA
3722 Channel View Court
Mt. Pleasant, SC 29466

RE: *Margaret Carr v. TW Graham and Company, LLC*
Case No.: 2016-CP-10-03696

Dear Mr. Rooney:

Enclosed please find the *Order for Damages* in the amount of **\$11,863.60** plus interest that has been accruing since it was awarded to our client in the above referenced matter. Please be advised that this is a Judgment that is entered against you. If you do not pay this Judgment immediately we will be forced to execute the said Judgment and come to McClellanville and seize your property. Upon receipt of this letter, please immediately contact our office.

Sincerely,



Joshua T. Howle

JTH/jdg
Enclosures

AFFIDAVIT OF SERVICE

State of South Carolina

County of Charleston

Common Pleas Court

Case Number: 2016-CP-10-3696

Plaintiff:

MARGARET CARR

vs.

Defendant:

TW GRAHAM AND COMPLAN , LLC

For:

Joshua T. Howle
Wigger Law Firm, Inc.
8086 Rivers Avenue
Suite A
North Charleston, SC 29406

Received by PROCESS SERVICE, INC. to be served on TW GRAHAM AND COMPANY, LLC, 2722 CHANNEL VIEW COURT, MT PLEASANT, SC 29466.

I, Bob Clair, being duly sworn, depose and say that on the **2nd day of April, 2018** at 1:15 pm, I:

SERVED the within named CORPORATION by delivering a true copy of the **LETTER; JUDGMENT IN A CIVIL CASE; ORDER FOR DAMAGES** with the date and hour of service endorsed hereon by me to **GEORGE PATRICK ROONEY, REGISTERED AGENT** for TW GRAHAM AND COMPANY, LLC at **PLANET FITNESS PARKING LOT 697 LONG POINT, MT PLEASANT, SC 29466**

I am over eighteen and have no interest in the above action.

Subscribed and Sworn to before me on the 4th day of April, 2018 by the affiant who is personally known to me.


NOTARY PUBLIC

Commission Expires: Jan 3, 2021


Bob Clair
Process Server

PROCESS SERVICE, INC.
P.O. Box 20097
Charleston, SC 29413
(843) 577-2355

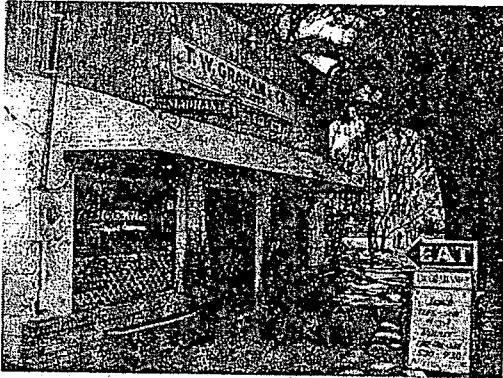
Our Job Serial Number: LEX-2018000810

T. W. Graham & Co. SEAFOOD RESTAURANT



[Home](#) [About Us](#) [Location](#) [Menu](#) [T. W. Graham](#)

T. W. Graham & Co.

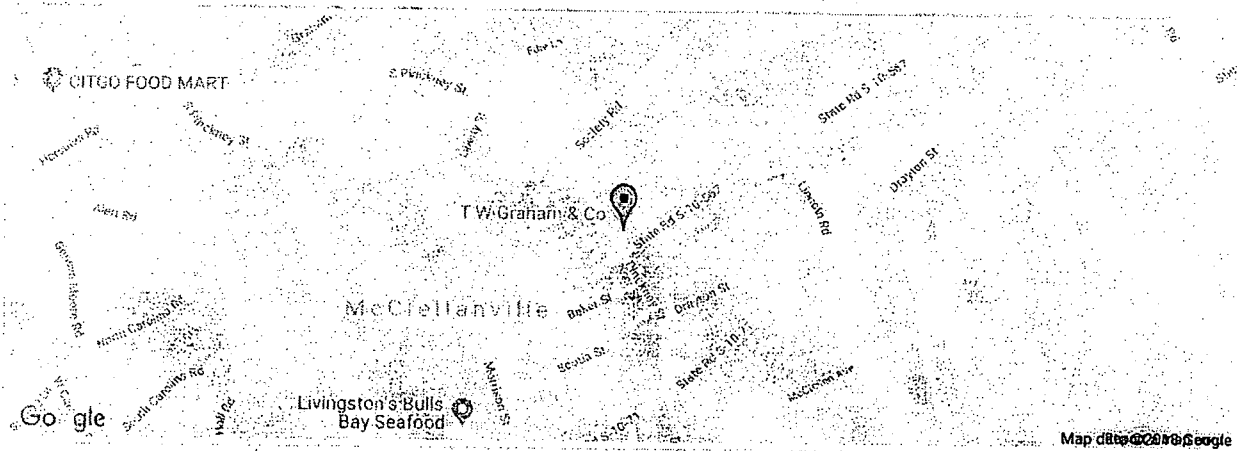


Address:
810 Pinckney St
McClellanville SC 29458 USA

Hours of operation:
Lunch: Tuesday - Sunday: 11 AM - 3 PM
Dinner: Thursday - Saturday: 5:30 PM - 9:30 PM
Closed Monday

Phone:
(843) 887-4342

Map and Directions



Get directions from your location:

Enter starting address

Get Directions

Better Websites Made Simple

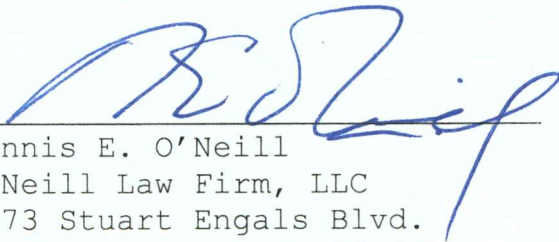
Create your own free website tod

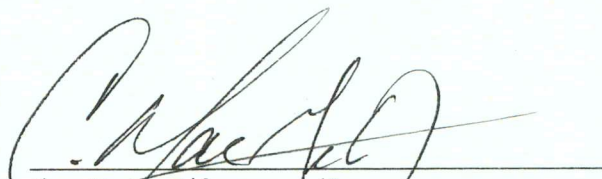
CERTIFICATE OF COUNSEL

RECEIVED
MAR 29 2019
SC Court of Appeals

We, Dennis E. O'Neill and C. Mac Gibson, Jr., hereby certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 20, 2019


Dennis E. O'Neill
O'Neill Law Firm, LLC
1473 Stuart Engals Blvd.
Mt. Pleasant, S.C. 29464
(843) 884-9494


C. Mac Gibson, Jr.
1473 Stuart Engals Blvd.
Mt. Pleasant, S.C. 29464
(843) 852-4646

Attorney for Appellant
TW Graham and Company, LLC