

THE SOUTH CAROLINA COURT OF APPEALS

Joyce Strothers, Appellant

v.

Clarendon County Council on Aging, Respondent

Appellate Case No. 2019-000145

The Honorable George M. McFaddin, Jr.
Clarendon County

Trial Court Case No. 2016CP1400417

Petition / Motion for Rehearing

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MAR 08 2019
SC Court of Appeals

Comes now Appellant, by and through the undersigned counsel, and respectfully moves for restoration of the above case to the Appellate Docket pursuant to South Carolina Appellate Rule 240. In support of this motion, Appellant states as follows:

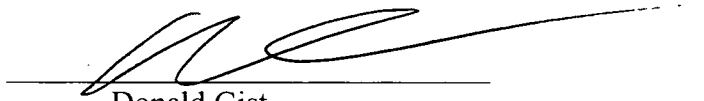
1. This action was timely filed on January 30, 2019 after receipt of an email dated January 8, 2019 which indicated that the Trial Court had dismissed the case of Joyce Strothers v. Clarendon County Council on Aging Trial Court Case No. 2016CP1400417 (January 8, 2019 email from the Trial Court). (Ex. 1).
2. In an abundance of caution Appellant filed Notice of Appeal on January 30, 2019 as the Trial Court's email can be construed as an Order granting Defendant's Motion for Summary Judgment as it is a specific directive by the Court with respect its decision to dismiss Plaintiff's case.
3. On February 22, 2019, the Clerk's Office indicated that this action had been dismissed due to an alleged failure by the Appellant to provide the Order on Appeal, however this was an error on the part of the Clerk's Office, in fact, Appellant had already timely provided the

Trial Court's January 8, 2019 email Order as part of Appellant's timely filed Notice of Appeal.

4. On February 20, 2019 (approximately six weeks later), a belated formal Order was filed by the Trial Court addressing dismissal of Appellant's case at the Circuit Court level. (Trail Court's Written Order, Ex. 2).

As Appellant's case was prematurely dismissed prior to the filing of the Trial Court's formal order but subsequent to the Trial Court's January 8, 2019 email order, Appellant should not be penalized by the Trial Court's belated issuance of its written order. Appellant therefore respectfully requests that this matter be immediately restored to the active docket as Appellant's counsel has diligently taken every necessary and available step to timely perfect Appellant's appeal.

Respectfully Submitted,



Donald Gist
Aaron Wallace
Gist Law Firm, PA
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March 6, 2019

Exhibit One

George M. Law Clerk McFa... 1/8/19

To: murrell@leeandmoise.... & 4 more [Details](#)



Good Afternoon,

Regarding the above-referenced matter, Judge McFaddin respectfully denies Plaintiff Joyce Strothers' motion for reconsideration.

Mr. Smith, please prepare a proposed order and upload it to e-file.

Please let me know if any of you have any questions.

Best,

Lillian L. Meadows

Law Clerk to The Honorable George M. McFaddin, Jr.

215 N. Harvin St.

Sumter, SC 29150

W: (803) 436-2373

M: (850) 865-5602

~~~ CONFIDENTIALITY NOTICE ~~~

This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the

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# Exhibit Two

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CLARENDON )  
 )  
DOCKET NO. 2016-CP-14-00417

Joyce Strothers, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Clarendon County Council on Aging, )  
 )  
Defendant. )  
 )

**ORDER DENYING PLAINTIFF'S MOTION  
TO RECONSIDER**

\*\*\*\*\*

This matter is before the Court without a Hearing on the Plaintiff's Motion to Reconsider this Court's Order Granting Summary Judgment dated September 26, 2018. The Plaintiff did not move pursuant to any specific Rule of Civil Procedure on this Motion to Reconsider. Therefore, this Court interprets this as a Motion to Alter or Amend pursuant to Rule 59 (e) SCRPC.

The Plaintiff has not raised any new issue in this Motion nor does the Plaintiff allege that the Court failed to rule upon any issues that were raised by the parties. The Plaintiff's simply disagrees with the Court's conclusions.

The Court has fully considered the Plaintiff's Motion and the Court reaffirms its previous Order and Ruling. Therefore, the Plaintiff's Motion for Reconsideration is hereby denied.

**IT IS SO ORDERED!**

\_\_\_\_\_  
George M. McFaddin, Jr.  
Presiding Judge for the Court of Common Pleas  
Third Judicial Circuit

At Chambers:  
Sumter, South' Carolina.  
February \_\_, 2019.



Clarendon Common Pleas

**Case Caption:** Joyce Strothers VS Clarendon County Council On Aging

**Case Number:** 2016CP1400417

**Type:** Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

Electronically signed on 2019-02-19 16:21:18 page 2 of 2

# Certificate of Electronic Notification

## Recipients

**Lonnesse Williams** - Notification transmitted on 02-20-2019 11:19:48 AM.

**G. Smith** - Notification transmitted on 02-20-2019 11:19:47 AM.

**Aaron Wallace** - Notification transmitted on 02-20-2019 11:19:48 AM.

**Donald Gist** - Notification transmitted on 02-20-2019 11:19:49 AM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

NOTICE OF ELECTRONIC FILING [NEF]

-

**A filing has been submitted to the court RE:** 2016CP1400417

**Official File Stamp:** 02-20-2019 11:19:32 AM

**Court:** CIRCUIT COURT

Common Pleas

Clarendon

**Case Caption:** Joyce Strothers VS Clarendon County Council On Aging

**Document(s) Submitted:** Order/Other Order/Other

**Filed by or on behalf of:** George Mcfaddin

This notice was automatically generated by the Court's auto-notification system.

-

**The following people were served electronically:**

G. Murrell Smith, Jr. for Clarendon County Council On Aging

Donald Gist for Joyce Strothers

Aaron Vernon Wallace for Joyce Strothers

Lonnesse P Williams for Joyce Strothers

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

ELECTRONICALLY FILED - 2019 Feb 20 11:19 AM - CLARENDON - COMMON PLEAS - CASE#2016CP1400417

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**CERTIFICATE OF SERVICE**

I, the undersigned employee of the Gist Law Firm, P.A., attorneys for the Appellant in the above action, do hereby certify that I have served the foregoing, **Petition / Motion for Rehearing** on Counsel for Appellee by causing a copy of the same to be personally deposited in a United States Postal service mailbox, postage prepaid, with the return address clearly visible, addressed to the attorneys for Appellee as indicated below.

**G. Murrell Smith, Jr., Esquire**  
**Lee, Erter, Wilson, Holler & Smith, LLC**  
126 North Main Street  
P.O. Box 580 (mailing address)  
Sumter, SC 29151



\_\_\_\_\_  
Shana Evans  
Paralegal

March 6, 2019