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THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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JAN 29 2018

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

**S.C. SUPREME COURT**

Case No. 2013-CP-23-05102  
& 2013-CP-23-01810

Ronald J. Ferguson

Appellant **RECEIVED**

JAN 29 2018

**SC Court of Appeals**

v.

MA

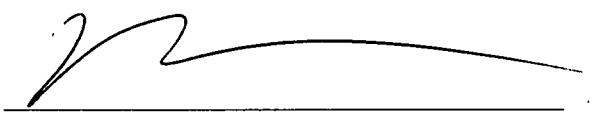
Mill Creek, LP, John D. Hatcher, Rachel Shaluly,  
James F. Gilbert, Molly A. Miller, and Michael  
Stheney, individually and as members of the  
Architectural Committee of Mill Creek Estates,

Respondent.

NOTICE OF APPEAL

Ronald J. Ferguson appeals the order of the Honorable Edward W. Miller dated December 21, 2018, vacating the judgment against Mill Creek, LP, issued by Honorable Leticia Verdin on December 16, 2015, dismissing the party from litigation upon motion from third party respondent(s) and combining such with 2013CP2301810. Appellant received written notice of this order on December 28, 2017.

January 25, 2018



Ronald J. Ferguson  
103 Mill Creek Road  
Piedmont, South Carolina 29673  
864-509-0169  
Pro-se

Other Counsel of Record:  
Rodney M. Brown  
210 South Main Street  
Fountain Inn, South Carolina 29644  
864-862-2528  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2013-CP-23-05102  
& 2013-CP-23-01810

Ronald J. Ferguson

Appellant,

v.

John D. Hatcher, Rachel Shaluly, James F. Gilbert,  
Molly A. Miller, and Michael Stheney, individually  
and as members of the Architectural Committee of  
Mill Creek Estates,

**RECEIVED**  
JAN 29 2018  
SC Court of Appeals  
Respondent.

CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the Notice of Appeal, dated 01/25/2018 on Plaintiff's Attorney of record by

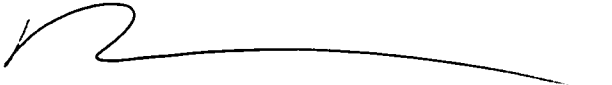
\_\_\_\_\_ delivering it to him/her personally; or,

\_\_\_\_\_ mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

X mailing it to the address indicted by their counsel of record in the Summons as follows:

Rodney M. Brown  
210 S Main St  
Fountain Inn, SC 29644

This the 27th day of January, 2018.

  
\_\_\_\_\_  
Ronald J. Ferguson  
103 Mill Creek Road  
Piedmont, South Carolina 29673  
864-509-0169

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Ronald J. Ferguson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Mill Creek, LP, John Hatcher, )  
 Michael Stehney, Rachel )  
 Shaluly, James Gilbert, )  
 Molly Miller, individually )  
 and as members of the )  
 Architectural Committee of )  
 Mill Creek Estates, )  
 )  
 Defendants. )

IN THE COMMON PLEAS COURT

2013-CP-23-05102

COURT ORDER

**RECEIVED**  
 JAN 29 2018  
 SC Court of Appeals

PRESIDING JUDGE: The Honorable Edward W. Miller  
 ATTORNEY FOR PLAINTIFF: Pro Se  
 ATTORNEY FOR INTERVENERS: Rodney M. Brown  
 DATE OF HEARING: December 7, 2017  
 COURT REPORTER:

This matter comes before the Court upon the Interveners/Defendants', John Hatcher, Michael Stehney, Rachel Shaluly, James Gilber, Molly Miller, individually and as members of the Architectural Committee of Mill Creek Estates, Motion to Dismiss this action.

The Interveners/Defendants and Plaintiff were present at the hearing. The Interveners/Defendants request that the Court dismiss the case pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure for failure to join the necessary parties and pursuant to Rule 12(b)(8) of the South Carolina Rules of Civil Procedure because the same action is pending in this Court involving the same issues and parties. In the alternative, the

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Interveners/Defendants have requested that the Plaintiff be required to join all the necessary parties for complete and just adjudication.

After carefully reviewing the arguments of counsel, the file and the Complaint in the other case involving these Defendants and this Plaintiff being 2013-CP-23-01810, the Court concludes that it would be appropriate pursuant to Rule 12(b)(8) to dismiss this action. The Court believes that action was filed prior to this case, and it involves the same issue regarding the Restrictive Covenants at a subdivision known as Mill Creek Estates. The Plaintiff herein can raise any and all claims, counterclaims against these parties and any other parties which he deems necessary in that case. Accordingly, the Plaintiff herein and Defendant in that case is granted an additional thirty (30) days to file any amended pleadings and counterclaims to add additional causes of actions or parties.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that this action being 2013-CP-23-05102 is dismissed and that Ronald J. Ferguson, the Plaintiff in this case who is the Defendant in case number 2013-CP-23-01810 is granted thirty (30) days to amend his counterclaim in that case.

IT IS SO ORDERED.

\_\_\_\_\_  
The Honorable Edward W. Miller

Date: \_\_\_\_\_



Greenville Common Pleas

**Case Caption:** Ronald J Ferguson vs. Mill Creek LP , defendant, et al

**Case Number:** 2013CP2305102

**Type:** Order/Dismissal

So Ordered

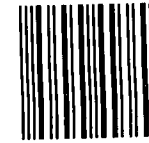
s/ Edward W. Miller

Electronically signed on 2017-12-21 10:39:36 page 3 of 3

Ronald Ferguson  
103 Mill Creek Road  
Piedmont, SC 29673



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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals