

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Raymond A. Wedlake, individually, and )  
 derivatively, on behalf of all Members of the )  
 Woodington Homeowners' Association, Inc. )  
 )  
 Plaintiff(s) )  
 )  
 vs. )  
 )  
 Benjamin Acord, William Craigo, Denis Esteve, )  
 and Brian James in their capacity as the current )  
 Board of Directors of the )  
 Woodington Homeowners' Association, Inc. )  
 )  
 and, )  
 )  
 Association Management Group SC, Inc., )  
 )  
 Defendants )

IN THE COURT OF COMMON PLEAS  
 THIRTEENTH JUDICIAL CIRCUIT

Civil Action No.  
 2017-CP-23-06301

ORDER DENYING MOTION TO  
 DISMISS, AND IN THE ALTERNATIVE  
 MOTION TO STRIKE OR FOR A  
 MORE DEFINITE STATEMENT

**RECEIVED**

MAR 25 2020

SC Court of Appeals

This matter came before me on January 3, 2018, for a hearing regarding a Motion to Dismiss, or in the Alternative, to Strike or for a More Definite Statement on behalf of Defendants Benjamin Acord, William Craigo, Denis Esteve and Brian James, (the "Board Defendants"). The aforementioned motion was heard following approval by this Court of a settlement between Plaintiff and Defendant Association Management Group SC, Inc. ("AMG"). Upon the Court's approval of the settlement between Plaintiff and AMG, counsel for Plaintiff and AMG entered a stipulation on the record that all claims against the Board Defendants relating to AMG, including all claims relating to or arising out of AMG's contract(s) with Woodington Homeowners' Association, Inc. were dismissed. Such Stipulation did not include Plaintiff's request for the Court to interpret the By-Laws with regard to voting requirements for management contracts and renewals thereof. After hearing oral argument of counsel, and following review of Plaintiff's

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Complaint, the Board Defendants' Motion, Board Defendants' Memorandum in Support and related Affidavits and Exhibits, and Plaintiff's Memorandum in Opposition and related Affidavits and Exhibits, I find in favor of Plaintiff, denying Board Defendants' Motion in all respects.

**THEREFORE, IT IS ORDERED**, that Board Defendants' Motion to Dismiss, and, in the alternative, to Strike or for a More Definite Statement is DENIED. Further, by stipulation of counsel, all claims against the Board Defendants relating to AMG, including all claims relating to or arising out of AMG's contract(s) with Woodington Homeowners' Association, Inc. are dismissed

**IT IS SO ORDERED.**

\_\_\_\_\_  
Robin B. Stilwell, Circuit Court Judge

Date: \_\_\_\_\_



Greenville Common Pleas

**Case Caption:** Raymond A Wedlake , plaintiff, et al vs. Benjamin Acord , defendant,  
et al  
**Case Number:** 2017CP2306301  
**Type:** Order/Other

So Ordered

s/ Robin B. Stilwell 2158

# The South Carolina Court of Appeals

Raymond A. Wedlake, individually and derivatively, on behalf of all Members of the Woodington Homeowners' Association, Inc., Appellant,

v.

Benjamin Acord, William Craigo, Denis Esteve, and Brian James in their capacity as the current Board of Directors of the Woodington Homeowners' Association, Inc., Respondents.

Appellate Case No. 2018-001209

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ORDER

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Respondents' motion to dismiss this appeal is denied at this time. Respondents, however, may amend their initial brief to address the issue of mootness within thirty days of the date of this order. If Respondents' serve and file an amended initial brief, Appellant may serve and file an amended reply brief within fifteen days of service of Respondents' amended initial brief.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Grant Henry Gibson, Esquire  
Ely Owen Grote, Esquire

**FILED**

November 8, 2019