

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

James C. ("Chris") McNeil and
Meaghan Poyer,

Plaintiffs,

v.

SAC 181, LLC,
Meridian Residential Group, LLC,
Adam W. Bayles, individually,
Tara Bayles, individually, and
MRG Investing Company LLC

Defendants.

)
) IN THE COURT OF COMMON
) PLEAS
) NINTH JUDICIAL CIRCUIT
)
) Civil Action No. 2025-CP-10-05095
)
) PLAINTIFFS' MOTION FOR
) VOLUNTARY DISMISSAL
) WITHOUT PREJUDICE
) PURSUANT TO
) RULE 41(a)(2), SCRPC

FILED
2026 JUN 22 PM 2:54
JULIE J. ARISTRONCH
CLERK OF COURT

TO: ALL PARTIES AND COUNSEL OF RECORD:

Plaintiffs James C. McNeil and Meaghan Poyer, appearing pro se, respectfully move this Court pursuant to Rule 41(a)(2), SCRPC, for an Order dismissing the above-captioned action without prejudice.

In support, Plaintiffs state as follows:

1. Plaintiffs intend to pursue in the United States District Court for the District of South Carolina the claims arising from the common nucleus of operative facts in this matter, including federal fair-housing and civil-rights claims arising under federal law, for which federal-question jurisdiction exists under 28 U.S.C. § 1331. Plaintiffs further intend to

pursue related state-law claims, including related tort and other claims, that may properly proceed in that forum under the supplemental jurisdiction conferred by 28 U.S.C. § 1367.

2. The federal-forum path has already been expressly placed in the record. In Plaintiffs' May 26, 2026 Emergency Motion for Health Continuance, Plaintiffs set out the ripened federal posture created by the unresolved ADA accommodation request and related procedural conditions. Plaintiffs reiterated that venue concern in substance at the May 28, 2026 hearing.
3. Under settled South Carolina law, voluntary dismissal without prejudice should be granted unless the opposing party demonstrates legal prejudice, and the burden of showing such prejudice rests on the party seeking to defeat the motion. *Bowen & Smoot v. Plumlee*, 301 S.C. 262, 391 S.E.2d 558 (1990); *Prime Medical Corp. v. First Medical Corp.*, 291 S.C. 296, 353 S.E.2d 294 (Ct. App. 1987); see also *Knight v. Waggoner*, Op. No. 2004-UP-256 (S.C. Ct. App. filed Apr. 5, 2004). Where no legal prejudice is shown, dismissal without prejudice is required; only upon a showing of prejudice does the matter become discretionary.
4. No Defendant will suffer substantial legal prejudice from dismissal without prejudice. Defendants have appeared, litigated motions, and participated in discovery-related proceedings sufficient to place the factual basis of Plaintiffs' claims fully in view and to eliminate any element of unfair surprise from refile in federal court.
5. This action has not proceeded to summary judgment or trial, and dismissal at this stage avoids unnecessary duplication by allowing the federal claims and the related state-law claims arising from the same operative facts to proceed in a single forum.

6. To the extent the Court considers terms under Rule 41(a)(2), SCRCP, any such terms should be minimal, as Defendants face no prejudice cognizable under the governing standard. The discovery and motion practice already completed in this action materially reduce any duplication of effort or expense in the contemplated federal action arising from the same operative facts. The mere prospect that Plaintiffs may pursue their claims in another forum is not legal prejudice and provides no basis for an award of fees or costs against Plaintiffs. See Prime Medical Corp., supra; cf. Rule 41(a)(2), SCRCP (terms imposed only as “proper” to obviate genuine prejudice).
7. This is not a second voluntary dismissal of these claims by Plaintiffs within the meaning of Rule 41(a)(1), SCRCP.
8. Plaintiffs seek dismissal without prejudice so they may pursue appropriate claims in federal court, with the rights of all parties to be governed there by the applicable rules of jurisdiction, limitations, preclusion, and related doctrines.
9. Consistent with the October 7, 2025 return instruction issued from the Office of Chief Administrative Judge Jennifer B. McCoy in this case - stating that motions were to be set for hearing and that proposed orders were unnecessary unless requested by the judge - Plaintiffs submit this motion without a proposed order and stand ready to provide one promptly upon request of the Court.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order dismissing this action without prejudice pursuant to Rule 41(a)(2), SCRCP, and granting such other and further relief as the Court deems just and proper.

Respectfully submitted this 22nd day of June, 2026.



James C. ("Chris") McNeil, Pro Se
P.O. Box 30386, Charleston, SC 29417
chris@thaut.io



Meghan Poyer, Pro Se
P.O. Box 30386, Charleston, SC 29417
mcneilandpoyer@gmail.com