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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

RECEIVED

FEB 25 2015

SC Court of Appeals

Case No. 2011-CP-24-1340

Vince Coates,Respondent,
v.

Dorothy Renee Simchon,Appellant.

MOTION TO CONSOLIDATE

Dorothy Renee Simchon hereby moves, pursuant to Rule 214, SCACR, to consolidate the within appeal with the appeal of Bay Island Sportswear, Inc., and Sam Simchon in the case of Bay Island Sportswear, Inc. and Sam Simchon, Individually, v. Vince Coates, Individually, et al., Case Number 2012-CP-01-227 in the Court of Common Pleas for Abbeville County, South Carolina (the "Abbeville Case").

The aforementioned cases are connected, in that Vince Coates is the plaintiff in the within case and a defendant in the Abbeville Case. On November 29, 2011, Coates sued Dorothy Renee Simchon for malicious prosecution in the instant case. On July 25, 2012, Sam Simchon (husband of Renee Simchon) and his company, Bay Island Sportswear, Inc., ("Bay Island") sued Coates in Abbeville County for defamation in connection with disparaging

statements Coates posted about Mr. Simchon and his company on a website called “RipOffReport.com.” Bay Island and the Simchons are jointly represented.

On February 3, 2013, the Greenwood County case was called to trial. Prior to jury selection, the parties reached what they thought was an agreement to settle both cases. The presiding judge, Hon. Eugene C. Griffith, Jr., asked that the settlement be announced on the record. As certain aspects of the parties’ apparent agreement were confidential and unsuitable for discussion in open court, counsel gave a summary outline of the parties’ agreement. In brief, Coates was to receive a sum of money in settlement of his claims against Dorothy Simchon, and was to agree to dismissal of the Abbeville Case on terms which would enable Bay Island and Sam Simchon to obtain relief from Coates’ disparaging internet publications. It was agreed that the parties would prepare further written documents to memorialize their agreement.

Difficulties later arose in connection with the implementation of the parties’ agreement. Although certain aspects of the agreement (*e.g.* consideration to be paid to Mr. Coates) were clear, the parties disagreed as to the relief to be provided with respect to Coates’ disparaging internet statements. When the parties were unable to resolve this disagreement, Coates filed a motion in the Greenwood County case to enforce the settlement agreement. On September 8, 2014, the Honorable Eugene C. Griffith, Jr., signed an order granting Coates’ enforcement motion. This order recited that either side could propose a “supplemental order” directing internet content providers to remove Coates’ disparaging statements. An order of this nature was then signed by Judge Griffith and filed in the Abbeville Case on November 24, 2014.

Also on November 24, 2014, an order was filed in the Greenwood case denying the Appellant’s motion to alter or amend Judge Griffith’s order enforcing settlement. This appeal followed. Bay Island and Sam Simchon filed a motion to alter or amend the supplemental order

in the Abbeville Case on December 9, 2014. This motion was granted in part and denied in part on February 6, 2015. Bay Island and Sam Simchon appealed on February 12, 2015.

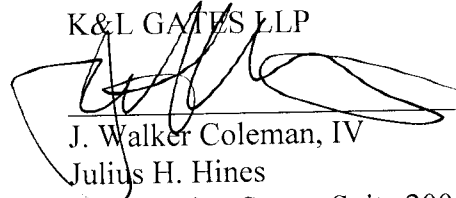
Consolidation may be ordered “where the same question is involved in two or more appeals in different cases.” Rule 214, SCACR; *Limehouse v. Hulsey*, 404 S.C. 93, 744 S.E.2d 566 (2013). Cases which “involve the same legal issues” are appropriate for consolidation. *Crawford v. Cent. Mortg. Co.*, 404 S.C. 39, 744 S.E.2d 538 (2013). See *Stevens & Wilkinson of South Carolina, Inc. v. City of Columbia*, 396 S.C. 338 n. 1, 721 S.E.2d 455 n. 1 (Ct. App. 2012) (consolidating “two appeals from the same order”); *Bowers v. Dept. of Transp.*, 360 S.C. 149, 600 S.E.2d 543 (Ct. App. 2004) (consolidating appeals involving the same motor vehicle accident).

Here, the issues in the appeals from the Greenwood and Abbeville cases are closely intertwined. Both appeals stem from the same February 3, 2014 colloquy before Judge Griffith. At issue in both appeals will be whether an enforceable settlement agreement was announced on that day, and, if so, whether the trial court was correct in its interpretation of the agreement and enforcement of the terms applicable to each case. The concise and economical treatment of the issues would be better served by consolidating this appeal with the appeal in the Abbeville Case, and by directing the parties to prepare a single Record on Appeal and consolidated appellants’ and respondent’s briefs.

The Appellant therefore respectfully requests that this appeal be consolidated with the appeal in *Bay Island Sportswear, Inc. and Sam Simchon, Individually, v. Vince Coates, Individually, et al.*, Abbeville County Case Number 2012-CP-01-227.

February 23, 2015.

K&L GATES LLP



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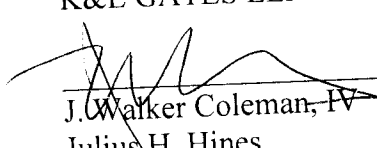
Dorothy Renee Simchon, Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Consolidate on Vince Coates, by depositing a copy of it in the United States Mail, postage prepaid, on February 23, 2015, addressed to his attorneys of record, C. Rauch Wise, 305 Main Street, Greenwood, SC 29646 and Stephen John Henry, 406 Pettigru Street, Greenville, South Carolina 29601.

February 23, 2015

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ATTORNEYS FOR APPELLANT
DOROTHY RENEE SIMCHON

February 23, 2015

Julius H. Hines
julius.hines@klgates.com
T 843.579-5660
F 843.579.5601The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211Re: Vince Coates v. Dorothy Renee Simchon
Greenwood County Case No. 2011-CP-24-1340
Appellate Case No. 2014-002729

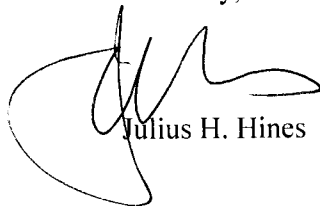
Dear Ms. Kitchings:

Enclosed please find the following documents in connection with the above-referenced matter:

1. Original and six copies of Motion to Consolidate;
2. Original and six copies of Proof of Service of Motion to Consolidate;
3. Check in the amount of \$25.00 for the filing fee; and
4. Self-addressed stamped envelope for returning filed copies.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Julius H. HinesJHH/glm
Enclosurescc: Stephen John Henry, Esq. (w/enc.)
C. Rauch Wise, Esq. (w/enc.)
Edward S. McCallam, III, Esq. (w/enc.)
J. Walker Coleman, IV, Esq. (w/enc.)**RECEIVED**

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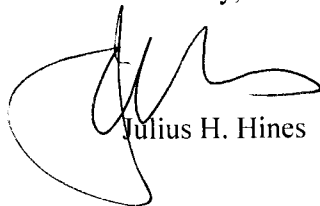
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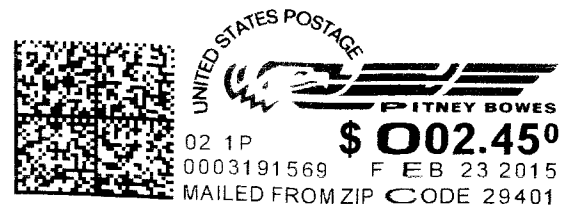
JHH/glm

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First Class Mail



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