

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

WILLIAM WARD AND CHARLOTTE
WARD,

Plaintiffs,

vs.

GM FINANCIAL, LLC, WINDINGMAKIA
AUTOMOTIVE GROUP, LLC DBA
WINDING CHEVROLET GMC, MICHAEL
WINDING, AND ANDREW EFIRD,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
C/A # 2024-CP-45-00502

ORDER

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SC Court of Appeals

This matter is before the Court on Plaintiffs’ Motion to Reconsider the Court’s September 26, 2025, Order pursuant to Rule 59(e), South Carolina Rules of Civil Procedure. Having considered the written submissions of the parties, applicable law, and the record before the Court, the Court finds the following:

1. On August 25, 2025, Defendant AmeriCredit Financial Services, Inc. d/b/a GM Financial (hereinafter, “Defendant”) filed a Motion to Alter or Amend the Court’s August 20, 2025, Order pursuant to Rule 59(e), SCRCP.
2. Rule 59(g), SCRCP, provides that the moving party “shall provide a copy of the motion to the judge within ten (10) days after the filing of the motion.”
3. Defendant failed to provide a copy of its Rule 59(e) Motion to the presiding judge within ten (10) days of filing, as required by Rule 59(g).
4. On September 24, 2025, Defendant transmitted a copy of its Rule 59(e) Motion to Chambers via electronic mail (e-mail), and requesting a hearing on its Motion.

5. Plaintiff responded to Defendant's e-mail request to the Court with a letter, which *inter alia*, raised the issue of whether Defendant's 59(e) Motion was timely based up subpart (g) of the same rule.

6. This Court denied Defendant's Motion on September 26, 2025. In doing so, this Court reconfirmed its prior Order but did not specifically address the timeliness of the Defendant's Motion.

7. Plaintiffs filed the instant Rule 59(e) Motion to Reconsider on September 30, 2025, and provided this Court with a copy of its Motion via e-mail.

8. The Court may also *sua sponte* review its own previous decision within ten (10) days of issuing an Order.

Based on the foregoing, the Court concludes that, in addition to the reasons set forth in the September 26 Order, Defendant's Rule 59(e) Motion was procedurally defective and must be dismissed as a matter of law for failing to comply with Rule 59(g), SCRCP.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That Defendant's Motion to Alter or Amend, filed August 25, 2025, is **DENIED** for failure to comply with Rule 59(g), SCRCP.
2. That Defendant's Motion to Alter or Amend is also **DENIED** and this Court, for the reasons set forth in this Court's September 26, 2025 Order, reconfirms its denial of Defendant's Motion to Compel Arbitration and Stay Case, all of which are incorporated by reference as if set forth herein, verbatim.
3. The parties shall proceed with litigation forthwith in this Court.

AND IT IS SO ORDERED.

This ___ day of _____, 2025
_____, SC

The Honorable S. Bryan Doby
Presiding Circuit Court Judge for
the Third Judicial Circuit



Williamsburg Common Pleas

Case Caption: William Ward , plaintiff, et al VS Gm Financial, Llc , defendant, et al
Case Number: 2024CP4500502
Type: Order/Amend

So Ordered

S. Bryan Doby, Circuit Court Judge, No. 2784