

FORM 4

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-10-03326

Waverly at Hamlin Plantation Townhome Association, Inc.,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al,

PLAINTIFF

DEFENDANT

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:

This case was before the Court on January 17, 2017 for a hearing on Defendant Juan Luis Sanchez and Juan Luis Sanchez A/K/A Sanchez Brothers Painting's Notice of Motion and Motion to Bifurcate Wieland's Cross-Claims, filed January 17, 2017. SCRPC Rule 42 governs the consolidation and separation of trials and states;

The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the Constitution or as given by a statute of the State.

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SC Court of Appeals

FILED  
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 JUSTICE OF THE PEACE COURT

SCRCP 42. Further, "[a] motion seeking bifurcation of the issues of liability and damages . . . is addressed to the sound discretion of the trial court pursuant to Rule 42(b), SCRCP." Senter v. Piggly Wiggly Carolina Co., 341 S.C. 74, 77, 533 S.E.2d 575, 577 (2000). "Trial judges have discretion as to whether to bifurcate a trial. . . . A trial should be bifurcated only if the issues are so distinct that trial of each alone would not result in injustice." Wright v. Hiester Constr. Co., Inc., 389 S.C. 504, 516, 698 S.E.2d 822, 828 (Ct. App. 2010). See also, The Winthrop Univ. Trustees for the State v. Pickens Roofing & Sheet Metals, Inc., 418 S.C. 142, 153, 791 S.E.2d 152, 158 (Ct. App. 2016), reh'g denied (Oct. 21, 2016). The Court, finding bifurcation will neither prejudice the parties and finding that bifurcation of the John Wieland Cross-Claims will promote convenience and be conducive to expedition and economy grants Defendant's Motion for Bifurcation of the John Wieland Cross-Claims.

**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 (List amount(s) below)
		\$

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

2128  
Judge Code

1/24/17  
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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

John C. Hayes, Esq., I. Keith McCarty, Esq.

Mary Margaret Noland, Esq.

**PLAINTIFF**

Sarah L. Fragale, Esq.

ATTORNEY FOR DEFENDANT

CLERK OF COURT

**Court Reporter: Phyllis Norton**