

EXHIBIT B

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 South Carolina Automobile and Truck)
 Dealers Association,)
)
 Plaintiff,)
)
 vs.)
)
 South Carolina Department of Consumer)
 Affairs)
)
 Defendant.)
)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-40-05552

ORDER

RECEIVED
Feb 17 2026
 SC Court of Appeals

This matter came before Judge Coble on Defendant’s Motion to Reconsider, Defendant’s Motion to Strike, Plaintiff’s Motion to Amend Complaint, and Plaintiff’s Motion for Attorney Fees. Judge Coble received memorandums from all parties related to their respective motions. After reviewing the arguments made by the parties, applicable law, and filings of the parties, the court took the matters under advisement.

Defendant’s Motion for Reconsideration pursuant to Rule 59(e) SCRPC ("the Motion") was timely filed on November 17, 2025. The Motion asks this Court to alter, amend, or reconsider its Order, entered November 6, 2025. After reviewing the applicable law and considering arguments raised in the Motion, the court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Therefore, the Motion to Alter, Amend, or Reconsider is **DENIED**. Pursuant to the discretion afforded by Rule 59 and *Pollard v. County of Florence*, the Court concludes that a hearing is not necessary to rule on Defendant’s Motion for Reconsideration. *See* Rule 59(f), SCRPC (stating a Rule 59(e) motion “may in the discretion of the court be determined on the briefs filed by the parties without oral argument”); see also *Pollard*, 314 S.C. 397, 401–02, 444 S.E.2d 534, 536 (Ct. App. 1994) (holding

there was “no merit in Pollard's assertion that the circuit court committed reversible error in denying her motion to alter or amend the judgment under Rule 59(e) SCRCPP, without first conducting a hearing or allowing [the parties] ‘to fully brief’ the issues raised in [the] motion”).

After careful consideration of all arguments, Plaintiff’s Motion for Attorney’s Fees is **GRANTED**. The Court finds the Plaintiff’s cited sections of the Declaratory Judgment Act in their Complaint provides that “[i]n any proceeding under this chapter the court may make such award of costs as may seem equitable and just.” S.C. Code § 15-53-100. In *Lollis v. Dutton*, the South Carolina Court of Appeals identified section 15-53-100 as one of three potential grounds for attorney’s fees and costs that required analysis on remand. *Lollis v. Dutton*, 412 S.C. 467 (2017) see also *Hegler v. Gulf Ins. Co.*, 270 S.C. 548, 549, 243 S.E.2d 443, 444 (1978) (finding the circuit court erred in declining to award attorney’s fees to defendant insured in a declaratory judgment action brought by plaintiff insurer to avoid coverage under defendant’s policy.). Further, the South Carolina “State Action Statute,” S.C. Code Ann § 15-77-300(A), pursuant to which SCADA has also moved for an award of attorney’s fees, provides that “a party who is contesting state action” and who is “the prevailing party” “may recover reasonable attorney’s fees to be taxed as court costs against the appropriate agency” if warranted in the court’s discretion. S.C. Code Ann. § 15-77-300(A). The Court finds that as the prevailing party, the Plaintiff is entitled to the award of reasonable attorney’s fees and costs as supported by the filed affidavits of James Becker and Vincent Sheheen. Further, the Defendant’s Motion to Strike is **DENIED**.

After careful consideration of all arguments, Plaintiff’s Motion to Amend the Complaint is **GRANTED**. Based on the South Carolina Supreme Court decision in *Pool v. Pool*, 329 S.C. 324, 328, 494 S.E.2d 820, 822 (1998), the Court finds the Defendant cannot demonstrate a “serious disadvantage” or “lack of opportunity to refute the motion” as they adequate notice of the issue of attorneys fees and has already availed itself of the opportunity to defend. *Pool*, 329 S.C. at 328–29,

494 S.E.2d at 822–23; see also *Hardaway Concrete Co. v. Hall Contracting Corp.*, 374 S.C. 216, 227–28, 647 S.E.2d 488, 494 (Ct. App. 2007) (affirming trial court order allowing motion to amend complaint to seek attorney’s fees where the opposing party had two weeks’ notice of the issue, ably argued against the motion, and presented relevant case authority).

Plaintiff shall submit a more formal order within 10 days in accordance with Rule 5(b)(3).

IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: South Carolina Automobile And Truck Dealers Association vs South Carolina Department Of Consumer Affairs

Case Number: 2022CP4005552

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774