

**RECEIVED**

**Jun 24 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Alex Kinlaw, Jr., Circuit Court Judge

Appellate Case No. 2022-000673  
Case No. 2021-CP-23-03414

Richard A. Gorman . . . . . Respondent,

v.

John C. Monarch . . . . . Appellant.

**RESPONDENT’S RETURN TO APPELLANT’S PETITION  
TO HOLD APPELLATE PROCEEDINGS IN ABEYANCE**

Sarah M. Larabee  
S.C. Bar No. 105298  
Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison, Radeker & Smith, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
sarah@harrisonfirm.com  
drew@harrisonfirm.com

David L. Moore, Jr.  
S.C. Bar No. 4050  
Turner Padget Graham & Laney, P.A.  
Post Office Box 1509  
Greenville, SC 29602  
(864) 552-4600  
dmoore@turnerpadget.com

ATTORNEYS FOR RESPONDENT

Pursuant to Rule 240(e), SCACR, Respondent hereby submits his return to Appellant's Petition to Hold Appellate Proceedings in Abeyance, requesting a denial of the same herein.

The orders serving as the basis for Appellant's (improper) Notice of Appeal and subsequent Petition for Rehearing are the March 28, 2022, and April 27, 2022, orders. These orders compelled Appellant to produce in discovery electronic devices that he had already agreed in a consent order to produce. Regardless of whether the second entry of what is the same order is a ruling on Appellant's motion to reconsider or just the re-entry by clerical error of the same order, the order at issue still concerns an interlocutory matter which is not immediately appealable. S.C. Code Ann. § 14-3-300; Rule 72, SCRPC; *Patterson v. Spector Broadcasting Corp.*, 287 S.C. 249, 335 S.E.2d 803 (1985); 4 Am.Jur.2d, Appeal and Error, §§ 79-80. This court has already ruled that the appealed order is not appealable. An order on Appellant's motion to reconsider would also not be appealable., as it would concern the same interlocutory matter.

This is an attempt to appeal a decision that ruled Appellant *must* turn over for examination by Respondent objects that a previous consent order, agreed upon and signed by Appellant's counsel, stated he would turn over *with no restrictions whatsoever*. Exh. A, August 21, 2020, Consent Order. There is no substantial right or procedural ambiguity. Rather, this is about whether Appellant must abide by the terms of an order to which he explicitly consented. The March 28, 2022, and April 27, 2022, orders already grant Appellant more protections than he was ever entitled to receive under the consent order. That he complains about them is baffling.

Accordingly, just as should Appellant's petition for rehearing, Appellant's petition to hold appellate proceedings in abeyance should be denied. Indeed, the appellate proceedings have essentially been concluded already. The appeal has been dismissed. All that remains pending is Appellant's petition for rehearing and his motion to prevent the court from ruling on it right now.

Respectfully submitted,

**/s/ Sarah M. Larabee**

Sarah M. Larabee  
S.C. Bar No. 105298  
Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison, Radeker & Smith, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
sarah@harrisonfirm.com  
drew@harrisonfirm.com

David L. Moore, Jr.  
S.C. Bar No. 4050  
Turner Padget Graham & Laney, P.A.  
Post Office Box 1509  
Greenville, SC 29602  
(864) 552-4600  
dmoore@turnerpadget.com  
ATTORNEYS FOR RESPONDENT

June 24, 2022

**STATE OF SOUTH CAROLINA**  
**COUNTY OF GREENVILLE**

**IN THE COURT OF COMMON PLEAS**  
**CASE NO. 2014-CP-23-04432**

**Richard A. Gorman,**

**Plaintiff,**  
vs.

**John C. Monarch; Direct Outbound  
Services, LLC; and ShipChain, Inc.,**

**Defendants.**

**CONSENT ORDER RESOLVING  
MOTIONS TO COMPEL  
BETWEEN PLAINTIFF AND  
DEFENDANTS MONARCH AND  
DIRECT OUTBOUND**

This matter comes before me on motions to compel discovery brought by the Plaintiff and by Defendants Monarch and Direct Outbound in the above-captioned action. Per the consent of the parties, the court essentially grants both motions, as outlined below.

