EXHIBIT A

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IN THE STATE OF SOUTH CAROLINA) COUNTY OF FLORENCE)	IN THE COURT OF COMMON PLEAS FOR THE 12TH JUDICIAL CIRCUIT CASE NO: 2015-CP-21-02451
ESTATE OF ARTRELL DAVIS, by and through her Personal Representatives LYNETTE GIBSS AND JEROME DAVIS, Plaintiffs, v. ELROY JACKSON AND MICHAEL LAVERNE MARKS, JR., Defendants.	**ORDER DENYING DEFENDANT ELROY JACKSON'S MOTION TO ALTER/AMEND AND MOTION FOR A NEW TRIAL**

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SC Court of Appeals

This matter came before the undersigned in my capacity as Special Referee on November 17, 2020, on Defendant Elroy Jackson's Motion to Alter/Amend and Motion for a New Trial.[1] Attorney Robert C. Childs, III of Childs Law Firm was present for Defendant Elroy Jackson. Attorneys Lane D. Jefferies and Roy T. Willey, IV, both of Anastopoulo Law Firm, and attorney B. Scott Suggs, of The Suggs Law Firm, were present for Plaintiffs. Plaintiff Lynette Gibbs, as Personal Representative of the Estate of Artrell Davis, was also present.

In short, the issue before the Court is the sufficiency of service of the notice of a damages hearing upon defaulting Defendant Elroy Jackson. By the previous Order, this Court denied Defendant Jackson's Motion to Set Aside the Judgment in this matter based upon its findings and conclusions that the service of the Notice of Hearing upon Defendant Jackson complied with the requirements of Rule 55, SCRCP. The motion now before this court is Defendant Jackson's motion, pursuant to Rules 59 and 60(a) seeking reconsideration, altering and/or a new trial on this issue. As more fully described below, this Court finds that service was sufficient and proper

[1] Originally filed on October 11, 2019, and amended on October 21, 2019.

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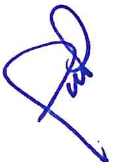
because it fully complied with the requirements of Rule 55, SCRCP for the same reasons set out in the earlier order. Before addressing the legal issues, a little background will be helpful.

BACKGROUND AND PROCEDURAL HISTORY

This case arises out of an automobile wreck on September 6, 2014, in which Artrell Davis was killed. Ms. Davis was a passenger in a vehicle driven by Defendant Michael Laverne Marks, Jr. and owned by Defendant Elroy Jackson. Plaintiffs filed suit on August 25, 2015, alleging (among other things) causes of action for negligence against Defendant Michael Laverne Marks, and negligent entrustment against Defendant Elroy Jackson.

Defendant Elroy Jackson was served with the Summons and Complaint on August 28, 2015, and he failed to file an Answer. Plaintiffs filed a Motion/Application for Default Judgment against Defendant Elroy Jackson on March 23, 2016, and Default Judgment was entered against Defendant Jackson on June 30, 2016. The matter was then referred to the undersigned for the purpose of holding a damage's hearing.

A damages hearing was scheduled for December 13, 2016 before the undersigned pursuant to the order of referral issued on August 1, 2016 which appointed the undersigned as Special Referee for Florence County for the purpose of holding a damage's hearing and determining the damages for the default judgment entered against Defendant Elroy Jackson. On December 13, 2016, Plaintiffs and counsel for Plaintiffs appeared at the hearing. No one appeared on behalf of the Defendants. Plaintiff's submitted evidence that Notice of Hearing had been mailed to the last known address of Defendant Jackson. As a result of the hearing, this Court found in favor of



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Plaintiffs against Defendant Elroy Jackson in the amount of Three Million and no/100 ($3,000,000.00) Dollars, which judgment was entered on January 25, 2019.[2]

On April 2, 2018, Defendant Elroy Jackson filed a Motion to Set Aside Judgment, and a hearing was set for April 25, 2019. While a reading of the April 2, 2018 motion does not make its basis particularly clear (in part because the written motion sought to set aside a judgment entered on June 30, 2016 rather than the December 13, 2016 three-million-dollar judgment), counsel for Defendant Elroy Jackson clarified during the hearing that the basis for the motion was Defendant Elroy Jackson's contention that he was not properly served with notice of the December 13, 2016 damages hearing. For the reasons set forth in this Court's Order signed and served on October 7, 2019 and filed on October 14, 2019 (incorporated herein by reference), this Court denied Defendant Elroy Jackson's Motion to Set Aside Judgment. In short, this Court found that Defendant Elroy Jackson was properly served with notice of the December 13, 2016 damages hearing.

