

STATE OF SOUTH CAROLINA)
)
COUNTY OF UNION)
)
DWAYNE THOMPSON,)
)
Plaintiff,)
)
v.)
)
LG CHEM, LTD., LG CHEM AMERICA,)
INC., and ROLLING FOG VAPOR)
COMPANY, LLC,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2019-CP-44-00054

**ORDER DENYING LG CHEM, LTD.’S
MOTION TO DISMISS**

RECEIVED
May 21 2021
SC Court of Appeals

This matter came before the Court for a hearing on February 1, 2020, on Defendant LG Chem LTD.’s (“LG Chem”) renewed motion to dismiss for lack of personal jurisdiction. After reviewing the parties’ submissions and hearing argument of counsel, the Court denies LG Chem’s motion for the reasons stated below.

FACTS AND PROCEDURAL HISTORY

This is a product liability action involving an allegedly defective lithium-ion battery used for an e-cigarette device. Plaintiff, a South Carolina citizen, alleges that on July 27, 2018, the battery, while in his pants pocket, exploded and burst into flames, causing severe burn injuries. The injuries occurred in Spartanburg, South Carolina. Defendant Rolling Fog Vapor Company, LLC, is a retail store in Spartanburg, South Carolina, that sold the battery and e-cigarette device to Plaintiff. (Cmplt. ¶ 2). Defendant LGA, a Delaware corporation, and Defendant LG Chem, Ltd., (“LG”), a South Korean corporation, allegedly designed, manufactured, imported, and sold the battery. *Id.* at ¶¶ 3-6.

On March 4, 2019, Plaintiff filed this action in Union County, South Carolina. The Complaint asserts causes of action for negligence, strict liability, and breach of warranty against all Defendants. Plaintiff alleges LG Chem has “continuing contacts with South Carolina by transacting substantial business in this state and manufacturing, distributing, and/or selling goods with the reasonable expectation that they will be used in this state and which are in fact used in this state.” (Cmplt. ¶ 7).

On November 2, 2020, LG Chem filed a renewed motion to dismiss for lack of personal jurisdiction, along with an affidavit of Sung Han Ryu, an LG Chem representative. Mr. Ryu states, *inter alia*, that LG Chem is a Korean company with its headquarters and principal offices in Seoul, South Korea. (Aff. ¶4). It does not own or lease property in South Carolina. *Id.* at ¶ 7. Mr. Ryu attests that LG Chem does not design, manufacture, distribute or sell a lithium-ion battery for use by individual consumers. *Id.* at ¶ 13.

On January 28, 2021, Plaintiff filed a memorandum in opposition to the renewed motion to dismiss, along with hundreds of import records for the Port of Charleston. The import records show that from December 2016 to February 2019 alone, LG Chem had approximately 296 shipments to the Port of Charleston in South Carolina. (Ex. 1 – Import Data). The import data indicates shipments to Carolina Covertech in North Augusta, Continental Tire in Sumter, Covidien in Greenwood, Fitesa in Simpsonville, Flex in West Columbia, Milliken Company in Spartanburg, and Volvo Car US Operations, Inc. in Ridgeville. (Ex. 1 – Import Data).

STANDARD

“The question of personal jurisdiction over a nonresident defendant is one which must be resolved upon the facts of each particular case. The decision of the trial court should be affirmed unless unsupported by the evidence or influenced by an error of law.” *Moosally v. W.W. Norton &*

Co., 358 S.C. 320, 327, 594 S.E.2d 878, 882 (Ct. App. 2004) (internal citation omitted). When addressing a motion to dismiss for lack of personal jurisdiction, “‘Courts will take as true the allegations of the nonmoving party and resolve all factual disputes in its favor.’ This includes any factual disputes brought up by submitted affidavits.” *Brown v. Investment Mgmt. & Research*, 323 S.C. 395, 399, 475 S.E.2d 754, 756 (1996) (quoting 5A Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1351 (Supp. 1995)).

ANALYSIS

Taking as true all allegations of Plaintiff and resolving all factual disputes in his favor, the Court finds there are sufficient minimum contacts between LG Chem and South Carolina to support exercising specific personal jurisdiction¹ over LG Chem.

