

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Sep 01 2020

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas for the Ninth Circuit

The Honorable Bentley Price, Circuit Court Judge

Case No. 2019-CP-10-00178
Supreme Court Case No. 2020-000370

J. Daniel Mahoney.....Respondent,

v.

The Muhler Company, Inc. and Henry Hay III,Petitioners.

CONSENT MOTION TO CONSOLIDATE APPEALS

BACKGROUND/ANALYSIS

This matter is currently pending before this Honorable Court pursuant to this Court's Order granting Writ of Certiorari dated August 7, 2020. The issue in this appeal relates to an arbitration proceeding between the above-entitled parties and the Honorable Bentley Price's ruling related to the composition of the arbitration panel.

Also currently on appeal, before the South Carolina Court of Appeals (App. No. 2020-000925), is an appeal between these same parties related to another issue arising out of the same arbitration and dealing with a different ruling by the Honorable Bentley Price. Specifically, this

second appeal deals with Judge Price's denial of a motion to confirm an arbitration award arising out of an employment dispute between these parties.

Based on judicial economy, the substantial issues raised in each appeal, and a desire for a uniform ruling on both appeals, Respondent and Petitioners hereby request that this Honorable Court take over the pending appeal before the South Carolina Court of Appeals (App. No. 2020-000925) so that all of the pending matters can be decided at once.

Granting this motion will cause no delay or prejudice to either party and will promote judicial efficiency. The parties request this Court consolidate these appeals and set a briefing schedule for the consolidated appeal.

WE CONSENT:

s/Clayton B. McCullough
Clayton B. McCullough (SC Bar #13722)
McCULLOUGH KHAN, LLC
359 King Street, Suite 200
Charleston, SC 29401
(843) 937-0400
(843) 937-0706 (fax)
Clay@mklawsc.com

ATTORNEY FOR RESPONDENT

September 1, 2020

s/Jaan G. Rannik
Jaan G. Rannik (SC Bar # 103014)
EPTING & RANNIK, LLC
46A State Street
Charleston, SC 29401
P: (843) 377-1871
F: (843) 377-1310
jgr@epting-law.com

ATTORNEY FOR PEITIONERS

September 1, 2020