

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
2016-CP-10-03504

Ernest McKnight,)
)
Plaintiff,)
)
v.)

Anna Michelle Porcher, Eugene D.)
Gathers, Estate of Ned Wright,)
Estate of Hattie Gasden, Edward)
Wright, Estate of Samuel Wright,)
James Wright, Estate of Earline)
Wright Maxwell, Ida Wright, Estate)
of Wileminia Wright, Henry Wright,)
Jr., Estate of Henry Wright, Estate of)
Ernestine Wright, Estate of Samuel)
Wright, Edward Wright, Estate of)
James Wright, Estate of Oscar)
Wright, Martha Wright, Estate of)
Leroy Wright, Estate of Edward)
Wright, Estate of Harold Wright,)
Estate of Charles Wright, Jr., Estate)
Of Hattie Wright Gaston a/k/a)
Hattie Wright Gadsden, Estate of)
Earline Wright, Estate of Annie)
Wright, Walter Nathaniel Porcher,)
III, Keisha Kenyatta Porcher, and)
John Doe and Mary Roe, fictitious)
Names representing unknown)
minors, incompetents, persons in the)
military service within the meaning)
of Title 50, United States Code,)
commonly referred to as The Service)
Members Civil Relief Act of 2003,)
Persons imprisoned, and persons)
under any other legal disability and)
fictitious names representing)
unknown heirs, devisees, distributes,)

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JUDGE J. ANNISTON
CLERK OF COURT

ORDER

or personal representatives of any)
deceased persons,)
)
Defendants.)
_____)

This matter came before the Court on Defendants Anna Michelle Porcher (hereinafter “Porcher”) and Eugene D. Gathers’ (hereinafter “Gathers”) (hereinafter collectively referred to as “Defendants”) Motions to Dismiss. In addition to said motions, a Memorandum in Support was filed by Defendants.

The matters at issue in this case have been the subject of two (2) prior actions involving the litigants. The first of these cases was filed on January 12, 2010 when John Wright, Gathers’ predecessor in title, filed a suit to quiet title in the case captioned Eugene Gathers v. Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, Henry Wright, Jr., Ernest McKnight, et al., Case No. 2010-CP-10-00250 (hereinafter “Case #1”). The real property which was the subject of Case #1 is also the real property which is the subject of the current case. In Case #1, McKnight, the Plaintiff in the present action, filed an Answer and Counterclaim and asserted claims for adverse possession, foreclosure of mortgage, and reimbursement of taxes. McKnight’s claim for adverse possession was dismissed by Consent Order. McKnight’s counterclaims for foreclosure of mortgage and reimbursement of taxes were preserved. On November 14, 2014, the case was tried before the Honorable J.C. Nicholson, Jr. On December 29, 2014, Judge Nicholson issued an order quieting the title to the property in

the name of Gathers and found that Gathers owed McKnight the sum of \$12,646.27. McKnight appealed Judge Nicholson's Order. His appeal was subsequently dismissed.

On July 21, 2015, McKnight filed a Complaint in Ernest McKnight v. Eugene D. Gathers, Estate of Ned Wright, Estate of Hattie Gasden, Anna Michelle Porcher, Edward Wright, Estate of Samuel Wright, James Wright, Estate of Earline Wright Maxwell, Ida Wright, Estate Wilminia Wright, Henry Wright, Jr., Estate of Henry Wright, Estate of Ernestine Wright, Estate of Samuel Wright, Edward Wright, Estate of James Wright, Estate of Oscar Wright, Martha Wright, Estate of Leroy Wright, Estate of Edward Wright, Estate of Harold Wright, Estate of Charles Wright, Jr., Estate of Hattie Wright Gaston a/k/a Hattie Wright Gadsden, Estate of Earline Wright, Estate of Annie Wright, Walter Nathaniel Porcher, III, Keisha Kenyatta Porcher, et al., Case No.: 2015-CP-10-04071 (hereinafter "Case #2"). In Case #2, McKnight sought to re-litigate the issues determined in Case #1 and sought the following relief in his prayer:

