

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014CP4007037

Century Capital Group LLC

BRC Richland LLC

MAR 03 2016

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

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 _____

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

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT 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 2061 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 24 day of Feb, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Donald Ryan McCabe Jr.

Robert Trippett Boineau III
Allen Keith McAlister Jr.

D. Cravens Ravenel

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. ...

RICHLAND COUNTY
FILED
2016 FEB 23 PM 5:42
JEANETTE W. ...
S.C.P.
MORRIS
BRIDE

Agreement and Mutual Release (the "Settlement Agreement") outlining the terms of settlement. However, the only allocation of payment of the \$1,450,000.00 paid by Century to Spirit in "extinguishment of liability" broadly states that an *unspecified portion* of the payment is made for the maintenance and repair of the Spirit parcel with the remaining, *unspecified portion* is provided for settlement of the outstanding accounting charges asserted by Spirit.

Even taking everything in the light most favorable to Century, Century has failed to offer any competent evidence—either by way of the Settlement Agreement or affidavit—that shows a measurable allocation of the \$1,450,000.00 between the above listed Defendants that Century can recoup in the current action. In short, there is nothing for this Court to consider to show what money(ies) Century is entitled to under a negligence theory as required under our State's law governing contribution.

For these reasons and those outlined in the Orders issued on September 16 and 17, 2015, granting the various Motions for Summary Judgment filed by Defendants, Century's Motions to Alter or Amend the grant of summary judgment as to each above listed Defendant are denied.

IT IS THEREFORE ORDERED that each Motion filed by Plaintiff Century Capital Group, LLC to alter or amend each Order granting the above listed Defendants summary judgment is hereby **denied**, and Plaintiff Century Capital Group, LLC's claims for contribution are **dismissed with prejudice as a matter of law**.

AND IT IS SO ORDERED.


L. Casey Manning
Fifth Judicial Circuit

Feb. 22, 2016

Columbia, South Carolina

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