

STATE OF SOUTH CAROLINA  
County of: **ANDERSON**

IN THE COURT OF COMMON PLEAS  
Case #: 2020-CP-04-02439

U.S. Foods, Inc., )

Plaintiff, )

vs. )

Carlees Restaurant LLC )  
and Ghassan Ashy, )

Defendants. )

ORDER STRIKING ANSWER OF  
CARLEE'S RESTAURANT LLC  
AND FOR JUDGMENT

**RECEIVED**

OCT 20 2021

SC Court of Appeals

This matter came before me pursuant to a Motion to Strike Defendant's Answer and For Default and Default Judgment filed by the Plaintiff. Present at the hearing was Cynthia M. Lover, Attorney for the Plaintiff, William N. Epps, III, Attorney for the Defendants, and Ghassan Ashy.

Plaintiff's basis for its motion is South Carolina case law which holds that in legal matters, artificial entities must act through licensed attorneys. Travelers Ins. Co. v. Roof Doctor, Inc., 481 S.E.2d 451, 325 S.C. 614 (S.C. App., 1997), citing State v. Wells, 191 S.C. at 468, 480, 5 S.E. 2d 181, 186 (1939), and the Defendant Carlee's Restaurant LLC is a limited liability company, which is an artificial entity, and therefore the Answer filed on behalf of Carlee's Restaurant LLC by Ghassan Ashy, who is not an attorney, should be stricken, with the result being that said Defendant is in default, entitling the Plaintiff to an Order for Default Judgment.

Based on the pleadings and law cited by the Plaintiff in its motion, as well as counsel's arguments at the hearing, I make the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. The Plaintiff is a Delaware corporation registered with the South Carolina Secretary of State.

2. Defendant Carlee's Restaurant LLC is a dissolved South Carolina limited liability company formerly conducting business in Anderson County, South Carolina.
3. Ghassan Ashy, registered agent for Carlees Restaurant LLC, with the Summons and Complaint on March 18, 2021. Mr. Ashy consulted attorney Chuck Anderson who requested of the Plaintiff, and was granted, a fifteen day extension of time. Ultimately, Mr. Ashy did not retain attorney Anderson, and on May 4, 2021, Mr. Ashy filed an Answer on behalf of Carlee's Restaurant LLC.
4. Ghassan Ashy is not an attorney licensed to practice law in South Carolina.
5. On May 10, 2021, Plaintiff's attorney mailed Mr. Ashy a letter advising him of the legal requirement that corporations be represented in Common Pleas actions by an attorney, and granted him an additional fifteen days in which to retain one.
6. No Notice of Appearance was filed, and on July 2, 2021, Plaintiff filed the Motion to Strike Defendant's Answer and for Default and Default Judgment. A copy was mailed to Mr. Ashy on July 9, 2021.
7. On July 29, 2021, Plaintiff's attorney notified Ghassan Ashy via certified mail that Plaintiff's Motion to Strike the Answer of Defendant Carlee's Restaurant LLC was scheduled to be heard on August 25, 2021.
8. On August 10, 2021, a Notice of Appearance was filed by William N. Epps, III..

### CONCLUSIONS OF LAW

1. This court has subject matter jurisdiction to hear this case and personal jurisdiction over the Defendant, venue is established, and this matter is properly before the court.

2. The Defendant limited liability company was not represented by an attorney at the time it filed its Answer or at the time Plaintiff filed its Motion to Strike Defendant's Answer and For Default and Default Judgment.

3. A non-attorney is prohibited from representing an artificial entity, such as a corporation, in Common Pleas court. Traveler's Insurance Company, v. The Roof Doctor, 481 S.E.2d 451, 325 S.C. 614 (S.C. App. 1997).

4. The Answer submitted on behalf of the Defendant liability company by Ghassan Ashy, a non-attorney, is stricken as null and void.

**AND IT IS SO ORDERED.**

**JUDGE'S SIGNATURE PAGE TO FOLLOW**