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SC Court of Appeals

Exhibit “C”

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

Renee S. Beach, as Personal Representative of
the Estate of Mallory Beach,

Plaintiff,

v.

Gregory M. Parker, Inc. d/b/a Parker's
Corporation, Richard Alexander Murdaugh,
Richard Alexander Murdaugh, Jr., John
Marvin Murdaugh, as P.R. of the Estate of
Margaret Kennedy Branstetter Murdaugh, and
Randolph Murdaugh, IV, as P.R. of the Estate
of Paul Terry Murdaugh,

Defendants.

IN THE COURT OF COMMON PLEAS

14th JUDICIAL CIRCUIT

Civil Action No. 2019-CP-25-00111

**ORDER
GRANTING
PARKER'S MOTION TO SEVER**

This matter came before the Court on September 1, 2022 upon defendant Gregory M. Parker, Inc. d/b/a Parker's Corporation ("Parker's") Motion to Sever filed on August 19, 2022 pursuant to Rules 20(b) and 42(b) of the South Carolina Rules of Civil Procedure. In response, Plaintiff filed a Memorandum in Opposition on August 30, 2022, and a hearing was held by me on September 1, 2022. Having considered the Motion, the record, the law, and the arguments of counsel, the Court hereby grants defendant Parker's Motion to Sever for the reasons set forth herein below.

Procedural & Factual Background

Plaintiff filed a Summons and Complaint on March 29, 2019 in Hampton County against several defendants, including Parker's, Richard Alexander Murdaugh ("Alex Murdaugh"), Richard Alexander Murdaugh, Jr. ("Buster"), and others following a boat accident which occurred on February 24, 2019 that caused the death of Mallory Beach. Plaintiff amended her Complaint

several times, and eventually included as defendants the Estate of Paul Terry Murdaugh (“Paul”) and the Estate of Margaret Kennedy Branstetter Murdaugh (“Maggie”).

On June 7, 2021, defendants Maggie Murdaugh and Paul Murdaugh were tragically killed on their property in Colleton County. On July 14, 2022, defendant Alex Murdaugh was indicted for allegedly murdering his wife Maggie and his son Paul. Alex Murdaugh also has been indicted on multiple other charges, including money laundering, insurance fraud, theft, computer crimes, obstruction of justice, and others.

As a result of the indictments for murder filed against him, Alex Murdaugh’s attorneys, in this action, filed on August 5, 2022 a Motion to Stay Discovery and Continue Trial, which trial had been set to begin in Hampton County starting on October 3, 2022. A hearing on the Motion to Stay Discovery and Continue Trial was held by the Court on August 10, 2022 during which the Court granted the Motion to Continue Trial. The continuance was granted due to significant events that had not yet occurred when this case was set for trial beginning on October 3, 2022. These significant events included the fact that John H. Tiller, counsel for each of the Murdaughs (Alex, Maggie, Buster and Paul), unfortunately passed away on May 31, 2022; the fact that Alex Murdaugh was indicted for the alleged murders of two codefendants in this action, Maggie and Paul; and the fact that different attorneys were retained by and filed notices of appearances for Alex, Maggie and Paul following these events. This Court ruled that based on the above circumstances, trial should not go forward on October 3, 2022, particularly with respect to the Murdaugh defendants. The Court, however, indicated during the August 10, 2022 hearing that it might consider a separate trial involving Plaintiff’s claims against Parker’s should the issue of severance be raised.¹

¹ “Now, I will say that, when I say it’s continued, there again, we’re just talking out loud, if the other parties were severed and this boiled down to the Parker involvement, it appears that part of the case is ready to be tried in October. That’s not before the court today. And if that’s something the court needs to address in the next week or so, just let

On August 19, 2022, defendant Parker's filed a Motion to Sever and requested that trial move forward on October 3, 2022 with respect to Plaintiff's claims against Parker's. The Court set a hearing on Parker's Motion to Sever for September 1, 2022, and Plaintiff filed a Memorandum in Opposition on August 30, 2022. The hearing was conducted on September 1, 2022 in the Lancaster County, SC Courthouse with counsel for the parties present.

For the foregoing reasons and those stated herein below, the Court hereby grants Parker's Motion to Sever.

