

STATE OF SOUTH CAROLINA  
COUNTY OF NEWBERRY

JUDGMENT IN A CIVIL CASE

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-36-00636

Arthur L. Jayroe, Jr.  
PLAINTIFF(S)

Newberry County and Thomas Abraham  
DEFENDANT(S)

Submitted by: Court	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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  Statement of Judgment by the clerk.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk :

**RECEIVED**

SEP 30 2016

SC Court of Appeals

JACKIE S. BOWERS  
 CLERK OF COURTS  
 2016 JUL 29 AM 11 45  
 NEWBERRY COUNTY  
 FILED

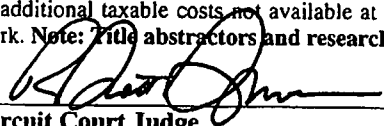
INFORMATION FOR THE JUDGMENT INDEX

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 (List amount(s) below)
N/A		

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

2752  
Judge Code

7-26-2016  
Date

For Clerk of Court Office Use Only

This judgment was entered on the <sup>29<sup>th</sup></sup> day of July, 20 16 and a copy mailed first class or placed in the appropriate attorney's box on this <sup>29<sup>th</sup></sup> day of July 20 16 to attorneys of record or to parties (when appearing pro se) as follows:

Desa Ballard PO Box 6338  
West Columbia, SC 29171

ATTORNEY(S) FOR THE PLAINTIFF(S)

- Mindy Zimmerman PO Box 1207  
Newberry, SC 29108  
- Derwood L Aydlette III 900 Elmwood Av  
ATTORNEY(S) FOR THE DEFENDANT(S) Suite 100  
S/ Jackie D Bowers (mum) Columbia, SC  
CLERK OF COURT 29201

Court Reporter:

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 NEWBERRY )  
 )  
Arthur L. Jayroe, Jr., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Newberry County and Thomas Abraham, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
FOR THE EIGHTH JUDICIAL CIRCUIT

C. A. No.: 2015-CP-36-00636

ORDER ON MOTION TO QUASH

**RECEIVED**

SEP 30 2016

SC Court of Appeals

FILED  
NEWBERRY COUNTY  
2016 JUL 29 AM 11 45  
JACKIE S. BOWERS  
CLERK OF COURT

This matter came before the court on June 15, 2016, pursuant to a motion of Defendant Newberry County to quash deposition notices served by Plaintiff for the taking of the depositions of Wayne Adams, Jay Tothacer, Dirk Aydlette, Buddy Livingston and Sen. Ronnie Cromer. Defendant opposes the taking of depositions in this case on the grounds that Plaintiff seeks no monetary relief and thus there is no amount in controversy. The court heard oral argument from counsel for the parties.

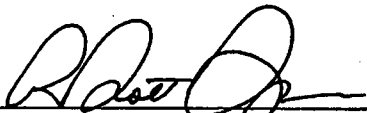
Rule 30(a)(2), S.C.R.Civ.P., limits the taking of depositions to actions in which the amount in controversy is \$10,000 or more unless the parties or their counsel consent or the court orders otherwise for good cause shown. At the hearing, Plaintiff contended that Rule 30(a)(2) only applies to actions where monetary relief is sought. The court disagrees. The court reads Rule 30(a)(2) to automatically allow for depositions in cases in which the amount in controversy is \$10,000 or more, and requires consent or a court order for all other cases like the instant action. As Defendant does not consent to the taking of depositions, the court must determine whether good cause has been shown to order the taking of depositions.

*RSS*

“Good cause is defined as ‘[a] legally sufficient reason. Good cause is often the burden placed on the litigant ... to show why a request should be granted or an action excused.’” *O’Keefe ex rel. Muckenfuss v. Muckenfuss*, 2010 WL 10080088, at \*2 (S.C. Ct. App. July 7, 2010) (quoting Black’s Law Dictionary 251 (9th ed. 2009)). The Notes to Rule 30 state that “depositions should not be routinely available in cases involving less than \$10,000 in controversy.” S.C.R.Civ.P. Rule 30, Notes. It is the court’s opinion that Plaintiff has not carried his burden of establishing that a legally sufficient reason exists which makes this case sufficiently remarkable, such that it is taken outside of the prohibition against depositions in cases involving less than \$10,000 in controversy. The court particularly notes that the parties have exchanged extensive documentation and that this is a nonjury action in which the relief sought is the striking of several sentences from a prior court order. It is the court’s opinion that this is precisely the type of case in which “depositions should not be routinely available.”

Accordingly, **Defendant’s Motion to Quash** is hereby **GRANTED**.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
R. SCOTT SPROUSE  
EIGHTH JUDICIAL CIRCUIT

7-26, 2016  
*Walhalla*  
Newberry, South Carolina