

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
DAVISAIR and GARY DAVIS, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CORPORATE AIR, LLC and CAM, )  
INVESTMENTS, INC. )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP 10-5051

FILED  
2013 JUN 20 PM 3:34  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

**ORDER COMPELLING DISCOVERY**

This matter came before the Court on June 11, 2013, on remand from the Court of Appeals, for a determination of whether accounting and financial records requested by the Plaintiff remain discoverable in light of the Plaintiff's Amended Complaint.

Present at the hearing were Blair C. Jennings, Esquire, on behalf of the Plaintiff, and Alice F. Paylor, Esquire, on behalf of the Defendants. The Plaintiff, Gary Davis, was also present.

This matter was initially before the Court on July 25, 2012 for a hearing addressing the Plaintiff's Motion to Compel Discovery filed on December 6, 2011. Following this hearing, the Court ordered that the Plaintiff was entitled to receive all documents and information requested in the Plaintiffs' First Interrogatories, First and Second Request for Production, and more specifically updated in the June 20, 2012 letter to Defendants' Counsel.

The Defendants appealed this Order on the ground that obtaining the requested documents was the ultimate relief requested by the Plaintiff. During the pendency of the appeal, the Plaintiff filed an Amended Complaint on November 26, 2012 that removed from

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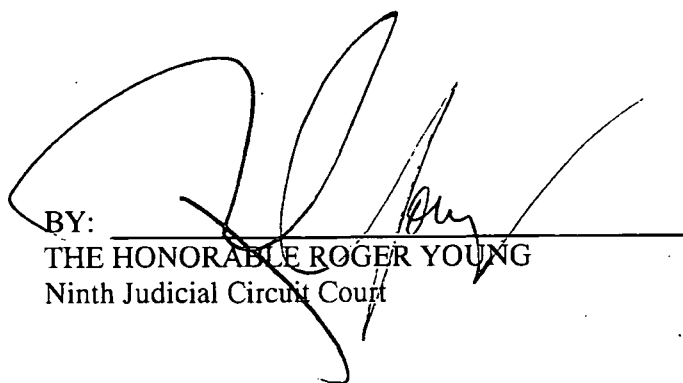
the prayer for relief the request that the Court order the Defendants to provide accounting and financial records to the Plaintiff.

By Order dated May 28, 2013, the South Carolina Court of Appeals remanded the appeal to this Court for a hearing based on its concern that "...this amendment to the pleadings below not only affects the appealability of the discovery order, but also makes the information compelled to be disclosed in the order no longer discoverable." The Court was directed to hold a hearing to determine whether the documents and information sought by the Plaintiff remain discoverable, and still subject to disclosure under the Court's previous Order.

The Court finds that the documents and information requested in the Plaintiffs First Interrogatories and First and Second Request for Production remain relevant, and the production and review of these records is necessary for the Plaintiff to pursue its case.

**THEREFORE, IT IS HEREBY ORDERED** that the previous Order Compelling Discovery filed by the Court on July 30, 2012 is affirmed, and shall not be modified or vacated.

**IT IS SO ORDERED.**

BY:   
\_\_\_\_\_  
THE HONORABLE ROGER YOUNG  
Ninth Judicial Circuit Court

June 19, 2013

COFFEY, CHANDLER & McKENZIE, P.A.

Attorneys At Law

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Est. 1970

JOSEPH K. COFFEY  
BLAIR C. JENNINGS  
LAUREN L. FELDER\*

\*Also licensed in North Carolina

June 26, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: Davis Air v. Corporate Air, LLC  
Appellate Case No. 2012-212725

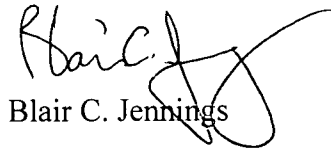
Dear Ms. Kitchings:

The above referenced appeal was remanded to the circuit court for consideration of whether the information sought to be disclosed remains discoverable.

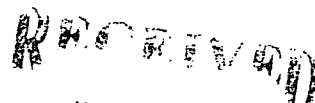
Attached, is the Order signed by Judge Young following a hearing to address this issue on May 28, 2013.

Should you have any questions, please do not hesitate to contact my office.

Very truly yours,

  
Blair C. Jennings

Enclosure: As stated  
cc: Alice F. Paylor, Esquire (without enclosure)

  
JUL 01 2013  
SC COURT OF APPEALS

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