

The South Carolina Court of Appeals

Bobby Blakney, Respondent,

v.

City of Rock Hill, Appellant.

Appellate Case No. 2025-000032

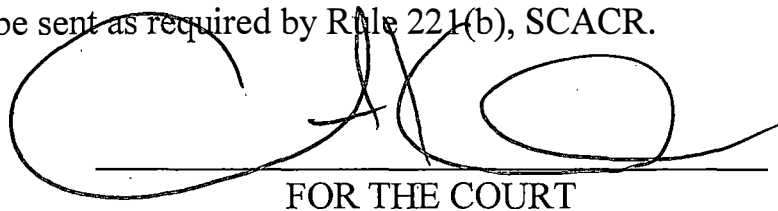
ORDER

On January 17, 2025, Respondent filed a motion to dismiss, arguing Appellant had filed a successive post-trial motion that did not stay the time to appeal and thus, the appeal must be dismissed as untimely. Appellant filed a return, asserting the motion was "appropriate and proper" and "stayed the time for the filing of the appeal." Respondent filed a reply.

Following the February 29, 2024 jury verdict, Appellant filed post-trial motions for judgment notwithstanding the verdict, new trial absolute, new trial nisi, and new trial remittitur on March 11, 2024. On March 21, 2024, the trial court denied the "motions in their entirety" but reduced the verdict to the Tort Claims Act cap of \$300,000. On April 1, 2024, Appellant filed a "Motion to alter or amend order and/or motion to reconsider" requesting the trial court provide its reasoning and legal analysis for the denial of each of the grounds for relief as set forth in its post-trial motions and briefly summarizing the various post-trial motions. On December 4, 2024, the trial court denied Appellant's motion to alter or amend, and Appellant served and filed its notice of appeal on January 3, 2025.

After careful consideration, we grant Respondent's motion to dismiss because Appellant's motion to reconsider, which sought reasoning and legal analysis on each ground raised in its post-trial motion, was inappropriately successive and thus procedurally improper. *See* Rule 203(b)(1), SCACR (providing an appeal from a final order of the family court must be "served on all respondents within thirty . . . days after receipt of written notice of entry of the order"); *Swing v. Swing*, Op. No. 28266 (S.C. Ct. filed March 12, 2025) (Howard Adv. Sh. No. 11 at 16) (explaining

that not all timely Rule 59(e) motions will stay the Rule 203(b)(1) deadline for appeal as has been explained in cases such as *Coward Hund Construction Co. v. Ball Corp.*,¹ *Quality Trailer Products, Inc. v. CSL Equipment Co.*,² and *Collins Music Co. v. IGT*³; *id.* at 17-18 ("From the entirety of the discussion of this issue in *Coward Hund*, *Quality Trailer*, and *Collins Music*, all as summarized and explained in *Elam* [*v. South Carolina Department of Transportation*],⁴ it becomes clear the central point on which the question of whether a Rule 59(e) motion stays the deadline for appeal under Rule 203(b)(1) is not whether the motion was served within ten days, but whether the motion was inappropriately successive and thus procedurally improper."); *Collins Music*, 353 S.C. at 566, 579 S.E.2d at 527 (finding the trial court "was not required to provide a detailed analysis respecting each of the twenty-eight grounds offered in support of JNOV, new trial, and new trial nisi remittitur" and holding the appellant's "second post-trial motion was not an appropriate Rule 59(e) motion; instead it was simply a successive motion for JNOV and new trial."); Rule 52(a), SCRPC ("In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rule 41(b)."); *Folkens v. Hunt*, 300 S.C. 251, 254, 387 S.E.2d 265, 267 (1990) ("We have . . . refused to require trial judges to explain reasons for ruling on [the request for a new trial as the thirteenth juror]."); *Bailey v. Segars*, 346 S.C. 359, 550 S.E.2d 910 (Ct. App. 2001) (stating a form order denying a motion for JNOV and new trial coupled with the transcript of the proceedings was sufficient to allow appellate review and a Rule 59(e) motion was not required to preserve issues for appeal), *cert. granted on other grounds* (Jan. 10, 2002). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

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¹ 336 S.C. 1, 518 S.E.2d 56 (Ct. App. 1999).

² 349 S.C. 216, 562 S.E.2d 615 (2002).

³ 353 S.C. 559, 579 S.E.2d 524 (Ct. App. 2002).

⁴ 361 S.C. 9, 602 S.E.2d 772 (2004).

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