

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **2012CP4007200**

Charles Thomas Brooks III

**South Carolina Commission on Indigent Defense
Office of Indigent Defense**

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

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 _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

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2014 NOV 10 AM 10:59
RICHLAND COUNTY

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:

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NOV 17 2014
SC Court of Appeals

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.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

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 order for judgment details.**

Circuit Court Judge _____ 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 4 November 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Charles Thomas Brooks III Irma Pringle Brooks G. Murrell Smith Jr.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Janette W. McBride

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Charles Thomas Brooks, III,)
)
Plaintiff,)
)
vs.)
)
South Carolina Commission on Indigent)
Defense and Office of Indigent Defense,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION # 2012-CP-40-07200

**ORDER STAYING ACTION AS
TO TRIAL ONLY**

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SC Court of Appeals

RICHLAND COUNTY
FILED
2014 NOV -3 AM 10:35
JEANNETTE W. MORRIS
C.C.P. & G.S.

This matter is before me pursuant to a Notice of Motion and Motion to Stay Action pending Ruling by the Supreme Court in its Original Jurisdiction that was filed with this Court on June 27, 2014.

The Defendants Moved to Stay the action due to the fact that the South Carolina Supreme Court, by Order dated October 4, 2013, accepted the Petition of the Defendants in its Original Jurisdiction to determine whether payments to a substitute counsel from an originally appointed attorney pursuant to Rule 608 are payments received "on Defendants' behalf" so that they must be disclosed and accounted for in application for payment from the Office of Indigent Defense.

The South Carolina Supreme Court appointed the Honorable Clifton Newman as a Special Referee to issue a report containing proposed findings of fact and recommendations to this Court pursuant to S.C. Code Ann. §14-3-340.

It was the Defendants' position that this issue was critical to a Ruling by the Court in the present action. The Defendants further argued that it would be a duplication of Court resources for the Circuit Court to resolve an issue at the same time it is being considered by the South Carolina Supreme Court.

The Plaintiffs argued that the issues are mutually exclusive from one another in the Supreme Court and Circuit Court. Furthermore, they argued that this Ruling by the Supreme

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Court could only have prospective application and would therefore not effect the action pending in the Court of Common Pleas.

The Circuit Court has broad discretion as to supervision over the progression and disposition of a case in the interest of justice and judicial economy. Capital City Ins. Co. v. B.P. Staff, Inc., 382 S.C. 92, 674 S.E. 2d 524 (2009). The general rule of South Carolina case law has acknowledged a case may be stayed in the event the resolution of another pending case might resolve the stayed case. Rush v. Thompson, 203 S.C. 106, 26 S.E. 2d 411 (1943).

This Court finds that it would be appropriate to Stay this action pending resolution of the issue that is currently pending before the South Carolina Supreme Court. Therefore, this Court hereby Stays this action from Trial ONLY. Discovery shall still continue to occur while this matter is Stayed from Trial.

NOW, THEREFORE, based upon the foregoing, it is hereby,

ORDERED, that the case is hereby Stayed for Trial ONLY pending resolution of the issue that is currently before the Supreme Court in its Original Jurisdiction, it is further,

ORDERED, that discovery shall continue while this matter is Stayed.

AND IT IS ORDERED:



D. Craig Brown
Presiding Judge of Court of Common Pleas
Fifth Judicial Circuit

At Chambers.
Florence, South Carolina.
October 28, 2014.

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P. 2572