

NO. 21-5512

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2021

"IN RE SHANNON RILEY"

ON PETITION FOR A WRIT OF MANDAMUS TO
THE SUPREME COURT OF THE STATE OF KANSAS

PETITION FOR REHEARING

Shannon Riley
Petitioner, pro se
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shannon@infinitysporthorse.com

November 1, 2021

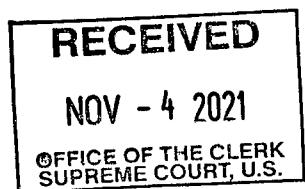


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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44(1), Petitioner respectfully seeks rehearing of this Court's denial of a Writ of Mandamus issued on November 1, 2021 and to grant this Petition for rehearing.

Pursuant to Supreme Court Rule 44(1), the Petition for Rehearing is filed within 25 days of this Court's decision.

REASON FOR GRANTING PETITION

In the five questions presented, question #4 asks;
DOES A SECOND ATTEMPT TO EXECUTE A KANSAS FOREIGN JUDGMENT IN SOUTH CAROLINA AFTER THE ISSUANCE OF A MANDATE IN KANSAS IMPEACH DUE PROCESS?

DOCTORINE OF RES JUDICATA

The Doctorine by which a final judgment by a court of competent jurisdiction (in this case, Aiken Court of Common Pleas) is conclusive upon the parties in any subsequent litigation involving the same cause of action (in this case, executing a Kansas foreign judgment in South Carolina), first before a mandate by the Kansas Court of Appeals, and second after a mandate by the Kansas Court of Appeals.

The first time, on a false affidavit and prior a mandate from the Kansas Court of Appeals, and the second time, after the mandate was issued by the Kansas Court of Appeals, and after a judgment was filed

in the Aiken Court of Common pleas (Case #2019CP0200950) (EX L)

after the mandate by the Kansas Court of Appeals issued 8/18/21 18 months after the Aiken Court of Common Pleas filed judgment on 2/3/20 Case # 2019CP0200950 (EX L)

THE SECOND FILING TO EXECUTE A KANSAS FOREIGN JUDGMENT IN SOUTH CAROLINA ON THE SAME FALSE AFFIDAVIT USED IN THE FIRST FILING AND AFTER JUDGMENT BY THE SOUTH CAROLINA COURT ON THAT AFFIDAVIT IS RES JUDICATA ON THE SAME CAUSE OF ACTION

The false affidavit filed 4/19/19 states @ 15, "The judgment is not further contested. There are no post trial motions pending before the District Court of Johnson County. Ms Riley has not filed a notice of appeal and there is not a pending appeal in this matter." When in fact the appeal in this case remained pending since filing on 1/16/20 and no mandate was issued until 8/18/21 (EX K).

The affidavit dated 4/19/19, 8 months prior to a final order in the Kansas District Court filed 12/5/19 (EX H) and 10 months prior to judgment on the foreign judgment in

POST-TRAIL MOTION REMAINED PENDING

The Memorandum Opinion from the Kansas Court of Appeals (EX A, pg 2), states, At no time has the District Court taken action on Riley's counterclaim against Meehan. The Counter claim remain pending."

THERE ARE IN FACT, POST-TRAIL MOTION PENDING BEFORE THE DISTRICT COURT OF JOHNSON COUNTY. THE AFFIDAVIT IS FALSE.

PETITIONER PROHIBITED FROM FILING APPEAL
PRIOR TO FINAL ORDER OF JUDGMENT

Petitioner is prohibited from filing an appeal prior to a final order of judgment. The affidavit to execute the foreign judgment in South Carolina was filed on 4/22/19, 8 months prior of a final order in Kansas on 12/5/19, Simply put the judgment in South Carolina on the foreign judgment was final on 2/3/20, is 18 months prior to a mandate in Kansas.

REASON FOR GRANTING PETITION

Article III of U.S. Constitution, 28 U.S.C. 1254, 1651, Sup. Ct. Rule 20, CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

1. First Amendment (Petition). Petition is the right to ask government at any level to right a wrong or correct a problem."
2. XIVth Amendment, deprive "any person of life, liberty, or property, without due process of law." XIVth Amendment, deprive "equal protection of the law."

