

Petitioners barely a month after this litigation commenced does not constitute a voluntary and intentional waiver of Petitioners' right to mandatory mediation/arbitration of the parties' dispute. To the contrary, a consideration of all the particular facts in this case establish that the Petitioners have vigorously, continuously and consistently asserted their right to arbitration at both the trial court and appellate court levels throughout this entire action. For these reasons, and under the legal authorities set forth herein, the South Carolina Supreme Court should reverse the orders of the Master and the Court of Appeals and remand this action.

CONCLUSION

Based on the foregoing, the Orders of the Master, dated July 14, 2016 and October 28, 2016 and the Opinion of the Court of Appeals, dated June 26, 2019, are in error and should be reversed and remanded.

Respectfully submitted,

LAW OFFICE OF A. BRIGHT ARIAIL, LLC

s/ A. Bright Ariail
A Bright Ariail
SC License #69570
125 Wappoo Creek Drive
Building E, Suite 202
Charleston, S.C. 29412
P: (843) 814-8805
F: (843) 266-0538
ATTORNEY FOR PETITIONERS

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Charleston, South Carolina