- 1) As to the Plaintiff's motion to compel discovery, Defendant Monarch has served supplemental responses to the Plaintiff's first set of interrogatories and requests to produce but not to Interrogatories the Plaintiff's supplemental interrogatories and requests to produce. Defendant Monarch previously served only objections to many of Plaintiff's supplemental interrogatories and requests to produce. Defendant Monarch is hereby ordered as follows:
  - a. With regard to Interrogatories 11, 12, and 13 of Plaintiff's supplemental interrogatories to Defendant Monarch and Request 9 of Plaintiff's supplemental requests to Defendant Monarch to produce, the Plaintiff may serve these interrogatories and requests in revised form, limiting them to specific date ranges and subject matter tailored more narrowly to time frames and matters at issue in this case, and Defendant Monarch shall serve responses to these revised discovery requests within 14 days of the revised requests' service.

- b. Defendant Monarch shall serve responses to the Plaintiff's other supplemental interrogatories and requests to produce, including production of documents and items within Defendant Monarch's custody or control.
  - c. While the responses may be made subject to objections, the responses shall substantively answer the Plaintiff's supplemental interrogatories and requests to produce.
  - d. With regard to requests to produce seeking the production of electronic devices, Defendant Monarch may initially comply with the requests by providing a list of such devices. The parties are ordered to cooperate concerning the expeditious provision of such devices from the list as the Plaintiff may select for examination by the Plaintiff or such persons as he may choose.
- 2) As to Defendant Monarch's motion to compel discovery, the Plaintiff shall serve supplemental responses to Defendant Monarch's interrogatories and requests to produce, which may not include any objection based on Defendant Monarch being or purportedly being in default in this action.
  - 3) All discovery responses ordered to be served by this order shall be served electronically and expeditiously, but in no event later than September 10, 2020. After that date, the parties shall expeditiously supplement their existing responses with any information or documents they obtain following that date.
  - 4) The parties shall cooperate with the scheduling and taking of depositions during the remaining pendency of this case.
  - 5) In the event of any dispute concerning any party's compliance with this order or other future discovery dispute, the undersigned judge may rule on such dispute on written submissions by the parties and without a formal motion or a hearing.

- 6) The court does not order any sanctions or attorneys' fees and costs in connection with these motions but may do so, if warranted, with regard to any future dispute concerning any party's compliance with this order or other future discovery dispute.

And IT IS SO ORDERED.

The Honorable Alex Kinlaw, Jr.  
Circuit Judge

WE SO CONSENT:

/s/ Andrew S. Radeker  
Andrew S. Radeker  
S.C. Bar No. 73743  
HARRISON, RADEKER & SMITH, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
drew@harrisonfirm.com (email)

David L. Moore Jr.  
S.C. Bar No. 1509  
TURNER PADGET GRAHAM & LANEY, P.A.  
E-mail: dmoore@turnerpadget.com  
Post Office Box 1509  
Greenville, South Carolina 29602  
Telephone: (864) 552-4600  
Fax: (864) 552-462

ATTORNEYS FOR PLAINTIFF

/s/ Christopher T. Brumback  
Christopher T. Brumback  
S.C. Bar No. 75410  
Spencer D. Langley  
S.C. Bar No. 77686  
John H. Scully  
S.C. Bar No. 100744  
BRUMBACK & LANGLEY, LLC  
1 Augusta Street, Suite 301-D  
Greenville, South Carolina 29601  
(864) 414-9097 (Phone)  
(866) 728-1205 (Fax)

Doc Morgan, Jr.  
S.C. Bar No. 4084  
MCANGUS GOUDELOCK & COURIE, L.L.C.  
Post Office Box 2980  
55 East Camperdown Way, Suite 300 (29601)  
Greenville, South Carolina 29602  
Telephone: (864) 239-4000  
Facsimile: (864) 242-3199  
dmorgan@mgclaw.com

ATTORNEYS FOR DEFENDANTS MONARCH AND DIRECT OUTBOUND



Greenville Common Pleas

**Case Caption:** Richard A Gorman vs. John C Monarch , defendant, et al

**Case Number:** 2014CP2304432

**Type:** Order/Consent Order

So Ordered

s/Alex Kinlaw, Jr., #2763