

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

Gabrielle Washington as Personal
Representative of the Estate of Walter
Washington, Jr.,

Plaintiff,

vs.

St. George Health Care, LLC, d/b/a St. George
Healthcare Center and Walterboro Community
Hospital, Inc., d/b/a Colleton Medical Center,

Defendants.

IN THE COURT OF COMMON PLEAS

FOURTEENTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-15-00516

**ORDER DENYING FACILITY'S
MOTION TO ALTER, AMEND, AND/OR
RECONSIDER ORDER DENYING
MOTION TO COMPEL ARBITRATION**

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Aug 10 2023

SC Court of Appeals

The Defendant, St. George Health Care, LLC, d/b/a St. George Healthcare Center (“Facility”), filed a Motion to Alter, Amend, and/or Reconsider Order Denying Motion to Compel Arbitration pursuant to Rule 59(e), SCRCP, filed December 19, 2022, asking this Court to reconsider its Order filed December 7, 2022, denying the Facility’s motion to compel arbitration.

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).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 (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

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.”).

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 consideration of the issues raised in Facility’s Motion and a filed memorandum in opposition, the Court hereby DENIES Facility’s Motion to Reconsider.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Colleton Common Pleas

Case Caption: Gabrielle Washington , plaintiff, et al VS St George Health Care Llc ,
defendant, et al
Case Number: 2021CP1500516
Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766