

# Exhibit 3

CASE# 2022-CP-10-3304

Motion For Reconsideration of  
Formally granted Appeal to then  
dismissal of Appeal on grounds  
not brought forth in initial  
hearing.

and. Grant and  
Denial by Judge Bentley Price

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

ATHENA IRLAND,  
Appellant,

vs.

BRANDY S. CULP,  
Respondent.

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-3304

ORDER DENYING APPELLANT'S  
MOTION FOR RECONSIDERATION OF  
DISMISSAL OF APPEAL FROM  
PROBATE COURT

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SC Court of Appeals

The Appellant filed a Motion for Reconsideration of Dismissal of Appeal pursuant to Rule 59(e), SCRCP, which was filed on October 11, 2023. The Motion is handwritten as the Appellant is pro se and cannot e-file.

#### 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-JFA, 2010 U.S. Dist. LEXIS 95277, \*2 (D.S.C. Sept. 13, 2010) (quoting Exxon Shipping Co. v.

<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.")

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 consideration of the issues raised in Appellant’s Motion, the Court hereby DENIES Appellant’s Motion for Reconsideration.

AND IT IS SO ORDERED.

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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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