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SC Court of Appeals

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY)

Civil Action No.: 2014-CP-08-00321

Edgefield Holdings, LLC,)

Petitioner/Judgment Creditor,)

vs.)

**ORDER DENYING JUDGMENT
DEBTOR'S MOTION TO RECONSIDER**

Christian E. Hamlin,)

Respondent/Judgment Debtor.)

This matter came before the Court on March 21, 2024, for consideration of the Respondent/Judgment Debtor's Christian E. Hamlin's ("Debtor") Motion to Reconsider the Court's order entered February 9, 2024. For the reasons set forth herein, Debtor's Motion is DENIED.

STANDARD OF REVIEW

"Rule 59(e) of the South Carolina Rules of Civil Procedure provides, 'A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.'" *Gobbi v. People's Fed. Bank*, No. 2006-UP-245, 2006 S.C. App. Unpub. LEXIS 231, at *11 (Ct. App. May 16, 2006) (quoting Rule 59(e), SCRCP). 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

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.").

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(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. 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).

CONCLUSIONS OF LAW

The Debtor's Motion was timely filed per Rule 59. The Court holds that all issues raised in Debtor's Motion were all properly addressed in the Court's February 9, 2024 Order. Because all issues were previously raised and ruled upon, the Motion is denied. The Court notes that there is one scrivener's error in the order, as the proper date for the date of the judgment as entered in North Carolina is August 13, 2013 rather than August 13, 2023.

AND IT IS SO ORDERED.



Berkeley Common Pleas

Case Caption: Home Trust Bank VS Christian E Hamlin

Case Number: 2014CP0800321

Type: Master/Order/Other

AND IT SO ORDERED!

s/Dale E. Van Slambrook #3079