

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
)
 White Oak Manor of Spartanburg,)
)
 Plaintiff,)
)
 vs.)
)
 Paulette Smith-Young,)
)
 Defendant,)
)
 AND)
)
 Paulette Smith-Young, Individually and as)
 The Personal Representative of the Estate of)
 Genobia Smith, Deceased,)
)
 Third-Party Plaintiff,)
)
 v.)
)
 White Oak Manor-Spartanburg, Inc., d/b/a)
 White Oak of Spartanburg, and White Oak)
 Management, Inc.,)
)
 Third-Party Defendants.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO.: 2018-CP-42-04174
 Order regarding Third-Party Defendant
 White Oak Management's Motion to
 Reconsider the Court's Order denying
 Defendant's Motion to Compel Arbitration

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 SC Court of Appeals

Counsel 3rd Party Defendant: Chad M. Graham
 Counsel 3rd Party Plaintiff: Raymond P. Mullman, Jr., Gary W. Poliakoff,
 & Edward John Waelde

This matter was before the Court on Wednesday, December 18th, 2019, at 9:30 a.m., in Spartanburg County, SC, the Seventh Judicial Circuit upon Third-Party Defendant White Oak Management, Inc.'s Motion to Compel Arbitration. Attorney Chad McQueen Graham of The Ward Law Firm, PA was present and representing the interests of the Third-Party Defendant. Attorneys

Raymond Paul Mullman, Jr., Gary W. Poliakoff, and Edward John Waelde of Poliakoff & Associates, P.A. were present representing the interests of the Third-Party Plaintiff. Michael R. Watts was the Court Reporter.

Judge Grace Gilchrist Knie issued an Order on January 13th, 2020, denying the Third-Party Defendant's Motion to Compel Arbitration. On January 23rd, 2020, Third-Party Defendant filed a Motion to Reconsider the Order regarding Third-Party Defendant's Motion to Compel Arbitration. This Order pertains to the Motion to Reconsider the Order denying Third-Party Defendant's Motion to Compel Arbitration. The motion was decided without a hearing pursuant to Rule 59 (f) of the SCRPC.¹

PROCEDURAL BACKGROUND:

This action began with the filing of a Summons and Complaint in Magistrate Court, Case Action Number 2018-CV-42-10106803. A Consent Order to Transfer the Case to Spartanburg County Court of Common Pleas was signed by the Honorable James D. Willingham, II, Magistrate Judge, on November 20th, 2018, and filed December 3rd, 2018. Plaintiff and Third-Party Defendants filed a Motion to Dismiss the counterclaim and Third-Party Complaint on June 9th, 2019. Defendant and Third-Party Plaintiff filed a Motion to Compel on July 9th, 2019. Defendant filed a Motion for Summary Judgment on August 5th, 2019. Plaintiff and Third-Party Defendants filed a Motion to Compel Arbitration on September 13th, 2019. A Consent Order concerning the Agreements of Counsel was signed by Judge Grace Gilchrist Knie on September 20th, 2019, and filed the same day. The Consent Order stated the following:

“Defendant Paulette Smith-Young’s Motion for Summary Judgment is granted as to the collection action by Plaintiff White Oak Manor-Spartanburg against her in her individual capacity. Third-Party Plaintiff Paulette Smith-Young, individually, and as the Personal Representative of the Estate of Genobia Smith’s Motion to Compel against Third-Party Defendant White Oak Manor-Spartanburg is moot. Third-Party Plaintiff Paulette Smith-

¹ The Court, in its discretion, has determined this Motion without oral argument, pursuant to Rule 59(f), SCRPC.

Young's Motion to Compel against Third-Party Defendant White Oak Management, Inc. is withdrawn without prejudice. Third-Party Defendants' Motion to Dismiss all claims against White Oak Manor Spartanburg, Inc., d/b/a White Oak of Spartanburg, Inc. is granted without prejudice. Third-Party Defendants' Motion to Dismiss all claims against White Oak Management, Inc. is withdrawn without prejudice."

Following the consent order, the only remaining claim in the action is the Third-Party Plaintiff's action against Third-Party Defendant White Oak Management, Inc. The Third-Party Plaintiff filed a Second Motion to Compel Discovery on October 14th, 2019. The parties were before the Court to take up the Third-Party Defendant's Motion to Compel Arbitration on December 18th, 2019. Judge Grace Gilchrist Knie issued an Order on January 13th, 2020, denying the Third-Party Defendant's Motion to Compel Arbitration. On January 23rd, 2020, Third-Party Defendant filed a Motion to Reconsider the Order regarding Third-Party Defendant's Motion to Compel Arbitration.

CONCLUSION:

After careful consideration of the able arguments and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Third-Party Defendants' Motion to Amend or Alter Judgment, made pursuant to Rule 59, SCRPC, filed with the Court on January 23rd, 2020, is respectfully denied.

IT IS SO ORDERED.

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

February 14th, 2020
Spartanburg, South Carolina



Spartanburg Common Pleas

Case Caption: White Oak Manor Of Spartanburg VS Paulette Smith-Young
Case Number: 2018CP4204174
Type: Order/Other

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760