“Specific jurisdiction over a cause of action arising from a defendant’s contacts with the state is granted pursuant to the long arm statute.” *Id.* at 491, 611 S.E.2d at 508 (citing S.C. Code Ann. § 36-2-803 (2003)). “South Carolina’s long-arm statute . . . has been construed to extend to the outer limits of the due process clause.” *Cockrell v. Hillerich & Bradsby Co.*, 363 S.C. 485, 491, 611 S.E.2d 505, 508 (2005). Therefore, “the sole question becomes whether the exercise of personal jurisdiction would violate due process.” *Id.*

“Due process requires that there exist minimum contacts between the defendant and the forum state such that maintenance of the suit does not offend traditional notions of fair play and substantial justice.” *Cockrell*, 363 S.C. at 491, 611 S.E.2d at 508. “[D]ue process mandates that the defendant possess sufficient minimum contacts with the forum state, so that he could reasonably anticipate being haled into court there.” *Id.* at 491-92, 611 S.E.2d at 508. This is the “‘stream of commerce’ theory” used by South Carolina courts. *State v. NV Sumatra Tobacco*

¹ Plaintiff did not dispute LG Chem’s argument as to general jurisdiction.

Trading, Co., 379 S.C. 81, 89, 89 n.5, 666 S.E.2d 218, 222, 222 n.5 (2008) (“declin[ing] to embrace the ‘stream of commerce plus’ theory”).² “It is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws.” *Moosally v. W.W. Norton & Co.*, 358 S.C. 320, 332, 594 S.E.2d 878, 884 (Ct. App. 2004).

“The court must also find that the exercise of jurisdiction is reasonable or fair.” *Cockrell*, 363 S.C. at 492, 611 S.E.2d at 508 (internal quotation marks omitted). “Under the fairness prong, the court must consider: (1) the duration of the activity of the nonresident within the state; (2) the character and circumstances of the commission of the nonresident’s acts; (3) the inconvenience resulting to the parties by conferring or refusing to confer jurisdiction over the nonresident; and (4) the State’s interest in exercising jurisdiction.” *Id.*

Initially, the Court finds Plaintiff proves personal jurisdiction based on the pretrial stage pleadings. “At the pretrial stage, the burden of proving personal jurisdiction over a nonresident is met by a prima facie showing of jurisdiction either in the complaint or in affidavits.” *Cockrell*, 363 S.C. at 491, 611 S.E.2d at 508. “There is no ‘other evidence’ requirement for personal jurisdiction where the complaint itself demonstrates jurisdiction.” *Mid-State Distribs. v. Century Imps.*, 310 S.C. 330, 332, 426 S.E.2d 777, 779 (1993). Plaintiff alleges in the Complaint that LG Chem has “continuing contacts with South Carolina by transacting substantial business in this state and manufacturing, distributing, and/or selling goods with the reasonable expectation that they will be used in this state and which are in fact used in this state.” (Cmplt. ¶ 7). This demonstrates specific personal jurisdiction under the long-arm statute and due process analysis by asserting sufficient

² See also *Sheppard v. Mercedes-Benz USA, LLC*, C/A No. 2010-CP-38-1558 (Nov. 15, 2012), p. 7 (affirming South Carolina’s use of the stream of commerce theory pursuant to *Sumatra Tobacco*).

minimum contacts and the fairness and expectation of being haled into court in South Carolina under the stream of commerce theory.

Alternatively, the Court also finds that, based on the evidence submitted, Plaintiff demonstrates specific personal jurisdiction. LG Chem possesses sufficient minimum contacts with South Carolina so that it should reasonably anticipate being haled into court here.

Under South Carolina's long-arm statute,

A court may exercise personal jurisdiction over a person who acts directly or by an agent as to a cause of action arising from the person's: (1) transacting any business in this State; (2) contracting to supply services or things in the State; . . . (4) causing tortious injury or death in this State by an act or omission outside this State if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this State.

