

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Lauren Chambers Tracy,

Plaintiff,

v.

Elijah Osama Mustafa

Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2018-CP-10-02405

RECEIVED

Mar 03 2025

SC Court of Appeals

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

Defendant seeks reconsideration of this court's order of February 3, 2025, denying Defendant's Motion for Relief. After considering Defendant's Memorandum in support of the motion, Defendant's Motion is DENIED.

LEGAL STANDARD

The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to "reconsider matters properly encompassed in a decision on the merits." *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992). Consequently, a party usually is allowed to ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 22, 602 S.E.2d 772, 779 (2004). A party may wish to file such a motion when he believes the court misunderstood, failed to fully consider, or failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. *Elam*, 361 S.C. at 24, 602 S.E.2d at 779.

Despite being properly noticed, Defendant failed to appear for his deposition, or to otherwise make contact with Plaintiff's counsel, on seven different occasions. He was represented by counsel on at least one of these scheduled dates. (see Transcript of Jan. 13, 2020 deposition, with UIM counsel present). While counsel was later relieved, Defendant failed to appear even

when represented by counsel. He continued to ignore deposition notices for a period of years before Plaintiff moved to strike his Answer. Defendant was also properly served with the notice of hearing for Plaintiff's Motion to Strike the Answer and again failed to appear at the motion hearing. He was properly served with Judge Culbertson's Order on June 4, 2022 and again failed to respond. Defendant has not shown that the court misunderstood, failed to fully consider, or failed to rule on an argument or issue before the court. As such, the motion is DENIED.

AND IT IS SO ORDERED.



Charleston Common Pleas

Case Caption: Lauren Chambers Tracy VS Elijah Osama Mustafa , defendant, et al

Case Number: 2018CP1002405

Type: Order/Other

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762