

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)
)
 David Wilson, individually and on behalf of)
 Carolina Custom Converting, LLC,)
)
 Plaintiff,)
)
 v.)
)
 John Gandis, Andrea Comeau-Shirley, ZOi)
 Films, LLC, and Carolina Custom)
 Converting, LLC,)
)
 Defendants.)
)
 v.)
)
 Carolina Custom Converting, LLC,)
)
 Counterclaim Plaintiff,)
)
 v.)
)
 David Wilson, Steve Norvell, Neologic)
 Distribution, Inc., and Fresh Water Systems,)
 Inc.)
)
 Counterclaim Defendants.)
)

IN THE COURT OF COMMON PLEAS
 Civil Action No. 2012-CP-23-02887

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Jul 15 2021
 SC Court of Appeals

ORDER

This matter comes before the Court on Defendant Carolina Custom Converting, LLC’s (hereinafter “CCC”) motion to reconsider this Court’s order dated May 4, 2021 determining Plaintiff is entitled to accrued statutory post-judgment interest on the January 9, 2015 judgment. A hearing was held June 8, 2021.

For the reasons stated in the May 4, 2021 order, the Court denies this motion. In the May 4, 2021 order, the Court construed South Carolina Code Section 34-31-20 consistent with the plain meaning of the statute and S.C. Supreme Court precedent. Plaintiff is entitled to statutory post-judgment interest accruing from January 9, 2015 until the judgment is fully paid.

However, Defendant did raise additional arguments: Defendant argues that the post-judgment interest should have ceased accruing upon the date of the remittitur (June 26, 2020) because the Supreme Court provided CCC a reasonable time to pay the judgment before the obligation reverting to Defendants John Gandis and Andrea Comeau-Shirley. However, the Supreme Court's order does not provide for any such suspension of the accrual of post-judgment interest under S.C. Code Section 34-31-20. Statutory post-judgment interest accrues from the date of the entry of the judgment until the judgment is fully paid. The May 4, 2021 order accurately establishes the amount of accrued interest as of May 4, 2021.

Notwithstanding the above, CCC filed a "SUPPLEMENTAL Rule 59 (c) Motion" on June 10, 2021. To the extent the court has jurisdiction and authority to hear the issues raised in this motion, which the court does not believe it does, the same would be denied. The substance of the argument is that by posting an appeal bond, interest on a judgment no longer accrues. An appeal bond suspends enforcement of a judgment but does not, in the court's opinion, suspend accruing of statutory interest.

IT IS ORDERED.

JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW



Greenville Common Pleas

Case Caption: David Wilson , plaintiff, et al vs. John Gandis , defendant, et al

Case Number: 2012CP2302887

Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)