

For Clerk of Court Office Use Only

This judgment was entered on July 21, 2016, and a copy mailed first class or placed in the appropriate attorney's box on July 21, 2016, to attorneys of record or to parties (when appearing pro se) as follows:

Jeffrey Ryan Heiskell PO Box 11208 Columbia, SC 29211
A. Camden Lewis PO Box 11208 Columbia, SC 29211

Steven George Janik 9200 S. Hills Blvd. Ste. 300 Cleveland,
OH 44147
Monica Kay Bracey 1122 Lady Street Suite 1025 Columbia,
SC 29202
Lovic A. Brooks III PO Box 136 Columbia, SC 29202-0136

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter: **Bethanie K. Creppon**

David Hamilton - Clerk of Court

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.

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014GR4005570

RECEIVED

Willie Bell

McGowan Hood and Felder LLC

Emma M Davis

Chad McGowan

PLAINTIFF(S)

DEFENDANT(S)

AUG 19 2016

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 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 12 February 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Jeffrey Ryan Helskell

Lovic A. Brooks III

Steven George Janik

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Willie Bell, individually and on behalf
of the Estate of Emma M. Davis as its
duly appointed Personal Representative,

Plaintiff,

vs.

McGowan, Hood, and Felder, LLC and
Chad McGowan,

Defendants.

Civil Action No.: 2014-CP-40-05570

ORDER

RECEIVED

AUG 19 2016

SC Court of Appeals

LEAHETTE
C.C.P.

2015 FEB 12 AM 11:43

AMAL AND
FELDER

This matter came before the Court on three motions filed by Defendants: 1) Motion to Stay and for Protective Order; 2) Motion to Dismiss; and 3) Motion to Strike the Plaintiffs Request for Entry of Default.

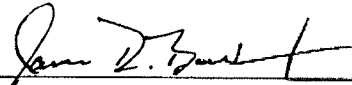
As to the Defendants' request for dismissal of the complaint under Rule 12(b)(6) and Plaintiff's request for default, I find that the Defendants' motion to strike the request for default should be granted. The motion to dismiss is denied on procedural grounds. The Defendants are ordered to file an Answer within fifteen (15) days.

Defendants also filed a Motion to Stay, arguing that Defendants have challenged the Plaintiff's status as the successor personal representative in probate court. A hearing on that petition and Bell's motion to dismiss said petition is scheduled to be heard by the Chester County Probate Court on February 12, 2015. Plaintiff asserted that since this action was brought both in Plaintiff's individual capacity, asserting individual claims, in

addition to the claims of the Estate, the case should not be stayed as to any individual claims of Plaintiff.

Defendants based the motion to stay on the Probate Court proceedings. However, the Probate proceedings have no effect on Plaintiff's individual claims. Thus, I grant the stay as to matters related to the probate claim until the Probate Court in Chester County rules. However, the case may proceed as Bell's individual claims. Plaintiff may proceed with depositions and discovery as to his individual claims.

It is so ordered.



James R. Barber, III
Presiding Judge, Fifth Judicial Circuit

Columbia, South Carolina
2/5, 2015

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2015CP4601827

RECEIVED

AUG 19 2016

SC Court of Appeals

Willie Bell Emma M Davis

McGowan Hood & Felder LLC

Chad McGowan

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Steven G. Janik

Attorney for: Plaintiff Defendant
 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. 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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

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S/Daniel D. Hall

2753

03/16/2016

Circuit Court Judge

Judge Code

Date

CPFORM4Cm
 SCCA SCRPC Form 4C (Revised 3/2013)

1032-10
 3/21/16

For Clerk of Court Office Use Only

This judgment was entered on **March 18, 2016**, and a copy mailed first class or placed in the appropriate attorney's box on **March 18, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

Jeffrey Ryan Heiskell PO Box 11208 Columbia, SC 29211
A. Camden Lewis PO Box 11208 Columbia, SC 29211

Steven George Janik 9200 S. Hills Blvd. Ste. 300 Cleveland,
OH 44147
Monica Kay Bracey 1122 Lady Street Suite 1025 Columbia,
SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

