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SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Craig W. Thomas

Appellant,

vs.

Town of Mount Pleasant and Town of Mount Pleasant Historic District Preservation Commission,

Respondents.

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-02041

**ORDER DENYING RESPONDENTS' TOWN OF MOUNT PLEASANT AND TOWN OF MOUNT PLEASANT HISTORIC DISTRICT PRESERVATION COMMISSION'S MOTION TO RECONSIDER**

The Respondents, Town of Mount Pleasant and Town of Mount Pleasant Historic District Preservation Commission, filed a Motion to Reconsider Pursuant to SCRPC Rule 59(e) dated November 10, 2022, asking this Court to alter, amend, and/or reconsider and vacate its previous Order Reversing the Commission's denial of a Certificate of Appropriateness to Appellant Craig W. Thomas dated and filed November 1, 2022.

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

<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.").

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 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).

#### CONCLUSION

After consideration of the issues raised in Respondents’ Motion, the Court hereby DENIES Respondents’ Motion to Reconsider.

AND IT IS SO ORDERED.

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Charleston Common Pleas

**Case Caption:** Craig W Thomas VS Mount Pleasant Town Of , defendant, et al

**Case Number:** 2022CP1002041

**Type:** Order/Other

IT IS SO ORDERED!

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