STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO: 2015-CP-07-1251
Robert E. Feldman, et al.,	)	
Plaintiff(s).	)	
	)	ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
vs.	)	
Gary P. Coggin,	)	
Defendant(s).	)	

This matter came before me on Defendant's Motion for Summary Judgment, filed May 16, 2016. After hearing from parties, I hereby grant the motion for Summary Judgment.

IT IS SO ORDERED:

Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court
Judge for Beaufort County

September 9, 2016
Beaufort, South Carolina

EXHIBIT
1

ELECTRONICALLY FILED - 2017 Jan 27 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0701251

STATE OF SOUTH CAROLINA **COUNTY OF BEAUFORT**	)	**IN THE COURT OF COMMON PLEAS** **CASE NO:** 2015-CP-07-1251
Robert E. Feldman, et al., **Plaintiff(s),** vs. Gary P. Coggin, **Defendant(s).**	)	**ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT**

This came before me for hearing December 12, 2016 on Plaintiffs' Motion to Alter or Amend Judgment, filed 9/19/2016. Attorney Thomas A. Pendarvis appeared for the Plaintiffs and Jeffrey M. Bogdan appeared for the Defendant. After hearing from parties, I hereby deny the motion.

IT IS SO ORDERED:

Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court
Judge for Beaufort County

January _____, 2017
Beaufort, South Carolina

EXHIBIT
2

ELECTRONICALLY FILED - 2017 Jan 27 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0701251

Beaufort Common Pleas

Case Caption: Robert E Feldman , plaintiff, et al VS Gary P Coggin

Case Number: 2015CP0701251

Type: Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

Thomas A. Pendarvis

From: Mullen, Carmen T. Law Clerk (Paige Ornduff) <CMullenLC@sccourts.org>
Sent: Thursday, September 22, 2016 11:26 AM
To: Chris Lempesis; Jeff Bogdan
Cc: Thomas A. Pendarvis; Sara Wood; Janice Klein; Lindsey Perkins; Eileen Ganley; Mullen, Carmen T.
Subject: RE: Motion to Amend - Robert Feldman v. Gary Coggin (C/A No. 2015-CP-07-01251) (

AmicusFileIds: 884
AmicusFileName: Feldman v. Coggin
AmicusId: 192525
AmicusStatus: Saved
AmicusTimeEntry: Yes

All,

As a result of Judge Dukes' Order granting Defendant's Motion for Summary Judgment and pending the outcome of an appeal of that Order, Judge Mullen will not rule on Plaintiff's Motion to Amend unless and until this matters comes back before the court.

Thank you,
Paige

From: Chris Lempesis [mailto:chris@pendarvislaw.com]
Sent: Wednesday, September 14, 2016 9:28 AM
To: Jeff Bogdan
Cc: Mullen, Carmen T. Law Clerk (Paige Ornduff); Thomas A. Pendarvis; Sara Wood; Janice Klein; Lindsey Perkins; Eileen Ganley; cmullen@sccourts.org
Subject: RE: Motion to Amend - Robert Feldman v. Gary Coggin (C/A No. 2015-CP-07-01251) (

Jeff,

I think that your response below contains and argument and a legal conclusion so I feel required to respond. My email did not argue for a specific outcome as to the Motion for Leave to Amend – only entry of an Order. The result of Judge Mullen's order on the motion to amend would have a substantive impact on the pending Rule 52/59 Motion as well as the case as a whole and for that reason, from the perspective of the moving parties, the Motion for Leave to Amend is not "moot."

Further, I believe that Rule 58, SCRCP provides (and that 58(a)(2) requires) an Order, regardless of what the order might say. If the ruling on the Motion for Leave to Amend was to continue the Motion for Leave to Amend, for instance, pending the outcome of the Motion for Summary Judgment, we need a written order as to that point for purposes of appeal. The same is true if the Court decides that the Motion for Leave to Amend is moot as we would prefer to include such an order in the likely appeal of the grant of the Motion for Summary Judgment. Regardless of what the Court decides on the Motion for Leave to Amend (which we would prefer that the Court grant), I believe that in Rule 58 entitles the Plaintiffs to a written order and that these Plaintiffs, given the history of this case and the underlying case, are certainly entitled to an Order from the Court regarding the Motion for Leave to Amend.

Thanks,

Chris

Christopher W. Lempesis, Jr.

