

The South Carolina Court of Appeals

David L. Lambert and Julia H. Beamish, Appellants,

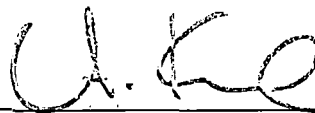
v.

Aiken County Planning Commission, Aiken County
Government, Pyramid Network Solutions for Verizon
Wireless, Respondents.

Appellate Case No. 2024-000659

ORDER

On October 21, 2024, Appellants filed a motion to introduce newly discovered evidence. Specifically, Appellants sought this court to grant their motion to introduce Exhibit B, which was attached to the motion, as part of this matter and remand this matter to the Aiken County Planning Commission for additional proceedings. Respondents filed a return, opposing the motion. After careful consideration, Appellants' motion to introduce newly discovered evidence is denied. While it would be proper to request leave from this court to file a Rule 60(b) motion before the fact finder, because it has been more than one year following the Aiken County Planning Commission's January 25, 2023 written notice of approval, the request would be untimely. *See* Rule 60(b)(2), SCRCF ("On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: . . . (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b)"; however, "[t]he motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order or proceeding was entered or taken").



FOR THE COURT

Columbia, South Carolina

FILED
Jan 03 2025

cc:

Clarke W. McCants, III, Esquire

Clarke Wardlaw McCants, IV, Esquire

Bradley Truman Farrar, Esquire

Catherine Farrell Wrenn, Esquire