

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )  
 )  
RITA R. GREENWALT and JAMES )  
M. GREENWALT, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
NISSAN NORTH AMERICA, INC., )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Civil Action No. 2020-CP-08-02455

**ORDER DENYING PLAINTIFF'S  
RULE 59 MOTION TO ALTER OR  
AMEND**

**RECEIVED**

**Aug 23 2023**

**SC Court of Appeals**

Plaintiffs filed a motion asking this Court to alter or amend its Order dated June 12, 2023 pursuant to Rule 52 and 59(e) of the South Carolina Rules of Civil Procedure. For the reasons set forth below, the motion to reconsider is DENIED.

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 have been presented prior to the entry of judgment.” Dash v. Mayweather, C/A No. 3:10-1036-

<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.”).

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 considering the issues raised in Plaintiffs’ motion, this Court hereby **DENIES** Plaintiffs’ Motion to Alter or Amend the Court’s June 12, 2023 Order.

**AND IT IS SO ORDERED.**

*[Electronic Signature Page to Follow]*



Berkeley Common Pleas

**Case Caption:** Rita R Greenawalt , plaintiff, et al VS Nissan North America, Inc.

**Case Number:** 2020CP0802455

**Type:** Order/Amend

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134