

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS

Civil Action No. 2011-CP-26-04800

Becki Lynette West,

Plaintiff,

vs.

Luck Avenue Properties, Inc. a/k/a Luck
Avenue Properties, LLC,

Defendant.

**ORDER ON
PLAINTIFF'S MOTION TO RESTORE**

This matter was before the Court on Tuesday, October 1, 2013 pursuant to Plaintiff's Motion to Restore, under Rule 40(j), SCRCP. Christopher H. Pearce, counsel for Defendant Luck Avenue Properties, Inc. a/k/a Luck Avenue Properties, LLC ("Defendant") and Kevin M. Hughes, attorney for Plaintiff Becki Lynette West ("Plaintiff") were present. For the reasons set forth below, the Motion to Restore by Plaintiff is hereby **DENIED**.

FACTS

The facts, viewed in the light most favorable to Plaintiffs, are as follows:

1. This matter arises out of an alleged trip and fall by Plaintiff at Defendant's property on June 8, 2008.
2. The Summons and Complaint in this action were filed by Attorney Hughes on June 6, 2011.
3. On July 13, 2013, The Honorable Steven H. John signed a Consent Order on Defendant's Motion for Sanctions and Striking case Pursuant to Rule 40(j) causing the matter to be stricken from the docket.

4. On July 16, 2013, counsel for Plaintiff moved for an Order to restore the matter pursuant to Rule (j), SCRCP.

CONCLUSION

For the reasons set forth above, this Court concludes it considered the arguments of counsel and as a matter of law, the Court finds that Counsel for Plaintiff did not seek restoration of the matter until one year and three (3) days after the matter was stricken from the docket by The Honorable Steven H. John.

NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Restore is denied.

AND IT IS SO ORDERED.



The Honorable Larry B. Hyman
Fifteenth Judicial Circuit

This 11 day of Dec, 2013.
Conway, South Carolina

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SC Court of Appeals