1. Adequate relief cannot be obtained in any other forum or from any other court. Mandamus is appropriate where petitioner "lack adequate alternative means to obtain the relief they seek," *Mallard v U.S. Dist Ct S. Dist of Iowa* 490 U.S. 296, 309 (1989). Since the claims implicate the state court of Kansas (and South Carolina).²

2. Exceptional circumstances. When inferior courts refuse to perform its required duty, the only remaining course of action is a writ. "The writs thus afford an expeditious and effective means of confining the inferior court to a lawful exercise of its prescribed jurisdiction, or of compelling it to exercise its authority when it is its duty to do so." *Ex parte Republic of Peru*, 318 U.S. 578, 583, (1943); same *Roche v Evaporated Milk Assn* 319 U.S. 21, 26, (1943) ("Roche").

Writ, "where it was necessary to confine a lower court to the terms of an appellate tribunal's mandate, U.S. v U.S. Dist Court, 334 U.S. 258 (1948)", Will v United States, 389 U.S. 90, 95-96 (1967) ("Will").

3. Abuse and usurpation of judicial power, constitutes as exceptional circumstances, Roche, *supra* 27. Instances of "clear abuse of discretion," Bankers Life & Casualty Co v Holland, 346 U.S. 379, 383 (1953), or conduct amounting to "usurpation of the judicial power," De Beers Consolidates Mines, Ltd v United States, 325 U.S. 212, 217 (1945), to be entitled to issuance of the writ, Mallard v U.S. Dist Court of S Dist of Iowa 490 U.S. 296, 309 (1980) ("Mallard").

4. The Kansas Supreme Court denied Petitioner's 803A Summary Petition for Review and thwarted the process. "In determining what is appropriate (to grant a writ) we look to those principles which should guide judicial discretion in the use of extraordinary remedy..(Where) action or omission of its (lower court's) part has thwarted or tends to thwart appellate review of the fuling; and (the) function of mandamus in aid of appellate jurisdiction is to remove obstacles to appeal, Roche *supra* 26, and its progeny Mallard, *supra* 308.

-
1. SC Code 15-35-290 Filing of foreign judgments, etc. (A) " A contested judgment includes a judgment for which post-trial motions are pending before the trial court, notice of appeal has been filed, or an appeal is pending." Petitioner's counter-claim was clearly pending.

CONCLUSION

In this case, the Doctorine of Res Judicata is present.

A final judgment by a court of competent jurisdiction (Aiken Court of Common Pleas), is conclusive upon the parties in any subsequent litigation involving the same cause of action.

The filing to execute a Kansas foreign judgment in South Carolina for a second time is res judicata.

In this case of exceptional circumstances, Petitioner's due process has been impeached twice.

In this case, the supervisory control of the lower Courts by this Court is necessary for proper judicial administration in the federal system.

1135.60

The All Writs Act convers on the Courts of Appeals the discretionary power to issue writs of mandamus in the exceptional circumstances existing here. *La Buy v Howes Leather Co.* 352, U.S. 249, 259-60. A writ is "an established remedy to oblige inferior courts and magistrates to do that justice which they are in duty and by virtue of their office, bound to do...one of its peculiar and more common uses is to restrain inferior courts and to keep them within their lawful bounds." *Commonwealth of Virginia v Rives* 100 U.S. 313, 323-324 (1879).

Petitioner respectfully seeks rehearing based
on the Doctorine of Res Judicata², which does not merely
prevent future judgment from contradicting earlier ones,
but also prevents litigants from multiplying judgments
and confusion which is this case. Petitioner respect-
fully asks this Court to issue the extraordinary Writ
of Mandamus to the Supreme Court of Kansas in this
extraordinary case of highly sophisticated impeachment
of due process under the XIV amendment of the U.S.
Constitution. This fully sanctioned by the Supreme
Court of the State of Kansas when denying Petitioner's
803A Summary Petition for Review, less the recusal of Justice
Standridge, J (EX E).

Respectfully submitted;



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-
2. the principle that a cause of action may not be relitigated once it has been judged on the merits. "Finality" refers to when a court renders a final judgment on the merits, as in the Aiken Court of Common Pleas. The question whether the cause of action in successive suits are the "same" for res judicata purposes turns on whether they concern a "common nucleus of operative fact." Currier v Virginia 138 S Ct 2144, 2154 (2018) (plurality) that is whether they concern the same transaction or series of connected transactions." Restatement (second) 24(1) (1982) (Restatement).

