

The Supreme Court of South Carolina

Rufus Rivers and Merle Rivers, Respondents,

v.

James Smith, Jr., Petitioner.

Appellate Case No. 2023-001318

ORDER

This Court reversed the judgment of the court of appeals and reinstated the eviction order issued by the magistrates court in this matter. *Rivers v. Smith*, Op. No. 28260 (S.C. Sup. Ct. filed Feb. 19, 2025) (Howard Adv. Sh. No. 8 at 18). The remittitur was sent on March 7, 2025.

Respondents have filed several motions: (1) a motion for an extension of time to file a petition for rehearing; (2) a motion to stay the enforcement of the judgment; (3) a motion to allow the late filing of a petition for rehearing; and (4) a request for clarification and recall of the remittitur. We construe these collectively as a request to recall the remittitur and allow a belated petition for rehearing. Respondents have also filed a petition for rehearing and a motion to alter or amend the judgment pursuant to Rule 59, SCRCP.

We recall the remittitur and reinstate this matter to consider Respondents' remaining filings.

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law was either overlooked or disregarded by this Court. *See* Rule 221(a), SCACR. Accordingly, the petition for rehearing is denied. Finally, the motion to alter or amend the judgment is denied. *See Wells Fargo Bank, N.A. v. Fallon Props. S.C., LLC*, 422 S.C. 211, 215, 810 S.E.2d 856, 858 (2018) (holding the South Carolina Appellate Court Rules, not the South Carolina Rules of Civil Procedure, control where appellate procedure is concerned).

John Kithedge C.J.
John Cannon J.
[Signature] J.
[Signature] J.
Lucretia H. Verdine J.

Columbia, South Carolina
April 23, 2025

cc:
Kathleen McColl McDaniel
Sarah Jean Michaelis Cox
Rufus Rivers
Winnifa B. Clark