

12/14/2020

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TEXT ORDER: On November 10, 2020, Defendants filed a motion (ECF No. [44](#)) to include additional documents in the record on the certified question this court submitted to the South Carolina Supreme Court on August 24, 2020, *see* (ECF No. [36](#)). On November 24, 2020, Plaintiff filed his response in opposition to Defendants' motion, (ECF No. [46](#)), and Defendants timely replied, (ECF No. [47](#)). This matter is now ripe for review.

In their motion, Defendants seek to add the following documents to the certified question record to be sent to the South Carolina Supreme Court: the Complaint (ECF No. [1](#)-1); all briefing related to Defendants' motion to dismiss (ECF Nos. [6](#), [7](#), [11](#), [12](#), [16](#), [19](#)); the court's order denying Plaintiff's motion to remand and dismissing Defendant McLaughlin as fraudulently joined (ECF No. [25](#)); Defendants' withdrawal of their motion to dismiss (ECF No. [33](#)); and Defendants' motion to compel arbitration (ECF No. [34](#)). (ECF No. [44](#) at 2). The court finds that none of these documents are necessary for the Supreme Court's consideration of the certified questions in this case.

As to the Complaint, the parties' briefing on Defendants' motion to dismiss, and the court's order at Docket Entry [25](#), the court notes that it carefully and thoroughly composed the certification order [ECF No. [36](#)] to include all the relevant allegations, issues, arguments, and procedural history the Supreme Court may need to consider the questions posed to it. Moreover, as Plaintiff points out in his response, the three questions which the court has certified "are intentionally general in nature, designed to answer questions of law and [to] be applicable to multiple fact scenarios." (ECF No. [46](#) at 12). Thus, the court finds that it would be unnecessary and redundant to add these documents to the certified question record.

With respect to Defendants' withdrawal of their motion to dismiss (ECF No. [33](#)) and their motion to compel arbitration (ECF No. [34](#)), the courts finds these documents to be wholly irrelevant to the questions posed to the Supreme Court. Furthermore, Defendants' only argument in support of why these documents should be added to the record is that "Defendants may need to address the procedural posture of this case in the briefing and/or oral argument." (ECF No. [44](#) at 2). However, as noted above, the court has already thoroughly set forth the relevant factual and procedural history in the certification order. *See* (ECF No. [36](#)). Accordingly, Defendants' motion is DENIED. IT IS SO ORDERED. Entered at the direction of the Honorable Timothy M Cain on 12/14/20.(kmca) (Entered: 12/14/2020)

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