

Kellum W Allen
PLAINTIFF(S)

Ann Marie Watson
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:

Please see the attachment on Page 2 below.

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 01/24/2025 .

RECEIVED

Mar 31 2025

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), SCRPC.

This Order supplements the Court's prior Order filed on January 24, 2025. The Court's prior Order is hereby supplemented to reflect that the Court is hereby striking and dismissing Defendant's Fourth Counterclaim that alleges violations of the South Carolina Trade Practices Act. Other than the Dismissal of the Defendant's South Carolina Unfair Trade Practices Act Counterclaim, the prior Order has not been changed. Therefore, the Court's prior Order is hereby supplemented to reflect the following:

This matter came before the Court on December 16, 2024, pursuant to multiple motions filed by both Parties.

Regarding Plaintiff's Motion Pursuant to SCRPC Rule 39(a), Plaintiff's Motion is hereby Denied and this Court will not refer this matter to the Master-in-Equity of Richland County considering the Defendant has asserted compulsory legal counter-claims that go to enforceability of the land sale contract. See Rule 53(b), SCRPC.

Regarding Plaintiff's Motion to Dismiss Counterclaims of Defendant Pursuant to SCRPC Rule 12(b)(6), based on the law of South Carolina, the Court Dismisses Defendant's Second Counterclaim alleging Misappropriation of Confidential Information because the claim does not exist, or is otherwise duplicative of Defendant's First Counterclaim for Breach of Fiduciary Duties of Good Faith, Loyalty, and Confidentiality. The Court has not found any cause of action for Misappropriation of Confidential Information nor were any elements pled by the Defendant. The Court will also Dismiss Defendant's Fourth Counterclaim alleging violations of the South Carolina Unfair Trade Practice's Act based on the fact this case concerns a private transaction that does not affect the public interest. The Defendant may proceed on its First and Third Counterclaims.

Regarding Plaintiff's Motion to Strike Certain Pleadings in the Amended Answer of Defendant Pursuant to SCRPC Rule 12(f), based on the arguments of the attorneys and the relevant law, Plaintiff's Motion is hereby Granted as to Defendant's Second and Fourth Counterclaims, however, the Motion is Denied as to the rest of Plaintiff's requests.

Regarding Plaintiff's Motion for Protective Order Pursuant to SCRPC Rule 26(c)(1) and (2), the Court Grants this Motion considering that the Court has found it proper to strike and dismiss Defendant's Second and Fourth Counterclaims as stated above. Plaintiff can appropriately respond now, in light of the Court's ruling in this Order.

Regarding Defendant's Motion for Partial Summary Judgment, based on a review of the file, submissions of the Parties, and oral arguments by the attorneys, the Court believes Summary Judgment should be Denied at this point and not revisited until each Party has had a full and fair opportunity to complete discovery. See *Doe ex rel. Doe v. Batson*, 345 S.C. 316, 322, 548 S.E.2d 854, 857, (2001), citing, *Baughman v. Tel. & Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991).



Richland Common Pleas

Case Caption: Kellum W Allen vs Ann Marie Watson

Case Number: 2024CP4000827

Type: Order/Electronic Form 4

So Ordered

Patrick C. Fant, III