



FORM 4

JUDGMENT IN A CIVIL CASE

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

CASE NO. 2016CP4600820

Vicki Lynn Vergeldt,  
PLAINTIFF(S)

John Edward Vergeldt,  
DEFENDANT(S)

RECEIVED

Aug 02 2021

SC Court of Appeals

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 restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- 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:

This matter came before me on May 30, 2019 on Defendant's Motion to Dismiss and Judgment on the Pleadings and Plaintiff's Motion to Amend the Pleadings. Present at the hearing: Daniel J. Ballou, attorney for Defendant and Taylor A. Peace, attorney for Plaintiff.

Rule 15 of the S.C. Rules of Civil Procedure states that "leave shall be freely given when justice so requires and does not prejudice any other party". The party opposing the amendment has the burden of establishing prejudice. *Foggie v. CSX Transp., Inc.*, 315 S.C. 17, 431 S.E.2d 587 (1993). I find and conclude that under the facts and circumstances of this case, there is no prejudice in granting leave to amend and the Defendant will have sufficient time to prepare its defense of these allegations.

Having granted Plaintiff leave to amend, Defendant's Motion to Dismiss and Judgment on the Pleadings is moot, and therefore denied. Plaintiff shall file and serve the amended pleading within 15 days of this order. The Defendant shall have 45 days from the date of service to file and serve any necessary response.

AND IT SO ORDERED.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on \_\_\_\_\_.

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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York Common Pleas

**Case Caption:** Vicki Lynn Vergeldt VS John Edward Vergeldt

**Case Number:** 2016CP4600820

**Type:** Master/Order/Form 4

So Ordered

s/ Teasa K. Weaver 3084