

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
  
Michael Gene Putnam, )  
Plaintiff, )  
v. )  
Robin Cary Maples, et.al. )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

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ORDER  
DENYING PLAINTIFF'S  
MOTION TO AMEND, ALTER  
OR RECONSIDER

SC Court of Appeals

C.A. NO. 2020CP2301450

Plaintiff has filed a Motion to Amend or alter or reconsider the Order awarding Sanctions and Summary Judgment to Defendant Maples. The Order was issued on December 6, 2021 and a supplemental Order was issued on December 13, 2021 addressing discovery issues which had not been addressed in the original Order. Plaintiff filed his Motion to Amend on December 20, 2021. The Court has determined that a hearing is not necessary to address Plaintiff's Motion.

Defendant Maples argues in his Memorandum in opposition that the Motion was not filed timely pursuant to Rule 59(e), *South Carolina Rules of Civil Procedure* ("SCRCP"). Based on the record, the Order of December 6, 2021 was not received by the Plaintiff until December 9, 2021, therefore, the 10<sup>th</sup> day would have fallen on December 19, 2021 which was a Sunday, so Plaintiff's Motion filed on Monday, December 20, 2021, the following day, would have been timely. See Rule 6(a), *SCRCP*.

After review of the Plaintiff's Motion, the record and Defendant Maples Reply, the Court finds that there is no basis to amend or alter its Order of December 6, 2021 or its Order of December 13, 2021.<sup>1</sup> All of the issues raised by the Plaintiff in his Motion were either presented

<sup>1</sup> Plaintiff did not specifically address the December 13, 2021 Order in its Motion.

in connection with the hearing on November 15, 2021 or not raised prior to the Motion to Amend.<sup>2</sup> One of the issues raised by the Plaintiff relates to a Motion for Leave to Amend his Complaint which had been filed on July 24, 2020 but had never been ruled on by the Court. The Court is not aware of any request for a hearing nor is the Court aware that this issue has ever been raised by the Plaintiff prior to this Motion. Upon review of the Second Amended Complaint attached to that Motion for leave to Amend, the allegations of a Complaint would not defeat Defendant Maples' Motion for Sanction nor Summary Judgment. Plaintiff argues that "his pleadings give him more than a 'glimmer of hope' in prevailing before a jury and Summary Judgment is not proper." As set forth in Rule 56(e), *SCRCP*, "when a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate shall be entered against him." As found in the Court's December 6, 2021 Order, Plaintiff failed to provide any affidavits setting forth specific facts to constitute a genuine issue of material fact.

The Court finds that all matters were properly addressed in its December 6, 2021 order and that no amendment nor alteration is warranted. Therefore, Plaintiff's Motion is denied.

It is so Ordered.

*E-signature Page of Judge Gravely to follow*

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<sup>2</sup> A party cannot raise issues for the first time on a Motion to reconsider. See Poch v. Bayshore Concrete Products, 386 S.C. 13 (S.C App 2009) aff'd 405 S.C. 359 (S.C. Sup Ct 2013)



Greenville Common Pleas

**Case Caption:** Michael Gene Putnam vs. Wake Christian Academy , defendant, et al  
**Case Number:** 2020CP2301450  
**Type:** Order/Other

So Ordered

s/ Honorable Perry H. Gravely, #2755

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