



July 20, 2023

VIA ONEDRIVE ELECTRONIC SUBMISSION

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

RECEIVED

Jul 20 2023

SC Court of Appeals

RE: IN THE MATTER OF: THE ESTATE OF DOLLY LEGARE
COLEMAN, Appellate Case No. 2023-000758

Dear Ms. Kitchings:

Pursuant to the Court's letter dated May 11, 2023, please find the attached *Order Denying Respondent Brandy Culp's Rule 59(e) Motion to Alter or Amend Order and Granting [sic] Rule 221(a) Petition for Rehearing*, entered on July 14, 2023, which we are filing with the Court as a supplement to our Notice of Appeal. Please note that the Order does not resolve all matters before the Circuit Court as the Court has ordered a rehearing on the Appeal.¹ Additionally, there is a pending Petition for Writ of Mandamus, which was filed with the South Carolina Supreme Court on July 12, 2023 related to these proceedings. Accordingly, there are still matters that must be resolved, requiring that the instant appeal remain in abeyance before this Court. Appellant, Brandy S. Culp, will notify this Court once there is a resolution of the foregoing.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss the filing, please do not hesitate to contact me directly.

Sincerely,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

¹ There was never an actual hearing on the Appeal because Ms. Irland failed to perfect it pursuant to S.C. Code § 62-1-308, having failed to even file an Appellate Brief with the Circuit Court. There had only been a hearing on Brandy Culp's Motion to Dismiss. Nevertheless, the Court has granted a hearing. So this matter is still ostensibly pending before the Circuit Court.

Letter to J. Kitchings
July 20, 2023
Page 2

Enclosures (as stated)

Cc: Daniel S. Slotchiver, Esq. (Via Email)
Stephen M. Slotchiver, Esq. (Via Email)
John Sinclair, III, Esq. (Via Email)
Athena L. Irland (Via Email and Certified Mail)
Christina D. Culp (Via Certified Mail)
John Psaras (Via Certified Mail)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-003304

Athena Irland,

Plaintiff/Appellant,

vs.

Isadore John Psaras, Chrstina D. Culp, Brandy
S. Culp,

Defendants/Respondents.

**ORDER DENYING RESPONDENT
BRANDY CULP'S RULE 59(e) MOTION
TO ALTER OR AMEND ORDER AND
GRANTING RULE 221(a) PETITION
FOR A REHEARING**

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SC Court of Appeals

The Respondents, Isadore John Psaras, Christina D. Culp, and Brandy S. Culp, filed a Motion to Alter or Amend and Petition for Rehearing pursuant to Rules 221(a) and 59(e), SCRCP, filed November 21, 2022, as to the Court's Order filed November 15, 2022, denying Respondents' Motion to Dismiss, Granting the Appeal, and Remanding the case back to the Probate Court.

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).¹ 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-

¹ 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.").

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).

After a delay from inadvertently signing the incorrect document in the e-filing system (previously noted in the Court’s Form 4 Order filed May 10, 2023), consideration of the issues raised in Respondents’ Motion, and arguments previously made on the record, the Court hereby DENIES the Motion to Alter or Amend the Court’s previous Order and GRANTS the Petition for a rehearing. A rehearing will be held only on the issue of the appeal from Probate Court as the Court has already ruled on Respondents’ Motion to Dismiss and is hereby denying the related Rule 59(e) Motion. This is, in part, due to the confusion and continued miscommunications between the Court and Respondents since the original hearing on October 27, 2022, and the Court feels it necessary to hold a rehearing to clear up any issues and to understand the ongoing requests from Respondents.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Athena L Irland , plaintiff, et al VS Isadore John Psaras , defendant, et al
Case Number: 2022CP1003304
Type: Order/Other

IT IS SO ORDERED!

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

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Jul 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price
Circuit Court Judge

Appellate Case No. 2023-000758

IN THE MATTER OF: THE ESTATE OF
DOLLY LEGARE COLEMEN

Athena Irland,

Pro Se Plaintiff,

v.

Isadore John Psaras, Christina D. Culp,
Brandy S. Culp,

Defendants,

Of whom Brandy S. Culp is the Appellant and Athena Irland is the Respondent.

PROOF OF SERVICE

I, the undersigned, certify that I have served the *Order Denying Respondent Brandy Culp's Rule 59(e) Motion to Alter or Amend Order and Granting [sic] Rule 221(a) Petition for Rehearing*, as a Supplement to the Notice of Appeal, filed on May 8, 2023, on all counsel of record via their AIS-designated emails and on all *Pro Se* parties to this Appeal via United States Certified Mail, postage prepaid, on July 20, 2023, at the addresses set forth below. I have also emailed a courtesy copy of the above to the Respondent Athena Irland at athenasdanes@gmail.com.

Pursuant to Rule 262(C)(3), SCACR, and the Order of The Supreme Court of South Carolina, RE: Methods of Electronic Filing Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), a copy of the aforementioned email correspondence is attached.

Parties Served:

John Sinclair, III Esquire
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Charleston, SC 29492
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sinclairlawfirm@gmail.com

Personal Representative of the Estate of Dolly Legare Coleman

Athena L. Irland
186 Dolly Dimples Trail
Huger, SC 29450

Pro Se Respondent

Christina D. Culp
198 Lower Cherokee Road
Neeses, SC 29107 Isadore

Pro Se Party of Record

John Psaras
1586 Hidden Bridge Drive
Mount Pleasant, SC 29464

Pro Se Party of Record

Respectfully submitted,


THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez
Jesse Sanchez, Esquire (SC Bar No. 101906)
751 Johnnie Dodds Boulevard, Suite 200
Mount Pleasant, SC 29464
jesse@jessesanchezlaw.com
(843) 814-8181

ATTORNEY FOR APPELLANT BRANDY S. CULP

Mount Pleasant, South Carolina
July ____, 2023



From: Jesse Sanchez jesse@jessesanchezlaw.com 
Subject: IN THE MATTER OF: THE ESTATE OF DOLLY LEGARE COLEMAN, Appellate Case No. 2023-000758
Date: July 20, 2023 at 5:36 PM
To: Jack Sinclair sinclairlawfirm@gmail.com
Cc: athenasdanes@gmail.com, Dan dan@slotchiverlaw.com, Steve Slotchiver steve@slotchiverlaw.com, Susan Maulden paralegal@slotchiverlaw.com

Jack,

For service, please find the attached letter to the South Carolina Court of Appeals, supplementing our Notice of Appeal, which will be filed via OneDrive electronic submission momentarily. All *Pro Se* parties have been served via certified mail. I have also copied Ms. Irland to this email as a courtesy.

Best regards,

Jesse

On Mon, May 8, 2023 at 2:33 PM Jesse Sanchez <jesse@jessesanchezlaw.com> wrote:

Jack,

Hope you are well. Attached for service, please find the Notice of Appeal and corresponding cover letter for the above-captioned matter, which are being filed momentarily with the Circuit Court and the South Carolina Court of Appeals via OneDrive Electronic Submission. All *Pro Se* parties have been served via certified mail. I have also copied Ms. Irland to this email as a courtesy.

Best regards,

Jesse

--

PLEASE NOTE WE HAVE A NEW ADDRESS:

Jesse Sanchez
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