

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
  
Daniel E. Schall, )  
 )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Lori M. Sealy, as Personal Representative )  
for the Estate of Claude L. Mullwee a/k/a )  
Claude Lee Mullwee, and the Estate of )  
Deloris Robinson Mulwee, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
C.A. No. 2018-CP-42-02034

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

**RECEIVED**  
**Nov 30 2023**  
**SC Court of Appeals**

This matter comes before the Court on Plaintiff Daniel E. Schall's Motion for Reconsideration filed September 5, 2023. On August 23, 2023, the Court entered an Order that granted judgment in favor of Defendant Lori M. Sealy following a two-day trial on the merits of this case. Plaintiff now seeks reconsideration of the Court's Order. Defendant has responded in opposition to Plaintiff's request. A hearing was held on October 31, 2023, on Plaintiff's motion. Counsel for both parties was present at the hearing. For the reasons set forth below, Plaintiff's Motion for Reconsideration is **DENIED**.

**MOTION FOR RECONSIDERATION**

Plaintiff bases his Motion for Reconsideration on Rule 59(e), SCRPC. Under that Rule, a party may file a motion to alter or amend the judgement within 10-days after receipt of written notice of the entry of the order. A party can seek the alteration or amendment of a judgment "when [he] believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it... or when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review." Elam v. S.C. Dep't of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004).

Plaintiff seeks reconsideration to correct what he regards as clear errors of the Court's consideration and misunderstanding of facts and evidence presented at trial. Plaintiff argues in his Motion, in great detail, that no casualty occurred to the subject property which would have allowed Defendant to terminate the purchase agreement between these parties. Plaintiff's assignments of error are largely a repetition or an elaboration on arguments Plaintiff already raised at trial and the Court had already addressed in its Order. In other words, Plaintiff is attempting to relitigate old matters, and a party's dissatisfaction with the outcome of the underlying litigation and the instant action is not grounds for relief under Rule 59. Elam, 361 S.C. At 24, 602 S.E.2d at 780.

Plaintiff has not carried his burden to show why the Court should alter its judgment based on a misunderstanding or failure to consider an argument or issue, nor has Plaintiff carried his burden to show that the Court failed to rule on an issue or argument which was raised.

THEREFORE, having reviewed the record, the evidence, the applicable case law and Rules of Civil Procedure, and after considering the arguments of counsel, I find that Plaintiff's Motion for Reconsideration is **DENIED**.

**IT IS SO ORDERED.**

**ELECTRONIC SIGNATURE PAGE TO FOLLOW**



Spartanburg Common Pleas

**Case Caption:** Daniel E. Schall VS Lori M. Sealy

**Case Number:** 2018CP4202034

**Type:** Master/Order/Other

IT IS SO ORDERED.

s/ Shannon M. Phillips - 3087