

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2017-CP-40-02822
Appellate Case No: 2018-001536

Palmetto Wildlife Extractors, LLC,
And Patrick Charping

Respondents,

v.

Justin Ludy and First Community Corporation d/b/a
First Community Bank,

Appellants,

Of whom Justin Ludy is the Appellant.

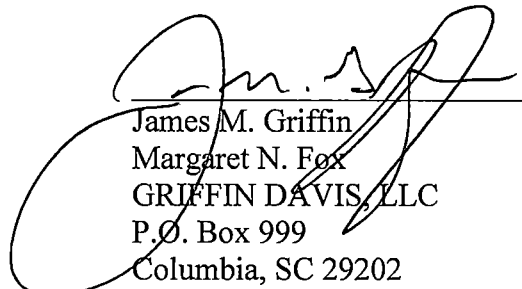
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SEP 04 2018
SC Court of Appeals

MEMORANDUM CONCERNING APPEALABILITY

Pursuant to the Court's request of August 24, 2018, Respondents Palmetto Wildlife Extractors, LLC and Patrick Charping [collectively the Respondents] hereby submit their memorandum of law regarding the appealability of the order of the Honorable DeAndrea Gist Benjamin dated July 23, 2018, denying reconsideration of the order dated June 21, 2018 (the "Order"). South Carolina precedent makes it clear that the Order is not immediately appealable. "Section 15-48-200 does not expressly permit an appeal from an

order granting an application to compel arbitration or from an order to stay claims pending arbitration.” See Carolina Care Plan, Inc. v. United HealthCare Servs., Inc., 606 S.E.2d 753,759 (S.C. 2004). The Order in the present case does just that - compels arbitration on some claims and stays the remaining claims. Accordingly, the Court should find the Order is not immediately appealable and dismiss this Appeal.

Respectfully Submitted.



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*Attorneys for Respondents Palmetto Wildlife
Extractors, LLC and Patrick Charping*

September 4, 2018

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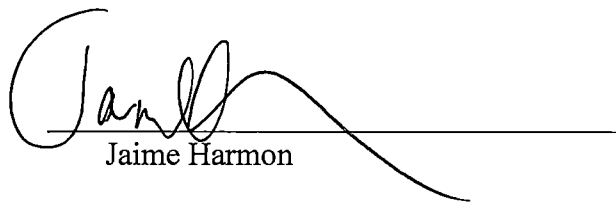
Of whom Justin Ludy is the Appellant.

PROOF OF SERVICE

I, Jaime Harmon, the undersigned employee of Griffin Davis LLC, attorneys for the Respondents, do hereby certify that I have served a copy of the foregoing **Memorandum Concerning Appealability** in connection with the above-referenced case by mailing a copy of the same by Electronic and United States Mail, postage prepaid, to the following addresses:

Wesley D. Few
Wesley D. Few, LLC
P.O. Box 9398
Greenville, SC 29604
wes@wesleyfew.com

Jody A. Bedenbaugh
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1320 Main Street, 17th Floor
Columbia, SC 29201
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Jaime Harmon

Columbia, South Carolina
September 4, 2018

September 4, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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Re: Palmetto Wildlife Extractors, LLC and Patrick Charping v. Justin Ludy et al.
Appellate Case No. 2018-01536

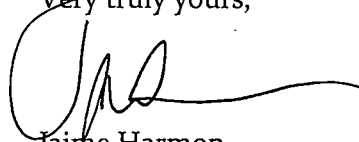
Dear Ms. Abbott Kitchings:

Please find enclosed for filing the original and one copy of Respondents' Memorandum Concerning Appealability in the above-referenced matter. If you could please file these and return the clocked in copy to our courier, I would greatly appreciate it.

By copy of this letter and the attached Certificate of Service, I am serving a copy of the same to counsel of record.

With kind regards, I am

Very truly yours,



Jaime Harmon
Assistant to James M. Griffin

/jh
Enclosure

cc: Wesley D. Few (Via Electronic and U.S. Mail)
Jody A. Bedenbaugh (Via Electronic and U.S. Mail)