

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT
2024-CP-37-00195

Christopher A. Pierce,
Plaintiff,

ORDER GRANTING SUMMARY JUDGMENT
TO DEFENDANT FOXWOOD HILLS
PROPERTY OWNERS ASSOCIATION

vs.

Foxwood Hills Property Owners
Association,
Defendants.

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SC Court of Appeals

This matter came before me for hearing on the motion for summary judgment filed by the Defendant, Foxwood Hills Property Owners Association (“Defendant” or “Foxwood”), pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, (“SCRCP”). Appearing at the hearing were the Plaintiff, Christopher A. Pierce, (“Plaintiff” or “Pierce”) and John S. Kay, Esq. counsel for Defendant. The Defendant argues there is no genuine issue of material fact as to Plaintiff’s claims, and Foxwood is entitled to judgment as a matter of law.

INTRODUCTION

On March 14, 2024, Plaintiff filed this action seeking a declaration from this Court to the effect that Foxwood has failed to provide documents and/or records of the Foxwood Hills POA to Plaintiff. Plaintiff filed a motion for summary judgment on November 16, 2024, which was heard by the Court on January 29, 2025. Foxwood filed a response to the Plaintiff’s motion and sought an order from the Court declaring that the personal information of the Foxwood members consisting of the members’ email addresses and phone numbers should not be divulged to the

Plaintiff. Plaintiff has already the membership list and the mailing addresses for the members of Foxwood available to the Plaintiff. The Court denied Plaintiff motion by Order dated February 19, 2025. In that Order, the Court ordered that the Plaintiff's motion should be denied and further held that the Plaintiff was not entitled to access the email addresses and telephone numbers of the Defendant's membership.

"The purpose of summary judgment is to expedite dispositions of cases which do not require the services of a fact finder." George v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). A motion for summary judgment must be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Standard Fire v. Marine Contracting, 301 S.C. 418, 421, 392 S.E.2d 460, 462; Rule 56(c), SCRPC. If the non-moving party has not shown a genuine issue of material fact, "summary judgment, if appropriate, shall be entered against him." Rule 56(e), SCRPC.

The Plaintiff filed his own motion for summary judgment in this case on November 16, 2024; therefore, Plaintiff admits there are no issues of material fact to be tried in the case. The Defendant agrees. "Where cross motions for summary judgment are filed, the parties concede the issue before us should be decided as a matter of law" Mead v. Beaufort Cty. Assessor, 419 S.C. 125, 131, 796 S.E.2d 165, 168 (Ct. App. 2016).

Plaintiff has stated in its affidavit in support of its motion for summary judgment that it agreed to make the other documents available that Plaintiff requests and has made those documents available for inspection by the Plaintiff, except for the email addresses and phone numbers of its members. As the Court has already ruled that the Plaintiff is not allowed to access the email addresses and personal phone numbers of the Foxwood members, there is nothing left to try in this

case. Therefore, it is Ordered, that Defendant's motion for summary judgment is granted, and the case is ended.

JUDGE, DAVID P. CARAKER, JR.'S SIGNATURE PAGE TO FOLLOW



Oconee Common Pleas

Case Caption: Christopher Pierce VS Foxwood Hills Property Owners Association
Case Number: 2024CP3700195
Type: Order/Other

IT IS SO ORDERED

s/ David P. Caraker, Jr.