

Arlene Gariepy et al  
PLAINTIFF(S)

Midgard Self Storage Seneca Sc Llc et al  
DEFENDANT(S)

**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
- 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:

After careful consideration of the materials submitted, arguments of counsel, and the applicable law, the Defendant's Motion to Compel Arbitration is DENIED. The Court finds that the parties have conducted significant discovery and a substantial length of time has transpired between the commencement of the action and the commencement of the Motion to Compel Arbitration, which has resulted in prejudice to the Plaintiff. Rhodes v. Benson Chrysler-Plymouth, Inc., 374 S.C. 122, 125 (Ct. App. 2007). The Court notes that the Defendant demanded a jury trial in their answer, waited over three hundred (300) days to commence their Motion to Compel Arbitration, took multiple depositions, and engaged in extensive written discovery.

**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 09/23/2024 .

**RECEIVED**  
**Oct 29 2024**  
SC Court of Appeals

**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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Oconee Common Pleas

**Case Caption:** Arlene Gariepy , plaintiff, et al VS Midgard Self Storage Seneca Sc  
Llc , defendant, et al

**Case Number:** 2023CP3700716

**Type:** Order/Electronic Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit