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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Deirdre Jefferson, Presiding Judge

Case No. 2025-CP-10-4868

Lisa Pollner and Caleb Fournier Appellant.

v.

Scott Hansen and Meghan Hansen Respondents.

APPELLANTS' MEMORANDUM ON APPEALABILITY

At the request of the clerk, appellants Lisa Pollner and Caleb Fournier, submit this memorandum on whether the Order of Judge Deadra Jefferson dated July 29, 2026, was appealable under SC Code § 14-8-200 (2025) or SC Code § 14-8-3300 (2025). The Order granted relief and dismissed the appellants claims on a mooted motion that was no longer before the court, but has deprived the appellants of their day in court and should be heard in this forum.

FACTS OF THE COMPLAINT

Appellants/Plaintiffs' Lisa Pollner and Caleb Fournier paid respondent Scott Hansen \$500,000 over the course of six months, allegedly to investment in a company called American Beverage Holdings, LLC ("ABH"). ABH was formed to sell Island Brand beer throughout the United States and Caribbean. Hansen lead them to believe for several years they were members of ABH. However, AVH eventually failed and the appellants/plaintiffs" came to learn that, in fact, none of their money went into ABH. Instead, Scott and Megan Hansen used it to live, spending all

of the money on their basic needs and extravagant trips and gifts. In less than a year, the Hansen had spent all of the money.

PROCEDURAL POSTURE

Appellants/Plaintiffs filed their summons and complaint on August 28, 2025. On October 24, 2025, the Hansens filed a “Motion to Dismiss or Stay & Compel Arbitration” seeking relief under Rules 12(b)(1) and 12(b)(6), SCRCP. See Exhibit A. In response, the appellants/plaintiffs filed their First Amended Complaint on November 24, 2025. The amended complaint removed certain defendants, and expanded the claims against the Hansens. The effect of the amended complaint was to moot the October 24, 2025, motion. The Hansens then filed a second their Motion to Dismiss Amended Complaint on December 9, 2025. The Motion to Dismiss Amended Complaint that is subject to this motion was brought pursuant to Rule 12(b)(6), SCRCP and also sought to compel arbitration. Exhibit B. In their motion the Hansens state:

¹ South Carolina Rule of Civil Procedure 12(f) allows for striking immaterial or impertinent matter from pleadings; however, Defendants Scott Hansen and Meghan Hansen properly seek dismissal under Rule 12(b)(6) for failure to state a claim, because the entirety of Plaintiffs’ Amended Complaint is null and void.

The trial court heard the motions on March 4, 2026. The motions were denied on May 4, 2026, by form order. Exhibit C. The Hansens then filed a motion to reconsider the denials of their motions, including the moot October 24, 2025, motion. On July 28, 2026, Judge Jefferson denied the motions to reconsider. No appeal was taken from these orders. She then entered the subject order on the moot October 24, 2025, Motion to Dismiss or Stay and Compel Arbitration attempting to dismiss the case. The clerk of court has marked the case as “dismissed” even though there was no motion to compel arbitration pending.

ARGUMENT

Appellants filed this appeal to ensure they obtain their day in court to remedy the fraud perpetrated against them. They assert the underlying arbitration agreement was induced by fraud, rendering the agreement void. Citing outdated law, the trial court found a person can be defrauded into arbitrating a claim, which, of course, defeats all rules of ensuring the parties came to a meeting of the minds in a contract.

The order that is now seemingly controlling the case, including the mode of trial, however, was issued without any authority to do so because 1) the motion on which the decision was rendered was moot, and 2) the court lost jurisdiction when she denied the motions to reconsider. This appeal is proper and necessary.

First, when the trial court entered its order denying the Hansens motions to reconsider, there was nothing to rule on and it lost jurisdiction. The appellants must have an appeal or be forced to follow an improperly issued and illegal order.

Even before the rules of civil procedure were created, our courts have recognized that an amended complaint that follows a motion to dismiss renders the motion to dismiss moot. This only makes sense, inasmuch as the amended complaint may contain new allegations, correct a deficiency in the original complaint, or, as was the case here, remove certain parties, clarify allegations, and add new claims.¹ The principal that an amended complaint moots a motion to dismiss has been the law since at least 1985:

Since the First Amended Complaint has been superseded by the Second Amended Complaint, it is no longer the operative pleading in the case. Thus, any questions as to the sufficiency of the First Amended Complaint are now moot. Since responsive pleadings have not yet been filed to the Second Amended Complaint, no question of the sufficiency of that complaint is before us.

