

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Casey Masters,

Plaintiff,

v.

KOL, Inc. d/b/a Kia of Greenville,

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2017-CP-23-03402

RECEIVED

OCT 30 2017

SC Court of Appeals

**ORDER DENYING DEFENDANT'S
MOTION TO COMPEL ARBITRATION**

PRESIDING JUDGE:
DATE OF HEARING:
PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY:
COURT REPORTER:

R. SCOTT SPROUSE
AUGUST 23, 2017
J.J. ANDRIGHETTI
BRADFORD N. MARTIN
CHERYL SMITH

This matter comes before the Court by way of Defendant's Motion to Stay and Compel Arbitration, pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. §1, et. seq. The Motion was argued before me on August 23, 2017, with J.J. Andrighetti appearing on behalf of Plaintiff, Casey Masters, and Bradford N. Martin appearing on behalf of Defendant, KOL, Inc. d/b/a Kia of Greenville. For the reasons stated herein, the Court denies the Motion.

Plaintiff entered into a contract with the Defendant for the purchase and financing of a car on or about April 10, 2017. Several documents allegedly comprised the contract, including a document entitled "Arbitration Agreement." A dispute between the parties arose after the execution of the contract, and Ms. Masters filed a Complaint in the captioned matter on May 25, 2017. Thereafter, the Plaintiff and Defendant entered into a second contract for the purchase and financing of a car on or about June 2, 2017. Finally, the Defendant alleges the parties entered into a third contract regarding the disputes between the parties related to the first two contracts.

The Court has reviewed the pleadings, exhibits, arguments of counsel and the applicable law. I find the execution of subsequent contracts, as alleged by the Defendant, renders the original agreement and its Arbitration Agreement, moot and unenforceable. Wherefore, Defendant's motion to compel arbitration is denied.

IT IS SO ORDERED.

Judge's signature on following page



Greenville Common Pleas

Case Caption: Casey Masters vs. KOL Inc , defendant, et al

Case Number: 2017CP2303402

Type: Order/Other

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

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