

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Thomas Smith and Tracy Smith,

Plaintiffs,

v.

Evans Transportation,

and

Curtis Fair

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO,; 17-CP-10-6013

**ORDER GRANTING MOTION TO
COMPEL**

FILED
2018 NOV 30 AM 11:35
JULIE C. COBB
CLERK OF COURT

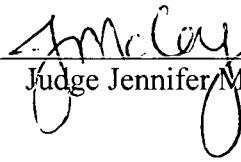
This matter came before me at a hearing on November 26, 2018, upon Plaintiff's Motion to Compel Defendant Evans Transportation responses to discovery requests. Previously, Plaintiffs served Defendants Evans Transportation with discovery requests on April 24, 2018. Plaintiff argues that Defendant Evans Transportation has not complied with its discovery obligations after previously entering into a consent order whereby Evans Transportation consented to joining the litigation at hand and that Evans Transportation can not now avoid those obligations by now claiming to not be the proper party. I agree. Accordingly, Defendant Evans Transportation is hereby Ordered to fully respond to the discovery requests submitted by Plaintiffs Thomas and Tracy Smith within ten (10) days of this Order. In the alternative, within ten (10) days, a corporate officer of Defendant Evans Transportation may choose to submit a written statement asserting whether Evans Transportation is the correct party to this litigation and if the answer is no, name, to the best of their knowledge, the proper party.

JBW/1

Additionally, Plaintiffs have noticed the deposition of Defendant Curtis Fair for November 29, 2018. Plaintiffs have requested that they be granted leave to reconvene Defendant Fair's deposition to address additional discovery upon receipt. That request is granted.

It is, therefore,

ORDERED that Defendant Evans Transportation shall provide the information and documentation set forth above by December 6, 2018.



Judge Jennifer McCoy

Charleston, South Carolina

Dated: 11/27/18