A-P-P-E-N-D-I-X

NOT DESIGNATED FOR PUBLICATION

No. 122,380

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CARRIE KATHLEEN MEEHAN,
Appellee,

v.

SHANNON RILEY,
Appellant.

MEMORANDUM OPINION

Appeal from Johnson District Court; PAUL C. GURNEY, judge. Opinion filed September 25, 2020.

Appeal dismissed.

Shannon Riley, of Aiken, South Carolina, appellant pro se.

Rhonda K. Levinson, of Perry and Trent, L.L.C., of Bonner Springs, for appellee.

Before GREEN, P.J., STANDRIDGE, J., and MCANANY, S.J.

PER CURIAM: Carrie Kathleen Meehan commenced an action for breach of contract and other claims against Shannon Riley. Riley was personally served in South Carolina. In March 2018, Riley filed her answer, generally denying Meehan's claims. She also asserted a counterclaim against Meehan for a commission she claimed she was due for the sale of a horse that Meehan had imported from Ireland. Riley sought judgment against Meehan for a sum in excess of \$25,000 and requested a jury trial.

In October 2018, Meehan moved for judgment for Riley's failure to comply with the court's discovery order, her failure to pay a court-imposed sanction, and her failure to

cooperate with Meehan in the preparation of an agreed pretrial order. Meehan sent Riley a notice of the hearing on this motion to her South Carolina address.

In December 2018, the district court entered judgment in favor of Meehan and against Riley on Meehan's claim, based on Riley's failure to comply with the court's discovery orders and her failure to attend pretrial hearings. The court's judgment included an award of punitive damages on Meehan's claim after hearing testimony on that issue.

In January 2019, the district court entered an order nunc pro tunc adding pre-judgment interest, which had been omitted from the original journal entry of judgment in favor of Meehan on her claim against Riley. At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending.

Riley moved to set aside the judgment on Meehan's claim against Riley, and the district court denied the motion. Riley appealed.

K.S.A. 2019 Supp. 60-2102(a)(4) allows our court to review a final decision in a civil proceeding. A final decision is a decision "which finally decides and disposes of the entire merits of the controversy and reserves no further questions or directions for the future or further action of the court." *Kansas Medical Mut. Ins. Co. v. Svaty*, 291 Kan. 597, 610, 244 P.3d 642 (2010). The phrase "final decision" is self-defining and refers to an order that definitely terminates a right or liability involved in an action or that grants or refuses a remedy as a terminal act in the case. *Allison v. State*, 56 Kan. App. 2d 470, 475, 432 P.3d 87 (2018).

Interlocutory appeals may be taken when the district court certifies (1) that an order involves a controlling question of law about which substantial ground exists for difference of opinion and (2) that an immediate appeal may materially advance the ultimate termination of the litigation. The Court of Appeals may thereafter permit an

appeal in its discretion. K.S.A. 2019 Supp. 60-2102(c). No such certification exists in this case.

Riley's counterclaim for breach of contract is outstanding and has not been dismissed. The district court's judgment only provides: "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Costs of the action." No ruling has ever been sought, and no action has been taken on Riley's outstanding counterclaim.

We have invited the parties to show cause why this appeal should not be dismissed for lack of jurisdiction. Neither party has satisfactorily shown that we have jurisdiction notwithstanding the fact that no action has been taken on Riley's currently pending counterclaim.

Accordingly, there has been no final decision that disposes of all the outstanding issues in this case. As a result, we have no jurisdiction to consider this appeal and the appeal is dismissed.

Appeal dismissed.

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 122,380

CARRIE KATHLEEN MEEHAN,
Appellee,

v.

SHANNON RILEY,
Appellant.

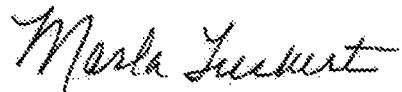
ORDER

The court denies the petitions for review filed in this case.

The court denies all pending motions and notes all responses and replies.

Dated this 5th day of August 2021.

FOR THE COURT



MARLA LUCKERT,
Chief Justice

Standridge, J., recused.

E

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CARRIE KATHLEEN MEEHAN
Plaintiff

v.