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.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 Willie Bell, individually and on)
 behalf of the Estate of Emma M.)
 Davis as its duly appointed)
 representative)
)
 Plaintiff,)
)
 v.)
)
 McGowan, Hood & Felder, LLC)
 and Chad McGowan)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 SIXTEENTH JUDICIAL CIRCUIT

Case No: 2015-CP-46-1827

RECEIVED
 AUG 19 2016
 SC Court of Appeals

ORDER

FILED-RECEIVED
 2016 MAR 18 PM 12:50
 DAVID HAMILTON
 C.C.C.P. & G.S.
 YORK COUNTY, SC

On February 17, 2015, the Court heard arguments on the Defendants' Motion for Summary Judgment pursuant to Rule 56(a), SCRCP. The Plaintiff was represented by Camden Lewis, Esquire, and the Defendants by Steven Janik, Esquire.

A trial court should only grant a motion for summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRCP (emphasis added).

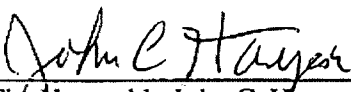
Here, there exist questions of law in the present case that are complex and novel to this Court. The Court recognizes that novelty does not necessarily render summary judgment inappropriate. See Med. Univ. of S. Carolina v. Arnaud, 360 S.C. 615, 620, 602 S.E.2d 747, 750 (2004). However, this Court's review of the existing factual development¹ established that application of the law to these facts does not establish the Defendants are entitled to judgment as a matter of law.

¹ Discovery is still taking place.

[Handwritten initials]

The Defendants' Motion for Summary Judgment is DENIED.²

IT IS SO ORDERED.



The Honorable John C. Hayes, III
Circuit Court Judge

#2

March 16th, 2016
York, South Carolina

² The brevity of this Order does not reflect the amount of time spent in research and review of the parties' briefs and numerous exhibits. The result of this effort has brought the Court to the simple conclusion expressed in this Order.

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2015CP4601827

Willie Bell	Emma M Davis	McGowan Hood & Felder LLC	Chad McGowan
-------------	--------------	------------------------------	--------------

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: The Court	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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RECEIVED

AUG 19 2016

SC Court of Appeals

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.

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s/John C. Hayes, III

Circuit Court Judge

2049

Judge Code

7/12/2016

Date

For Clerk of Court Office Use Only

1032-10
7/18/14

This judgment was entered on **July 13, 2016**, and a copy mailed first class or placed in the appropriate attorney's box on **July 13, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

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SC 29202
Lovic A. Brooks III PO Box 136 Columbia, SC 29202-0136

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

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 COUNTY OF YORK)
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 Willie Bell, individually and on)
 behalf of the Estate of Emma M. Davis)
 as its duly appointed representative,)
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 Plaintiff,)
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 vs.)
)
 McGowan, Hood & Felder, LLC)
 And Chad McGowan,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 SIXTEENTH JUDICIAL CIRCUIT

C.A. No.: 2015-CP-46-1827

ORDER

RECEIVED

AUG 19 2016

SC Court of Appeals

FILED-RECEIVED
 2016 JUL 13 PM 4:24
 DAVID HAMILTON
 C.C.P. & GS
 YORK COUNTY, S.C.

The undersigned, by Order dated March 16, 2016, denied Defendants' Motion for summary Judgment. Defendants have now filed a second Motion for summary Judgment. This latter motion is predicated on the same grounds as the first, and on the discovery completed thereafter.

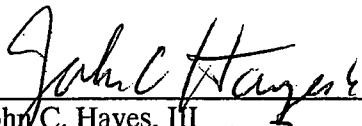
I find that the additional discovery does not warrant the granting of summary judgment to Defendants. As noted in the initial Order, the facts then extant establish that application of the law to the facts in this case did not warrant the grant of summary judgment to the Defendants. The additional discovery has not altered the facts upon which the Court relied on in denying Defendants' motion for summary judgment.

I find, based on the volume of discovery, and the uniqueness of the issues here, it is not practical to set forth what material facts are without substantial controversy and what facts are actually and in good faith controverted.

Therefore, Defendants' Motion for Summary Judgment and Motion for Factual Findings based on Rule 56(d) SCRPC are Denied.



IT IS SO ORDERED.



John C. Hayes, III
Presiding Judge #3

July 12th, 2016
York, South Carolina