

# The Supreme Court of South Carolina

Ronald J. Friedman, as the trustee for the SportCo  
Creditors' Liquidation Trust, Plaintiff,

v.

Wellspring Capital Management, LLC, Wellspring  
Capital Partners IV, L.P., WCM Genpar IV, L.P., WCM  
Genpar IV GP, LLC, Alexander E. Charles, Bradley  
Johnson, F. Hewitt Grant, Charles E. Walker, Jr., Todd  
Boehly, Bernard Ziomek, and Andrew Kupchik,  
Defendants.

Appellate Case No. 2020-001448

---

## ORDER

---

Pursuant to Rule 244, SCACR, Judge David R. Duncan, United States Bankruptcy Court Judge for the District of South Carolina, certified the following question to this Court:

Under South Carolina choice of law rules and the facts of this case, is a fraudulent conveyance cause of action characterized as tort-based, contract-based, or equity-based, and if tort-based, is the injury to the creditor or the injury to the transferor/debtor the relevant injury for purposes of determining where the injury occurred?

Because this Court's existing precedent provides an answer to the certified question,<sup>1</sup> we decline to answer the question.

---

<sup>1</sup> See *Oskin v. Johnson*, 400 S.C. 390, 397, 735 S.E.2d 459, 463 (2012) ("An action to set aside a conveyance under [S.C. Code Ann. § 27-23-10 (2007)] is an equitable action . . .").

  
FOR THE COURT

C.J.

Columbia, South Carolina  
November 25, 2020

cc:

R. William Metzger, Jr., Esquire  
Keith M. Babcock, Esquire  
G. William McCarthy, Jr., Esquire  
Julio E. Mendoza, Jr., Esquire  
William Harrison Penn, Esquire  
John S. Simmons, Esquire  
Mary M Caskey, Esquire  
Shaun C. Blake, Esquire  
J.W. Nelson Chandler, Esquire  
Joshua J. Bruckerhoff, Esquire  
P. Jason Collins, Esquire  
William Tyler Perry, Esquire  
Philip David Anker, Esquire  
Daniel H. R. Laguardia, Esquire  
George Bell Adams, III, Esquire  
Lyle Roberts, Esquire  
Jacqueline P. Rubin, Esquire  
Lewis R. Clayton, Esquire  
Daniel H. Levi, Esquire  
Elizabeth R. McColm, Esquire  
Jacob A. Adlerstein, Esquire  
Marcus Angelo Manos, Esquire  
J. David Black, Esquire  
The Honorable David R. Duncan  
The Honorable Laura A. Austin