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**SC Court of Appeals**

ELECTRONICALLY FILED - 2022 Jun 29 12:34 PM - BEAUFORT - COMMON PLEAS - CASE#2017CP0701057

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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Case No. 2017-CP-07-01057

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Bittmint LLC and Harbour Town  
Surf Shop, LLC,

Appellants,

v.

Lynda H. Johnson, Charles S. Giannone  
and Sea Pines Resort, LLC,

Respondents.

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**NOTICE OF APPEAL**

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Bittmint LLC and Harbour Town Surf Shop, LLC (“Appellants”) appeal (a) the verbal order of the Honorable Bentley D. Price at trial on March 2, 2022 directing a verdict against Appellants and (b) his written orders entered on May 24, 2022 and June 6, 2022 and received by Appellants on May 24, 2022 and June 6, 2022, respectively. Copies of the appealed orders are attached hereto as Exhibits A, B and C.

(SIGNATURE PAGE FOLLOWS)

June 20, 2022

Respectfully submitted,

s/ Maureen T. Coffey  
Maureen T. Coffey, Esq. (SC Bar # 5918)  
Coffey Kubec, LLP  
18 Executive Park Rd., Suite 3  
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(843) 422-4488  
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*Attorneys for Appellants*

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*Attorneys for Respondents*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Court of Common Pleas

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Case No. 2017-CP-07-01057

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**PROOF OF SERVICE**

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I certify that on June 20, 2022, I served the Notice of Appeal by email to Respondent's attorneys and by depositing a copy of it in the United States Mail, postage prepaid, addressed to Respondents' attorneys of record, John P. Linton, Esq. and Trenholm Walker, Esq., Walker Gressette Freeman & Linton, LLC, 66 Hasell St., Charleston, South Carolina 29401.

s/ Maureen T. Coffey  
Maureen T. Coffey, Esq. (SC Bar # 5918)  
Coffey Kubec, LLP  
18 Executive Park Rd., Suite 3  
Hilton Head Island, South Carolina 29928  
(843) 422-4488  
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*Attorneys for Appellants*

STATE OF SOUTH CAROLINA  
 COUNTY OF BEAUFORT

Bittmint, LLC et al.  
 Plaintiff,  
 vs.

Lynda H. Johnson, et al.  
 Defendants.

IN THE COURT OF COMMON PLEAS  
 FOURTEENTH JUDICIAL CIRCUIT  
 CASE NO.: 2017-CP-07-0157

**ORDER DENYING PLAINTIFF'S  
 MOTION TO RECONSIDER**

The Plaintiff Bittmint, LLC filed a motion asking this Court to reconsider its Order. This matter came before the Court on May 18, 2022 in Beaufort County.

STANDARD OF REVIEW

Motions for reconsideration will not be granted absent “highly unusual circumstances.” U.S. ex rel. Becker v. Washington Savannah River Co., 305 F.3d 284, 290 (4th Cir. 2002) (stating that simple disagreements with the court’s ruling will not support Rule 59(e) relief).<sup>1</sup> Courts have recognized three circumstances in which a court should grant a Rule 59(e) motion: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Importantly, a motion for reconsideration is not a vehicle to re-litigate previously raised issues or “to raise argument or present evidence that could have been presented prior to the entry of judgment.” Dash v. Mayweather, C/A No. 3:10-1036-JFA, 2010 U.S. Dist. LEXIS 95277, \*2 (D.S.C. Sept. 13, 2010) (quoting Exxon Shipping Co. v. Baker, 554 U.S. 471, n.5 (2008)). In other words, “[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Stevens & Wilkinson

<sup>1</sup> Rule 59 is substantially the same as the Federal Rule. See Elam v. S.C. Dep’t of Transp., 361 S.C. 9, 21, 602 S.E. 2d 772, 779 (2004) (“Rule 59(e) in the South Carolina and federal rules of civil procedure is practically identical.”).

of S.C., Inc. v. City of Columbia, 409 S.C. 563, 567, 762 S.E.2d 693, 695 (2014); Patterson v. Reid, 318 S.C. 183, 185, 456 S.E.2d 436, 437 (Ct. App. 1995). Nor does “[a] party’s mere disagreement with the court’s ruling . . . warrant a Rule 59(e) motion.” In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Practices & Prods. Liab. Litig., 269 F.Supp. 3d 685, 691 (D.S.C. 2017); *see also* Lyons v. Fid. Nat’l Title Ins. Co., 415 S.C. 115, 135, 781 S.E.2d 126, 137 (Ct. App. 2015).

After consideration of the issues raised in Plaintiff’s motion, the Court hereby DENIES Plaintiff Bittmint, LLC’s Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Beaufort Common Pleas

**Case Caption:** Bittmint Llc , plaintiff, et al VS Lynda H Johnson , defendant, et al

**Case Number:** 2017CP0701057

**Type:** Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP0701057

Bittmint Llc et al  
PLAINTIFF(S)

Lynda H Johnson et al  
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), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  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:

This matter came before the Court as Defendant Lynda H. Johnson's Motion for Attorney's Fees and Costs heard on May 18, 2022.