On October 11, 2019, Defendant Elroy Jackson filed the instant Motion to Alter/Amend and Motion for a New Trial, which was subsequently amended on October 21, 2019. This Court requested briefs from both parties, and a hearing was held on November 17, 2020.

Now, after carefully considering the voluminous record, submissions of the parties, documents of record, the applicable law, and the arguments of counsel, this Court holds that the applicable law, together with the facts on record, support this Court's Order dated October 7, 2019 denying Defendant Elroy Jackson's Motion for Relief and holding that Plaintiffs properly served the Notice of Damages Hearing on Defendant Elroy Jackson by mailing it to Defendant Elroy

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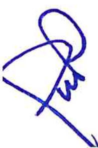
[2] While the order was signed on March 7, 2017 and delivered to counsel, it was not entered with the Florence County Court of Common Pleas until January 25, 2019. The cause of the delay is not clear.



Jackson's last known address as required by Rule 55. As a result, and as described more fully below, Defendant Elroy Jackson's Motion to Alter/Amend and Motion for a New Trial must be and hereby is **DENIED**.

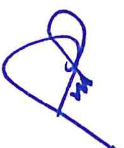
FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. None of Defendant's ten specific assignments of error form a proper basis for altering or amending this Court's Order denying relief from judgment.

Defendant raised ten specific assignments of error in his Motion, none of which are a sufficient basis for altering or amending this Court's Order Denying Motion to Set Aside Judgment entered October 14, 2019 ("Order").

Defendant's assignments of error fall into two categories. The first category contains assignments of error numbers 1, 2, and 3, which are of the "Court failed to consider X" variety. This Court did, however, consider each of the enumerated arguments, and the record reflects that this Court did consider each of these arguments; it simply reached a conclusion that the Defendant does not agree with. In short, the facts and the law support the Court's conclusion that Plaintiffs properly served the Notice of Hearing on Defendant Elroy Jackson by mailing it to Defendant Elroy Jackson's last known address as required by Rule 55. For example, the Court considered Defendant's claim that he never received any notice of the damages hearing during the April 25, 2019 hearing at Tr., p. 4, 10; the Court considered Defendant's claim that a certified mailing to Defendant was returned as undeliverable at Tr., p. 4, 7; and the Court considered Defendant's claim that the process server admitted that he made a mistake about the Defendant's address at Tr., p. 5, 6, 19. Because the record[3] clearly shows that the Court considered the issues described in

[3] The transcript of the April 25, 2019 hearing is on file with this Court as Exhibit A to Plaintiff's October 27, 2020 Memorandum in Opposition to Defendant Elroy Jackson's Amended Motion to Alter or Amend Filed October 21, 2019.



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assignments of error one through three, the Court holds that these assignments of error are without merit.

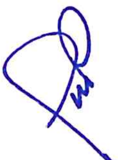
The second category contains assignments of error four through ten, which are of the "Court erred in Y" variety. Each of these is without merit as described below.[4] For clarity, the Court addresses each of these assignments of error individually as follows.

As to assignment of error number four, this Court did not err "in considering the statement of Plaintiffs' counsel that the regular mailing did not come back 'as far as I know' when the court refused to consider evidence outside the affidavits submitted by the parties," because Plaintiffs' counsel's statement is not and was not a basis for the Court's opinion. As described in Sections II and IV below, it is of no legal consequence whether the letter came back, because Rule 55(b)(2) is satisfied regardless of receipt by the addressee. Plaintiffs are not required to undertake a scavenger hunt based on a returned letter. Accordingly, no consideration at all need be given to Plaintiffs' counsel's statement that the letter did not come back in order for this Court to reach the result it reached. Accordingly, there is no error.

As to assignment of error number five, this Court did not err "in failing to require Plaintiffs' counsel to disclose the address at which they served the Defendant," because it is the Defendant's burden to come forward with evidence, not the Plaintiffs'. Defense counsel conceded this during the April 25, 2019 hearing. (Plaintiffs' Counsel: "Well, it's not our burden to prove that and we're not -- ". Defense Counsel: "Okay.") Tr., p. 8. As a result, there is no error.

