

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

Gregg Battersby,

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CIVIL ACTION NO.: 2015-CP-04-00667

Plaintiff,

JAN 16 2020

v.

**ORDER GRANTING DEFENDANTS
MOTION TO ENTER MONETARY
SANCTIONS IN THE JUDGMENT ROLLS**

SC Court of Appeals

J. Kirkman Moorhead, Krause, Moorhead &
Draisen, P.A., Allstate Insurance Company,
and Allstate Northbrook Indemnity
Company,

Defendants.

THIS MATTER comes before me pursuant to a Motion to Enter Monetary Sanctions in the Judgment Roll against the attorney for the Plaintiff, Donald Loren Smith, Esquire.

The Defendants J. Kirkman Moorhead and the Law Firm of Krause, Moorhead & Draisen, PA were present and represented by Steven M. Krause of the Law Firm of Krause, Moorhead & Draisen, PA.

Donald Loren Smith, Esquire was present.

At the call of the case, the Court inquired if the Motion was merely ministerial and what arguments, evidence or law would be pertinent.

The Defendants, J. Kirkman Moorhead and Krause, Moorhead & Draisen, PA concurred with the Court's rationale. Further, the only reason the Motion was filed was that Mr. Smith was not a named defendant and therefore the previous Order of the Court filed on February 4, 2016 awarding monetary sanctions against Mr. Smith is not listed or recorded in the Judgment Roll.

The Court listened to argument from Mr. Smith which centered upon the fact that the Form Order which was filed on April 22, 2016 denying his Motion for Reconsideration did not contain a formal order denying such reconsideration. Accordingly, he maintains that this Motion is not proper.

The Court does not concur with Mr. Smith's logic but will utilize this Order to again deny his Motion for Reconsideration, even though the Court feels it to be redundant.

In addition, the Court finds that the Motion for Monetary Sanctions previously granted by this Court should be entered as a judgment in the Judgment Roll of Anderson County against Donald Loren Smith, Esquire in the amount of \$11,206.20.

Further, the Clerk of Court is directed to do so.

IT IS SO ORDERED.

R. LAWTON MCINTOSH, JUDGE
TENTH JUDICIAL CIRCUIT

Anderson, South Carolina

_____, 2019



Anderson Common Pleas

Case Caption: Gregg Battersby VS J Kirkman Moorhead , defendant, et al

Case Number: 2015CP0400667

Type: Order/Other

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH