

STATE OF SOUTH CAROLINA)
 COUNTY OF HAMPTON)
)
)
 PETERS, MURDAUGH, PARKER,)
 ELTZROTH & DETRICK, P.A.,)
)
 Plaintiff,)
)
 v.)
)
 WILLIAM BARNES and)
 BARNES LAW FIRM, LLC)
)
 Defendants/Third Party Plaintiffs.)
)
 v.)
)
 PARKER LAW GROUP, LLP.,)
)
 Third Party Defendant.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2024-CP-25-00409

**PROPOSED ORDER DENYING
 DEFENDANTS RULE 59(e) MOTION**



This matter is before the Court on Defendants Barnes' and Barnes Law Firms' Rule 59(e) Motion seeking reconsideration of the Court's July 17, 2025 Order compelling arbitration. The Defendants' Motion was timely filed on July 25, 2025.

Defendants' Rule 59(e) Motion asks the Court to alter, amend or reconsider its July 17, 2025 Order granting Plaintiff Peters, Murdaugh, Parker, Eltzroth & Detrick's Motion to compel arbitration. After reviewing the applicable law and considering arguments raised in Defendants' Motion, the court is unable to discover any material fact or principle of law that has either been overlooked or disregarded in compelling arbitration, and further finds no error of law or fact not appropriately considered. Accordingly, Defendants' Motion is DENIED.

However, the Court has determined the July 17, 2025 Order quoted from South Carolina authority incorrectly stating that South Carolina and Federal law favor arbitration. See: Order at p.

5 (quoting *Zabinski v. Bright Acres Assocs.*, 346 S.C. 580, 596, 553 S.E.2d 110, 118 (2001)). The South Carolina Supreme Court has more recently expressed that arbitration agreements are treated like any other contract and that there is no policy favoring arbitration. *See, e.g. Lampo v. Amedisys Holding, LLC*, 445 S.C. 305, 317, 914 S.E.2d 139, 146 (2025). In this case, the July 17, 2025 Order did not order arbitration based on a policy favoring arbitration. Nor did the Court rely on such a policy in its analysis of the disputes and whether they are subject to arbitration. To the contrary, the Court examined and addressed the terms of the relevant agreement containing the arbitration provision and the relationship and uses of the agreement between and among the parties and subject disputes. This close analysis provided the substantive basis for the Order compelling arbitration.

The Court thus amends the July 17, 2025 Order only to remove the incorrect reference to the policy favoring arbitration.

IT IS THEREFORE ORDERED that Defendants' Rule 59(e) Motion is DENIED. The parties are instructed to provide the names of proposed arbitrators within ten days from the issuance of this Order.

The Honorable R. Lawton McIntosh
Fourteenth Judicial Circuit

_____, 2025



Hampton Common Pleas

Case Caption: Peters Murdaugh Parker Eltzroth & Detrick, Pa VS William Barnes ,
defendant, et al

Case Number: 2024CP2500409

Type: Order/Other

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