

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 Dennis Thompkins-Bellamy Law Firm,) )  
 agent for DT, LLC, ) )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Horry County Zoning Board of Appeals, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO. 2015-CP-26-3791

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In re: Venture Engineering, )  
 Agent for DT, LLC, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Horry County Zoning Board of Appeals, )  
 )  
 Respondent. )

Civil Action No. 2016-CP-26-2377

**ORDER TO CONSOLIDATE ACTIONS**

On June 7, 2016, Appellants, Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC (hereinafter "Appellant Thompkins") and Venture Engineering, agent for DT, LLC (hereinafter "Appellant Venture"), moved for an Order consolidating the above-captioned cases, pursuant to Rule 42 of the South Carolina Rules of Civil Procedure ("SCRCP"). The basis for Appellants' Motion is that the above-captioned cases involve common questions of law and fact. On July 12, 2016, Respondent filed a Response to Appellants' Motion, arguing against consolidation on the basis that the two above-captioned lawsuits involve separate and distinct legal analysis. On August 16, 2016, Appellants' filed a Reply to Respondent's Response.

This Court has broad discretion to consolidate cases. Keels v. Pierce, 315 S.C. 339, 342, 433 S.E.2d 902, 904 (Ct. App. 1993). South Carolina Rule of Civil Procedure 42(a) states:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all matters in issue in the action; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.<sup>1</sup>

(emphasis added). South Carolina courts have found that under a consolidation order, “the parties and the pleadings are not merged, and each action retains its own identity.” Keels, 315 S.C. at 342, 433 S.E.2d at 904. Thus, pursuant to Rule 42, SCRCP, and South Carolina common law, when more than one legal issue arises out of the same set of facts, consolidation allows the Court to jointly hear those facts, while still providing the Court with the ability to analyze each claim separately. See Keels, 315 S.C. at 342, 433 S.E.2d at 904.

The annotation to Rule 42, SCRCP further provides guidance regarding the reasoning for consolidation by stating, in pertinent part, that “consolidation for trial can save much time and cost, as when all claims arise out of one auto accident, or several claims are based upon identical contracts.” Therefore, consolidation is appropriate where two or more cases share a common questions of fact or law because it is timelier and less expensive to try the cases together than apart.

Pursuant to the aforementioned South Carolina statutory and common law, and after a review of the pleadings in the above-referenced matters, I find, in the interest of judicial economy and in order to prevent a multiplicity of suits, that the above-referenced cases should be consolidated. Both of the above-captioned cases arise from the same common nucleus of

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<sup>1</sup> Similarly, Rule 214 of the South Carolina Appellate Court Rules provides the Appellate Court with discretion to consolidate cases where the same question is involved in two or more appeals in different cases.

operative facts and involve legal analysis regarding whether Appellants' business should be allowed to receive loads of C&D and/or concrete materials from outside sources. The Court may conduct a separate legal analysis for each of the issues on appeal, where such separate legal analysis is needed. Therefore, I hereby order the matters should be and are hereby consolidated.

**IT IS SO ORDERED.**



The Honorable Larry B. Hyman, Jr.  
Fifteenth Judicial Circuit

Conway, South Carolina

~~August~~ 10-12-16, 2016

10-12-16