Case No. 18 CV 490
Division No. 11

SHANNON RILEY
Defendant

Pursuant to K.S.A. Chapter 60

NUNC PRO TUNC
JOURNAL ENTRY CORRECTING DEFAULT JUDGMENT
CONSISTENT WITH THE ORDER OF THE COURT

NOW, on this 20th day of November, 2018, the same being one of the regular judicial days of the above-named Court, this cause comes regularly on for trial to the Court on Plaintiff's Petition in the above captioned case. The Plaintiff Carrie Kathleen Meehan appears in person and by her attorney, Rhonda K. Levinson of Perry & Trent LLC. The respondent does not appear. There are no other appearances.

THEREUPON, the Court, having heard testimony of Plaintiff, having examined the evidence and pleadings in this case, and being otherwise well and duly advised in the premises, finds as follows:

1. That jurisdiction and venue are proper.
2. That the Respondent filed an answer in the above case.
3. That the Respondent has failed to comply with the Court's prior order regarding providing responses to interrogatories and requests for production propounded by the Plaintiff to Respondent.
4. That the Respondent failed to attend the pretrial hearing in this matter.

Clerk of the District Court, Johnson County, Kansas
01/15/19 03:23pm SP

G

5. That the Respondent has failed to appear at the hearing on Plaintiff's Motion for Default Judgment despite having been sent notice of the same.
6. That as a result of the failure to comply with the Court's order regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the Court finds that entry of judgment against the Defendant is appropriate.
7. The Court finds in favor of the Plaintiff on all counts in the Petition, for actual damages in the amount of forty thousand dollars (\$40,000.00). The Court finds that the Defendant breached the contract between the parties, breached her fiduciary duty, wrongfully converted funds, and committed fraud.
8. Having found in favor of Plaintiff on all counts in the Petition, the Court next considers Plaintiff's motion to award punitive damages.
9. After hearing evidence and testimony regarding the matter, the Court finds that punitive damages are warranted. The Court finds by clear and convincing evidence that the Defendant has committed fraud, that the evidence shows her conduct was willful and an ongoing deceit.
10. The Court therefore, after considering the statutory factors, awards the Plaintiff eighty thousand dollars (\$80,000.00) in punitive damages.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

The above findings are adopted as the Order of this Court.

Plaintiff Carrie Kathleen Meekan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the

statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Costs of the action.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 01/15/19

District Judge

Submitted by:

/s/Rhonda K. Levinson
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Attorney for Plaintiff

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL DEPARTMENT

CARRIE KATHLEEN MEEHAN,)
Plaintiff,) Case No. 18-CV-490
vs.) Div. 11
SHANNON RILEY,)
Defendant.)

ORDER OF FINAL JUDGMENT

NOW on this date, the Court considers Defendant's *Motion to Vacate Default Judgment*, filed May 23, 2019, and *Emergency Motion to Dismiss*, filed November 5, 2019. After reviewing the record, the Court finds as follows:

1. Jurisdiction and venue in this action were proper.
2. As a result of the failure to comply with the Court's orders regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the entry of default judgment against the Defendant was appropriate.
3. The *Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court*, entered January 15, 2019, constitutes a final order because it disposed of the action as to all claims by all parties and no appeal was taken during the statutory deadlines.

THEREFORE, the above findings are adopted as the Order of this Court and Defendant's motions to vacate and dismiss the judgment are denied.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 12/05/19

The Honorable Paul C. Gurney, District Judge

5 Dec 19
16 Dec 19
16 DEPT OF THE DISTRICT COURT
DEPUTY

Clerk of the District Court, Johnson County Kansas
12/05/19 11:13am KH

H

Prepared by:

/s/ Rhonda K. Levinson

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Attorney for Plaintiff

AFFIDAVIT OF DIONÈ C. CARROLL

April 19, 2019

I, DIONÈ C. CARROLL, do hereby dispose and state:

1. I am an attorney licensed to practice in South Carolina.
2. I have been retained by Ms. Meehan to enforce an unpaid foreign judgment.
3. Pursuant to Section 15-35-920, a copy of the foreign judgment is being filed contemporaneously with the Aiken County Clerk of Court in the State of South Carolina.