¹ The purpose of removing two of the defendants was to avoid arbitration over “corporate management” and to, instead, focus on the Hansens’ clearly fraudulent acts.

Schein v. Lamar, 284 S.C. 252, 255, 325 S.E.2d 573, 574 (Ct. App. 1985).

The federal system also follows the rule that a motion to dismiss is mooted by a subsequent amended complaint. *Young v. City of Mount Ranier*, 238 F.3d 567, 573 (4th Cir. 2001)(“As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect.”).

The Hansens understood their original, October 24, 2025, Motion to Dismiss or Stay and Compel Arbitration was moot because they properly filed a second motion to dismiss on December 9, 2026, seeking dismissal and to compel arbitration. Judge Jefferson denied that motion May 4, 2026, and the motion to reconsider on July 28, 2026. The July 29, 2026, order is of no force and effect because the motion on which it is based became moot when the plaintiffs filed an amended complaint and the denial of relief seeking arbitration had become the law of the case. This appeal is necessary to vacate that order and reinstate this case to the jury trial roster in Charleston County, where it belongs.

Appellants would further point out that all of the Hansens motions were made jointly on Rule 12(b)(1) **and** Rule 12(b)(6), **and** the Federal Arbitration Act, **and** the South Carolina Arbitration Act. Under South Carolina law, dismissing a case and compelling arbitration is immediately appealable. “... we find the order granting the motion to dismiss and compelling arbitration is appealable.” *Huskins v. Mungo Homes, LLC*, 439 S.C. 356, 365, 887 S.E.2d 534, 539 (Ct. App. 2023), rev'd on other grounds, 444 S.C. 592, 910 S.E.2d 474 (2024). Judge Jefferson’s rather unconventional manner of addressing the motions by entering multiple order on the same filed motion has led to some confusion and a desire to ensure all questions are preserved.

For these reasons, the appeal should be permitted to proceed.

WHEREFORE the appellants pray for the relief requested herein and such other relief as the court deems just, prudent, and proper.

HALLER LAW FIRM, P.C.

s/ David K. Haller

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ATTORNEY FOR APPELLANTS

September 8, 2026

Charleston, South Carolina

EXHIBIT A

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

**IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2025-CP-10-04868**

Lisa Pollner and Caleb Fournier,

Plaintiffs,

v.

**Scott Hansen, Meghan Hansen, MOTU, LLC,
and Padgett Thomas, LLC,**

Defendants.

**DEFENDANTS SCOTT HANSEN AND
MEGHAN HANSEN'S MOTION TO
DISMISS OR STAY AND TO COMPEL
ARBITRATION**

Pursuant to the South Carolina Rules of Civil Procedure 12(b)(1) and 12(b)(6), South Carolina Uniform Arbitration Act set forth at S.C. Code Ann. § 15-48-10, *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, Defendants Scott Hansen and Meghan Hansen hereby move the Court for an order dismissing this action and an order compelling arbitration or, alternatively, staying this action while the parties conduct mandatory arbitration as agreed to by the Plaintiffs and reflected on Exhibit A. This motion will be further supported by a Memorandum of Law and supporting evidence and arguments at a hearing on the matter.

/s/ J. Rutledge Young, III

J. Rutledge Young, III (S.C. Bar No.: 14132)

Margaret S. Johnson (S.C. Bar No.: 105851)

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Attorneys for Defendants Scott Hansen and Meghan Hansen

October 24, 2025
Charleston, South Carolina

EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2025-CP-10-04868

Lisa Pollner and Caleb Fournier,
Plaintiffs,

v.

Scott Hansen, Meghan Hansen,
Defendants.

DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT

TO: THE ABOVE-NAMED PLAINTIFFS AND THEIR ATTORNEY OF RECORD

YOU WILL PLEASE TAKE NOTICE that the Defendants Scott Hansen and Meghan Hansen ("Defendants"), by and through their undersigned counsel of record, hereby move before the Presiding Judge of the Court of Common Pleas for Charleston County for an Order dismissing Plaintiffs' Amended Complaint and requiring a stay of all further proceedings while the matter is arbitrated. The basis for the Defendants' motion is pursuant to the South Carolina Rules of Civil Procedure Rule 12(b)(6),¹ South Carolina Uniform Arbitration Act ("SCUAA") set forth at S.C. Code Ann. §§ 15-48-10, *et seq.*, and the Federal Arbitration Act ("FAA") set forth at 9 U.S.C. §§ 1, *et seq.*

FACTUAL BACKGROUND

Plaintiffs' action arises from their investment and membership in Padgett Thomas, LLC of which Plaintiffs Lisa Pollner and Caleb Fournier and Defendants Scott Hansen and Meghan Hansen are members. All originally-named Defendants contended in their Motions to Dismiss or

¹ South Carolina Rule of Civil Procedure 12(f) allows for striking immaterial or impertinent matter from pleadings; however, Defendants Scott Hansen and Meghan Hansen properly seek dismissal under Rule 12(b)(6) for failure to state a claim, because the entirety of Plaintiffs' Amended Complaint is null and void.