S.C. Code Ann. § 36-2-803(A). LG Chem has a presence in South Carolina in the form of continuously and regularly using a South Carolina port to conduct its business activities, and deriving revenue from South Carolina. Along with the evidence of LG Chem's activities and conduct discussed below, this satisfies the minimum contacts analysis.

Plaintiff submitted an exhibit showing approximately 296 product shipments from LG Chem through the Port of Charleston, South Carolina, from December 2016 to February 2019. Plaintiff also demonstrated that these products are delivered to seven (7) different locations in South Carolina. This is ample evidence that LG Chem transacted business in South Carolina; contracted to supply things in South Carolina; and caused injury in South Carolina when it regularly does or solicits business, or engages in a persistent course of conduct, or derives substantial revenue from goods used or consumed in South Carolina. *See* S.C. Code Ann. § 36-5-803(A); *Moosally*, 358 S.C. at 336, 594 S.E.2d at 886 (“W.W. Norton’s continual practice of marketing and distributing books in South Carolina satisfies the power prong of the due process analysis.”); *Catalana v. Carnival Cruise Lines, Inc.*, 618 F. Supp. 18, 22 (D. Md. 1984) (“By using

the port of Baltimore as a site for regularly scheduling cruises, Carnival has purposefully availed itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.”). LG Chem participated in the economic markets of this state and derived revenue from this state. Therefore, the minimum contacts prong is satisfied.

LG Chem does not dispute that they distribute and sell various products that come through the Port of Charleston. However, they argue that because, according to them, they do not ship lithium-ion batteries through a South Carolina port that this Court does not have jurisdiction over them. Defendant concedes, however, that vehicle batteries were shipped through Charleston. Defendants are correct that both *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873 (2011) and *Bristol-Myers Squibb Co. v. Superior Ct. of Cal.*, 137 S. Ct. 1773 (2017) provide that the conduct in question in the forum state must be “related” or “connected” to the injuries. The Court finds the sale of batteries is a sufficient connection. Defendant seeks to have the Court impose a rule that unless the evidence indicates Defendant sold the particular product in question to buyers in the forum state, specific jurisdiction is not proper. The Court does not find either *J. McIntyre* or *Bristol-Myers* mandate such a narrow view of specific jurisdiction.

The exercise of personal jurisdiction is also reasonable and fair. First, LG Chem has conducted activities in South Carolina for a sufficient duration. The import records show its use of the Port for over ten years. Second, the character and circumstances of the commission of LG Chem’s acts support exercising personal jurisdiction. It consistently and repeatedly uses the Port of Charleston and receives products directly to South Carolina. Third, there is no inconvenience to the parties by conferring jurisdiction over LG Chem. LG Chem is actively litigating cases around the country involving the same type of battery at issue in this case. Fourth, South Carolina has an interest in exercising jurisdiction over LG Chem. “South Carolina has an interest in

providing redress for its citizens.” *Cribb v. Spatholt*, 382 S.C. 490, 504, 676 S.E.2d 714, 721 (Ct. App. 2009) (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 473 (1985) (“A State generally has a ‘manifest interest’ in providing its residents with a convenient forum for redressing injuries inflicted by out-of-state actors.”)). Finally, three other circuit court judges in South Carolina have examined this precise issue and determined that South Carolina has personal jurisdiction over LG Chem. (Ex. 2, Order from the Honorable Michael G. Nettles, Ex. 3, Order from the Honorable Courtney Clyburn Pope, and Ex. 4, Order from the Honorable Bentley Price). The Court has specific personal jurisdiction over LG Chem.

CONCLUSION

After reviewing all relevant cases presented by the parties, the Court is bound by *Sumatra*. Based on *Sumatra* and the additional authority cited above, the Court denies LG Chem’s motion.³

AND IT IS SO ORDERED.

Dated: _____

York, South Carolina

William A. McKinnon
Circuit Court Judge

³ Defendant also asserts the Court’s Order is inconsistent with Judge Maddox’s July 20, 2020 Order. The Court disagrees, as Judge Maddox specifically states “lack of information prevents a decision” – declining to decide is not the same as finding a lack of personal jurisdiction.



