

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS  
) FOURTEENTH JUDICIAL CIRCUIT  
) CASE NO.: 2011-CP-07-1700

SAMUEL H. PRUETT, AS PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF  
YVONNE CARRIE PRUETT,

Plaintiff,

v.

BROOKDALE SENIOR LIVING, INC.;  
SOUTHERN ASSISTED LIVING, LLC, d/b/a  
CAROLINA HOUSE OF HILTON HEAD; and  
SONIA S. KING,

Defendants.

ORDER DENYING DEFENDANTS'  
MOTION TO RECONSIDER

2013 AUG -5 PM 3:13  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

This matter came before the Court on July 25, 2013, at 11:30 a.m. via a telephone hearing on Defendants' Motion to Reconsider this Court's Order dated June 18, 2013, which Order denied Defendants' Motion to Compel Arbitration against Plaintiff herein. Present at the hearing were Susan Taylor Wall, counsel for Plaintiff, and Manton R. Grier, Jr., counsel for Defendants. After considering the law, the briefs filed by the parties, the arguments of counsel, and matters properly submitted in support of and in opposition to Defendants' Motion, this Court concludes that the Motion to Reconsider is DENIED.

**A. The Law Does Not Allow Defendants to Assert New Grounds in the Motion to Reconsider.**

A party cannot use a motion to reconsider, alter or amend a judgment to present an issue that could have been raised, but was not, prior to judgment. Defendants cannot raise new arguments, styled I, II and VI in their Motion to Reconsider and Memorandum in Support, or submit new documents, as enumerated in Plaintiff's Memorandum in Opposition, for the first time on a motion to reconsider. *Johnson v. Sonoco Products Co.*, 381 S.C. 172, 177, 673 S.E.2d

1 dy 2

567, 570 (2009); *Spreuw v. Barker*, 385 S.C. 45, 68-69, 682 S.E.2d 843, 855 (Ct. App. 2009). Therefore, Defendants' arguments numbered I, II and VI, as well as over 60 new documents, cannot be considered by this Court.

**B. The Order Denying Defendants' Motion to Compel Arbitration Stands.**

For all of the reasons set forth in its Order of June 18, 2013 and the record before the Court, properly submitted, Defendants' Motion to Reconsider is denied.

**CONCLUSION**

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendants Brookdale Senior Living, Inc., and Southern Assisted Living, LLC's Motion to Reconsider Order Denying Motion to Compel Arbitration is DENIED.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
Marvin H. Dukes, III, Master-in-Equity

8 9, 2013.  
Beaufort, South Carolina