

**RECEIVED**  
**Jul 29 2021**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Courtney Clyburn-Pope, Circuit Court Judge

---

Appellate Case No.: 2020-001453

---

Stephan Shugart,.....Appellant,

v.

Historic Hospitality, LLC, Shah Investments, LLC,  
and Southern Hotel Properties, LLC,.....Respondents.

---

**MOTION TO DISMISS HISTORIC  
HOSPITALITY, LLC FROM APPEAL**

---

Historic Hospitality, LLC, (“Historic”) erroneously listed as a Respondent, respectfully moves pursuant to Rule 240, SCACR, for an Order dismissing it from this appeal. Historic bases this motion on the following specific grounds:

1. On March 12, 2020, the Honorable Michael G. Nettles entered an Order Granting Summary Judgment As To Defendant Historic Hospitality, LLC. A copy of that Order is attached as an exhibit to this motion. The basis for Judge Nettles’ ruling was the fact, established via a valid affidavit, that Historic was not incorporated and did not exist as an entity until February 2017 –

some five months *after* the incident giving rise to this case. For that reason, Judge Nettles concluded Historic was not a proper party to the case.

2. The Appellant Stephan Shugart did not appeal Judge Nettles' Order within thirty days of receiving written notice of its entry.

3. In fact, Shugart has *never* appealed Judge Nettles' Order. In the Notice of Appeal that commenced the current proceedings, Shugart references *only* a later Order, filed on September 29, 2020, by a different judge, that granted summary judgment to Shah Investments, LLC. There is no mention of Judge Nettles' previous Order.

4. In addition, Shugart's Initial Appellant's Brief does not contain any reference to, or arguments concerning, Historic. The only time Historic's name appears is in the case caption.

For these reasons, Historic requests that the Court dismiss Historic as a party to this appeal.

Respectfully submitted,

s/ R. Hawthorne Barrett

R. Hawthorne Barrett (SC Bar #16973)

Turner Padgett Graham & Laney, P.A.

P.O. Box 1473

Columbia, SC 29202

(803) 227-4219

[tbarrett@turnerpadgett.com](mailto:tbarrett@turnerpadgett.com)

Attorney for the Respondents Shah

Investments, LLC and Historic Hospitality, LLC

July 29, 2021

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF AIKEN	)	Docket No.: 2019-CP-02-02426
	)	
STEPHEN SHUGART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
HISTORIC HOSPITALITY, LLC, SHAH	)	<b>ORDER GRANTING SUMMARY</b>
INVESTMENTS, LLC, SHAH	)	<b>JUDGMENT AS TO DEFENDANT</b>
ENTERPRISES, LLC, AND	)	<b>HISTORIC HOSPITALITY, LLC</b>
SOUTHERN HOTEL PROPERTIES,	)))	
LLC,		
Defendant.		

---

This matter comes before the Court upon Defendant Historic Hospitality LLC's (hereinafter "Historic") Motion for Summary Judgment. As set forth below, the motion is granted.

1. The alleged accident giving rise to this action occurred on the property of the Hotel Aiken on or about September 29, 2016.
2. On the date of the alleged accident, Shah Investments, LLC, a named defendant to this suit, owned and was doing business as the Hotel Aiken.
3. Historic was not incorporated until February 2017, and did not exist on the date Plaintiff allegedly sustained injuries at the Hotel Aiken.  
Therefore, Historic is an improper party to this lawsuit.
4. This motion was supported by the Affidavit of Ramesh Shah, registered agent of Historic.

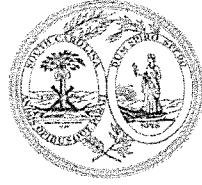
Based upon the foregoing and after careful consideration of the record before the Court and applicable law, this Court concludes that Historic is entitled to summary judgment, and it is hereby

ORDERED, that summary judgment be entered in its favor.

---

The Honorable Michael Nettles

Aiken, South Carolina  
March \_\_\_\_\_, 2020



Aiken Common Pleas

**Case Caption:** Stephan Shugart VS Historic Hospitality Llc , defendant, et al  
**Case Number:** 2019CP0202426  
**Type:** Order/Summary Judgment

So Ordered

s/ The Honorable Michael G. Nettles #2140

RECEIVED

Jul 29 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Courtney Clyburn-Pope, Circuit Court Judge

---

Appellate Case No.: 2020-001453

---

Stephan Shugart,.....Appellant,

v.

Historic Hospitality, LLC, Shah Investments, LLC,  
and Southern Hotel Properties, LLC,.....Respondents.

---

**PROOF OF SERVICE**

---

The undersigned, an attorney in this matter for the Respondents Shah Investments, LLC and Historic Hospitality, LLC, certifies that I have this **29<sup>th</sup> day of July, 2021**, served a copy of the **Motion to Dismiss Historic Hospitality, LLC From Appeal** upon the *pro se* Appellant by causing it to be placed in the United States mail, with sufficient postage attached, addressed to: Stephan Shugart; 546 Gates Court; Philadelphia, PA 19128.

s/ R. Hawthorne Barrett

R. Hawthorne Barrett (SC Bar #16973)

Turner Padget Graham & Laney, P.A.

P.O. Box 1473

Columbia, SC 29202

(803) 227-4219

tbarrett@turnerpadget.com

Attorney for the Respondents Shah  
Investments, LLC and Historic Hospitality, LLC

July 29, 2021