



The South Carolina Court of Appeals

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February 28, 2022

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Ronald I. Paul v. SCDOT
Lower Court Case No. 2018CP4005641
Appellate Case No. 2019-001224

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen

CLERK

Enclosure

cc: Ronald I. Paul
Andrew F. Lindemann, Esquire
John Charles Ormond, Jr., Esquire
B. Michael Brackett, Esquire
Michael H. Quinn, Esquire



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Columbia SC 29223

Michael H. Quinn, Esquire
Quinn Law Firm, LLC
164 Gregg Parkway
Columbia SC 29206

Re: Ronald I. Paul v. SCDOT
Appellate Case No. 2019-001224

Dear Counsel and Mr. Paul:

Enclosed is the decision of the Court. The remittitur will be sent as provided by

Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: The Honorable L. Casey Manning

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Ronald I. Paul, Appellant,

v.

South Carolina Department of Transportation; Paul D. de
Holczer, individually and as a partner of the law firm of
Moses, Koon & Brackett, PC; Michael H. Quinn,
individually and as senior lawyer of Quinn Law Firm,
LLC; J. Charles Ormond, Jr., individually and as a
partner of the Law Firm of Holler, Dennis, Corbett,
Ormond, Plante & Garner; Oscar K. Rucker, in his
individual capacity as Director, Rights of Way South
Carolina Department of Transportation; Macie M.
Gresham, in her individual capacity as Eastern Region
Right of Way Program Manager South Carolina
Department of Transportation; Natalie J. Moore, in her
individual capacity as Assistant Chief Counsel, South
Carolina Department of Transportation, Defendants,

Of whom Oscar K. Rucker, in his individual capacity as
Director, Rights of Way South Carolina Department of
Transportation, and Macie M. Gresham, in her individual
capacity as Eastern Region Right of Way Program
Manager South Carolina Department of Transportation
are the Respondents.

Appellate Case No. 2019-001224

Appeal From Richland County
L. Casey Manning, Circuit Court Judge

AFFIRMED

Ronald I. Paul, of Columbia, pro se.

Andrew F. Lindemann, of Lindemann & Davis, P.A., of
Columbia, for Respondents.

PER CURIAM: Ronald Paul appeals the circuit court's denial of his motion for default judgment and grant of Oscar Rucker and Macie Gresham's motion to dismiss for lack of personal jurisdiction. Paul argues the circuit court abused its discretion by (1) finding he ineffectively served Rucker and Gresham, (2) refusing to enter default, and (3) denying his Rule 59(e), SCRCF, motion and request for a continuance to conduct further discovery. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. The circuit court properly found it lacked personal jurisdiction because Paul ineffectively served Rucker and Gresham. *See Graham L. Firm, P.A. v. Makawi*, 396 S.C. 290, 294-95, 721 S.E.2d 430, 432 (2012) ("The [circuit] court's findings of fact regarding validity of service of process are reviewed under an abuse of discretion standard."); *BB & T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006) ("A court generally obtains personal jurisdiction by the service of a summons."); Rule 4(d)(8), SCRCF ("Service of a summons and complaint upon a defendant . . . may be made by the plaintiff or by any person authorized to serve process pursuant to Rule 4(c), [SCRCF,] . . . by registered or certified mail, return receipt requested and delivery restricted to the addressee."); *Roche v. Young Bros. of Florence*, 318 S.C. 207, 211, 456 S.E.2d 897, 900 (1995) ("Under Rule 4(d)(8) the defendant, not the plaintiff, must prove that the receipt was signed by an unauthorized person. The plaintiff need only show compliance with the rules."); *Moore v. Simpson*, 322 S.C. 518, 523, 473 S.E.2d 64, 67 (Ct. App. 1996) ("Claims by one to possess authority to receive process or actual acceptance of process by an alleged agent will not necessarily bind the defendant. Rather, there must be evidence the defendant intended to confer such authority."). The evidence in the record reflects Paul did not serve Gresham in compliance with Rule 4(d)(8),

SCRCP, because delivery was not restricted to Gresham. As for Rucker, the evidence in the record supports the circuit court's finding that Rucker did not authorize the South Carolina Department of Transportation or any of its employees to accept service of process on his behalf.

2. The circuit court properly set aside any judgment of default against Rucker and Gresham. *See* Rule 4(d)(8) ("Any such default or judgment by default shall be set aside pursuant to Rule 55(c)[, SCRCP,] or Rule 60(b)[, SCRCP,] if the defendant demonstrates to the court that the return receipt was signed by an unauthorized person."); Rule 55(c) (allowing a court to set aside a default judgment in accordance with Rule 60(b), SCRCP); Rule 60(b)(4) ("On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment . . . [if] the judgment is void . . ."); *Taylor*, 369 S.C. at 551, 633 S.E.2d at 503 ("A judgment is void if a court acts without personal jurisdiction.").

3. The circuit court properly denied Paul's Rule 59(e), SCRCP, motion, because it correctly found it lacked personal jurisdiction and properly refused Paul's request for a continuance to conduct additional discovery. *See Sullivan v. Hawker Beechcraft Corp.*, 397 S.C. 143, 151, 723 S.E.2d 835, 839-40 (Ct. App. 2011) ("[W]here a plaintiff's claim of personal jurisdiction appears to be both attenuated and based on bare allegations in the face of specific denials made by defendants, the court need not permit even limited discovery confined to issues of personal jurisdiction if it will be a fishing expedition.") (quoting *Rich v. KIS Cal., Inc.*, 121 F.R.D. 254, 259 (M.D.N.C. 1988)); *State v. McMillian*, 349 S.C. 17, 21, 561 S.E.2d 602, 604 (2002) ("Reversals of refusal of a continuance are about as rare as the proverbial hens' teeth.").

AFFIRMED.¹

THOMAS, GEATHERS, and VINSON, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.