As to assignment of error number six, this Court did not err "in considering evidence of Defendant's insurance carrier," because the Court specifically refused to consider such evidence.

[4] They are also nothing new, as the Court considered and rejected these same arguments during the April 25, 2019 hearing.



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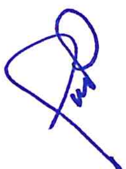
Indeed, the Court specifically stated on page 24 of the Transcript that it was not considering insurance (Mr. Childs: "the entire argument about insurance coverage is improper for you." The Court: "I'm not gonna consider that. I know that . . . As far as I'm concerned, the issues here are isolated to the application of Rule 60."). As a result, there is no error.

As to assignment of error number seven, this Court did not err "in considering the accident report." The Court considered the accident report only as part of Plaintiffs' explanation of where Defendant Elroy Jackson's last known address came from. That is a permissible use of the report. Neither Section 56-5-1340 nor Sections 56-5-1270 or 56-5-1290 prohibit use of an accident report for the limited purpose of determining what a person's address is. Defendant has not come forward with any authority to the contrary.

Moreover, this Court believes that Section 56-5-1340, the section argued by Defendant Jackson, is inapplicable to the report at issue in the first place, as it applies only to "accident reports *made by persons involved in accidents*." S.C. Code § 56-5-1340 (emphasis added); *Ellison v. Pope*, 290 S.C. 100, 107, 348 S.E.2d 367, 371 (Ct. App. 1986) ("We construe the term "accident reports," as used in Section 56–5–1340, as amended, to mean only the reports of an accident that the law requires a person to make and not the reports of an accident that a person otherwise makes."). The *Ellison* court makes clear that the "person" to which it refers is a person *involved in the accident*, not a responding police officer. Citing a similar Florida statute, the *Ellison* court stated that the purpose of the statute was to "clothe with statutory immunity *only* such statements and communications as *the driver, owner, or occupant of a vehicle is compelled to make* in order to comply with his or her statutory duty." *Ellison v. Pope*, 290 S.C. 100, 107, 348 S.E.2d 367, 371 (Ct. App. 1986) (emphasis added).



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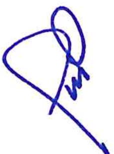
The report at issue here, and its use, does not involve any sort of compulsory statement by the driver, owner, or occupant. Instead, the person who made the report at issue in this case was a law enforcement officer not involved in the accident. Accordingly, Section 56-5-1340 has no application.

Rather than Section 56-5-1340, it is Sections 56-5-1270 and 56-5-1290 that apply to the report at issue, since the report was created by a police officer and not by a person involved in the accident. Section 56-5-1270 requires that "[e]very law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident that results in injury to or death of any person . . . must forward a written report of the accident to the Department of Motor Vehicles." S.C. Code § 56-5-1270. Accordingly, the statute that limits the use of the report at issue here is S.C. Code Section 56-5-1290, entitled "Evidentiary use of reports", which is not a blanket prohibition. Instead, the limitation on use of reports created by investigating officers is rather narrow. Specifically, Section 56-5-1290 states that "None of the reports required by Sections 56-5-1260 to 56-5-1280 *may be evidence of the negligence or due care of either party* at the trial of any action at law to recover damages." S.C. Code Ann. § 56-5-1290 (emphasis added).

In contrast, Section 56-5-1290 does not prohibit use of reports for other reasons besides showing negligence, such as determining a person's last known address. Indeed, that is exactly the purpose to which an accident report was put in *Caldwell v. Wiquist*, 402 S.C. 565, 568, 741 S.E.2d 583, 585 (Ct. App. 2013) There, the sheriff's department "executed affidavits of non-service stating that it had been unable to complete service on Wiquist *at her last known address that was listed on the traffic collision report*." *Caldwell v. Wiquist*, 402 S.C. 565, 568, 741 S.E.2d 583, 585 (Ct. App. 2013) (emphasis added). Although the *Caldwell* court found other issues with service in that case, it did not find any fault with using the accident report to obtain the last known address



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of a defendant, which is exactly what Plaintiffs used the report for in this case. Defendant has not come forward with any authority for the proposition that an accident report cannot be used for the limited purpose of determining a person's address. Accordingly, there is no error.

