

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

JAMIE CURLEY,

Plaintiff,

v.

SCENT LAND HOLDINGS, LLC,
AMY PUCHALSKI AND ROBERT
PUCHALSKI,

Defendants.

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
) CIVIL ACTION NO. 2010-CP-28-00322

JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

2016 FEB 24 AM 9:20

FILED FOR RECORD

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

DR. ORVILLE DYCE,

Plaintiff,

v.

SOUTH CAROLINA ENT, ALLERGY &
SLEEP MEDICINE, P.A., AMY
PUCHALSKI AND ROBERT PUCHALSKI,

Defendants.

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
) CIVIL ACTION NO. 2010-CP-28-00323

This matter came before this Court by way of Defendants' Objection to Appointment of Receiver, Defendants' Motion to Alter or Amend and for Reconsideration, and Plaintiffs' Motion to Alter of Amend Judgement under South Carolina Rule of Civil Procedure 59(e).

A. Defendants' Objection to Appointment of Receiver

Defendants' Objection to appointment of receiver states that the Court incorrectly stated that the ruling of Judge Benjamin was not appealed. After further review,

ATTEST True, Correct & Certified
Copy of Original on File in this
Court

Joyce McDonald
Clerk of Court Kershaw County

Judge Benjamin's order was appealed but the parties filed a joint dismissal of the appeal without prejudice based on the appeal being interlocutory. Although this distinction is important if the parties decide to appeal this matter, this Court was bound by the ruling of Judge Benjamin in making her decision regarding the dissolution of the LLC. See Cook v. Taylor, 272 S.C. 536, 538, 252 S.E.2d 923, 924 (1979); Steele v. Charlotte, C & A R Co., 14 S.C. 324 (1879); Cudd v. Williams, 39 S.C. 452, 18 S.E. 3 (1893); State v. Harrelson, 211 S.C. 11, 43 S.E.2d 593 (1947); Dukes & Dukes, Inc. v. Hygrade Food Products Corp., 236 S.C. 69, 113 S.E.2d 254 (1960); Ex Parte State, 263 S.C. 363, 210 S.E.2d 600 (1974). "[O]ne Circuit Judge has no power to review, revise or reverse the action of another Circuit Judge". State v. Harrelson, 211 S.C. 11, 15, 43 S.E.2d 593, 594 (1947).

Defendants' Objection further request that the Court reconsider its decision to appoint a receiver and wind up and liquidate SCENT Land. This request is respectfully denied. This request does not raise any novel issues for the Court's consideration.

Therefore, the requested relief in Defendants' Objection to appointment of receiver is **DENIED!**

B. Defendants' Motion to Alter or Amend and for Reconsideration

Defendants' Motion to Alter or Amend and for Reconsideration raised 14 issues for the Courts reconsideration. Each of these exceptions fails to address any novel issues for the Court's consideration.

The Defendants' raised the issue that additional people have become members of SCENT Land, LLC. Based on the assertion of Defendants that there are additional members of the LLC, once SCENT Land, LLC is dissolved the Court will hold the

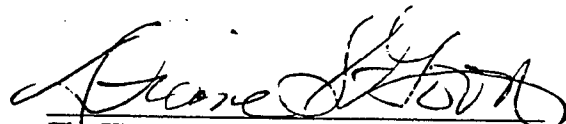
one-half of any remaining assets owed to Amy Puchalski pursuant to the original order of this court in escrow for further determination by the Court of the proper distribution of Amy Puchalski's assets among the remaining members of the LLC.

Therefore, the relief requested in Defendants' Motion to Alter or Amend and for Reconsideration is **DENIED!**

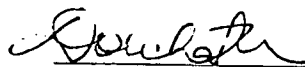
C. **Plaintiffs' Motion to Alter or Amend Judgement under South Carolina Rule of Civil Procedure 59(e)**

Plaintiffs' Motion to Alter or Amend Judgment under South Carolina Rule of Civil Procedure 59(e) raises 4 issues for the Courts reconsideration. Each of these exceptions fails to address any novel issues for the Court's consideration.

Therefore, the relief requested in Plaintiffs' Motion to Alter or Amend Judgment under South Carolina Rule of Civil Procedure 59(e) is **DENIED!**


The Honorable Diane S. Goodstein

February 19, 2016

 South Carolina