

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

Edward D. Jones & Co., L.P.,

Plaintiff,

v.

Jeffrey Wildes,

Defendant.

) IN THE COURT OF COMMON PLEAS
) OF THE FIFTEENTH JUDICIAL CIRCUIT

) Case Number: 2012-CP-22-01252

) **ORDER DENYING MOTION TO STRIKE**


This matter is before the Court on Plaintiff's Motion to Strike Defendant's Supplemental Documentation Regarding Damages Under Bond. After reviewing the memoranda and other documents submitted to the Court, and the applicable authority, the Court hereby denies Plaintiff's motion.

This Court heard oral arguments May 16, 2013, on Defendant's motion for recovery under bond and Plaintiff's motion to compel arbitration and request to stay adjudication of the motion for recovery under bond. The Court also heard extensive testimony from Defendant Wildes regarding damages he incurred due to the issuance of the Court's preliminary injunction. At the close of the arguments and testimony, the Court invited the parties to submit proposed orders with detailed information supporting their respective calculations of damages. On May 29, 2013, Defendant filed Supplemental Documentation Regarding Damages Under the Security Bond. Plaintiff objects to the supplemental documentation and moves to strike it, arguing that a judge may not receive additional contested evidence without reopening the case, citing *Hardaway Concrete Co. v. Hall Contracting Corp.*, 374 S.C. 216, 233, 647 S.E.2d 488, 497 (Ct. App. 2007). However, this case is still open as the Court has yet to issue an order on the motion for recovery under bond, and the Court is within its right to consider the supplemental

documentation. *Hardaway Concrete Co. v. Hall Contracting Corp.*, 374 S.C. 216, 233, 647 S.E.2d 488, 497 (Ct. App. 2007). Furthermore, the amounts stated in the supplemental documentation were testified to by Wildes at the May 16, 2013 damages hearing, and Plaintiff has had ample time and opportunity to object to the contents of the documentation. *See id.*

THEREFORE, Plaintiff's Motion to Strike Defendant's Supplemental Documentation Regarding Damages Under Bond is DENIED.

IT IS SO ORDERED.


The Honorable Paul M. Burch
Presiding Judge

Pageland, South Carolina
June 24, 2013