

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Ethan Tyler Vanfossen and Corey J.)
Davis, on behalf of themselves and all)
Others similarly situated,)
)
Plaintiffs,)
)
vs.)
)
Love Chevrolet Company,)
)
Defendants.)
)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2022CP4000654

ORDER DENYING MOTION TO ALTER
OR AMEND

RECEIVED
Jun 23 2023
SC Court of Appeals

This matter is before the Court upon Defendant Love Chevrolet Co.’s Motion to Alter or Amend, pursuant to Rule 59(e), SCRCPP (“the Motion”), which was timely filed on May 22nd, 2023. The Motion asks this Court to alter, amend, or reconsider its Order Denying Defendant’s Motion to Stay and Compel Arbitration, entered on March 12th, 2023.

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 to Alter or Amend 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 the Motion to Alter or Amend. *See* Rule 59(f), SCRCPP (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) SCRCF, without first conducting a hearing or allowing [the parties] 'to fully brief' the issues raised in [the] motion").

AND IT IS SO ORDERED.

The Honorable Daniel Coble
Presiding Judge

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: Ethan Tyler Vanfossen , plaintiff, et al vs Love Chevrolet Company
Case Number: 2022CP4000654
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774