Pendarvis Law Offices, P.C.
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From: Jeff Bogdan [mailto:jbogdan@barnwell-whaley.com]
Sent: Wednesday, September 14, 2016 8:38 AM
To: Chris Lempesis <chris@pendarvislaw.com>
Cc: cmullenlc@sccourts.org; Thomas A. Pendarvis <tpendarvis@pendarvislaw.com>; Sara Wood <SWood@pendarvislaw.com>; Janice Klein <jklein@barnwell-whaley.com>; Lindsey Perkins <lperkins@barnwell-whaley.com>; Eileen Ganley <Eileen@pendarvislaw.com>; cmullen@sccourts.org
Subject: Re: Motion to Amend - Robert Feldman v. Gary Coggin (C/A No. 2015-CP-07-01251) (

Judge Mullen and Ms. Ornduff,

At the risk or arguing this issue via email, I feel the need to offer this very brief reply.

Defendant's Motion for Summary Judgement was as to the entire case. Judge Dukes granted that motion in full. Accordingly, this case is over. Plaintiff's Motion for Leave to Amend is moot. I do not believe an order is necessary.

Thank you,

Jeff Bogdan

On Sep 13, 2016, at 4:02 PM, Chris Lempesis <chris@pendarvislaw.com> wrote:

> Ms. Paige Ornduff
> Judicial Law Clerk
> The Honorable Carmen T. Mullen
> 102 Ribaut Road
> P.O. Drawer 1128
> Beaufort, SC 29901
>
> VIA EMAIL ONLY
>
> Dear Ms. Ornduff:
>
> As you may recall, Plaintiff's Motion to Amend the Complaint filed in the above referenced matter was heard before Judge Mullen on Thursday, September 8, 2016. While recognizing that leave to amend is freely given, Judge Mullen did not actually orally grant the Motion to Amend and indicated that a decision would be forthcoming depending on the outcome of the Defendant's Motion for Summary Judgment pending before Judge Dukes. On the following day, Judge Dukes entered a one sentence order granting the Defendant's Motion for Summary Judgment. We are in the process of drafting and will be filing shortly a Rule 52/59 Motion as to the Order entered by Judge Dukes granting summary judgment.

It is my recollection that Judge Mullen mentioned at the hearing that she prefers to receive requests for orders when orders are needed as opposed to counsel waiting for an order to issue. We have not received an Order from Judge Mullen as to the Motion to Amend and given the Order from Judge Dukes regarding the Motion for Summary Judgment, it would seem that we now need a response as to the Motion to Amend as the ruling on the Motion to Amend will have an impact on the Rule 52/59 Motion as well as any subsequent appeal.

Can you please ask about such an Order from Judge Mullen as to the Motion to Amend? Please note that I have copied Mr. Bogdan, opposing counsel, on this email. I have also copied Judge Mullen in hopes of saving you the effort of forwarding this information.

Thank you for your time.

With kind regards,

Chris Lempesis

Christopher W. Lempesis, Jr.
Pendarvis Law Offices, P.C.
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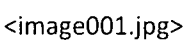
From: Lindsey Perkins [mailto:lperkins@barnwell-whaley.com]
Sent: Wednesday, September 07, 2016 3:08 PM
To: cmullenlc@sccourts.org
Cc: Thomas A. Pendarvis <tpendarvis@pendarvislaw.com>; Chris Lempesis <chris@pendarvislaw.com>; Sara Wood <SWood@pendarvislaw.com>; Jeff Bogdan <jbogdan@barnwell-whaley.com>; Janice Klein <jklein@barnwell-whaley.com>
Subject: Robert Feldman v. Gary Coggin (C/A No. 2015-CP-07-01251) (BWPH 5059.001)

Good afternoon. Attached please find a courtesy copy of Defendant's Memorandum In Opposition to Plaintiff's Motion for Leave to File Amended Verified Complaint with regard to the above case, which was sent to the Clerk of Court for filing yesterday. A hearing on this matter is scheduled for tomorrow, September 8th, at 12:00 p.m. in front of Judge Mullen. I have copies Plaintiffs' counsel on this email. Please let me know if you require anything further. Thank you.

LINDSEY PERKINS
BARNWELL WHALEY PATTERSON & HELMS, LLC
288 Meeting Street, Suite 200 | Charleston SC 29401 | 843.577.7700 | 843.329.5318 (D)
lperkins@barnwell-whaley.com | Firm Website



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