

Aug 25 2023

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2022-CP-42-01677

Taylor Chasey ROBERTSON,

South Carolina DEPARTMENT of PUBLIC
SAFETY, South Carolina HIGHWAY
PATROL, Patrick J. GOSHORN,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: the COURT	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; 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 or formal order to follow Statement of Judgment by the Court:

This matter is before the Court on motion of the plaintiff pursuant to Rule 59(e), SCRPC, for this court to reconsider its prior order dismissing the plaintiff's complaint for lack of proper service and failing to address an oral motion by the plaintiff to amend the complaint. In support of and in opposition to the motion the parties have submitted additional memoranda and exhibits not previously considered by the court in its prior ruling.

"A party cannot use a motion to reconsider, alter, or amend a judgment to present an issue that could have been raised prior to the judgment but was not raised." Anonymous v. Board of Medical Examiners, 323 S.C. 260, (Ct. App.1996). To the extent that matters submitted and arguments made at the hearing on the motion to reconsider could have been submitted and made at the time of argument on the defendants' motion to dismiss was heard but were not, those submissions and arguments are refused consideration by the court as being untimely.

To the extent that it need be addressed, the plaintiff's oral motion to amend the complaint was rendered moot by the court's decision to dismiss the action for failure of the plaintiff to timely serve a party and commence the action within the statutory limitations period and therefore not considered or ruled upon by this court.

Based upon consideration of the record in this case, argument of counsel, memoranda submitted, and the applicable court rules, statutory and case law, this Court finds that the plaintiff's **MOTION** should be and **IS** therefore **DENIED**.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk

:

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

J. Derham Cole

J. DERHAM COLE, Presiding JUDGE

2053

Judge Code

08/15/2023

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

NICHOLAS J. BAUGHMAN, Esq.

RUSSELL W. HARTER, Esq.



Spartanburg Common Pleas

Case Caption: Taylor Chasey Robertson VS South Carolina Department Of Public Safety , defendant, et al
Case Number: 2022CP4201677
Type: Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053