

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP4002896

Joseph Rich
PLAINTIFF(S)

First-Citizens Bank & Trust Company et al
DEFENDANT(S)

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.
- ☐ **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
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **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 First-Citizens Bank & Trust Company's Motion to Compel Arbitration and Stay Proceeding, or in the alternative Motion to Dismiss, and Motion for Protective Order was heard in person on 09/01/2026. See page 2.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/04/2026 .

RECEIVED
Sep 28 2026
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

After hearing arguments of counsel, Defendant's Motion to Compel Arbitration is DENIED. The party seeking arbitration must prove a valid contract, including offer, acceptance, and consideration. *Lampo v. Amedisys Holding, LLC*, 445 S.C. 305, 311, 914 S.E.2d 139, 142 (2025). The court finds the plaintiff's continued use of the checking account does not constitute an acceptance of the arbitration agreement. Therefore, there was no manifestation of assent and the arbitration agreement is not binding. The prevailing party shall submit a proposed order within 10 days in accordance with Rule 5 (b)(3).

After hearing arguments of counsel, Defendant's Motion to Dismiss under Rule 12(b)(6) is denied. The court finds that Plaintiff has properly pled their causes of action. The Statute of Limitations defense is not dismissed but is not proper at the 12(b) stage.



Richland Common Pleas

Case Caption: Joseph Rich vs First-Citizens Bank & Trust Company , defendant, et al
Case Number: 2026CP4002896
Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774
