

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

) IN THE COURT OF COMMON PLEAS  
) FOR THE SEVENTH JUDICIAL CIRCUIT  
)

Betty Jean Perkins,  
Plaintiff,

ORDER DENYING  
DEFENDANT'S POST TRIAL MOTIONS

vs.

Civil Action Number(s): 2016-CP-42-2478

South Carolina Department of  
Transportation,  
Defendant.

**RECEIVED**  
SEP 10 2018  
SC Court of Appeals

PRESIDING JUDGE: Grace Gilchrist Knie  
DATE OF HEARING: July 20, 2018  
PLAINTIFFS' ATTORNEY: Neil E. Alger  
DEFENDANT'S ATTORNEY/S: William M. Smith and Andrew F. Lindemann  
COURT REPORTER: Shirley G. Broom  
(Hearing held at Gaffney, Cherokee County, SC)

This matter was before the Court on July 20<sup>th</sup>, 2018, upon the Defendant's SCRCR, Rule 41(b), Rule 52 (a), Rule 52(b), and /or Rule 59 Motions altering, amending, and/or for reconsideration regarding the Court's prior decision and order issued in this matter on April 18<sup>th</sup>, 2018, so as to grant an involuntary nonsuit, and/or judgment as a matter of law to Defendant or otherwise grant a new trial absolute or otherwise reduce the amount of the judgment.

There was a hearing convened to address the Defendant's Motions. Present at the hearing were Plaintiff's counsel, Neil E. Alger, and Defendant's counsel, William M. Smith and Andrew F. Lindemann. Having fully considered the matter, reviewed the record and notes regarding the hearing on the merits held on February 12<sup>th</sup>, 2018, the Motions of Defendant and attachments,

the transcript of the hearing, memoranda in support of all parties positions, and the arguments of counsel at the reconsideration hearing, and the post hearing filings of Plaintiff's Memorandum in Opposition to Defendant's Post Trial Motions filed with the Court on July 30<sup>th</sup>, 2018, and Defendant's Reply to Plaintiff's Opposition Memorandum filed with the Court on August 6<sup>th</sup>, 2018, the Court finds no basis upon which to modify the Court's prior decision. The Defendant's Motions made pursuant to SCRCP, Rule 41(b), Rule 52 (a), Rule 52(b), and /or Rule 59 seeking to alter, amend, and/or for reconsideration regarding the Court's prior decision and order issued in this matter on April 18<sup>th</sup>, 2018, so as to grant an involuntary nonsuit, and/or judgment as a matter of law to Defendant or otherwise grant a new trial absolute or otherwise reduce the amount of the judgment are DENIED.

IT IS SO ORDERED.

/s/Grace Gilchrist Knie  
The Honorable Grace Gilchrist Knie  
Resident Judge, Seventh Judicial Circuit

August 9, 2018



Spartanburg Common Pleas

**Case Caption:** Betty Jean Perkins VS South Carolina Department Of Transportation

**Case Number:** 2016CP4202478

**Type:** Order/Other

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760