

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2013-CP-10-1877
2013-CP-10-3843

Payne RMUE Church, et al.,)
)
Plaintiffs,)

ORDER

vs.)

Payne Church, a corporation, et al.,)
)
Defendants.)

RECEIVED

APR 12 2018

SC Court of Appeals

FILED
2018 APR -5 PM 1:05
JULIE J. ARMSTRONG
CLERK OF COURT

BY

THIS MATTER was previously before me for a non-jury trial on June 15, 2015. Prior to trial, I bifurcated out the jury issues and proceeded on the non-jury issues first. After all testimony was completed but before issuing my final order, I ordered the parties to attend mediation. The mediation was held on August 31, 2015, where a settlement was reached but with one contingency that was ultimately not fulfilled. As a result, the Defendants filed a Motion to Compel Settlement and a hearing was held on December 16, 2015. By Order dated February 9, 2016, I granted the motion upon a finding that the failure to satisfy the contingency did not invalidate the agreement. (Exhibit 1). As a part of that order, I incorporated the parties' settlement agreement and further Ordered that any real property at issue in the case is the property of Payne R.M.U.E. Church, a/k/a Payne's Chapel R.M.U.E Church, and not the property of the newly form corporate entity, Payne Church. I then issued a subsequent order dated March 3, 2016, and filed on March 8, 2016, incorporating the February 9, 2016 order and dismissing the Defendants' counterclaims. (Exhibit 2). Defendants then filed a Notice of Appeal on March 10, 2016, appealing my February 9, 2016 order. (Exhibit 3). The Court of

Appeals subsequently affirmed my order by opinion filed on February 14, 2018. (Exhibit 4). Thus, pursuant to my February 9, 2016 order, my order dismissing Defendants' Counterclaims, and the Court of Appeals opinion, it is this Court's opinion that all issues have been dealt with and the case is over.

Conversely, the Defendants are of the opinion that the case is not over due to the court's decision to bifurcate the jury and non-jury issues. In support of this contention the Defendants cite the transcript from the non-jury trial where the Court stated the following:

THE COURT: Okay. First of all I'd like to put on the record that I had a pretrial conference with the attorneys Mr. Thomas Johnson and Eduardo Curry last week and informed the parties that I was going to do some bifurcation in this case. And the bifurcation is I am going to bifurcate out the non-jury issues with the jury issues.

And the court is of the opinion that the non-jury issue as to ownership of the real estate and the property that is attached thereto is a non-jury issue and we are going to try that first. The remaining jury issues as to the conversion and what was the other cause of action?

MR. CURRY: Slander, violating the agreement---

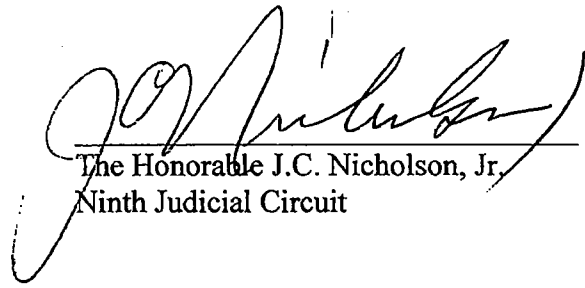
THE COURT: ---liable and slander, that's right would be a jury issue which we can determine at a later date with a jury trial. And that was the court's decision and informed the attorneys last week so they could be prepared this week for trial accordingly. . . .

(Exhibit 6).

This Court agrees with the Defendants inasmuch as it was initially the Court's intention to deal with the jury trial issues at a later date. However, what the Defendants fail to realize, or acknowledge, is that when they mediated the case they settled all of the issues, including Defendants' counterclaims.¹ As a result, the case is over.

¹ See March 8, 2016, Order Dismissing Counterclaims and Settlement Agreement paragraphs nine (9) and ten (10).

AND IT IS SO ORDERED.



The Honorable J.C. Nicholson, Jr.
Ninth Judicial Circuit

April 5, 2018
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2013-CP-10-1877
2013-CP-10-3843

Payne RMUE Church, et al.
PLAINTIFF(S)

Payne Church, a corporation, et al.
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed; Reversed; Remanded; Other

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90 Court of Appeals
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2018 APR -5 PM 1:05
JAMES J. ARISTROFF
CLERK OF COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

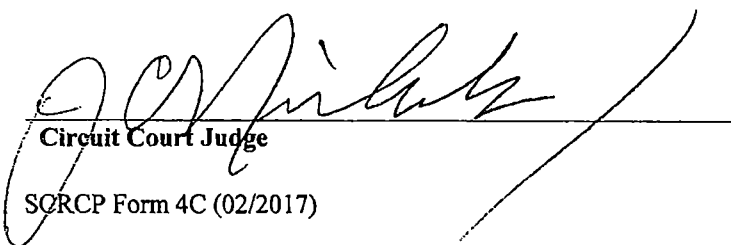
Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		
If applicable, describe the property, including tax map information and address, referenced in the order: N/A		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2117

Judge Code

04/5/2018

Date