

STATE OF SOUTH CAROLINA

) COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) Civil Action No. 2016-CP-26-05916

COUNTY OF HORRY

Green Lotus Sports, LLC,

Plaintiff,

v.

Black Bear Global, LLC,

Defendant.

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SC Court of Appeals

) ORDER DENYING DEFENDANT'S
) MOTION FOR RECONSIDERATION
) AND AWARDING ATTORNEY FEES
) AND COSTS TO PLAINTIFF

This matter came before the Court on April 27, 2020 for a hearing on Defendant's Motion for Reconsideration of the Order Granting Judgment filed on February 6, 2020 ("Order") and Plaintiff's Motion for an Award of Attorney's Fees and Costs. Gene Connell represents Black Bear Global, LLC ("Black Bear") and Nate Fata represents Green Lotus Sports, LLC ("Green Lotus"). A court reporter was present with counsel who appeared together telephonically by agreement. The transcript of the hearing shall be filed with the Court.

The Court has reviewed the Defendant's Motion for Reconsideration. The record supports the findings of fact set forth in the Order. At or before the date of the closing, Black Bear was aware of a higher offer for the property and it breached its Contract with Green Lotus. Green Lotus is entitled the return of the \$100,000 earnest money with interest. The Court hereby denies Defendant's Motion for Reconsideration on all grounds.

The Court has reviewed Green Lotus' Motion for an Award of Attorney Fees and Costs, and Affidavits filed in support. The billing records of the Mullins Law Firm and Nate Fata, P.A. were also submitted by Green Lotus' counsel in support of its request.

In July 2019, Green Lotus substituted Nate Fata and Nate Fata, P.A. for the Mullins Law Firm as its counsel. Although a beneficial result was obtained for Green Lotus, the substitution of counsel rendered some duplication of effort by the two law firms. As such, I hereby award \$30,000.00 for attorney's fees and costs to Green Lotus. This award is based on my review of the factors set forth in *Taylor v. Medenica*, 331 S.C. 575, 503 S.E.2d 458 (1998); *Baron Data Systems v. Loter*, 297 S.C. 382, 377 S.E.2d 296 (S.C. 1989), *Jackson v. Speed*, 326 S.C. 289, 486 S.E.2d 750 (1997). Those factors include, but are not limited to, the time spent, the beneficial results obtained, and the rates charged in Horry County for similarly experienced practitioners.

NOW, THEREFORE IT IS HEREBY ORDERED that the Defendant's Motion for Reconsideration and all grounds asserted therein are DENIED.

It is further ORDERED that the Plaintiff's Motion for an Award of Attorney's Fees and Costs is hereby GRANTED in the amount of \$30,000.00. This attorney fee and cost award shall be added to the previous Order amount of \$129,006.83, rendering a total judgment in favor of Green Lotus Sports, LLC against Black Bear Global, LLC in the amount of \$159,006.83, which shall be entered by the Clerk of Court.

AND IT IS SO ORDERED.

5-4-2020
Cowan, S.C.



LARRY B. HYMAN, JR.
Presiding Judge
Fifteenth Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2016-CP-26-05916

Green Lotus Sports, LLC

Black Bear Global, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Nate Fata

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

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. See Page 2 for additional information.
- 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

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SC Court of Appeals

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:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Green Lotus Sports, LLC	Black Bear Global, LLC	\$159,006.83
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

