

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No. 2024-CP-10-03700

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Dec 12 2025

SC Court of Appeals

**ORDER ON DEFENDANTS'
MOTION TO ALTER OR AMEND**

Joseph W. Rohe

Plaintiff,

vs.

SHM Charleston City Marina, LLC d/b/a Safe Harbor Charleston City, and SHM Charleston Boatyard, LLC d/b/a Safe Harbor City Boatyard,

Defendants.

Presiding Judge:	Hon. Deadra L. Jefferson
Plaintiff's Attorney:	Pro Se (Joseph W. Rohe, Esq.)
Defendants' Attorneys:	Rhett Ricard, Esq.
Date of Hearing:	N/A
Court Reporter:	N/A

This matter comes before the Court upon Defendants' Motion to Alter or Amend the Court's July 16, 2025, Order Denying Defendants' Motion to Dismiss Plaintiff's Complaint or, in the Alternative, to Stay this Matter and Compel Arbitration filed July 25, 2025. The Court received Defendants' Motion to Alter or Amend on July 28, 2025. Defendants' Motion is in the nature of a Memorandum. Plaintiff filed a Memorandum in Opposition to Defendants' Motion to Alter or Amend on August 18, 2025. The Plaintiff is pro se.¹ The Defendants are represented by Rhett Ricard, Esq. Defendants' motion came before the Court on January 10, 2025, for a hearing on Defendants' Motion to Dismiss or, In the Alternative, to Stay and Compel Arbitration filed September 19, 2024. The Court issued an Order Denying Defendants' Motion on July 16, 2025. Having considered Defendants' Motion, Plaintiff's Memorandum in Opposition, as well as the

¹ Plaintiff Joseph W. Rohe is an attorney licensed to practice in S.C.

various interests balanced by the Court at the time of the ruling, the Defendants' Motion to Alter or Amend is Denied.²

CONCLUSIONS OF LAW

“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). “A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party *must* file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.” Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (emphasis in original). “A party cannot use a motion to reconsider to present an issue he could have raised prior to judgment but did not.” Anderson Memorial Hosp., Inc. v. Hagen, 313 S.C. 497, 498, 443 S.E. 2d 399, 400 (Ct. App. 1994) (citing C.A.H. v. L.H., 315 S.C. 389, 434 S.E. 2d 268 (1993)); See also Arnold v. State, 309 S.C. 157, 172–73, 420 S.E.2d 834, 842 (1992).

“A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.” Rule 59(e), SCRCP. “[T]he ten-day deadline in Rule 59(e) is an absolute deadline. A trial court does not have the power to alter or amend a final order if more than ten days passes and no Rule 59(e) motion has been served, nor does a trial court have any power to grant the moving party an extension of time in which to file a Rule 59(e) motion.” Overland, Inc. v. Nance, 423 S.C. 253, 256-57, 815 S.E.2d 431, 433 (2018) (citation omitted) (citing Leviner v. Sonoco Prods. Co., 339 S.C. 492, 530 S.E.2d 127 (2000)). “A party filing a written motion under this rule shall provide a copy of the motion to the judge within ten (10) days

² This Motion is disposed of without the necessity of a hearing and decided on the record and briefs. Rule 59(f), SCRCP; Pollard v. City of Florence, 314 S.C. 397, 401–402, 444 S.E.2d 534, 536 (Ct. App. 1994).

after the filing of the motion.” Rule 59(g), SCRCPP; See also Smith v. Fedor, 422 S.C. 118, 126, 809 S.E.2d 612, 161 (Ct. App. 2017) (“Rule 59(g) would lack any purpose if trial courts committed error by denying the motion for failure to comply with the rule. Further, our language in Gallagher v. Evert, 353 S.C. 59, 63-64, 577 S.E.2d 217, 219 (Ct. App. 2002) implies a trial court may deny the motion solely on the basis of the rule.”).

Defendants’ Motion is timely under Rule 59(e), SCRCPP, because it was filed nine (9) days after receiving notice of the entry of the Order, which is within the requisite ten (10) day period. Defendants’ Motion is timely under Rule 59(g) as the Court was provided with a copy of the motion three (3) days after Defendants filed the motion, which is within the applicable ten (10) day period.

The Defendant asks this Court to Alter or Amend its July 16, 2025, Order denying Defendants’ Motion to Dismiss or, In the Alternative, to Stay and Compel Arbitration. The Court determined that neither the Federal Arbitration Act (FAA) nor the South Carolina Uniform Arbitration Act (SCUAA) applied, and therefore declined to stay the proceedings, compel arbitration, or dismiss the case. In their motion, Defendants incorrectly characterize South Carolina’s public policy regarding arbitration agreements. Defendants claim that South Carolina law favors the resolution of disputes through arbitration. Defs. Mot. 6. However, on March 5, 2025, four months before Defendants filed their Motion to Alter or Amend, the South Carolina Supreme Court reiterated that there is no state policy favoring arbitration in Lampo v. Amedisys Holding, LLC, 445 S.C. 305, 914 S.E.2d 139 (2025). Lampo, 445 S.C. at 317, 914 S.E.2d at 146 (reminding litigants and lower courts that the Court dispensed the incorrect notion that there was state public policy favoring arbitration years before in Palmetto Constr. Grp. v. Restoration Specialists, LLC, 432 S.C. 633, 639, 856 S.E.2d 150, 153 (2021)).

After fully considering Defendants' Motion to Alter or Amend, the Court finds that Defendants seek only to reargue the issues on the same basis previously presented to the Court and presents no novel facts, arguments, or theories in support of its position. Defendants have not highlighted any portions of the record this Court may have misunderstood, failed to fully consider, or perhaps failed to rule on. Accordingly, the Motion to Alter or Amend, is heard and respectfully Denied.

IT IS SO ORDERED.

Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

November 10, 2025
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Joseph W Rohe VS Shm Charleston City Marina Llc , defendant, et al

Case Number: 2024CP1003700

Type: Order/Other

IT IS SO ORDERED.

s/D.L. Jefferson Ninth Judicial Circuit Judge 2128