

Case # 2015-002237

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

JAN 19 2016
SC 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

AMENDED VERIFIED
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 Kingtree 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 29th, 2015 Ms. Perez filed her Amended Notice of Appeal. Ms Perez has filed her Rule 59 (e) Motion but the Trial Court had failed or refused to adjudicate the same¹. Ms. Perez attached thereto a true and correct copy of the trial court docket².
- 3- The Appellees/Defendants have failed or refused to oppose the motion.

¹ Attachment 1 Nancy C Perez Affidavit , attachment 2 the Trial Court's docket sheet dated January 11th, 2016.

² id



Anderson County Tenth Judicial Circuit Public Index



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Nancy C Perez VS Labor Licensing and Regulation South Carolina					
Case Number:	2014CP0401780	Court Agency:	Common Pleas	Filed Date:	08/19/2014
Case Type:	Common Pleas	Case Sub Type:	Adm Law/Other 899	File Type:	Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Other / Circuit Civil	Disposition Date:	08/10/2015	Disposition Judge:	Sprouse, R. Scott
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Perez, Nancy C	Letter/Letter	Filing		10/26/2015-13:49		
Perez, Nancy C	Remittitur From Court Of Appeals	Filing		09/17/2015-15:54	08/10/2015-15:54	
Labor Licensing and Regulation South Carolina	Service/Certificate Of Service	Filing		08/17/2015-12:35	08/10/2015-12:35	
Perez, Nancy C	Motion/Reconsider	Motion		08/17/2015-12:33	08/10/2015-12:33	
Labor Licensing and Regulation South Carolina	Order of Dismissal	Order		08/10/2015-12:06	08/10/2015-12:06	
Board Of Nursing	Order of Dismissal	Order		08/10/2015-12:06	08/10/2015-12:06	
Coleman, Darra James	Roster/Notice of Motions Roster Publication Sent	Action		06/29/2015-09:55	08/10/2015-09:55	
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Labor Licensing and Regulation South Carolina	Service/Certificate Of Service	Filing		06/17/2015-10:05	08/10/2015-10:05
Perez, Nancy C	Motion/Motion For Petitioner's Motion to Amend the June 4th,	Motion		06/17/2015-10:03	07/31/2015-10:03
Labor Licensing and Regulation South Carolina	Notice/Notice of Appearance	Filing		06/15/2015-11:17	08/10/2015-11:17
Perez, Nancy C	ADR/Notice of ADR	Action		06/15/2015-08:43	06/16/2015-08:43
Perez, Nancy C	Order/Form 4	Order		06/05/2015-09:36	08/10/2015-09:36
Perez, Nancy C	Motion/Motion For Summary Judgment	Motion		06/04/2015-09:25	07/31/2015-09:25

Labor Licensing and Regulation South Carolina	Service/Certificate Of Hand Delivery at Court Hearing	Filing	06/04/2015-09:25	08/10/2015-09:25
Perez, Nancy C	Roster/Notice of Motions Roster Publication Sent	Action	05/05/2015-12:44	08/10/2015-12:44
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Labor Licensing and Regulation South Carolina	Service/Certificate Of Service	Filing		04/07/2015-09:03	08/10/2015-09:06
Perez, Nancy C	Motion To Quash Notice Of ADR	Motion		04/07/2015-09:03	07/31/2015-09:02
Perez, Nancy C	Motion/Summary Judgment	Motion		04/02/2015-13:36	06/04/2015-13:36
Labor Licensing and Regulation South Carolina	Service/Certificate Of Service	Filing		04/02/2015-13:36	08/10/2015-14:11
Perez, Nancy C	ADR/Alternative Dispute Resolution (Workflow)	Action		03/17/2015-15:08	06/15/2015-15:08
Perez, Nancy C	Archived Document	Filing		03/17/2015-00:00	08/10/2015-00:00
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Perez, Nancy C	Reply/Reply	Filing		12/31/2014-14:52	08/10/2015-14:52
Labor Licensing and Regulation South Carolina	Memo/Memo in Opposition to Petitioner's "Motion to Add	Filing		11/12/2014-11:11	08/10/2015-11:11
Perez, Nancy C	Motion/Motion to Add Indispensable Party and Motion to	Motion		10/08/2014-15:27	07/31/2015-15:27