Stay and to Compel Arbitration that Plaintiffs' claims are subject to mandatory arbitration under the SCUAA, the FAA, and the terms of the binding arbitration provision contained in the agreement between the parties to this action, codified in the Amended and Restated Operating Agreement of Padgett Thomas, LLC (hereinafter "Operating Agreement"). Exh. A. Plaintiffs Lisa Pollner and Caleb Fournier executed Investment Affidavits that supported their position as sophisticated investors, which reaffirmed their rights to the LLC membership interests were governed by the Operating Agreement and arbitration provision. Exh. B; Exh. C.

PROCEDURAL HISTORY

Plaintiffs filed their Complaint on August 28, 2025, and Defendants Scott Hansen; Meghan Hansen; MOTU, LLC; and Padgett Thomas, LLC were duly served. Defendants, through their counsel, filed a Motion to Dismiss or Stay and to Compel Arbitration on October 24, 2025. Plaintiffs were served electronically with the filing of the Defendants Scott Hansen and Meghan Hansen's Motion to Dismiss or Stay and to Compel Arbitration on October 24, 2025. Defendants MOTU, LLC and Padgett Thomas, LLC filed a motion on October 28, 2025, to Dismiss or Stay and to Compel Arbitration. Plaintiffs subsequently filed an Amended Complaint and Voluntary Dismissal without Prejudice on November 28, 2025. As explained below, because of the Defendants' filings on October 24 and October 28, by operation of law, Plaintiffs were barred and prohibited from filing additional procedural motions after Defendants demanded arbitration. *See* S.C. Code Ann. § 15-48-20; 9 U.S.C. § 3.

STANDARD OF REVIEW

The South Carolina Uniform Arbitration Act mandates that upon application of a party showing an agreement to arbitrate and the opposing party's refusal to arbitrate, "the court shall order the parties to proceed with arbitration." S.C. Code Ann. § 15-48-20(a). SCUAA states, "Any

action or proceeding involving an issue subject to arbitration shall be stayed if an order for arbitration or an application therefor has been made under this section” S.C. Code Ann. § 15-48-20(d). SCUAA also provides that agreements to arbitrate are “valid, enforceable, and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract.” S.C. Code Ann. § 15-48-10(a). The FAA also requires a stay of proceedings “upon any issue referable to arbitration under an agreement in writing for such arbitration.” 9 U.S.C. § 3.

In deciding a Rule 12(b)(6) motion, as a general rule, important questions of novel impression should not be decided on a Rule 12(b)(6), SCRCp, motion to dismiss. *Evans v. State*, 344 S.C. 60, 68, 543 S.E.2d 547, 551 (2001). Instead, a novel issue is best decided in light of the testimony to be adduced at trial. *Id.* However, where the dispute is not as to the underlying facts but as to *interpretation of the law*, and development of the record will not aid in the resolution of the issues, it is proper to decide even novel issues on a motion to dismiss for failure to state a claim. *Id.* (emphasis added).

ARGUMENT

Plaintiffs Lisa Pollner and Caleb Fournier are subject to and bound by the Operating Agreement that mandates arbitration of all disputes: “[t]his agreement is subject to arbitration pursuant to the South Carolina Uniform Arbitration Act, Section 15-48-10, *et seq.*, of the code of laws of South Carolina.” Neither the original Complaint nor the Amended Complaint challenge the validity or enforceability of the arbitration clause and Plaintiffs both signed the arbitration agreement.

Once arbitration is invoked or any application for arbitration has been made, S.C. Code Ann. § 15-48-20(d) states that “any action or proceeding involving an issue subject to arbitration shall be stayed.” This stay is immediate, arises by operation of statutory law, and is not

discretionary. The Amended Complaint was filed in contravention of the SCUAA and FAA. Filing a pleading after a statutory stay is attached is null and void as a matter of law. *See* S.C. Code Ann. § 15-48-20(d); 9 U.S.C. § 3. Plaintiffs' attempted amended pleading violates the statutory stay and should not be allowed by this Court.

