

The Supreme Court of South Carolina

Lataveia Allen, on behalf of herself and all others
similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Norman Black, on behalf of himself and all others
similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Ge-Quoia Whitfield, on behalf of herself and all others
similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Rosemary Ortiz, on behalf of herself and all others
similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Theresa McGrier, on behalf of herself and all others
similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Shannon Dunn, on behalf of herself and all others

similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Ricky Chase, on behalf of himself and all others similarly situated, Plaintiff,

v.

SRP Federal Credit Union, Defendant.

Appellate Case No. 2026-000728

ORDER

Pursuant to Rule 244, SCACR, the Court will answer the following questions certified to this Court by the order of the Honorable Cameron McGowan Currie, Senior United States District Judge for the District of South Carolina, Aiken Division:

- (1) Does a consumer who agreed to be bound by an agreement "as amended from time to time" when opening an account manifest assent to a proposed modification adding an arbitration provision by failing to opt out within the time provided and continuing to use the account?
- (2) When a modification clause allows one party, "in its sole discretion," to change any contract term "at any time without notice except as expressly required by applicable law," does the implied covenant of good faith and fair dealing apply to limit the party's discretion and save the agreement from illusoriness?

The parties shall proceed to serve and file briefs as provided by Rule 244(e), SCACR. The parties are reminded Rule 244 does not provide for the filing of initial briefs; therefore, only final briefs should be filed in this matter.

John Kittledge
FOR THE COURT

C.J.

Columbia, South Carolina
April 22, 2026

cc:

David Andrew Maxfield

Paul J. Doolittle

Beth B. Richardson

Cordes Baxter Kennedy

Glenn V. Ohanesian

Karolan Ohanesian

Ryan Paul Duffy

Tyler J. Bean

Shundra Crumpton Manning

Starr Turner Drum

Gary M. Klinger

Jonathan Tehan Derers

Raina C. Borrelli

The Honorable Cameron McGowan Currie