

reconsideration of the Court's Order filed in this matter on February 3, 2023. The February 3, 2023 Order was issued pursuant to a hearing held via virtual courtroom for a Motion to Confirm Award of Arbitrator filed by Petitioner, Jonathan Bryant, by and through his counsel of record on December 5, 2020, and a Motion For Supplemental Order filed by Respondent, by and through his counsel of record on January 11, 2021.

In the motion before the Court the Respondent/Third-Party Defendant's ask the Court to alter, amend or reconsider based on the following arguments:

1. To reconsider and expressly rule on each and every distinct issue/argument raised in support of their Motion, including the parties e-mail submissions and explanations;
2. Consider the language of the Order of Reference filed in this matter on February 25, 2021, specifically wording in the Court's February 3, 2023 Order regarding the fact that no CPA testified in regards to the movant's position in this matter;
3. The Court was to base any judgment in this matter in accordance with the parties Settlement Agreement dated April 2014;
4. The scope of Mr. Brandt's inquiry based on the terms of the Settlement Agreement entered by the parties in April 2014;
5. The handling of funds previously held by the receiver appointed in this matter;
6. How the language regarding releases given by the parties in the Settlement Agreement should factor into any award/judgment entered based on the work of Mr. Brandt;
7. Charges assigned to Fountain that the moving party feels are in error together with credits for certain bills;
8. The arbitrator failed to consider Fountain's one-half interest in the company Specialty Equipment;

9. Inclusion of \$34,363.55 that was received by Mr. Fountain per the Settlement Agreement yet now in the judgment entered by the Court.

The Court has carefully considered the Motion and its grounds as set forth by the Respondent/Third-Party Defendant's together with all submissions by their counsel in support of the Motion. However, said Motion is denied for the reasons relied upon by the Court in its February 3, 2023 Order, including, but not limited to, the fact that the report of Mr. Brandt, contemplated by the parties during the pendency of this matter, has now been certified and is the Final Order pursuant to the terms of the February 12, 2016 Order previously filed in this matter.

IT IS SO ORDERED.



Spartanburg Common Pleas

Case Caption: Jonathan Bryant VS Kevin Fountain , defendant, et al

Case Number: 2012CP4204915

Type: Order/Other

It is so Ordered.

s/ R. Keith Kelly - 2165