Standard for Motion to Sever

The issue of whether to grant a party's motion to bifurcate and order separate trials under Rule 42(b) "is addressed to the sound discretion of the trial court." *Senter v. Piggly Wiggly Carolina Co., Inc.*, 341 S.C. 74, 77, 533 S.E. 2d 575, 577 (2000). A trial court's decision to order separate trials is discretionary and may not be disturbed on appeal unless the trial court abused its discretion. *Id.* Additionally, such an order is not immediately appealable. *Id.* at 79, 533 S.E.2d 575, 578. Under Rule 20(b), "The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and may order separate trials or make other orders to prevent delays or prejudice." *Rule 20(b), SCRPC.* The court has broad discretion to order separate trials to prevent delay, embarrassment, expense, or prejudice. *Id.*

Discussion

The Court grants Parker's Motion to Sever to prevent delay, embarrassment, additional expense, and the prejudice it will suffer if not severed away from the Murdaugh defendants. Plaintiff's lawsuit against Parker's began when the Summons and Complaint were filed on March

me know. There are other motions that might lead to that." *The Honorable Daniel D. Hall, presiding during the hearing in the Spartanburg County Court of Common Pleas, August 10, 2022.*

29, 2019 – over three years ago. Due to the recent murder indictments of Alex Murdaugh with an unknown criminal trial date set for these charges, and due to the fact that counsel for each of the Murdaugh defendants (Alex, Maggie, Buster, and Paul) in this matter recently filed notices of appearances, a trial with all defendants in this case will not occur in the year 2022, and such a trial date is indefinite. Additionally, the murder charges relate to events that do not involve Parker's and will undoubtedly cause additional expense and certain delay to Parker's if Plaintiff's claims against Parker's are not severed. Further, Plaintiff's claims against Parker's are separate and distinct such that Plaintiff may fully try her case against Parker's during a trial separate from the Murdaugh defendants. Therefore, in order to prevent delay, additional expense, and prejudice (as further discussed herein below), the Court finds that exercising its discretion to grant Parker's Motion to Sever and order separate trials is sound.

Moreover, the Court is well aware of the local, regional, national, and international interest and focus of the Murdaugh family, each of whom are codefendants with Parker's in the instant action. Most of the Murdaugh defendants, individually and/or collectively, have been or are currently being accused of misconduct or various crimes, including, *inter alia*, murder, intentional misconduct, obstruction of justice, computer crimes, money laundering, tampering with the investigation of the very boat crash involved in this action, theft, fraud, and extortion. Alex Murdaugh, a codefendant, has been indicted for allegedly murdering two codefendants in this case, Maggie and Paul. The entire jury venire in Hampton County, South Carolina likely will be aware of the Murdaugh name, family, and news surrounding them. The media has written and continues to write about the Murdaugh defendants involving the above allegations. The recent criminal indictments and civil lawsuits surrounding the Murdaugh family involve potentially the most reactionary and publicized proceedings in the history of the South Carolina judiciary and legal system, none of which is due to any conduct of Parker's and have nothing to do with Plaintiff's

allegations against Parker's in this case. If Parker's is not severed away from the Murdaugh defendants and remain tethered to any of them at trial in the instant case, Parker's undoubtedly will be prejudiced. Rule 20(b) states that a Court "may order separate trials or make other orders to prevent delays or prejudice" and if there was ever a case in which a Court may exercise its sound discretion to order separate trials *to prevent delays or prejudice*, this is it, based on the facts and circumstances involving the parties in this matter. Therefore, in order to prevent prejudice to Parker's, the Court finds that exercising its discretion to grant Parker's Motion to Sever from each of the Murdaugh defendants and ordering a separate trial is sound and necessary.

Under these extraordinary circumstances, the Court finds that severance is warranted and necessary to prevent delay, embarrassment, additional expense, and the prejudice Parker's will suffer if not severed away from the Murdaugh defendants.

Conclusion

For the foregoing reasons, and based upon the Court's discretion taking into consideration all of the facts and circumstances involved in this matter, defendant Parker's Motion to Sever is hereby granted. Trial will proceed in Hampton County with respect to Plaintiff's claims against Parker's beginning on January 9, 2023.

IT IS SO ORDERED.

September _____, 2022
Hampton, South Carolina

The Honorable Daniel Dewitt Hall
Presiding Judge



Hampton Common Pleas

Case Caption: Renee S. Beach , plaintiff, et al VS Gregory M. Parker, Inc. ,
defendant, et al
Case Number: 2019CP2500111
Type: Order/Other

So Ordered

s/Daniel D. Hall 2753