

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF RICHLAND ) Case No. 2020-CP-40-02040

RECEIVED

Aug 24 2020

SC Court of Appeals

Beacham O. Brooker, Jr.; Ellen B. )  
Corontzes; and BBB&C Family, LLC )  
 )  
 ) Petitioners )  
 )  
vs. )  
 )  
Julia B. Brooker, )  
 )  
 ) Respondent )  
 )  
 )

**ORDER DENYING RESPONDENT'S  
MOTION PURSUANT TO RULES  
52(b) AND 59(a), SCRPC, TO ALTER  
OR AMEND ORDER GRANTING  
PETITIONERS' MOTION TO STAY**

This matter came before me on Respondent's Motion Pursuant to Rules 52(b) and 59(a), SCRPC, to Alter or Amend Order Granting Petitioners' Motion to Stay ("Motion"), filed on July 27, 2020. Because Respondent presented no grounds to warrant altering or amending the order and because Rule 59(g) was not satisfied, this Court DENIES the Motion.

The arguments made in Respondent's Motion are not convincing and are not new.<sup>1</sup> Respondent's own arbitration demand references several aspects of the current probate appeal, suggesting that the arbitration demand necessarily involves issues raised in the probate appeal. Respondent, herself, has intertwined the arbitration demand with the probate appeal. This Court has the authority to stay the arbitration while the issues raised in the probate appeal resolve themselves in the appeal. Allowing the arbitration to continue would thwart the principles of the first rule of civil procedure, which states that all rules "shall be construed to secure the just, speedy, and inexpensive determination of every action." Rule 1, SCRPC. To permit the arbitration to

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<sup>1</sup> Additionally, the Motion for Reconsideration was not sent to the undersigned within the ten-day requirement under Rule 59(g), SCRPC. The undersigned was to receive a copy of the Motion on or before August 6, 2020 but did not receive it until August 18, 2020. This is a separate ground for denying the Motion to Reconsider.

proceed, while the related probate appeal is waiting for adjudication, hinders judicial efficiency and economy and unnecessarily increases the expenditure of the parties' resources.

For the above reasons, I DENY the Respondent's Motion Pursuant to Rules 52(b) and 59(a), SCRCF, to Alter or Amend Order Granting Petitioners' Motion to Stay.

IT IS SO ORDERED.

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L. Casey Manning  
Circuit Court Judge, Fifth Judicial Circuit



Richland Common Pleas

**Case Caption:** Beacham O Brooker Jr , plaintiff, et al vs Julia B Brooker

**Case Number:** 2020CP4002040

**Type:** Order/Other

So Ordered

s/L. Casey Manning, 2061

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