As to assignment of error number eight, this Court did not err "in concluding that there was no evidence presented that indicates the Plaintiffs [*sic*] knew or should have known that 1001 West Turner Gate Road was not the correct address of the Defendant, when the evidence was that the certified mailing to the Defendant was returned 'undeliverable' and the affidavit of the process server clearly implied that he was mistaken about the Defendant's address when he put it on his Affidavit of Service of the Summons and Complaint," because, among other things, the return of a letter as undeliverable is not evidence that the address used is not the "last known address of the person."

As described in Sections II and IV below, service under Rule 55(b)(2) is effective when the notice is mailed to the last ***known*** address – regardless of whether the letter ever actually gets delivered, and regardless of whether the last known address is the defendant's current address. Defendant has not come forward with any authority for the proposition that if a letter to the last known address is returned, the Plaintiffs must then go on a scavenger hunt to find a new address. Nor has Defendant come forward with any evidence at all that the letter was actually returned. It is Defendant's burden to come forward with such evidence. Defendant has failed to do so. Accordingly, there is no error here.

As to assignment of error number nine, this Court did not err "in considering the address in the accident report as evidence of the last known address of the Defendant." This is essentially the same argument as this Court already found unpersuasive in assignment of error number seven. Moreover, Defendant has not come forward with any evidence at all showing that, at the time

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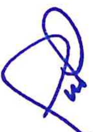

Plaintiffs mailed the notice of hearing, Plaintiffs knew of a more up-to-date address than the one specified in the accident report. As shown above, the accident report is an acceptable source for address information. Defendant has not come forward with any authority to the contrary. Nor has Defendant come forward with any evidence that Plaintiffs had a more current address for Defendant. It is Defendant's burden to come forward with such evidence. Defendant has not met his burden. Accordingly, there is no error here.

As to assignment of error number ten, this Court did not err in failing to find that due process requires that the Defendant be afforded "some reasonable notice" of the damages hearing, "even though he is in default of his answer and he should not be liable for the mistakes of the Plaintiffs in verifying his proper address for mailing," because Defendant has not come forward with any authority for the proposition that a defaulting defendant is entitled to anything other than what Rule 55(b)(2) provides for.

The South Carolina Rules of Civil Procedure took effect on July 1, 1985. *See* Rule 86, SCRCP. In the thirty-five years since, no court, of which the undersigned is aware, has held that Rule 55(b)(2) violates due process. This Court declines Defendant's invitation to be the first to do so.

In support of his argument, Defendant cites *McCall v. IKON*, 363 S.C. 646, 654–55, 611 S.E.2d 315, 319 (Ct. App. 2005). However, Plaintiffs fully complied with the requirements of Rule 55 as described in *McCall*. The dispositive issue in *McCall* was not what address the letter was sent to, but that a ***single*** letter was sent to ***two*** defaulting Defendants as shown in the following quote:

> Under Rule 55(b)(2), SCRCP, "[p]ursuant to Rule 5(a), notice of any trial or hearing on unliquidated damages shall also be given to parties in default by first class mail to the last known address of such party whether or not such party has appeared in the action." The service requirements of Rule 5(a), SCRCP, incorporated into Rule 55(b)(2) mandate that "[e]very order required by its terms to be served, every pleading subsequent to the original

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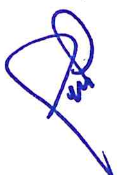

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> summons and complaint ... *every written notice*, appearance, demand, offer of judgment, designation of record or case and exceptions on appeal, and similar papers shall be served upon *each* of the parties ..." (emphasis added). ***The plain language of the rule therefore requires that each party shall be served separately. Mailing one letter addressed to both IKON and CESC, therefore, was not sufficient to comply with Rule 55(b)(2) and Rule 5(a).***
>
> *McCall v. IKON*, 363 S.C. 646, 654–55, 611 S.E.2d 315, 319 (Ct. App. 2005).

The *McCall* court's holding is shown in italics in the paragraph above. It is incontrovertible that the basis for the holding is the use of a single letter when there were two defendants. The *McCall* court did not find any fault at all with the address used – just with the lack of one letter per defendant. Here, Plaintiffs fully complied with *McCall*; Plaintiffs sent one letter to the one Defendant at his last known address – just as provided by Rule 55(b)(2).