Defendant Lynda H. Johnson's Motion for Attorney's Fees and Costs is granted. Defense counsel should file fee and cost affidavits for the exact amount of fees and costs incurred. If parties need an additional order enforcing the payment of fees and costs, they should contact the Court.

**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 05/24/2022 .

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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ELECTRONICALLY FILED - 2022 May 24 1:51 PM - BEAUFORT - COMMON PLEAS - CASE#2017CP0701057  
ELECTRONICALLY FILED - 2022 Jun 29 12:34 PM - BEAUFORT - COMMON PLEAS - CASE#2017CP0701057



Beaufort Common Pleas

**Case Caption:** Bittmint Llc , plaintiff, et al VS Lynda H Johnson , defendant, et al

**Case Number:** 2017CP0701057

**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2022-05-24 09:53:12 page 3 of 3

ELECTRONICALLY FILED - 2022 May 24 1:51 PM - BEAUFORT - COMMON PLEAS - CASE#2017CP0701057  
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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2017-CP-07-01057
	)	
BITTMINT, LLC and HARBOUR TOWN	)	
SURF SHOT, LLC	)	
	)	<b>ORDER AWARDING ATTORNEY’S</b>
	)	<b>FEES AND COURT COSTS TO LYNDA</b>
	)	<b>H. JOHNSON AND CHARLES S.</b>
	)	<b>GIANONNE’S</b>
Plaintiffs,	)	
v.	)	
	)	
LYNDA H. JOHNSON, CHARLES S.	)	
GIANNONE and SEA PINES RESORT,	)	
LLC,	)	
	)	
Defendants.	)	
_____	)	

The matter came before the Court upon Defendants Lynda H. Johnson and Charles S. Giannone’s (“Johnson and Giannone”), Motion for Attorney’s Fees and Costs (“Motion”). Johnson and Gianonne filed the instant motion on March 14, 2022, seeking attorney’s fees and court costs as the prevailing party in this litigation<sup>1</sup>, which was initiated by Bittmint, LLC.

Along with the Motion, Johnson and Giannone filed the Affidavit of their counsel John P. Linton, Jr., which stated that the total fees incurred by the Defendants in the litigation were \$193,228.50 and the litigation costs were \$11,123.67. Bittmint filed a response to the motion on March 28, 2022, asserting among other things that the attorney’s fees should be reduced by 50% and the costs should not include certain costs such as travel time, meals and lodging costs. On April 4, 2022, Johnson and Giannone filed a reply brief, agreeing to limit the claim for fees to the 50% suggested by Bittmint, LLC and reduce the costs by those challenged by Bittmint, LLC.

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<sup>1</sup> At trial the Court granted Defendants’ motion for a directed verdict and has denied the Plaintiffs’ motion to reconsider that ruling.

This matter came before the Court for a hearing on May 18,2022, at which time counsel for Johnson and Giannone affirmed, as stated in the reply brief, that the Motion is limited to seeking \$96,614.25 in Attorney's fees and \$7004.39 in court costs, for a total amount of \$103,618.64. Plaintiffs filed a memorandum opposing the Motion, but did not present oral argument at the Motion hearing. The Court issued a Form 4 Order on May 24, 2022, granting the motion for fees and costs. The Court now issues this formal order finding that, having considered all of the filings and argument before the court, including the applicable factors for awarding fees and costs to the prevailing party in the litigation, Johnson and Giannone are hereby awarded \$96,614.25 in attorney's fees and \$7004.39 in court costs, for a total amount of \$103,618.64. The clerk is directed to enter a **JUDGMENT** against Bittmint, LLC in the amount of **\$103,618.64**. The judgement should be entered in favor of Lynda H. Johnson and Charles S. Giannone.

[order to be signed electronically on the following page]



Beaufort Common Pleas

**Case Caption:** Bittmint Llc , plaintiff, et al VS Lynda H Johnson , defendant, et al

**Case Number:** 2017CP0701057

**Type:** Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2022-06-04 10:30:56 page 3 of 3

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July 1, 2022

**Via Email To: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

**Jul 01 2022**

**SC Court of Appeals**

Re: *Bittmint, LLC v. Lynda H. Johnson, Appellate Case No. 2022-000867*

Dear Ms. Kitchings:

In furtherance of your letter of June 24, 2022 concerning the above-referenced Appeal, please find enclosed a copy of the Notice of Appeal and related Proof of Service filed with the Beaufort County Court of Common Pleas.

If you have any questions, please contact us at your convenience.

Sincerely,

*Ed Kubec*

Ed Kubec

Enclosures

cc: John Linton, Esq. (via e-mail)  
Trenholm Walker, Esq. (via e-mail)