

E X H I B I T 7

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Raymond A. Wedlake, as a Member of
Woodington Homeowners' Association,
Inc.

Plaintiff (*Pro Se*)

v.

Christopher Edwards, Charles Koshis,
Denis Esteve, Michael Keels, and
William Craigo in their capacity as
Board of Directors of Woodington
Homeowners' Association, Inc.,

Defendant(s).

IN THE COURT OF COMMON
PLEAS

Case No. 2019-CP-23-00269

ORDER

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SC Court of Appeals

ORDER

On October 28, 2019, this Court heard the following motions: (1) Defendants' Motion for Summary Judgment as to Plaintiff's claims; (2) Defendants' Motion for Summary Judgment as to their counterclaim; (3) Defendants' Motion to Extend ADR deadline; and (4) Plaintiff's Motion to Dismiss Defendants' Counterclaim. Having reviewed the record filings, applicable law, and having heard the Parties' arguments as to each Motion, this Court finds and Orders as follows:

1. Defendants' Motion for Summary Judgment as to Plaintiff's claims is **GRANTED**. Defendants are not the proper parties to this lawsuit nor can Plaintiff's suit stand as a matter of law. Article 8 of the South Carolina Non-Profit Corporations Act, specifically S.C. Code Section 33-31-834(a), states that all "directors, trustees, or members of the governing bodies of not-for-profit cooperatives, corporations, associations, and organizations...are immune from suit arising from the conduct of the affairs of these cooperatives, corporations, associations, or organizations. This immunity from suit is

removed when the conduct amounts to willful, wanton, or gross negligence.” Plaintiff asserted at the hearing that Woodington HOA is a not-for-profit corporation. Plaintiff has named individual Board members as Defendants in this lawsuit. Plaintiff has made no allegations of “willful, wanton, or gross negligence” by Defendants. Defendants are immune from suit in accordance with the language of the Act, supporting case law, and the strong public policy of the State of South Carolina which favors limiting individual liability for actions of a corporation. *See, e.g., Smith v. Dockside Ass’n, Inc.*, 2005 WL 7083482, *4 (S.C. Ct. App. Feb. 28, 2005) (“The General Assembly has provided further protection to directors of nonprofit corporations by enacting South Carolina Code section 33-31-834. That section provides that director of nonprofit organizations are immune from suits arising from the conduct of the affairs of the organization unless the directors’ conduct amounts to ‘willful, wanton, or gross negligence.’”). Further, the Board members are not proper parties as the majority have resigned and no longer have authority to provide the requested relief, demonstrating again that the Board members are not the proper party where Plaintiff seeks information from the HOA. Finally, the list of HOA member confidential votes requested by Plaintiff is not something he is entitled to under the Non-Profit Corporations Act. Wherefore, judgment is entered in favor of Defendants on Plaintiff’s claims.

2. Defendants’ Motion for Summary Judgment as to their counterclaim is **DENIED**.
3. Defendants’ Motion to Extend ADR Deadline is **GRANTED**.
4. Plaintiff’s Motion to Dismiss Defendants’ Counterclaim is **DENIED**.

IT IS SO ORDERED.

The Honorable Robin B. Stilwell
South Carolina Circuit Court Judge



Greenville Common Pleas

Case Caption: Raymond A Wedlake vs. Christopher Edwards , defendant, et al

Case Number: 2019CP2300269

Type: Order/Other

So Ordered

s/ Robin B. Stilwell 2158

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