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**ORIGINAL**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LEXINGTON )  
 )  
 Cassandra M. Myers and Bartholomew )  
 Myers in their capacity as Co-Personal )  
 Representatives of the Estate of Evan )  
 Morris Myers, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 The Consolidated Employee Recreation )  
 Clubs, a non-profit organization a/k/a Pine )  
 Island Club at Lake Murray, South Carolina )  
 Electric and Gas Holding Company, Inc.; )  
 SCANA, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS

ELEVENTH JUDICIAL CIRCUIT

Civil Action No.: 2014-CP-32-02210

**ORDER ON MOTION FOR RECONSIDERATION**

**RECEIVED**  
 DEC 12 2016  
 Court of Appeals  
 11:00 AM  
 A 9:00  
 SC  
 COURT  
 LEXINGTON, SC

The plaintiffs have moved to alter or amend the order granting summary judgment. The motion is being decided on written submissions under Rule 59(f), SCRCP. Having reconsidered the matter, the motion is denied.

WPK #1

The plaintiffs ask the court to consider additional affidavits from experts, arguing that the plaintiffs have been the victim of "major-league sandbagging" by the defendants. If the court has misconstrued the positions taken and the efforts to supplement the record, it apologizes; but, the court attempted to be lenient in allowing presentation of all evidence and argument. The court is unaware of any rulings that prevented an effort to properly supplement the record prior to the decision being rendered. The decision was made based on what the court understood to have been presented prior to issuing the order granting summary judgment. The court believes it to be inappropriate to expand the record for a Rule 59 motion.

The plaintiffs seek to restate their positions regarding issues related to how weather conditions contributed to the drowning of plaintiff's decedent. This relates to the proximate

cause issues discussed in the order. The court understands that the plaintiffs are taking the position that the defendants were negligent in failing to have in place a plan, staff, and devices that the plaintiffs allege would have prevented the drowning, and that the defendants were negligent in failing to execute a proper response to the weather conditions by failing to close the entire area and warn people of the danger. Having reconsidered the issues in light of the arguments advanced, the court may have worded the order somewhat differently regarding proximate cause issues, but sees no basis to change the ruling or to alter or amend the original order related to this subject.

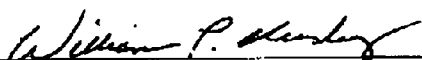
As for the precedent cited in support of the Rule 59 motion, those cases were discussed or the principles they support were considered in making the previous ruling.

#2 As for issues dealing with duty and assumption of risk, the court finds no basis to modify its order, nor any misunderstanding of the law or how the decedent's status as an invitee should change the ruling previously made. The court ruled that the decedent was an invitee and discussed its understanding of the law in that context.

The court finds no genuine issue of material fact that gives rise to liability on the part of the defendants and believes that summary judgment is required. The motion to alter or amend is denied.

AND IT IS SO ORDERED.

November 4, 2016

  
\_\_\_\_\_  
William P. Keesley  
Judge

RECEIVED  
CLERK OF COURT  
LEXINGTON, SC

NOV 9 A 9:30

FILED

**FORM 4**

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP3202210

Cassandra M Myers	Bartholomew Myers	Consolidated Employee Recreation Clubs South Carolina Electric and Gas Holding Company Inc	Pine Island Club at Lake Murray SCANA
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<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
<b>Submitted by:</b>	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <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:

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: \_\_\_\_\_

**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.**

Circuit Court Judge	Judge Code	Date
<b>For Clerk of Court Office Use Only</b>		

This judgment was entered on the 9th day of November, 2016, and a copy mailed first class or placed in the appropriate attorney's box on the 15th day of November, 2016, to attorneys of record or to parties (when appearing pro se) as follows:

**Pedro Eduardo Krompacher**  
PO Box 6639 Raleigh, NC 27628

**Christian Stegmaier**  
PO Box 12487 Columbia, SC 29211  
**Meghan Hazelwood Hall Esq**  
1330 Lady Street Sixth Floor Columbia, SC 29211

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**ATTORNEY(S) FOR THE PLAINTIFF(S)**

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**ATTORNEY(S) FOR THE DEFENDANT(S)**

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**Court Reporter**

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**Beth A. Carrigg - Clerk of Court / kr**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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