Union Common Pleas

Case Caption: Dwayne Thompson VS Lg Chem, Ltd. , defendant, et al

Case Number: 2019CP4400054

Type: Order/Dismissal

So Ordered

/s William A. McKinnon, Chief Judge for
Administrative Purposes, 16th Cir., #2761

On March 4, 2019, Plaintiff filed this action in Union County, South Carolina. The Complaint asserts causes of action for negligence, strict liability, and breach of warranty against all Defendants. As to LGA, Plaintiff alleges LGA has “continuing contacts with South Carolina by transacting substantial business in this state and manufacturing, distributing, and/or selling goods with the reasonable expectation that they will be used in this state and which are in fact used in this state.” (Cmplt. ¶ 7).

On November 2, 2020, LGA filed a renewed motion to dismiss for lack of personal jurisdiction, along with an affidavit of HyunSoo Kim, an LGA Compliance Manager. Mr. Kim states, *inter alia*, that LGA is incorporated in Delaware with its principal place of business in Georgia. (Aff. ¶5). It does not own or rent property in South Carolina. *Id.* at ¶ 6. Mr. Kim attests that LGA did not design, manufacture, distribute or sell a lithium-ion battery for use by individual consumers. *Id.* at ¶ 10.

On January 28, 2021, Plaintiff filed a memorandum in opposition to the renewed motion to dismiss, along with a South Carolina Certificate of Authority for LGA and hundreds of import records for the Port of Charleston. On September 15, 2010, LGA obtained a Certificate of Authority from the South Carolina Secretary of State that authorizes it to transact business in South Carolina. (Ex. 1). LGA maintains a registered agent in Columbia, South Carolina. *Id.* The import records show that from December 2016 to February 2019, LGA received as consignee approximately 244 product shipments from LG to the Port of Charleston in South Carolina. (Ex. 2). LGA is a wholly-owned subsidiary of LG, and LGA’s business activities for LG are “sales and trading” of its products within the United States.¹

¹ See LG Chem, Ltd. and Subsidiaries, *Consolidated Interim Financial Statements*, June 30, 2018 and 2017, http://www.lgchem.com/upload/file/audit-report/2018_2Q_ConFS_ENG.pdf at p. 10.

STANDARD

“The question of personal jurisdiction over a nonresident defendant is one which must be resolved upon the facts of each particular case. The decision of the trial court should be affirmed unless unsupported by the evidence or influenced by an error of law.” *Moosally v. W.W. Norton & Co.*, 358 S.C. 320, 327, 594 S.E.2d 878, 882 (Ct. App. 2004) (internal citation omitted). When addressing a motion to dismiss for lack of personal jurisdiction, “‘Courts will take as true the allegations of the nonmoving party and resolve all factual disputes in its favor.’ This includes any factual disputes brought up by submitted affidavits.” *Brown v. Investment Mgmt. & Research*, 323 S.C. 395, 399, 475 S.E.2d 754, 756 (1996) (quoting 5A Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1351 (Supp. 1995)).

ANALYSIS

Taking as true all allegations of Plaintiff and resolving all factual disputes in his favor, the Court finds there are sufficient minimum contacts between LGA and South Carolina to support exercising specific personal jurisdiction² over LGA.

“Specific jurisdiction over a cause of action arising from a defendant’s contacts with the state is granted pursuant to the long arm statute.” *Id.* at 491, 611 S.E.2d at 508 (citing S.C. Code Ann. § 36-2-803 (2003)). “South Carolina’s long-arm statute . . . has been construed to extend to the outer limits of the due process clause.” *Cockrell v. Hillerich & Bradsby Co.*, 363 S.C. 485, 491, 611 S.E.2d 505, 508 (2005). Therefore, “the sole question becomes whether the exercise of personal jurisdiction would violate due process.” *Id.*

“Due process requires that there exist minimum contacts between the defendant and the forum state such that maintenance of the suit does not offend traditional notions of fair play and

² Plaintiff did not dispute LGA’s argument as to general jurisdiction.

