

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

C.A. No. 2024-CP-40-05868

Tammy L. Basinger and Khaylis C. Scott,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

Housing Authority of the City of Columbia  
a/k/a Columbia Housing Authority,  
Defendant.

**ORDER**

THIS MATTER IS BEFORE THE COURT on the motion of Plaintiffs to consolidate into the present case the case of *Cedrick T. Montgomery et al. v. Housing Authority of the City of Columbia a/k/a Columbia Housing Authority*, C.A. No. 2023-CP-40-04319, for the purpose of seeking conditional and final approval of a voluntary class settlement that would resolve both cases. Defendant consents to the motion.

The parties on January 16, 2025, filed their joint motion in the present case (*Basinger*, C.A. No. 2024-CP-40-05868) under Rule 23, SCRCPP, for conditional approval of a voluntary class settlement that, if approved by the Court, would resolve both cases. That motion contains an explanation of the factual and procedural background of the cases.

Rule 42(a), SCRCPP, provides:

- (a) Consolidation. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all matters in issue in the action; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

“Consolidation under Rule 42(a), SCRCPP, may be ordered whenever actions involving a common question of law or fact are pending before the court. *Ellis by Ellis v. Oliver*, 307 S.C. 365, 415 S.E.2d 400 (1992).

The Court makes the following findings of fact and conclusions of law:

- The *Basinger* and *Montgomery* cases involve common questions of law and fact. The parties jointly have moved to resolve both cases by filing a motion in *Basinger* for a conditional settlement class certification, preliminary approval of a class settlement and for approval of notice of settlement class certification and proposed class settlement and claim form.
- All the Plaintiffs in both cases are former tenants of Allen Benedict Court, meaning both cases have common parties. The *Basinger* case includes the two proposed representatives of the settlement class, Tammy L. Basinger and Khaylis C. Scott, who have asserted individual and class claims against CHA. The *Montgomery* case includes 159 claimants (102 adults and 57 minors) who have asserted individual claims against CHA.
- The claims asserted by all the Plaintiffs in both cases are essentially the same: (1) Violations of the S.C. Residential Landlord and Tenant Act (“RLTA”), S.C. Code Ann. § 27-40-660; (2) Violations of RLTA, S.C. Code Ann. § 27-40-610(b); and (3) Breach of lease terms requiring CHA to maintain the premises, appliances and equipment in good and safe working condition.
- The facts at issue in both cases are essentially the same, as all Plaintiffs have asserted claims for damages against CHA with regard to the mandatory evacuation of Allen Benedict Court on January 17-18, 2019.

Judicial economy and fairness are served by consolidation and will further the purpose of resolving both cases in a class settlement. As the Court of Appeals noted in *Keels v. Pierce*, “consolidation is within the broad discretion of the trial court.” *Worthy v. Chalk*, 44 S.C.L. (10 Rich.) 141 (1856). Under a consolidation order, the parties and the pleadings are not merged, and each action retains its own identity. “The moving party has the burden of persuading the court that consolidation is desirable.” *Prudential Insurance Co. v. Marine National Exchange Bank*, 55 F.R.D. 436 (E.D.Wis.1972). “An appellate court will not disturb a trial court's ruling on a motion to consolidate absent an abuse of discretion.” *Winchester v. United Insurance Co.*, 231 S.C. 288, 98 S.E.2d 530 (1957), all cited in *Keels*, 315 S.C. 339, 342, 433 S.E.2d 902, 904 (Ct. App. 1993).

Plaintiff's motion is hereby GRANTED. The *Montgomery* case is consolidated into the *Basinger* case for the purpose of resolving both cases actions by the conditional and final approval of a proposed class settlement. All future filings shall be made in *Basinger*, 2024-CP-40-05868.

IT IS SO ORDERED.



Richland Common Pleas

**Case Caption:** Deborah Hill , plaintiff, et al vs Housing Authority Of The City Of  
Columbia , defendant, et al  
**Case Number:** 2024CP4005868  
**Type:** Order/Other

So Ordered

s/ Thomas W. McGee III, Judge Code 2786