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SC Court of Appeals

Case # _____

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY, SOUTH CAROLINA
COURT OF COMMON PLEAS

HON R. SCOTT SPROUSE, CIRCUIT JUDGE

Case # 2014-CP-04-01780

NANCY C. PEREZ

Petitioner

Vs

SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION –
BOARD OF NURSING

Respondent

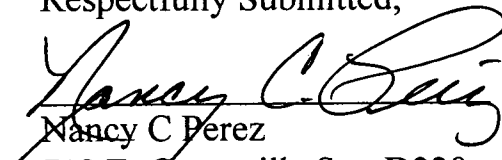
MOTION TO ABATE APPEAL

Nancy C Perez, respectfully moves the Court to Abate the appeal until the trial court disposes of her Rule 59(e) Motion. The South Carolina Supreme Court approved the practice in Elam v. South Carolina Dep't of Transportation, 602 S.E.2d 772, 361 S.C. 9 (S.C. 09/13/2004). The court stated therein:

“We believe this view of the propriety of post-trial motions to be the correct approach for several reasons. First, it is proper to view a Rule 59(e) motion not only as a vehicle to request the trial court "alter or amend the judgment," but also as a vehicle to seek "reconsideration" of issues and arguments. A motion under Rule 59(e) long has been viewed as "motion for reconsideration" despite the absence of those words from the rule. Consequently, a party usually is allowed to ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented. See, e.g., *Arnold v. State*, 309 SC 157, 420 SE2d 834 (1992) ("purpose of Rule 59(e), SCRPC, to alter or amend the judgment is to request the judge to reconsider matters properly encompassed in a decision on the merits"); *Curcio v. Caterpillar, Inc.*, 355 SC 316, 585 SE 2d 272 (2003) (an example of the many cases in which trial and appellate courts describe a Rule 59(e) motion as a "motion to reconsider" or "motion for reconsideration"); James Flanagan, *South Carolina Civil Procedure* 474-475 (2d ed. 1996). There is nothing inherently unfair in allowing a party one final chance not only to call the court's attention to a possible misapprehension of an earlier argument, but also to revisit a previously raised argument. It is inherently unfair to disallow such an opportunity. “

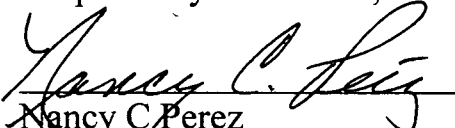
WHEREFORE, Ms. Perez respectfully request that the Relief sought herein ought to be granted.

Respectfully Submitted,


Nancy C Perez
713 E. Greenville St – D220
Anderson, SC 29621
864-209-1509

WHEREFORE, Ms. Perez respectfully request that the Relief sought herein ought to be granted.

Respectfully Submitted,

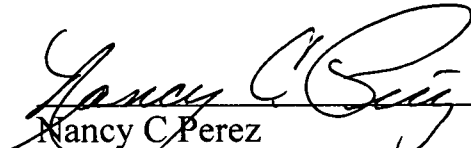

Nancy C. Perez
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864-209-1509

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing “Appellant’s Motion to Abate Appeal” was delivered by mailing a copy thereof on June 17th, 2015 court to :

Donnell G. Jennings , Esq
South Carolina Department of Labor , Licensing
And Regulation
PO Box 11329
Columbia, SC 29211-1329


Nancy C. Perez

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Vs

SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION –
BOARD OF NURSING

Respondent

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**


Appellant proposes the following be included in the Record On Appeal

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- 1-Trial Court Order dated August 10th, 2015
- 2- Trial Court Order dated June 4th, 2015
- 3- First Amended/Supplemented Petition For a Writ of Mandamus –
- 4-Plaintiff's Rule 59 (e) Motion
- 5-Plaintiff's Motion For Summary Judgment
- 6-Defendants' opposition to pro se petition for writ of mandamus and cross motion to dismiss case

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully Submitted,


Nancy C Perez
713 E. Greenville St – D220
Anderson, SC 29621
281-746-4948

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Donnell G. Jennings , Esq
South Carolina Department of Labor , Licensing
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Columbia, SC 29211-1329


Nancy C Perez