

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Estate of Edward James Mims, )  
Laura M. Cole, Personal Representative, )  
 )  
Plaintiff, )

Civil Action No. 07-CP-40-3365

v. )

ORDER

The South Carolina Department of )  
Disabilities and Special Needs, )  
Kathi Lacy and Stanley Butkus, )  
 )  
Defendants. )

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SEP 12 2019  
SC Court of Appeals

This matter comes before the Court upon a motion for reconsideration filed by Plaintiff. Specifically, Plaintiff's counsel filed a motion for reconsideration on August 30, 2019, asking the undersigned to reconsider the rulings in his August 22, 2019 Order. For the reasons set forth herein, Plaintiff's motion is **DENIED**.

The August 22, 2019 Order addressed two motions. Specifically, that Order denied Plaintiff's "Motion for Protective Order and Other Relief," which was filed by Plaintiff on June 17, 2019, as well as Plaintiff's "supplement" to that motion, which was filed by Plaintiff July 8, 2019. The August 22, 2019 Order also granted Defendants' "Motion to Compel Discovery and for Extension of Scheduling Order Deadlines," which was filed by Defendants on May 30, 2019.

As was stated in the August 22, 2019 Order, the Court held a hearing, on July 30, 2019, on Plaintiff's "Motion for Protective Order and Other Relief" and Defendants' "Motion to Compel Discovery and for Extension of Scheduling Order Deadlines." At that hearing the Court heard and considered the arguments from all parties with regards to both motions, and subsequently the Court decided to deny Plaintiff's motion in its entirety, and to grant Defendants' motion. Plaintiff's counsel

subsequently filed a “Motion to Reconsider, Alter or Amend,” and Plaintiff states said motion is based on Rules 52 and 59(e), SCRCP. Plaintiff proceeds to alleged that the August 22, 2019 Order “did not address all of the issues and arguments raised by the Estate.” *See*, Motion at pg. 2.

The undersigned has carefully and fully reviewed the Motion to Reconsider, Alter or Amend and hereby **DENIES** that motion. First, the Court is not required to set forth, on interlocutory Orders, specific findings of fact and/or conclusions of law. The August 22, 2019 Order is not a final Order or Judgment, and therefore Rules 52 and 59(e), SCRCP are not applicable to that Order. Therefore, for that reason alone, Plaintiff’s motion can be, and hereby is, **DENIED**.

Furthermore, to the extent Plaintiff is asking the Court to reconsider its ruling contained in the August 22, 2019 Order, the Court finds Plaintiff has failed to make the requisite showing for why the Court should reconsider, alter or amend its ruling. The Court’s August 22, 2019 Order makes it clear the Court considered all arguments made by Plaintiff’s counsel in Plaintiff’s written submissions, as well as at the oral argument on the motions in question. Having heard and considered those arguments, the Court decided to deny, in its entirety, Plaintiff’s “Motion for Protective Order and Other Relief.” Additionally, the Court decided to grant, in its entirety, Defendants’ “Motion to Compel Discovery and for Extension of Scheduling Order Deadlines.” The Court reiterates said rulings, with the following *caveat*.

Due to the delay in moving discovery forward in this case caused by Plaintiff’s filing of the herein denied motion for reconsideration, the Court hereby Orders that the Scheduling Order in this matter shall be further modified as follows:

1. Discovery in this case shall conclude 90 days after the date this Order is signed and filed.
2. The witnesses must respond to Defendants’ subpoenas within 15 days of this Order.

AND IT IS SO ORDERED.

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The Honorable Robert E. Hood  
Judge, Fifth Judicial Circuit

Columbia, South Carolina

September \_\_\_\_\_, 2019



Richland Common Pleas

**Case Caption:** Margaret Mims , plaintiff, et al vs Babcock Center Inc , defendant,  
et al

**Case Number:** 2007CP4003365

**Type:** Order/Other

So Ordered

s/ R.E. Hood #2164

## Certificate of Electronic Notification

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