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SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) CIVIL ACTION NO: 2011-CP-070-04407

Alexander Pastene,)
)
Plaintiff,)
)
vs.)
)
Thomas Trobough, Mr. and Mrs.)
Norman Ginsburg, W. Richard Beetle,)
Country Club of Hilton Head, Club)
Corp of Dallas TX, CCHH Tennis)
Committee Members,)
)
Defendants)

12 MAY 24 AM 11:36
SCOTT L. ROSENBAUM
BEAUFORT COUNTY, S.C.
CLERK OF COURT

ORDER

The Plaintiff filed suit against the above captioned Defendants alleging causes of action for assault, defamation and public policy wrongful termination. The Defendants Richard Beetle and Country Club of Hilton Head moved to dismiss these causes of action and raised to the Court's attention by way of that same motion that Club Corp of Dallas TX and CCHH Tennis Committee Members are not known legal entities subject to suit.

Judge Kinard heard these motions on February 8, 2012 and by Order Dated March 2, 2012 and filed March 7, 2012, found the following:

This cause of action [for assault] is dismissed with prejudice as to Richard Beetle and Country Club of Hilton Head.

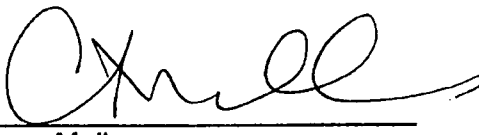
Richard Beetle and Country Club of Hilton Head also have moved for an order dismissing the causes of action for defamation and wrongful termination against public policy. The Defendants argue that the Plaintiff failed to properly plead these causes of action. I agree. However, I dismiss these causes of action without prejudice and with leave for the Plaintiff to refile within 30 days of the date of this Order.

On April 10, 2012, the Plaintiff filed a document entitled "Answers to Honorable Judge Ernest Kinard's Order Granting Motion to Dismiss of 3-2-12 & Answer to Defendants Richard Beetle CCHH and Club Corp.'s Motion to Dismiss Dated 12-5-11. This document appears to be a Motion for Reconsideration. A motion for reconsideration must be filed within ten days of the date of receipt of

written notice of the order. Rules 52(b) and 59(e), SCRCP. This motion was not filed timely as it appears it was filed about 30 days after receipt of the Order of Judge Kinard.

Based on the clear terms of Judge Kinard's Order, there having been no amended complaint filed within 30 days of Judge Kinard's Order, this matter is dismissed with prejudice in its entirety as to the Defendants Richard Beetle and Country Club of Hilton Head. The only remaining Defendants in this suit are Thomas Trobough and Mr. and Mrs. Norman Ginsburg.

AND IT IS SO ORDERED.

By: 
Carmen Mullen
Chief Administrative Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina

May 21, 2012.