

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BARNWELL )  
 )  
 ARCHIE PATTERSON AND TAMMIE )  
 BOLLERMAN, )  
 )  
 PLAINTIFFS, )  
 )  
 v. )  
 )  
 SOUTH CAROLINA DEPARTMENT OF )  
 EMPLOYMENT AND WORK FORCE, )  
 )  
 DEFENDANT. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 SECOND JUDICIAL CIRCUIT

Case No.: 2013-CP-06-00059

ORDER ON  
 DEFENDANT'S 59(e) MOTION

**RECEIVED**

**Aug 18 2020**

**SC Court of Appeals**

This matter is before me on Defendant's Amended Motion to Alter or Amend filed March 28,2019. Defendant seeks to alter or amend this Court's Order of March 21, 2019 granting Plaintiff's Motion to Alter or Amend the February 15, 2019 Order of this Court. Both Orders were issued by the Honorable Doyet A. Early who was designated to hear all matters in this case, but has since retired. Therefore, the matter falls to me to hear as Chief Judge for Administrative Purposes.

During the hearing, the parties agreed to modify the language of the Order to clarify that if Plaintiffs ultimately succeed on the merits of this case, persons who have otherwise exhausted the full amount of unemployment benefits they were entitled to receive in any pertinent period shall not be included in the class. Therefore, page 5 of the March 21, 2019 Order and the corresponding language in the Notice to Class on p. 44 of the February 15, 2019, Order shall be amended to define the class as:

All persons: (1) who were citizens and residents of South Carolina at the time the action was filed; (2) who were eligible to receive state or federal unemployment benefits, through SCDEW;

(3) who made application through SCDEW to receive benefits; (4) who did not receive benefits for one or more weeks as a result of their failure to conduct an online job search between August 6, 2012, and July 1, 2016; and (5) who did not subsequently exhaust the full amount of state or federal benefit they were entitled to receive in the pertinent benefit year, as that term is defined in S.C. Code Ann. § 41-27-160, that is, whose benefits did not exceed the maximum potential benefit amount for a given benefit year, as governed by S.C. Code Ann. 41-35-50.

After hearing the remainder of the motion and carefully considering all arguments made as well as all documents and memoranda presented, I find no other reason to alter or amend the March 21, 2019 Order. Therefore, the remainder of the motion is denied. Counsel for Defendant advised the Court at the hearing on the motion that in agreeing to the above modification of the definition of the class, the Defendant preserves, and expressly does not waive, any contention previously made in this case as to any disputed issue, but instead reserves the right to present all such issues on appeal. Plaintiffs' counsel have agreed, and the Court so holds. The parties' consent to clarify the class definition shall not be construed as consenting to any other portion of this or any other Order previously issued in this case.

AND IT IS SO ORDERED.

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Honorable Clifton Newman  
Chief Judge for the 2nd Circuit

\_\_\_\_\_, South Carolina  
June \_\_\_\_\_, 2020



Barnwell Common Pleas

**Case Caption:** Lorenda A Robinson, et al , plaintiff, et al VS SC Department of  
Employment & Work Force

**Case Number:** 2013CP0600059

**Type:** Order/Amend

So Ordered

s/ Clifton B. Newman, 2127