



# The South Carolina Court of Appeals

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October 07, 2020

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c/o David Mochi, President  
Controls for Automation, Inc.  
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Taunton MA 02780-1071

Digital Management Solutions, Inc.  
c/o Jason G. Lefort, registered agent  
404 Airdale Lane  
Simpsonville SC 29680

Re: Communication Concepts v. Controls for Automation  
Appellate Case No. 2017-002487

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by

Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen*

CLERK

cc: The Honorable Roger L. Couch

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Communication Concepts, Inc., Appellant,

v.

Controls for Automation, Inc. and Digital Management  
Solutions, Inc., Respondents.

Appellate Case No. 2017-002487

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Appeal From Greenville County  
Roger L. Couch, Circuit Court Judge

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Unpublished Opinion No. 2020-UP-280  
Submitted September 1, 2020 – Filed October 7, 2020

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**REVERSED**

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Burl F. Williams, of Burl F. Williams, P.A., and  
Konstantine Peter Diamaduros, both of Greenville, for  
Appellant.

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**PER CURIAM:** Communication Concepts Incorporated (CCI) appeals the order of the Greenville County Circuit Court granting a motion to enforce a settlement agreement with Controls for Automation (CFA) and Digital Management Solutions (DMS) and requiring CCI to purchase additional trailer(s) from DMS. On April

24, 2017, after the order at issue was appealed, the circuit court held a hearing on the damages owed to CFA by DMS. By this time, DMS had "shuttered its doors." The court awarded CFA damages of \$138,585.16.

We reverse based on the respondents' failures to file briefs. *See* Rule 208(a)(4), SCACR ("Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper."); *Turner v. Santee Cement Carriers, Inc.*, 277 S.C. 91, 96, 282 S.E.2d 858, 860 (1981) (finding a respondent's failure to file a brief "allows this [c]ourt to take such action upon the appeal as it deems proper. This failure alone would justify reversal . . .").

**REVERSED.**<sup>1</sup>

**THOMAS, HILL, and HEWITT, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.