

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 Joe Clemons,)
)
 Plaintiff,)
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 vs.)
)
 William S. Helmly/President & CEO of)
 Home Telecom Co.,)
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 Defendants.)
)
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)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-0802427

**ORDER DENYING PLAINTIFF’S MOTION
 FOR RECONSIDERATION PURSUANT TO
 RULE 59(e), SCRPC**

This matter is before the Court upon Defendants’ Limited Motion for Reconsideration Pursuant to Rule 59(e), SCRPC (“the Motion”), which was timely filed on February 16th, 2023. The Motion asks this Court to alter, amend, or reconsider its Order Granting Defendant’s Motion to Dismiss, entered February 6th, 2023. On March 3rd, 2023, Defendant’s Response to Plaintiff’s Motion for Reconsideration was filed.

After reviewing the applicable law and considering the arguments raised in the Motion and Defendant’s Response, the Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

Accordingly, the Court concludes that altering, amending, or reconsidering its prior Order is unwarranted, and the issues raised in the Motion do not change the Court’s reasoning or conclusions. As such, Plaintiff’s Motion for Reconsideration is hereby **DENIED**, and the Court, pursuant to the discretion afforded by Rule 59 and *Pollard v. County of Florence*, concludes that a hearing is not necessary to rule on Plaintiff’s Motion for Reconsideration. *See* Rule 59(f), SCRPC (stating a Rule 59(e) motion “may in the discretion of the court be determined on the briefs filed by the parties without oral argument”); *see also* *Pollard*, 314 S.C. 397, 401–02, 444 S.E.2d 534, 536 (Ct.

App. 1994) (holding there was “no merit in Pollard's assertion that the circuit court committed reversible error in denying her motion to alter or amend the judgment under Rule 59(e) SCRCF, without first conducting a hearing or allowing [the parties] ‘to fully brief’ the issues raised in [the] motion”).

AND IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Berkeley Common Pleas

Case Caption: Joe Clemons VS William S Helmly/President & CEO of Home
Telecom Co.
Case Number: 2022CP0802427
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774