substantial justice.” *Cockrell*, 363 S.C. at 491, 611 S.E.2d at 508. “[D]ue process mandates that the defendant possess sufficient minimum contacts with the forum state, so that he could reasonably anticipate being haled into court there.” *Id.* at 491-92, 611 S.E.2d at 508. This is the “‘stream of commerce’ theory” used by South Carolina courts. *State v. NV Sumatra Tobacco Trading, Co.*, 379 S.C. 81, 89, 89 n.5, 666 S.E.2d 218, 222, 222 n.5 (2008) (“declin[ing] to embrace the ‘stream of commerce plus’ theory”).³ “It is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws.” *Moosally v. W.W. Norton & Co.*, 358 S.C. 320, 332, 594 S.E.2d 878, 884 (Ct. App. 2004).

“The court must also find that the exercise of jurisdiction is reasonable or fair.” *Cockrell*, 363 S.C. at 492, 611 S.E.2d at 508 (internal quotation marks omitted). “Under the fairness prong, the court must consider: (1) the duration of the activity of the nonresident within the state; (2) the character and circumstances of the commission of the nonresident’s acts; (3) the inconvenience resulting to the parties by conferring or refusing to confer jurisdiction over the nonresident; and (4) the State’s interest in exercising jurisdiction.” *Id.*

Initially, the Court finds Plaintiff proves personal jurisdiction based on the pretrial stage pleadings. “At the pretrial stage, the burden of proving personal jurisdiction over a nonresident is met by a prima facie showing of jurisdiction either in the complaint or in affidavits.” *Cockrell*, 363 S.C. at 491, 611 S.E.2d at 508. “There is no ‘other evidence’ requirement for personal jurisdiction where the complaint itself demonstrates jurisdiction.” *Mid-State Distributions v. Century Imps.*, 310 S.C. 330, 332, 426 S.E.2d 777, 779 (1993). Plaintiff alleges in the Complaint that LGA has

³ See also *Sheppard v. Mercedes-Benz USA, LLC*, C/A No. 2010-CP-38-1558 (Nov. 15, 2012), p. 7 (affirming South Carolina’s use of the stream of commerce theory pursuant to *Sumatra Tobacco*).

“continuing contacts with South Carolina by transacting substantial business in this state and manufacturing, distributing, and/or selling goods with the reasonable expectation that they will be used in this state and which are in fact used in this state.” (Cmplt. ¶ 7). This demonstrates specific personal jurisdiction under the long-arm statute and due process analysis by asserting sufficient minimum contacts and the fairness and expectation of being haled into court in South Carolina under the stream of commerce theory.

Alternatively, the Court also finds that, based on the evidence submitted, Plaintiff demonstrates specific personal jurisdiction. LGA possesses sufficient minimum contacts with South Carolina so that it should reasonably anticipate being haled into court here.

Under South Carolina’s long-arm statute,

A court may exercise personal jurisdiction over a person who acts directly or by an agent as to a cause of action arising from the person’s: (1) transacting any business in this State; (2) contracting to supply services or things in the State; . . . (4) causing tortious injury or death in this State by an act or omission outside this State if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this State.

S.C. Code Ann. § 36-2-803(A). LGA has a presence in South Carolina in the form of being registered to transact business here, having a registered process agent here, continuously and regularly using a State port to conduct its business activities, and deriving revenue from South Carolina. Plaintiff points to LGA’s Certificate of Authority to transact business as evidence that supports the exercise of personal jurisdiction. The Court agrees. Section 33-15-101 of the South Carolina Code lists 13 categories of activities that are **not** considered transacting business in South Carolina. S.C. Code Ann. § 33-15-101. LGA’s decision to obtain a Certificate of Authority demonstrates that its activities in South Carolina are more substantial than those listed in § 33-15-101. Further, by obtaining a Certificate of Authority, LGA agreed at a minimum to the jurisdiction of the South Carolina Department of Revenue and our Courts to determine its South Carolina tax

liability. S.C. Code Ann. § 33-15-105(d). Along with the evidence of LGA's activities and conduct discussed below, this satisfies the minimum contacts analysis.

