

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
DSH Holdings, LLC, )  
 )  
 )  
Plaintiff, )  
vs. )  
 )  
318 Royal St., LLC, and William Irvin, )  
 )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2023-CP-10-05598

**ORDER DENYING DEFENDANTS’  
MOTION TO RECONSIDER**

**RECEIVED**  
**Nov 13 2024**  
**SC Court of Appeals**

This matter came before the Court upon motion of counsel for 318 Royal Street, LLC, and William Irvin’s (hereinafter “Defendants”) Motion to Reconsider pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. Defendants’ motion asks this Court to reconsider its Order dated October 10, 2024, granting Plaintiff’s Motion for Partial Summary Judgment.

For the reasons set forth below, Defendants’ 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 (4<sup>th</sup> 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 you

<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.”)

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).

After considering the issues raised in Defendants’ motion, this Court hereby **DENIES** Defendants’ Motion to Reconsider.

**AND IT IS SO ORDERED.**

*[E-SIGNATURE FOLLOWS]*



Charleston Common Pleas

**Case Caption:** Dsh Holdings Llc VS 318 Royal St Llc , defendant, et al

**Case Number:** 2023CP1005598

**Type:** Order/Other

It is so ordered.

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