

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP4203447

Barbara Owens et al
PLAINTIFF(S)

Fundamental Clinical And Operational Services, Llc 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 additional order information below

RECEIVED
Aug 12 2020
SC Court of Appeals

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 06/25/2020 .

Barbara Owens Estate

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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.

Thank you for the presentations and arguments.

After reviewing this Court's prior order, considering the arguments of counsel and reviewing the documents and submissions, plaintiff's counsel is asked to prepare a formal order denying the motion to alter or amend. The Court was informed that the parties has agreed upon some minor alteration to the prior order.

This Court remains concerned that this defendant has not agreed to the terms of a confidentiality order that will allow discovery to proceed. Assume for the sake of argument, this Court is wrong on the issue of compelling arbitration. At some point discovery will take place before the disputes between these parties will be resolved. Not discussing or agreeing to an order allowing discovery, even one that requires confidentiality, can reasonably be seen as an unjustified delay unless other explanation is offered.

This Court looks forward to receiving the formal order and looks forward to an update on the discovery order. Once the formal order is signed and filed it will be the final order of this Court on the present motion.

Thank you for your attention and cooperation.

Mark Hayes



Spartanburg Common Pleas

Case Caption: Barbara Owens , plaintiff, et al VS Fundamental Clinical And Operational Services, Llc , defendant, et al
Case Number: 2018CP4203447
Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132