

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
 )  
Portundo M. Kimble, as Personal )  
Representative of the Estate of Devon )  
Enrique Kimble, Deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Jays Bar and Grill, LLC, )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2023-CP-40-03052

**ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION  
PURSUANT TO RULE 59(e), SCRPC**

This matter is before the Court upon Jays Bar and Grill, LLC's Motion for Reconsideration Pursuant to Rule 59(e), SCRPC ("the Motion"). The Motion asks this Court to alter, amend, or reconsider its Order entered August 20, 2024 denying the Defendant's Motion to Set Aside Default, dated March 22, 2024, and heard via Webex on August 5, 2024.

After reviewing the applicable law and considering the arguments raised in the Motion, the Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

Accordingly, the Court concludes that altering, amending, or reconsidering its prior Order is unwarranted, and the issues raised in the Motion do not change the Court's reasoning or conclusions. As such, Defendant's Motion for Reconsideration is hereby **DENIED**, and the Court, pursuant to the discretion afforded by Rule 59 and *Pollard v. County of Florence*, concludes that a hearing is not necessary to rule on Defendant's Motion for Reconsideration. See Rule 59(f), SCRPC (stating a Rule 59(e) motion "may in the discretion of the court be determined on the briefs filed by the parties without oral argument"); see also *Pollard*, 314 S.C. 397, 401-02, 444 S.E.2d 534, 536 (Ct. App. 1994) (holding there was "no merit in Pollard's assertion that the circuit court committed reversible error in denying her motion to alter or amend the judgment under Rule 59(e) SCRPC,

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**SC Court of Appeals**

without first conducting a hearing or allowing [the parties] ‘to fully brief’ the issues raised in [the motion”).

**AND IT IS SO ORDERED.**

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

**Case Caption:** Portundo M Kimble , plaintiff, et al vs Jays Bar And Grill Llc

**Case Number:** 2023CP4003052

**Type:** Order/Other

So Ordered

s/ Daniel Coble, 2774

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