

EXHIBIT "C"

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

John Patton and Tara Patton,)
)
Plaintiffs,)
)
Vs.)
)
Palmetto Contracting Services of)
York County, LLC and)
Lester Van Epps,)
)
Defendants.)
_____)

IN THE MASTER OF EQUITY COURT
SIXTEENTH JUDICIAL CIRCUIT

ORDER ON PLAINTIFF'S MOTION TO ALTER OR
AMEND HEARING 1/31/2023

C.A. No.: 2020-CP46-03434

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APR 28 2023

SC Court of Appeals

The above-entitled matter came before the court pursuant to the Plaintiffs' Motion to Alter or Amend the Order which was issued by this court on January 31, 2023. The Plaintiffs filed and served their motion on February 1, 2023. At this hearing, both parties were present and argued their respective positions.

The case has previously been before this court on several different occasions, all of which are documented in this file. The Plaintiffs had proper notice of the prior Order of the court and hearing. The Plaintiffs had noticed they were required to submit anything to the court prior to the hearing and consistent with the rules. The Plaintiffs, at this hearing, submit that this court failed to consider a transcript from a hearing which was scheduled on July 28, 2021, before the Honorable Daniel D. Hall at the Moss Justice Center. Plaintiffs have attempted to submit that transcript at this motion to alter or amend arguing they thought the court had the order. The Plaintiffs failed to properly submit the transcript prior to the scheduled hearing.

A Motion to Alter or Amend is for the court to address a matter it failed to address or to request the court to change its decision based upon the evidence of record. The motion is not a

time to introduce new evidence or new theories. "A party cannot use a motion to alter or amend a judgment to present to the lower court on an issue the party could have raised prior to judgment but did not. Gartside v Gartside, 383 S.C. 35, 677 S.E. 2d 621 (Ct. App. 2009).

Even if the court were to have considered the transcript, the transcript does not provide a basis which would substantiate this court to modify its order filed January 31, 2023. The transcript does not establish that either Defendant was ever served with the pleadings. The court order of January 31, 2023, set forth that the issue was whether either Defendant was ever served. Neither Defendant was served with the pleadings and Plaintiffs do not demonstrate the court failed to consider any facts in entering this order of January 31, 2023.

The court, after considering the Plaintiffs' arguments and Defendant's arguments at this hearing on the Motion to Alter or Amend, denies this motion.

Judge's Signature Page to Follow



York Common Pleas

Case Caption: John Patton , plaintiff, et al VS Palmetto Contracting Services Of
York County Llc , defendant, et al
Case Number: 2020CP4603434
Type: Order/Other

So Ordered

s/ Teasa K. Weaver 3084

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