

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Willie J. Riley,)
)
Plaintiff,)
)
vs.)
)
Dennis Wayne Catoe and Does)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2013-CP-40-05675

ORDER DENYING
RECONSIDERATION
RECEIVED
AUG 05 2015
SC Court of Appeals
2015 JUN 30 PM 12:09
JEANNETTE W. MCBRIDE
C.P. & G.S.
RICHLAND COUNTY
FILED

Defendant Dennis Wayne Catoe filed a motion for summary judgment in the above-captioned matter on December 3, 2014. That motion was heard by the Honorable J. Ernest Kinard, Jr. on March 2, 2015. In an order signed on April 23, 2015, and filed on May 18, 2015, Judge Kinard granted summary judgment, finding that Plaintiff Willie J. Riley's action for legal malpractice was initiated more than three years after the cause of action accrued and was therefore barred by the statute of limitations. Judge Kinard passed away on May 19, 2015, and Plaintiff Riley timely filed a motion for reconsideration on May 29, 2015. The undersigned has taken over the matter pursuant to Rule 63 of the South Carolina Rules of Civil Procedure.

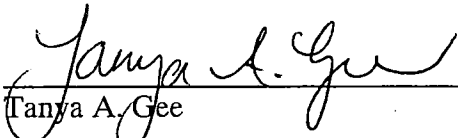
Upon succeeding Judge Kinard, I have ordered and reviewed the March 2, 2015 transcript. I have also carefully considered Plaintiff Riley's motion for reconsideration,¹ Judge

¹ In his motion, Plaintiff argues, among other things, that he should be allowed to file his action for legal malpractice within a year of June 20, 2013, the date he claims an underlying action was reversed by the South Carolina Court of Appeals. It is unclear why Plaintiff Riley listed this date, and although he attached the Court of Appeals' opinion, the copy of the opinion that was attached does not include the caption of the case or the date of the decision. A search of Westlaw and South Carolina's Appellate Case Management System (available online) revealed that the Court of Appeals decided the case on November 21, 2012, and sent the remittitur on December 7, 2012. Riley v. Green, 400 S.C. 609, 610, 735 S.E.2d 550, 551 (Ct. App. 2012).

SCANNED

Kinard's order granting summary judgement, and all other case filings. I certify that I am familiar with the record and able to rule on this motion without prejudice to the parties.

After this careful review, the motion for reconsideration is hereby DENIED.


Tanya A. Gee

June 30, 2015

SCANNED

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN CIVIL CASE

CASE NO. 2013 CP-40-05675

Willie J. Riley

Dennis Wayne Catoe and Does

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed; Reversed; Remanded; Other

RECEIVED

AUG 05 2015

30 Court of Appeals

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : The Order Denying Reconsideration is attached.

RICHLAND COUNTY
FILED
JEANNETTE W. MORRIS
C. CLERK & S.S.
2015 JUN 30 PM 12:09

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Jama A. Gee
Circuit Court Judge

2756
Judge Code

June 30, 2015
Date

or Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 2 day of July, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. McBride