

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

THIRTEENTH JUDICIAL CIRCUIT

Garry Hoyt,)

ORDER DENYING PLAINTIFF'S

Plaintiff,)

MOTION FOR NEW TRIAL, OR

RECEIVED

IN THE ALTERNATIVE, MOTION

TO ALTER OR AMEND JUDGMENT

vs.)

JUN 10 2019

CollaborativeMed, LLC, and)

SC Court of Appeals

Richard L. Grounsell,)

Defendants.)

Civil Action Number: 2008-CP-23-02321

This matter came before the Court on the the Plaintiff's Motion for a New Trial or, in the Alternative, Motion to Amend or Alter Judgment pursuant to Rules 59(a) and 59(e) of the South Carolina Rules of Civil Procedure. In his motion, Plaintiff invites this Court to consider matters outside of its prescribed authority under the Court of Appeals Remand. This Court declines to do so.

However, in order to address Plaintiff's stated concerns, this Court finds that Grounsell did not violate Section 33-8-310 of the S.C. Code of laws in that, as Judge Young clearly found, the transaction benefited the corporation. As such, Grounsell proved the transaction was "fair to the corporation."

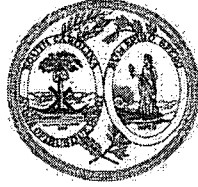
Further, Plaintiff states that a majority of the shareholders would have disapproved of the subject transaction. The evidence does not establish that proposition as fact. It is purely speculative. This Court, upon review, does not find Dr. Bode's testimony to be persuasive or credible as to whether he had notice of the meeting or how he may have voted. His testimony was, in a word, suspect.

The Plaintiff continues to take exception to the original Trial Court's analysis and ruling. This court does not have the authority to alter or amend those findings of fact or the established law of the case. Therefore, after having carefully considered the Motion, this Court respectfully denies the same.

AND IT IS SO ORDERED.

ROBIN B. STILWELL

May 11, 2019
Greenville, South Carolina



Greenville Common Pleas

Case Caption: Garry Hoyt vs. Collaborativemed Llc , defendant, et al
Case Number: 2008CP2302321
Type: Order/Other

So Ordered

s/ Robin B. Stilwell 2158