Labor Licensing and Regulation South Carolina	Service/Certificate Of Service	Filing		09/19/2014-11:08	08/10/2015-11:08
Perez, Nancy C	Reply to Respondent's Opposition to Petition For Writ Of	Filing		09/19/2014-10:52	08/10/2015-10:52
Perez, Nancy C	Motion/Strike	Motion		09/19/2014-10:48	07/31/2015-10:48
Labor Licensing and Regulation South Carolina	Motion/Motion For Opposition To Pro Se Petition For	Motion		09/15/2014-13:49	07/27/2015-14:14
Labor Licensing and Regulation South Carolina	Affidavit/Affidavit of Kathryn Nedovic	Filing		09/15/2014-13:48	08/10/2015-14:37
Perez, Nancy C	Filing/Amended /Supplemented Complaint	Filing		09/04/2014-14:22	08/10/2015-14:22
Perez, Nancy C	Service/Certificate Of Service by Mail	Filing		08/29/2014-14:29	08/10/2015-14:29
Perez, Nancy C	Service/Proof Of Service Of S/C	Filing		08/29/2014-14:25	08/10/2015-14:25
Perez, Nancy C	Summons & Complaint	Filing		08/19/2014-15:06	08/10/2015-15:06

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SC Court of Appeals

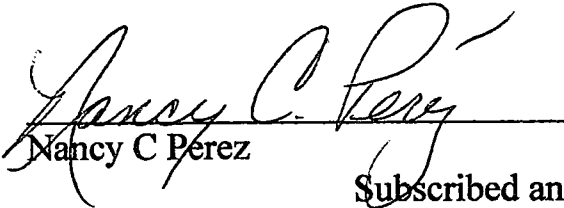
STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

AFFIDAVIT OF NANCY C. PEREZ

I, Nancy C. Perez, after being first duly sworn on oath, depose and state to the court as follows:

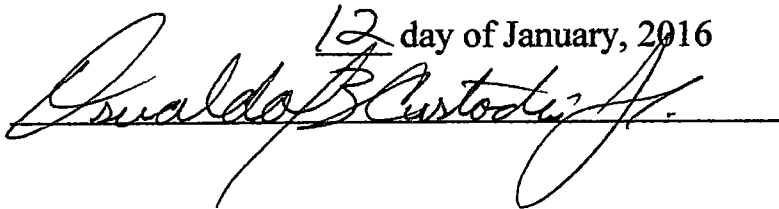
Attached hereto there is a true and correct copy of the Anderson County Tenth Judicial Publix Index Trial Court Docket dated January 11th, 2016.

On August 17th, 2015 I filed a Rule 59(e) Motion to Reconsider. The Trial Court has never informed me that it has ruled upon the motion

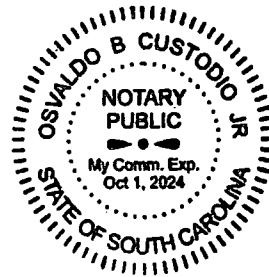

Nancy C Perez

Subscribed and sworn to before me this

12 day of January, 2016

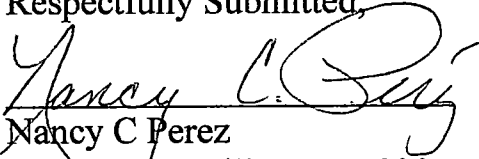

Notary Public

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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.

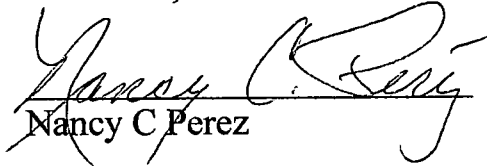
Respectfully Submitted,


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 “ Amended Verified Motion To Dispense with the Trial Court’s decision Regarding the Rule 59 (e) Decision “was delivered by mailing a copy thereof on January 12th, 2016 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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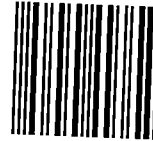
Nancy C Perez
713 E. Greenville St – D220
Anderson, SC 29621



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JAN 19 2016
SC Court of Appeals

**Ms Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211**

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