

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, CHARLESTON DIVISION

Larry Anthony Mercado v. Vannadium, Inc.; Richard Gilchrist; and
Rosemarie Savino

Mercado · No. 2:25-cv-12724-RMG · Decided December 30, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s report and recommendation concerning removal, remand, and personal jurisdiction. The court denied the plaintiff’s motion to remand, granted the defendants’ motion to dismiss, and dismissed the action for lack of personal jurisdiction over the defendants.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
WRITING FOR THE COURT	Richard Mark Gergel
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	December 30, 2025
DOCKET	2:25-cv-12724-RMG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-court action to state court, and defendants moved to dismiss for lack of personal jurisdiction. The court reviewed and adopted the magistrate judge's Report and Recommendation after plaintiff filed no objections.
STANDARD OF REVIEW	In the absence of specific objections to the Report and Recommendation, clear-error review applies. Specific objections would require de novo review of the challenged portions under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Larry Anthony Mercado v. Vannadium, Inc., Richard Gilchrist, Rosemarie Savino

TOPICS

personal jurisdiction

subject matter jurisdiction

motions to dismiss

civil procedure

PRACTICE AREAS

civil procedure

personal jurisdiction

removal and remand

diversity jurisdiction

QUESTIONS PRESENTED

1. Whether the amount in controversy satisfied the \$75,000 threshold for diversity jurisdiction and therefore defeated plaintiff's motion to remand.
2. Whether defendants were subject to general or specific personal jurisdiction in South Carolina.
3. Whether plaintiff was entitled to jurisdictional discovery before resolution of defendants' motion to dismiss.

HOLDINGS

1. The amount in controversy exceeded \$75,000 when plaintiff's claims for back wages, expenses, and equitable relief were combined; therefore, remand to state court was unwarranted.
2. South Carolina lacked general and specific personal jurisdiction over defendants because defendants had no sufficient general contacts with the state and did not purposefully direct their activities at South Carolina beyond contracting with a person who happened to reside there.
3. Jurisdictional discovery was properly denied because it was not likely to produce facts sufficient to defeat the motion to dismiss for lack of personal jurisdiction.

KEY QUOTATIONS

“South Carolina was merely incidental to [Plaintiff's] working relationship with Defendants . . .” (at 2)

“the undersigned cannot find that Defendants purposefully directed their activities at South Carolina such that exercise of jurisdiction would comport with due process.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a South Carolina resident, sued Vannadium, Inc., a Delaware corporation with its principal place of business in Virginia, and two Virginia residents. He alleged that defendants owed him \$55,000 in back pay, \$5,401.14 in business-development and investor-relations expenses, and \$25,000 in equitable relief. Plaintiff's work with potential investors was worldwide, and the court found that South Carolina was merely incidental to the working relationship.

PROCEDURAL HISTORY

Mercado filed state-law claims in state court seeking back pay, expenses, and equitable relief. Defendants removed the action to federal court based on diversity jurisdiction. The magistrate judge recommended denying remand and granting dismissal for lack of personal jurisdiction; Mercado filed no objections, and the district

court adopted the relevant portions of the recommendation, denied remand, granted dismissal, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Cruz v. Beto, 405 U.S. 319 (1972)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Weller v. Department of Social Services, 901 F.2d 387 (4th Cir. 1990)

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