

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

RECEIVED

CASE NUMBER: 2021-CP-40-02667

Roselyn Wise

SEP 16 2022 Eric Chalmers Poston

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk:

This matter comes before the Court on an Appeal filed by Appellant Roselyn Wise and a Motion to Dismiss filed by Defendant/Respondent Daniel Plyler. A hearing on the Appeal and the Motion to Dismiss was held on Friday, May 20th in Richland County, South Carolina. Appellant, appearing Pro Se, and Defendant/Respondent Plyler, represented by Shannon Peake, were present. Neither Respondent Poston nor counsel representing him were present at the hearing.

After consideration of the appeal, arguments by the parties, and the evidence before this Court, I find that Defendant/Respondent Plyler was not a party to the litigation below and therefore cannot be added as a party to this appeal. Further, Defendant/Respondent Plyler is entitled to quasi-judicial immunity for his role as the assigned member completing the initial investigation and his recommendation in this fee dispute. Therefore, Defendant/Respondent's Motion to Dismiss is, hereby, **GRANTED.**

Additionally, after due deliberation, I find there to be no errors of the Resolutions of Fee Disputes Board. Rule 416(20)(f)(1-5) of the South Carolina Appellate Court Rules specifies that the court may only vacate a final decision of the Board where (1) the decision was procured by corruption, fraud, or other undue means; (2) there was evident partiality or corruption in an assigned member or hearing panel member, or misconduct prejudicing the rights of any party; (3) the assigned member or hearing panel members exceeded their powers; (4) the hearing panel

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members refused to postpone the hearing, if any, upon sufficient cause being shown there, or the assigned member or hearing panel members refused to hear evidence material to the controversy, or otherwise conducted the proceeding so as the substantially prejudice the rights of a party; or (5) the hearing panel chair did not provide notice of the hearing as required under Rule 15. The Court finds that none of above reasons for vacating apply to the fee dispute currently before this Court. Therefore, vacating the decision of the Resolution of Fee Disputes Board is not proper in this matter and the decision is, hereby, **AFFIRMED**.

IT IS SO ORDERED.

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20 _____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____



Richland Common Pleas

Case Caption: Roselyn Wise VS Eric Chalmers Poston
Case Number: 2021CP4002667
Type: Order/Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161

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