

## FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS

## JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP1002057

Mary C L Dawson et al  
PLAINTIFF(S)

Omega Flex Inc et al  
DEFENDANT(S)

## DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);  
☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):  
☐ Affirmed; ☐ Reversed; ☐ Remanded;  
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court on December 18, 2019 for a hearing on Plaintiffs' Motion for Sanctions, filed November 5, 2019. Present at the hearing was Joshua Cantwell, Esq. for the Plaintiffs, Clay Olson, Esq. and G. Troy Thames, Esq. for Defendants James Brown and Brown Contractors, LLC and Arch Specialty, Trey Watkins, Esq. for Defendant Coastal Plumbing and Gas, and Clarke Dubose, Esq. for Defendant Robert Anderson Electrical Contracting, Inc. "If any person or entity subject to the ADR Rules violates any provision of the ADR Rules without good cause, the court may, on its own motion or motion by any party, impose upon that party, person or entity, any lawful sanctions, including, but not limited to, the payment of attorney's fees, neutral's fees, and expenses incurred by persons attending the conference; contempt; and any other sanction authorized by Rule 37(b), SCRCP." Rule 10(b), ADJR. This matter arises out of a mediation that occurred on November 4, 2019.

## ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

## For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/07/2020 .

Cullen W Guilmartin for Omega Flex Inc  
James Brown, IV  
John 1-10 Doe  
Doe, John 1-10  
Brown Meihaus Construction LLP  
Brown Meihaus Construction Co LLC  
Brookedge Contractors LLC

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Both Defendant James Brown and Arch Specialty failed to appear for the mediation, which they were required to attend. Evidence was presented at the hearing that Defendant Brown was out of town on business at the time of the mediation, and the designated representative for Arch Specialty was unavailable due to a scheduled surgery. While there was no viable explanation for Defendant Brown's absence the Court is persuaded the absences were a result of a profound lack of communication among the parties. As a result, Plaintiff's Motion is heard and respectfully Denied. However, the parties are hereby Ordered to reconvene mediation on a mutually agreeable date, time and location. All parties are required to attend. Arch Specialty is hereby directed to send a representative with full authority to participate in the mediation. Defendant Brown, likewise, is ordered to attend the mediation. If either party fails to appear for the mediation, Plaintiff is instructed to issue a Rule to Show Cause for the Court to determine why either party has failed to appear, and whether either party has willfully failed to comply with the mediation requirements. This Court has not retained jurisdiction of this issue.



Charleston Common Pleas

**Case Caption:** Mary C L Dawson , plaintiff, et al VS Omega Flex Inc , defendant, et al  
**Case Number:** 2018CP1002057  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED.

s/D.L. Jefferson Ninth Judicial Circuit Judge 2128