II. It does not matter if notice was not mailed to the address where Defendant actually lived.

The plain language of Rule 55(b)(2) is clear – hearing notice shall "be given to parties in default by first class mail to the *last known address* of such party." Rule 55(b)(2), SCRCP (emphasis added). The rule does not say "current address," a term which appears in at least twenty-six other rules and statutes. *See, e.g.*, Rule 8, SCRFC. ("The notification shall include the attorney's *current address*") (emphasis added).[5] Similarly, the term "last known address" appears in eighteen court rules and 125 statutes.[6]

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[5] *See also*, S.C. Code Sections 11-35-3030; 24-21-5; 50-5-550; 16-3-1555; 39-57-60; 11-1-120; 63-19-2050; 62-5-303; 27-32-310; 29-5-440; 7-5-330; 33-31-1707; 57-5-1660; 17-22-950; 23-23-150; 62-5-403; 63-9-730; 62-5-402; 43-35-45; 15-3-20; 33-1-410; 14-1-150; 15-3-530; Rule 20, SCACR; Rule 8.5, RPC (of Rule 407, SCACR).

[6] Rules 4, 5, 60, and 77, SCRCP; Rule 8, SCRMC; Rules 2 and 17, SCRFC; Rule 502, SCACR, Judicial Disciplinary Enforcement, Rule 14; Rule 413, SCACR, Lawyer Disciplinary Enforcement, Rule 14; Rules 5 and 54, SCRALC; Rules 262, 504, 510, and 626, SCACR; Part 4, App. G, and App. D, SCACR. A Westlaw search reveals 125 statutes as well.

Because both terms – "last known address" and "current address" – appear in the rules of court, the drafters' use of one instead of the other is presumed to be intentional. *See CFRE, LLC v. Greenville Cnty. Assessor,* 395 S.C. 67, 74, 716 S.E.2d 877, 881 (2011) ("[W]e must read the statute so 'that no word, clause, sentence, provision or part shall be rendered surplusage, or superfluous ....'"); *Maxwell v. Genez,* 356 S.C. 617, 620, 591 S.E.2d 26, 27 (2003) (The same canons of construction apply to Rules of Court).

Clearly, the drafters knew that "last known address" and "current address" mean two different things. *See, Soliman v. Gonzales*, 419 F.3d 276, 283 (4th Cir. 2005) ("Where Congress has utilized distinct terms within the same statute, the applicable canons of statutory construction require that we endeavor to give different meanings to those different terms."). Defendant has not come forward with any authority for the proposition that "last known address" means anything other than what the words plainly say. *Steinke v. S.C. Dep't of Labor, Licensing & Regulation*, 336 S.C. 373, 393–94, 520 S.E.2d 142, 152 (1999) ("in construing statute, words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand statute's operation."). Plaintiffs were only required to follow the rule as written, not as Defendant might prefer it had been written.

While the plain meaning of the words used is enough to decide this issue, there are also cases on point. *See, e.g., NCNB S.C. v. Floyd*, 303 S.C. 261, 264, 399 S.E.2d 794, 795–96 (Ct.App.1990) (holding service was proper under Rule 5, which also uses the term "last known address," when a bank mailed its notices to a defendant's last known address and the defendant moved "from place to place" but did not provide the address where he could be located).

In addition to "last known address" being the plain meaning of the rule, the rule makes sense, as Rule 55(b)(2) applies to service on persons who have *already been served with the*

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lawsuit. Such folks know that they are in a lawsuit. All they have to do to make sure that their "last known address" reflects their "current address" is to update their address with the clerk of court. By the time Plaintiffs moved for an entry of default judgment, Defendant been involved in this lawsuit for seven months. Defendant has not come forward with any evidence that in all that time he ever updated his address with the clerk of court.

III. It does not matter if Defendant did not actually receive the notice.

As described above, notice under Rule 55(b)(2) is for people, like Defendant, who were already served with a lawsuit. Not only do such folks have numerous ways to stay current, they are required to do so. Indeed, our appellate courts "have long held [that] a party has a duty to monitor the progress of his case." *Paul Davis Sys., Inc. v. Deepwater of Hilton Head*, LLC, 362 S.C. 220, 225, 607 S.E.2d 358, 361 (Ct. App. 2004) (internal quotations omitted). Moreover, "[l]ack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney." *Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001).

Because people who know that they have been sued have myriad opportunities to stay current, the law does not require that they receive actual notice. *Schleicher v. Schleicher*, 310 S.C. 275, 277, 423 S.E.2d 147, 148 (Ct. App. 1992) (service is effective "when the notice is properly mailed, *regardless of its receipt by the addressee*; in such case the risk of miscarriage or failure to deliver is on the addressee.") (emphasis added) (citing 66 C.J.S. *Notice* § 18e, at 664 (1950)). In fact, another option for service under Rule 5(b)(1), which applies to documents other than notice of a damages hearing, is simply to "leav[e] it with the clerk of court" – a method which stands almost no chance at all of achieving actual delivery to the defendant. Rule 5(b)(1), SCRCP.

