

2020-CP-10-1771

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1001127

Patricia A Brunson  
PLAINTIFF(S)

W A Brunson, Jr 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:

Elaine B Mincey Personal Representative's Motion/Dismiss Appeal is DENIED.  
Patricia A. Brunson's Motion to Stay is GRANTED and the Motion to Enlarge time is moot.

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 07/27/2020 .

Seth A. Levy for W A Brunson, Jr, Elaine B Mincey, W A Brunson Jr Estate, Elaine B Mincey Personal Representative

RECEIVED

Aug 20 2020

SC Court of Appeals

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.

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Charleston Common Pleas

**Case Caption:** Patricia A Brunson VS W A Brunson Jr , defendant, et al

**Case Number:** 2020CP1001127

**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 2020-CP-10-01127

Patricia A. Brunson, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
Estate of W. A. Brunson, Jr., )  
Elaine B. Mincey, P.R., )  
 )  
Respondents. )  
\_\_\_\_\_ )

**MOTION TO HOLD APPEAL  
IN ABEYANCE**

TO THE DEFENDANTS ABOVE NAMED:

Please take notice that the Petitioner above named will move ten days after notice hereof, or as soon thereafter as counsel may be heard, for an Order of the Court holding the within appeal in abeyance, and consolidating the case with cases pending at Case Numbers 2020-CP-10-1771 (Partition action filed April 7, 2020) and Case Number 2020-CP-10-965 (action seeking removal of Personal Representative filed February 21, 2020). In addition to these two cases involving the same parties and the same subject matter, the parties currently have pending before the Probate Court two motions filed December 30, 2019 and February 21, 2020, that require adjudication and/or consolidation with this action in order that the parties can identify the issues to brief. On December 30, 2019, Petitioner filed a motion to Amend Petition in the Probate Court, which has not been decided. On February 21, 2020, the Petitioner filed a Motion for Admission of Sworn Testimony, which has not been decided. The issues in this appeal filed March 2, 2020, are whether the Probate Court applied the correct summary judgment standard to the case and whether the

Court properly ruled on an issue (elective share) not before the Court. The pending Probate Court motions have the potential to make both of these issues moot. In the alternative, an adverse decision will require an Amended Notice of Appeal, and only then will the parties know what the issues before the Court are. This will be explained more fully in a supporting memorandum of law. Without an adjudication on the pending Probate Court motions, the parties cannot know what the issues on appeal are.

This motion will be supported by a memorandum of law filed in support.

Based on the foregoing, the Petitioner requests an Order of the Court:

- A) Holding the matter in abeyance until the Probate Court has ruled on the pending motions, and
- B) Consolidating the appeal with the pending circuit court companion actions to conserve judicial resources, reduce the expense and inconvenience of litigation, and prevent the possibility of inconsistent decisions on the same matter.

Respectfully submitted,

June 4, 2020

/s/ Thomas R. Goldstein  
Thomas R. Goldstein, S. C. Bar #2186  
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(843) 554-4291; (843) 554-5566 fax  
ATTORNEYS FOR PLAINTIFF

Rule 11 Certificate

I certify that prior to filing this motion, I consulted with opposing counsel and was unable to resolve the request.

June 4, 2020

/s/ Thomas R. Goldstein  
Thomas R. Goldstein, S. C. Bar No. 2186