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Case # 2015-002237

NOV 17 2015

SC Court of Appeals

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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM ANDERSON COUNTY, SOUTH CAROLINA  
COURT OF COMMON PLEAS

HON R. SCOTT SPROUSE, CIRCUIT JUDGE

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Case # 2014-CP-04-01780

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NANCY C. PEREZ

Petitioner

Vs

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

Respondent

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**MOTION TO DISPENSE WITH THE TRIAL COURT'S  
ORDER REGARDING THE RULE 59 (e) DECISION**

Appellant Nancy C. Perez hereby respectfully moves the Court to dispense with the Trial Court's Order regarding the Rule 59 ( e) decision pursuant to the ruling of the South Carolina Appellate Courts in Town of Kingstree vs Chapman , 747 SE 2d 494, 510 (SC App – 2013) citing Pye v. Estate of Fox, 633 SE 2d 505, 510 (2006). The Appellate Courts ruled therein that "If an issue has been raised at trial, and the trial court fails to rule on it, and it is raised again in a motion for reconsideration, the issue is preserved for appellate review even if the trial court does not rule on it." As grounds therefore Ms. Perez shows:

1- The Appellate Clerk Of Court has issued a deficiency notice because Ms. Perez did not attach the Trial Court's Order regarding the Rule 59 (e) Motion.

2- On October 29<sup>th</sup>, 2015 Ms. Perez filed her Amended Notice of Appeal<sup>1</sup>. She informed the Appellate Court therein that she had filed her 59 (e) Motion but the Trial Court had failed or refused to adjudicate the same<sup>2</sup>. Ms. Perez attached thereto a true and correct copy of the trial court docket<sup>3</sup>.

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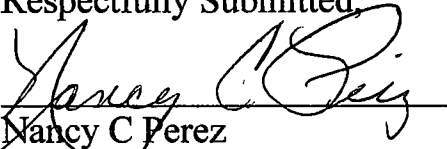
<sup>1</sup> Attachment 1, pp 2-3 , items 3 and 4

<sup>2</sup> id

<sup>3</sup> id

Wherefore, Ms. Perez respectfully submits that the Appellate cases referenced hereinabove have removed the need to incorporate the Order adjudicating the Rule 59 (e) Motion.

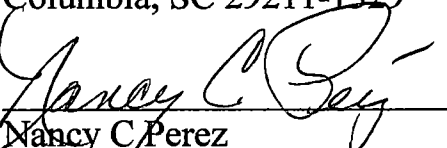
Respectfully Submitted,

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

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing “ Motion To Dispense with the Trial Court’s decision Regarding the Rule 59 (e) Decision “was delivered by mailing a copy thereof on November 16, 2015 to :

Donnell G. Jennings , Esq  
South Carolina Department of Labor , Licensing  
And Regulation  
PO Box 11329  
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