Case Background:

4. Carrie Kathleen Meehan is the judgment creditor.
5. Shannon Riley is the judgment debtor.
6. A Petition was filed in the District Court of Johnson County, Kansas on January 29, 2018. See *Meehan v. Riley*, Case No. 18 CV 490.
7. A default judgment was entered against Ms. Riley on November 30, 2018.
8. District Judge Paul Gurney ruled in favor of the Plaintiff, Carrie Kathleen Meehan. Ms. Meehan was granted judgment against Ms. Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00. The Court ordered that Court costs be assessed against Ms. Riley.
9. A Journey Entry Granting Default Judgment was filed in the District Court of Johnson County, Kansas on December 3, 2018.
10. A Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court was filed in the District Court of Johnson County, Kansas on January 15, 2019.
11. Ms. Meehan was granted judgment against Ms. Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the costs of the action.

Pursuant to Section 15-35-920 (A), affiant states the following in support of the domestication of the aforementioned foreign judgment:

12. The aforementioned foreign judgment is final.
13. The foreign judgment is unsatisfied in whole.
14. Ms. Riley owes \$40,000.00 in actual damages, \$80,000.00 in punitive damages, interest, and the costs of the action.
15. The foreign judgment is not further contested. There are no post-trial motions pending before the District Court of Johnson County. Ms. Riley has not filed a notice of appeal and there is not a pending appeal in this matter.

J

To the best of my knowledge the foregoing statements of fact are true and correct.

Further the affiant sayeth naught

Dioné C. Carroll

Dioné C. Carroll

Sworn and Subscribed before me

On this 19th day of April, 2019

Rotary Public of South Carolina

Commission expires: 4-16-2021

MANDATE

COURT OF APPEALS,

ss.

STATE OF KANSAS,

Appellate Court No. 20-122380-A

District Court No. 18CV490

The State of Kansas, to the District Court within and for the County of JOHNSON
in the State of Kansas, Greeting:

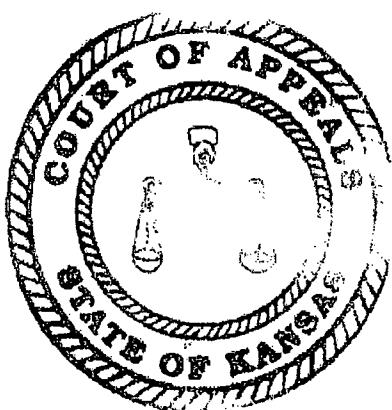
WHEREAS, In a certain civil action lately pending before you, wherein CARRIE KATHLEEN MEEHAN, appellee, and, SHANNON RILEY, appellant, a judgment was rendered by you against the appellant from which judgment appellant prosecuted an appeal in the Court of Appeals within and for the State of Kansas;

AND WHEREAS, on September 25, 2020, on consideration of the appeal, it was ordered and adjudged by the Court of Appeals that the appeal be dismissed.

AND WHEREAS, on October 20, 2020, the Court of Appeals denied the motions for rehearing or modification.

AND WHEREAS, on August 5, 2021, the Supreme Court denied the petitions for review filed in this case and denied all pending motions and noted all responses and replies. The appeal is dismissed. An attested true copy of the Court of Appeals opinion is attached.

YOU ARE THEREFORE COMMANDED, that without delay you cause execution to be had of the judgment of the Court of Appeals, according to law.



Costs

Paid Fees of Clerk of the Appellate Courts.....	\$ 155.00
Other Costs	\$
Total.....	\$

WITNESS my hand and the seal of the Court of Appeals affixed hereto, at my office, in the City of Topeka, on AUG 18 2021

DOUGLAS T. SHIMA, Clerk of the Appellate Courts

MANDATE RECEIVED BY CLERK
TRIAL JUDGE NOTIFIED

Date: _____

PS

STATE OF SOUTH CAROLINA
COUNTY OF Aiken
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP0200950

Carrie Kathleen Meehan
PLAINTIFF(S)

Shannon Riley
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Motion for reconsideration of Final Order is denied.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/03/2020.

Shannon Riley for Shannon Riley
Shannon Riley for Shannon Riley

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

SCRCP Form 4CE (08/31/2017)

A TRUE AND CORRECT COPY Page 1 of 2



By Charles B. Kite Date 2/3/2020
Deputy Clerk Plowfie