Plaintiff submitted an exhibit showing approximately 244 product shipments from LG to LGA as consignee through the Port of Charleston, South Carolina, from December 2016 to February 2019. This is ample evidence that LGA transacted business in South Carolina; contracted to supply things in South Carolina; and caused injury in South Carolina when it regularly does or solicits business, or engages in a persistent course of conduct, or derives substantial revenue from goods used or consumed in South Carolina. *See* S.C. Code Ann. § 36-5-803(A); *Moosally*, 358 S.C. at 336, 594 S.E.2d at 886 (“W.W. Norton’s continual practice of marketing and distributing books in South Carolina satisfies the power prong of the due process analysis.”); *Catalana v. Carnival Cruise Lines, Inc.*, 618 F. Supp. 18, 22 (D. Md. 1984) (“By using the port of Baltimore as a site for regularly scheduling cruises, Carnival has purposefully availed itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.”). LGA participated in the economic markets of this state and derived revenue from this state. Therefore, the minimum contacts prong is satisfied and it should come as no surprise to LGA that the subject battery ended up in South Carolina and injured a South Carolina citizen.

The exercise of personal jurisdiction is also reasonable and fair. First, LGA has conducted activities in South Carolina for a sufficient duration. It obtained a Certificate of Authority to transact business in South Carolina over ten years ago and the import records show its use of the Port for over ten years. Second, the character and circumstances of the commission of LGA's acts support exercising personal jurisdiction. It consistently and repeatedly uses the Port of Charleston and receives products directly to South Carolina. Third, there is no inconvenience to the parties by conferring jurisdiction over LGA. It is a U.S. corporation with a Certificate of Authority and

registered agent in South Carolina. Fourth, South Carolina has an interest in exercising jurisdiction over LGA. “South Carolina has an interest in providing redress for its citizens.” *Cribb v. Spatholt*, 382 S.C. 490, 504, 676 S.E.2d 714, 721 (Ct. App. 2009) (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 473 (1985) (“A State generally has a ‘manifest interest’ in providing its residents with a convenient forum for redressing injuries inflicted by out-of-state actors.”)). Finally, four other circuit court judges in South Carolina have examined this precise issue and determined that South Carolina has personal jurisdiction over LGA. (Ex. 3, Order from the Honorable Michael G. Nettles, Ex. 4, Order from the Honorable Courtney Clyburn Pope, Ex. 5, Order from the Honorable Perry M. Buckner, III, and Ex. 6, Order from the Honorable Bentley Price). The Court has specific personal jurisdiction over LGA.

CONCLUSION

After reviewing all relevant cases presented by the parties, the Court is bound by *Sumatra*. Based on *Sumatra* and the additional authority cited above, the Court denies LGA’s motion.⁴

AND IT IS SO ORDERED.

Dated: _____

York, South Carolina

William A. McKinnon
Circuit Court Judge

⁴ Defendant also asserts the Court’s Order is inconsistent with Judge Maddox’s July 20, 2020 Order. The Court disagrees, as Judge Maddox specifically states “lack of information prevents a decision” – declining to decide is not the same as finding a lack of personal jurisdiction.



Union Common Pleas

Case Caption: Dwayne Thompson VS Lg Chem, Ltd. , defendant, et al

Case Number: 2019CP4400054

Type: Order/Dismissal

So Ordered

/s William A. McKinnon, Chief Judge for
Administrative Purposes, 16th Cir., #2761

Dwayne Thompson
PLAINTIFF(S)

Lg Chem, Ltd. et al
DEFENDANT(S)

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

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:

Defendants' Motions to Reconsider the Court's March 19, 2021 orders are denied, for the reasons stated by the Court in its prior orders.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/21/2021 .

Rolling Fog Vapor Company, Llc

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Union Common Pleas

Case Caption: Dwayne Thompson VS Lg Chem, Ltd. , defendant, et al

Case Number: 2019CP4400054

Type: Order/Electronic Form 4

So Ordered

/s William A. McKinnon, Chief Judge for
Administrative Purposes, 16th Cir., #2761