

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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

The Honorable Bentley Price, Circuit Court Judge

RECEIVED

Sep 01 2020

SC Court of Appeals

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



McCULLOUGH ▪ KHAN, LLC
ATTORNEYS AT LAW

Clayton B. McCullough
Direct: (843) 937-0401
Fax: (843) 937-0706
clay@mklawsc.com

September 1, 2020

The Honorable Daniel E. Shearouse
Clerk of Court, The Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

RECEIVED
Sep 01 2020
SC Court of Appeals

Re: J. Daniel Mahoney v. The Muhler Company, Inc. and Henry Hay, III
Supreme Court Case No. 2020-000370

Dear Mr. Shearouse:

I hope this finds you well. Enclosed please find a check in the amount of \$50.00 to cover the filing fee associated with the Consent Motion to Consolidate which was electronically filed through the AIS e-filing system on September 1, 2020 in the above-referenced matter.

Thanks in advance for your assistance with this matter and please do not hesitate to contact me if you have any questions or need anything further. With kind regards, I remain

Sincerely yours,

McCULLOUGH KHAN, LLC

A handwritten signature in black ink that reads 'Clayton B. McCullough'.

Clayton B. McCullough

CBM:kbn

Enclosure

cc: Jaan G. Rannik, Esq. (*via e-mail only*)