

EXHIBIT A

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
Vidhyaben R. Patel,)
)
Plaintiff,)
v.)
)
Hardik R. Patel,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
Case No. 2019-CP-46-03009

**ORDER GRANTING
SUMMARY JUDGMENT**

RECEIVED
Jan 25 2021
SC Court of Appeals

Pursuant to Rule 56(b), Defendant Hardik Patel (hereafter “Hardik”) moves for summary judgment on all causes of action asserted against him in this matter. In support of his motion, Hardik submitted the final order issued in a collateral matter, *Vidhyaben Patel, individually and as PR et al. v. Hardik Patel et. al*, Case No. 2019-CP-30-0140 (hereafter “the prior action.”) The trial court takes judicial notice of the proceedings in the prior action pursuant to Rule 201(b), SCRE. Plaintiff Vidhyaben Patel **has/has not** responded to the motion.

UNDISPUTED FACTS ESTABLISHED BY THE RECORD

1. Plaintiff Vidhyaben R. Patel (hereafter “Vidhya”) is the mother of Defendant Hardik. Vidhya filed suit in her individual capacity against Hardik and others in Laurens County in February, 2019. The prior action (*Vidhyaben Patel, individually and as PR et al. v. Hardik Patel et. al*, Case No. 2019-CP-30-0140) has been concluded by final order of Circuit Court Judge Eugene Griffith by order dated August 28, 2020. Rehearing was also denied by order dated October 19, 2020.
2. The current action was filed by Vidhya, also in Laurens County, but venue was transferred to York County, Hardik’s residence.

3. Among the issues litigated in the prior action was the issue of whether Hardik initiated criminal proceedings against Vidhya to gain an advantage in that action.
4. The substantive claim asserted by Plaintiff in this matter, *i.e.* Vidhya's claim that Hardik filed criminal charges against her for leverage, was specifically addressed and contested during trial in the prior action. , with the facts and claim ultimately adjudicated in favor of Hardik in that action.
5. Judge Griffith ruled, *inter alia*, "Neither Hardik nor Anna requested, arranged, or facilitated the arrest; in fact, they knew nothing about it until after it had occurred. Someone called Anna after hearing a news report about the arrest." (Order of Judge Griffith dated August 28, 2020, page 23, ¶ 94).
6. The issue presented in this action has been fully and finally adjudicated in the prior action.

CONCLUSIONS OF LAW

7. Issue preclusion prohibits Vidhya from attempting to relitigate, in this action, issues that were litigated and finally decided in the prior action. *Sims v. Amisub of South Carolina Inc.*, 408 S.C. 202, 758 S.E.2d 187 (Ct. App. 2014); *Roberts v. Recovery Bureau, Inc.*, 316 S.C. 492, 450 S.E.2d 616, 619 (S.C. App. 1994). *See also Carolina Renewal, Inc. v. S.C. Dep't of Transp.*, 385 S.C. 550, 554, 684 S.E.2d 779, 782 (Ct. App. 2009).
8. Vidhya litigated the issues regarding her arrest and the basis for it during the litigation in Laurens, and those issues were fully explored and decided in that action. Any claim Vidhya may have had in connection with the arrest was required to be litigated as a part of the claim in the prior matter. *Gathings v. Robertson Brokerage Company Inc.*, 295 S.C. 112, 367 S.E.2d 423 (Ct. App. 1988).

9. The party seeking summary judgment “has the initial responsibility of demonstrating the absence of a genuine issue of materials fact.” *Lord v. D & J Enterprises Inc.*, 407 S.C. 544, 757 S.E.2d 695 (2014). “The court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party.” *Id.* As demonstrated, all issues between these parties were litigated in the Laurens county action or should have been. Collateral estoppel prevents relitigation of issues that were or could have been litigated in that action.

CONCLUSION

As a result of the prior litigation, which is final¹, Hardik is entitled to summary judgment in his favor as a matter of law, because separate litigation of the abuse of process claim here is barred by judgment in the separate case. *Zinn v. CFI Sales & Marketing Ltd.*, 415 S.C. 93, 780 S.E.2d 611 (Ct. App. 2015) (“*Res judicata* bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties. . . under the doctrine of *res judicata* ‘a litigant is barring any issues which were adjudicated in the former suit and any issues that might have been raised in the former suit. . .’” (citations omitted).

Hardik’s motion for summary judgment is GRANTED.

IT IS SO ORDERED.

Daniel Dewitt Hall
Chief Administrative Judge
Sixteenth Judicial Circuit- CP

October __, 2020

¹ Even if an appeal is taken from Judge Griffith’s order in the prior action, the order is not stayed during the appeal, so entry of summary judgment in this action is warranted. *See* Rule 205, SCACR and Rule 241(b)(2) and (b)(3), SCACR.



York Common Pleas

Case Caption: Vidhyaben R. Patel VS Hardik R Patel

Case Number: 2019CP4603009

Type: Order/Summary Judgment

So Ordered

s/Daniel D. Hall 2753