- A. *That the deed conveying a portion of the subject property to Eugene Gathers pursuant to the prior quiet title action entitled "John Wright v. Ned Wright, et al., Case No. 2010-CP-10-00250", be set aside because of the fraudulent assertions of the Defendant Eugene Gathers;*
- B. *That the Court determine the lawful heirs of the deceased title-holder Ned Wright and their respective interest in the subject property;*
- C. *That Plaintiff be awarded attorney fees and costs for the prosecution of this action;*
- D. *That the Plaintiff has suffered damages as a result of the fraudulent actions of the Defendant, Eugene Gathers, to include divestment of his interest in the*

subject property, lost of the value of betterements and the lost of his statutory right of first refusal; and

E. And for any other relief that the Court may deem just and proper.

On January 21, 2016, Judge Nicholson issued an Order dismissing Case #2 and cited the doctrine of *res judicata*.

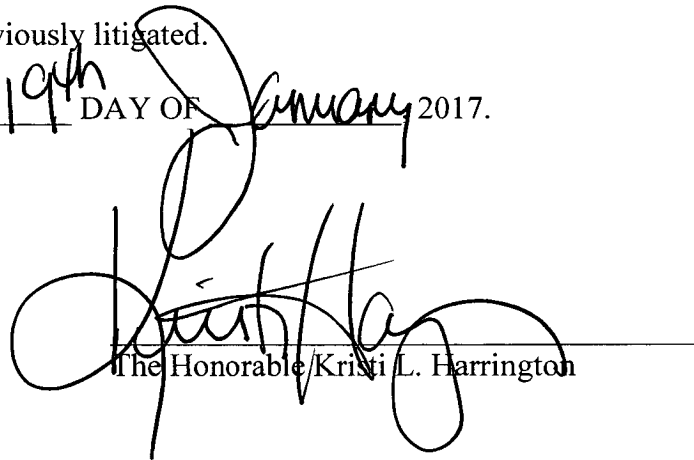
On July 7, 2016, McKnight filed the Complaint in the present case (hereinafter "Case #3"). McKnight's claims in Case #3 arise out of the same occurrences that were the subjects of Case #1 and Case #2 and involve the identical parties. McKnight's prayer for relief in Case #3 is identical to his prayer in Case #2:

- A. That the deed conveying a portion of the subject property to Eugene Gathers pursuant to the prior quiet title action entitled "John Wright v. Ned Wright, et al., Case No. 2010-CP-10-00250", be set aside because of the fraudulent assertions of the Defendant Eugene Gathers;*
- B. That the Court determine the lawful heirs of the deceased title-holder Ned Wright and their respective interest in the subject property;*
- C. That Plaintiff be awarded attorney fees and costs for the prosecution of this action;*
- D. That the Plaintiff has suffered damages as a result of the fraudulent actions of the Defendant, Eugene Gathers, to include divestment of his interest in the subject property, lost of the value of betterements and the lost of his statutory right of first refusal; and*
- E. And for any other relief that the Court may deem just and proper.*

McKnight's latest action is barred by the doctrine of *res judicata*. See Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 512 S.E. 2d 106 (1999); Rogers v. Kunja Knitting Mills, U.S.A., 336 S.C. 537, 520 S.E. 2d 817 (Ct. of App. 1999). When an issue of fact or law is litigated and determined by a valid and final judgment, the determination is conclusive and a subsequent action between the parties, whether on the same or different claim is barred under the doctrine of collateral estoppel. See McKnaughton-McKay Elec. Co. of NC v. Andrich, 324 S.C. 275, 482 S.E. 2d 564 (Ct. of App. 1996). McKnight is prohibited from re-litigating these issues and any attempt to do so is not only frivolous, but unduly burdensome, to the parties and the Court.

For the foregoing reasons, Defendants' motions to dismiss are hereby granted. This case is hereby dismissed with prejudice and McKnight is prohibited from filing any future actions involving matters previously litigated.

IT IS SO ORDERED THIS 19th DAY OF January 2017.


The Honorable/Kristi L. Harrington