

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

Jim Perkins, Colleen Franke, a/k/a)
Colleen Franke Perkins, Mark Dos Santos,)
Nancy Moore, William Moore, Steven)
Dame, and Errol Dos Santos, and)
Jeffrey Richardson, on behalf of)
themselves and all other similarly situated,)

Plaintiffs,)

v.)

Ocean Front Spa Horizontal Property)
Regime, Inc., Bill Cameron, Walter Jordan,)
Ralph Jump, Stanley Jordan, Ray Coghill)
and John Doe past board directors of)
Ocean Front Spa Horizontal Property)
Regime, Inc.)

Defendants.)

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2016-CP-26-00673

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JAN 08 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) 15TH JUDICIAL CIRCUIT
)

)
) Jim Perkins, Colleen Franke, a/k/a
) Colleen Franke Perkins, Mark Dos Santos,
) Nancy Moore, William Moore, Steven
) Dame, Errol Dos Santos, and
) Jeffrey Richardson, on behalf of
) themselves and all other similarly situated,
)

)
) Plaintiffs,
)

)
) v.
)

) **Civil Action No.: 2016-CP-26-00674**
)

)
) The Myrtle Beach Resort Homeowners
) Association, Inc., Phil Cox, Bill Cameron,
) Stanley Jordan, Walter Jordan, Wayne
) Urban, Ken Perkins, and John Doe past
) board directors of The Myrtle Beach
) Resort Homeowners Association, Inc.,
)

)
) Defendants.
)
)

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STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS
) 15th JUDICIAL CIRCUIT

COUNTY OF HORRY

)
)
) Jim Perkins, Colleen Franke, a/k/a
) Colleen Franke Perkins, Mark Dos Santos,
) Nancy Moore, William Moore, Steven
) Dame, and Errol Dos Santos, and
) Jeffrey Richardson, individually in their
) capacity as derivative shareholders,
)

Plaintiffs,

v.

Civil Action No.: 2016-CP-26-00743

)
)
) K.A. Diehl and Associates, Inc., The
) Myrtle Beach Resort Homeowners
) Association, Inc., Phil Cox, Bill Cameron,
) Stanley Jordan, Wayne Urban, Walter
) Jordan, Ken Perkins, and John Doe past
) board directors of The Myrtle Beach
) Resort Homeowners Association, Inc.,
)

Defendants.

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) 15TH JUDICIAL CIRCUIT

COUNTY OF HORRY)

Jim Perkins, Colleen Franke, a/k/a)
Colleen Franke Perkins, Mark Dos Santos,)
Nancy Moore, William Moore, Steven)
Dame, Errol Dos Santos, and)
Jeffrey Richardson, individually in their)
capacity as derivative shareholders of Ocean)
Front Spa Horizontal Property Regime, Inc.,)

Plaintiffs,)

v.)

Civil Action No.: 2016-CP-26-00744

Ocean Front Spa Horizontal Property)
Regime, Inc., Walter Jordan, Ralph Jump,)
Ray Coghill, John Doe past board)
directors of Ocean Front Spa Horizontal)
Property Regime, Inc., The Myrtle Beach)
Resort Homeowners Association, Inc.,)
Phil Cox, Bill Cameron, Stanley Jordan,)
Wayne Urban, Ken Perkins, John Doe past)
board directors of The Myrtle Beach)
Resort Homeowners Association, Inc.,)
and K.A. Diehl and Associates, Inc.,)

Defendants.)

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SC Court of Appeals

ORDER GRANTING DEFENDANTS' MOTION TO ENFORCE SETTLEMENT AGREEMENT

THIS MATTER IS BEFORE THE COURT upon the Motion of the Defendants in each of the above-captioned cases (C.A. Nos. 2016-CP-26-00673, 2016-CP-26-00674, 2016-CP-26-00743, and 2016-CP-26-00744) (collectively, the "Actions"). Defendants move for enforcement of the Settlement Agreement in the Actions ("Settlement Agreement").¹

¹ Defendants also seek preliminary approval of the proposed class settlement described in the Settlement Agreement. The Court will issue a subsequent, separate order regarding such approval as described below.

The Court has reviewed the Settlement Agreement (**Exhibit A** to Defendants' Motion), has held a hearing on the Motion, has considered Plaintiffs' opposition to the Motion, and is familiar with the facts, legal issues, and procedural history of the Actions.

The Court finds that the Settlement Agreement is the result of extensive negotiations following a lengthy period of contested litigation between the Parties. The Court further finds that all Parties and their counsel attended and participated in the mediation conference resulting in the Settlement (in person or via telephone, by agreement of the Parties), which concluded with all Parties signing the Settlement Agreement (personally or through their designated agents).² Based on these findings, and for good cause shown,

IT IS ORDERED that Defendants' Motion to enforce the Settlement Agreement is **GRANTED**. Any party desiring to seek reconsideration of this Order shall file a motion explaining the basis for such reconsideration within ten (10) days after his/her/its counsel has received written notice of the entry of this Order. If such a motion for reconsideration is filed, the Court will resolve such motion before entering a subsequent order regarding the Court's approval of the proposed class settlement.

IT IS SO ORDERED on this _____ of _____, 2017.

The Honorable William H. Seals, Jr.

² The Court concludes that SCRCR Rule 43(k) is inapplicable to the Settlement Agreement, as the Settlement Agreement did not involve an agreement between counsel. Moreover, even if Rule 43(k) did apply, the Court finds that the Settlement Agreement complies with Rule 43(k) in that all Parties signed the Settlement Agreement (personally or through their designated agents), as did their attorneys.



Horry Common Pleas

Case Caption: Jim Perkins , plaintiff, et al VS KA Diehl And Associates Inc ,
defendant, et al
Case Number: 2016CP2600743
Type: Order/Other

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

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