

5

STATE OF SOUTH CAROLINA)	IN THE COMMON PLEAS COURT
)	
COUNTY OF GREENVILLE)	2013-CP-23-05102
)	
Ronald J. Ferguson,)	
)	
Plaintiff,)	
)	
vs.)	COURT ORDER
)	
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.)	

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

ELECTRONICALLY FILED - 2017 Dec 21 11:58 AM - GREENVILLE - COMMON PLEAS - CASE#2013CP2305102

Intervenors/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

ELECTRONICALLY FILED - 2017 Dec 21 11:58 AM - GREENVILLE - COMMON PLEAS - CASE#2013CP2305102