

## RE: 2023CP2602193 (Shirley vs. Martin et. al.) Rule 60b Motion Ruling

From: McAllister, Sheri (mcallister.sheri@horrycountysc.gov)  
To: kblainemassey@yahoo.com  
Cc: stephaniem\_1988@yahoo.com  
Date: Tuesday, July 16, 2024 at 04:21 PM EDT

**RECEIVED**  
**Aug 06 2024**  
**SC Court of Appeals**

Good Afternoon,

The court has ruled on the 60 (b) motion as follows:

*Upon learning that this court had not received notice of Plaintiff's Rule 59(g) Motion to Reconsider ("Rule 59(g) motion" filed March 3, 2024) but prior to the ruling on the Rule 59(g) motion (motion denied June 17, 2024), Plaintiff filed an intervening Rule 60(b) Motion for Relief of Judgment ("Rule 60(b) motion filed May 2, 2024"). Plaintiff's 60(b) motion did not address the merits of the case as did the previously denied Rule 59(g) motion, but limits counsel's arguments to his reasons for failing to notify the court of the Rule 59(g) motion. The position of this court regarding the Rule 59(g) motion referenced in the Rule 60(b) motion has not changed. Rule 59 (g) of the South Carolina Rules of Civil Procedure contains clear language that requires that "A party filing a written motion under this rule shall provide a copy of this motion to the judge within ten (10) days after the filing of the motion". As previously stated in the prior Rule 59 (g) motion ruling, this court is not aware of any local rule, policy or other administrative directive that requires anyone other than the moving party to provide a copy of this motion to the judge. It remains incumbent upon the moving party to provide a copy of the motion to the judge in a timely manner as directed in the South Carolina Rules of Civil Procedure. Plaintiff's Rule 60(b) motion is therefore denied.*

Sheri McAllister, J.D. LL.M  
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Office of the Master in Equity  
The Honorable Alan D. Clemmons  
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**From:** ken massey <kblainemassey@yahoo.com>  
**Sent:** Tuesday, July 9, 2024 12:54 PM  
**To:** McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>  
**Subject:** 2023CP2602193 (Shirley vs. Martin et. al.)

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