

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CIVIL ACTION NO.: 2017-CP-04-376

Raghu Athimoolam and Irene Athimoolam  
PLAINTIFF(S)

Meritage Homes of South Carolina, Inc.  
DEFENDANT(S)

Submitted By: Address:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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.  See Page 2 for additional information.
- 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
- 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:

Defendant moves for reconsideration on the grounds that the Arbitrator lacked authority to modify the award and that the Court was mandated to vacate the January 23, 2024 award. Defendant relies on Smith v. Transport Workers Union of America, AFL-CIO Air Transport Local 556, 374 F.3d 372 (5th Cir. 2004). The Court notes that the Fifth Circuit case is distinguishable from the present case because the arbitration agreement in Smith specifically restricted the authority of the arbitrators to amend or correct their award in the arbitration agreement. Defendant further alleges that the relevant statutory law does not require an arbitration award to be filed with any Clerk or Clerk of Court for the award to be considered an official arbitration award. The Court finds there was not finality on the October 4, 2023 Award. Defendant additionally states that this Court has the power to vacate the January 23, 2024 Award. Although the Court has power to vacate an arbitration award in limited circumstances, none of the circumstances are present here. Finally, Defendant alleges that the Court did not address the issue of the confidential settlements. The Arbitrator expressly stated in her Order that she gave the confidential settlements no consideration. Therefore, the Court finds no evidence improper consideration was given to the confidential settlement.

Accordingly, Defendant's Motion for Reconsideration, pursuant to Rule 59(e), is DENIED.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

RECEIVED

Nov 21 2024

SC Court of Appeals

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
If applicable, describe the property, including tax map information and address, referenced in the order: _____ _____		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court for judgment details.**

\_\_\_\_\_  
Circuit Court Judge

2752  
Judge Code

\_\_\_\_\_  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
**CLERK OF COURT**

Court Reporter: \_\_\_\_\_

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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Anderson Common Pleas

**Case Caption:** Raghu Athimoolam , plaintiff, et al VS Meritage Homes Corporation  
, defendant, et al  
**Case Number:** 2017CP0400376  
**Type:** Order/Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

Electronically signed on 2024-11-05 14:55:31 page 4 of 4