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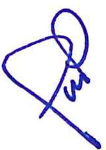
Plaintiffs argued that Defendant could have done any number of things to make sure he received actual notice, and this Court agrees. For example, Defendant could have: retained an attorney; alerted his insurance company; updated his address with the clerk of court; checked the public index online; visited the clerk's office in person; or even called Plaintiffs' counsel. Defendant did not come forward with evidence that he did any of these things. Indeed, Defendant has not come forward with any evidence at all to show that he did anything at all to monitor the progress of his case as he was required to do during the seven months between the time he was first served and the time that Plaintiffs moved for a default judgment.

The law is clear that service is effective the moment the notice is mailed to Defendant's last known address, "*regardless of its receipt by the addressee*." *Schleicher v. Schleicher*, 310 S.C. 275, 277, 423 S.E.2d 147, 148 (Ct. App. 1992) (emphasis added). Accordingly, Defendant's assertion that he did not receive the letter, even if it had been supported by evidence, would be legally irrelevant.

IV. It does not matter whether Plaintiffs should have known that the address used was incorrect (if it was).

Defendant did not present any evidence that Plaintiffs should have known that the address used was not where Defendant actually lived at the time of service of the notice of hearing. Likewise, Defendant did not present any evidence that the notice letter was returned (and Plaintiffs denied that it was returned). Because this is Defendant's Motion, it is Defendant's burden to come forward with evidence. He has not.

Even if Defendant had offered evidence that the notice letter had been returned, that fact would not be legally relevant. Return of a letter shows, at most, two things: (1) that the addressee did not get the letter, and (2) that the address used is not the addressee's current address. As



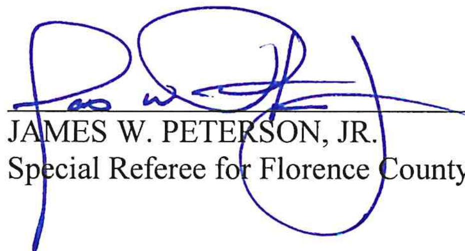
discussed above, these are exactly the two things that the law does not require: (1) use of the current address (See Section II), or (2) actual delivery (See Section III).

Accordingly, return of the notice letter, even if it had been supported by evidence, shows nothing at all that is legally relevant. Moreover, Defendant did not come forward with any authority for the proposition that Plaintiffs, if they ever did receive the letter back, must then engage on some sort of scavenger hunt to find the defaulting Defendant's new address.

CONCLUSION

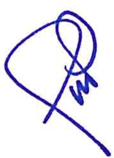
This Court has previously considered and rejected the arguments raised by Defendant Elroy Jackson in his Motion to Alter/Amend and Motion for a New Trial. Defendant Elroy Jackson has not come forward with any new law, new facts, or new arguments about how the law applies to the facts that could form a sufficient basis for changing this Court's already well-considered opinions embodied in its previous orders. Accordingly, this Court must and hereby does respectfully deny Defendant Elroy Jackson's Motion to Alter/Amend and Motion for a New Trial.

AND IT IS SO ORDERED.



JAMES W. PETERSON, JR.
Special Referee for Florence County

Florence, South Carolina
January 14, 2021



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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-21-02451

ELECTRONICALLY FILED - 2021 Jan 18 2:33 PM - FLORENCE - COMMON PLEAS - CASE#2015CP2102451

Estate of Artrell Davis, by and Through her Personal Representative Lynette Gibbs and Jerome Davis

PLAINTIFF(S)

Elroy Jackson and Michael Laverne Marks, Jr.

DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ 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. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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

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:

ORDER INFORMATION

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

INFORMATION FOR THE JUDGMENT 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)**
		$
		$
		$
If applicable, describe the property, including tax map information and address, referenced in the order:		

RECEIVED
Feb 08 2021
SC Court of Appeals

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.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

~~Circuit Court Judge~~ Special Referee | Judge Code | Jan. 14, 2021 Date

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Motion by Defendant Elroy Jackson to Alter/Amend and Motion for New Trial is Denied as set out in the attached Order.

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