STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF EDGEFIELD	)	CIVIL ACTION NO.: 2021-CP-19-00005
	)	
Barry Lanham and Obvia Gamble-Lanham, Plaintiffs, v. Wumag Texroll GmbH & Co. KG f/k/a Kelzenberg + Co: GmbH & Co. KG and Wumag Texroll GmbH & Co. KG, Defendants.	)	EXHIBIT A **ORDER**
Wumag Texroll GmbH & Co. KG f/k/a Kelzenberg + Co: GmbH & Co. KG, Third-Party Plaintiff, v. Wumag Texroll GmbH & Co. KG, Third-Party Defendant.	)	RECEIVED Oct 09 2025 SC Court of Appeals

This matter came before the me upon a motion to reconsider, alter, or amend the order dated September 25, 2025 order granting in part and denying in part Plaintiffs Barry Lanham and Obvia Gamble-Lanham's motion to alter or amend the September 19, 2025 order granting partial summary judgment. While the September 25, 2025 order provided that the decision as to Defendant Wumag Texroll GmbH & Co. KG f/k/a Kelzenberg + Co: GmbH & Co. KG ("Wumag II") was final at Plaintiffs' insistence, the Court denied all other relief requested by Plaintiffs.

On their second motion to alter or amend, Plaintiffs do not ask the Court to reconsider for a second time the merits of the Court's previous decision. Instead, Plaintiffs seek clarification and an amendment of the September 25, 2025 order to specifically certify the September 19, 2025

judgment as final pursuant to Rule 54(b), SCRCP, and to provide an express determination that there is no just reason for delay of entry of final judgment as required by the Rule. To that extent, Plaintiffs' motion is granted.

The Court is mindful that when it certifies a judgment as final, "it must do so in a definite, unmistakable manner." *Tommy L. Griffin Plumbing & Heating Co. v. Jordan, Jones & Goulding, Inc.*, 351 S.C. 459, 466, 570 S.E.2d 197, 200 (Ct. App. 2002).

> Where the [trial] court is persuaded that Rule 54(b) certification is appropriate, the [trial] court should state those findings on the record or in its order. The expression of clear and cogent findings of fact is crucial. In fact, numerous courts have held that where the [trial] court's Rule 54(b) certification is devoid of findings or reasoning in support thereof, the deference normally accorded such a certification is nullified.

Id. at 469, 570 S.E.2d at 201-02 (citing *Braswell Shipyards v. Beazer East*, 2 F.3d 1331, 1336 (4th Cir. 1993)). The Court finds in this case that there is no just reason for delay and directs entry of judgment as to the dismissal of all of Plaintiffs' claims against Wumag II.

The reasoning for the Court's decision that there is no just reason for delay is as follows and has not been opposed by any of the parties. First, an immediate appeal would preserve the judicial system's resources, eliminate unnecessary delay, and promote the ends of justice. Second, Plaintiffs' claims against Wumag II are entirely predicated on theories of successor liability, which involve their own unique sets of facts and evidence, thereby eliminating the potential for the appellate courts to have to review the same facts if the case is eventually tried and appealed on liability issues as to Wumag II or the remaining defendant. The evidence relevant to Wumag II's motion for summary judgment that will be reviewed by the appellate courts in this instance is separate from, unrelated to, and does not overlap with the merits of Plaintiffs' product liability claims against Wumag I, the remaining defendant.

Third, if the orders are not certified, and the orders are not immediately appealable under S.C. Code Ann. § 14-3-330(1), Plaintiffs will be forced to mediate and try the case against Wumag I without having Wumag II meaningfully participate in mediation or defend the underlying tort claim. This will potentially frustrate the resolution of Plaintiff's claim against Wumag I, depending upon the outcome of an appeal, as Wumag II is an alleged successor-in-interest, and could also potentially deprive Wumag II of the opportunity to present its own witnesses and evidence when it could be subject to res judicata principles as to liability such as issue or claim preclusion.

Lastly, Wumag I's counsel was present at the initial summary judgment hearing and acknowledged the corporation was dissolved with little to no assets from which to satisfy a judgment a judgment. Wumag II, on the other hand, is a going business concern. It is undispuated that Wumag II purchased all assets of Wumag I.

Plaintiffs' request for clarification of the Court's previous order is granted and the Court expressly determines that certification under Rule 54(b) in this instance is appropriate. Further, as previously requested by Plaintiffs, pursuant to Rule 62(h), SCRCP, the Court has wide latitude to take actions necessary to benefit the party in whose favor a judgment is entered under Rule 54(b), SCRCP. *See* Rule 62(h), SCRCP ("[T]he court . . . may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered."); *AMTRAK v. Cimarron Crossing Feeders*, No. 16-1094-JTM; No. 18-1081-JTM, 2019 U.S. Dist. LEXIS 33480, at*5 (D. Kan. March 4, 2019) (staying all proceedings pending an appeal under identical federal rule). In this instance, a stay of the action in conjunction with Rule 54(b) certification for appeal would benefit Wumag II for the reasons outlined above, including the avoidance of any prejudicial effect a trial against Wumag I could have against Wumag II during the pendency of any

forthcoming appeal. For these reasons, the remainder of the action is stayed while any appeal of the merits of the Court's September 19, 2025, and September 25, 2025 orders is pending.

IT IS SO ORDERED.

The Hon. Martha M. Rivers
Second Judicial Circuit

[Electronic Signature to Follow]

Edgefield Common Pleas

Case Caption: Barry Lanham , plaintiff, et al VS Wumag Texroll Gmbh & Co. Kg fka Kelzenberg + Co. GmbH & Co K , defendant, et al

Case Number: 2021CP1900005

Type: Order/Other

IT IS SO ORDERED.

/s/ Hon. Martha M. Rivers (2788)