

Wells Fargo Bank NA
PLAINTIFF(S)

Michelle Hodges et al
DEFENDANT(S)

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.
- 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

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:

See Page 2

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/24/2019 .

Probate Court Greenville County
 Ruth Ladson Witherspoon Estate for Ruth Ladson Witherspoon Estate
 Ruth Ladson Witherspoon for Ruth Ladson Witherspoon
 Michelle Hodges Personal Representative for Michelle Hodges Personal Representative
 Michelle Hodges Personal Representative for Michelle Hodges Personal Representative
 Michelle Hodges for Michelle Hodges
 Twin Creeks Homeowners Association Inc
 Stanley Witherspoon
 Michelle Hodges for Michelle Hodges
 Ruth Ladson Witherspoon Estate for Ruth Ladson Witherspoon Estate
 Ruth Ladson Witherspoon for Ruth Ladson Witherspoon

RECEIVED
 SEP 17 2019
 99 Court of Appeals

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Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

This matter came before the Court upon various Motions filed by Plaintiff and Defendant Michelle Hodges. The hearing was held on July 22, 2019 and Sterling Laney, Esq. appeared on behalf of the Plaintiff and Michelle Hodges appeared pro se. The Court heard 4 Motions presented by Defendant Hodges and 3 presented by the Plaintiff, and all will be addressed below.

At the conclusion of the hearing, the Court took all Motions under advisement but did Order that this case be removed from the jury trial docket for August 5, 2019. Based on the rulings below, this matter will be referred to the Honorable Charles B. Simmons, Jr. as Master in Equity for Greenville County.

At the hearing, the Court gave both parties ample opportunity to present any information which they felt needed to be reviewed by the Court. In ruling on the Motions, the Court considered arguments at the hearing, all pleadings and Memoranda presented by both sides and the Court rules as set forth below:

- 1) Defendant Hodges' Motion for Sanctions. Even though this Motion addressed additional issues, Defendant Hodges advised that she was only going forward on the Plaintiff's failure to respond to various Requests to Admit relating to the genuineness and authenticity of documents. Plaintiff's counsel argued that the Plaintiff had objected to certain Request to Admit because they had exceeded the number allowed by Rule 26, but advised that he would agree to supplement the Plaintiff's previous response for any requests which specifically related to the authenticity of documents within 10 days from the date of this Order. Otherwise, Defendant Hodges failed to prove that she was entitled to any sanctions and her Motion is denied.
- 2) Defendant Hodges' Motion to Compel. Even though numerous issues were discussed during this portion of the hearing, Defendant Hodges advised the court that the only issue on which she was proceeding related to the Request to Admit which has been addressed above. Defendant Hodges also indicated that the discovery responses had not been properly verified since the date of the verification was before the date of the responses. The Court finds that this does not make the verification defective and was within the S.C. Rules of Civil-Procedure relating to discovery. Otherwise, Defendant Hodges failed to establish any basis for an Order compelling the Plaintiff to provide any additional discovery responses and this Motion is Denied.
- 3) Defendant Hodges' Motion for Status Conference. At the beginning of the hearing, the Court asked for the parties to provide any information about the status of their cases which satisfied the request for a status conference. In light of the additional rulings, any further status conference would not be needed.
- 4) Defendant Hodges' Motion to Strike Trial Date. The Court removed the case from the August 5, 2019 term of Court and the matter will be referred to the Master in Equity as set forth below.
- 5) Plaintiff's Motion for Status Conference and Date Certain. As stated, this issue has been resolved by the other rulings in this matter.

As to the remaining 2 Motions by the Plaintiff, Motion for Summary Judgment and Motion to Strike Defendant's right to a jury trial, the Court preliminary grants both Motions on the grounds set forth in the Motions, Plaintiff's Memoranda and arguments at the hearing. The Court would ask the Plaintiff's attorney submit a proposed Order along these lines for the Court's consideration as to both Motions with a copy of the proposed Order sent to defendant Hodge when it is presented to the Court. Further, the Order should provide that this case shall be referred to the Honorable Charles B. Simmons, Jr., Master in Equity for Greenville County for final disposition. This referral to the Master in Equity shall be effective upon issuance of this final order.

(9)



Greenville Common Pleas

Case Caption: Wells Fargo Bank NA vs. Michelle Hodges , defendant, et al

Case Number: 2017CP2308016

Type: Order/Electronic Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755

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