Plaintiffs' causes of action arise from the Plaintiffs' investment and membership in Padgett Thomas, LLC. These claims fall within the scope of the Operating Agreement's arbitration provision. *See* Exh. A, Article 14. As such, the underlying dispute is subject to dismissal, because it is properly governed by the arbitration provision in the relevant Operating Agreement. This dispute turns entirely on the interpretation of the law and application of statutory law. Specifically, S.C. Code Ann. §§ 15-48-10, *et seq.*, and 9 U.S.C. §§ 1, *et seq.*, mandate a stay of all further proceedings, including any dismissal of parties or amendments to the Complaint. *See* Rule 41(a)(1), 21, 19(a), and 12(b)(6), SCRCF. Further development of the record will not illuminate controlling legal issues.

CONCLUSION

Pursuant the South Carolina Rules of Civil Procedure Rule 12(b)(6), SCUAA set forth at S.C. Code Ann. §§ 15-48-10, *et seq.*, and the FAA set forth at 9 U.S.C. §§ 1, *et seq.*, counsel for the Defendants Scott Hansen and Meghan Hansen requests this Court dismiss Plaintiffs' Amended Complaint. Additionally, the Defendants seek a stay of all further proceedings while the matter is arbitrated as was originally raised by Motion to Dismiss filed on October 24, 2025.

[Signature page to follow.]

Respectfully submitted,

/s/ J. Rutledge Young, III

J. Rutledge Young, III (S.C. Bar No.: 14132)

Margaret S. Johnson (S.C. Bar No.: 105851)

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Attorneys for Defendants Scott Hansen and Meghan Hansen

December 9, 2025
Charleston, South Carolina

EXHIBIT C

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP1004868

Lisa Pollner et al
PLAINTIFF(S)

Scott Hansen et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court on March 4, 2026, for a hearing on Defendants' Motion to Dismiss Plaintiffs' Amended Complaint filed December 9, 2025. Plaintiff is represented by David Haller, Esq. Defendants Scott Hansen and Meghan Hansen are represented by J. Rutledge Young, III, Esq. Defendants filed a Memorandum in Support on March 2, 2026.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/04/2026 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

"Under Rule 12(b)(6), a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action. If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper." *Brazell v. Windsor*, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009). For the purpose of a 12(b)(6) motion for failure of the pleadings to state facts sufficient to constitute a cause of action, "the question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief." *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247-248 (2007). "The complaint should not be dismissed merely because the court doubts the plaintiff will prevail in the action." *Id.* "Where a pleading is attacked for an alleged failure to state a cause of action, the pleading must be liberally construed in favor of the pleader and sustained if the facts and reasonable inferences to be drawn therefrom entitle the pleader to relief on any theory of the case." *Robinson v. Code*, 384 S.C. 582, 585, 682 S.E.2d 495, 496 (Ct. App. 2009). "Further, a judgment on the pleadings is considered to be a drastic procedure by our courts." *Justice v. The Pantry*, 335 S.C. 37, 518 S.E.2d 40 (1999). "Since a decision on a 12(b)(6) motion is confined to the four corners of the complaint, the trial judge erred in considering a potential defense." *Dye v. Gainey*, 320 S.C. 65, 67, 463 S.E.2d 97, 98 n.2 (Ct. App. 1995).

Viewed in the light most favorable to the non-moving party, the facts alleged and inferences deducible therefrom may entitle Plaintiff to relief on any theory of the case. Accordingly, on Defendants' Motion to Dismiss pursuant to Rule 12(b)(6), SCRCP filed December 9, 2025 is heard and respectfully Denied.



Charleston Common Pleas

Case Caption: Lisa Pollner , plaintiff, et al VS Scott Hansen , defendant, et al

Case Number: 2025CP1004868

Type: Order/Electronic Form 4

IT IS SO ORDERED.

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

EXHIBIT D

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
	)	CASE NO.: 2025-CP-10-04868
Lisa Pollner and Caleb Fournier,	)	
	)	
Plaintiff,	)	ORDER DENYING DEFENDANT'S
	)	MOTION TO RECONSIDER
-vs-	)	
	)	
	)	
Scott Hansen, Meghan Hansen,	)	
MOTU, LLC, and Padgett Thomas, LLC	)	
	)	
Defendant.	)	

Presiding Judge:	Deadra L. Jefferson
Plaintiff's Attorney:	David K. Haller, Esq.
Defendant's Attorney:	J. Rutledge Young, III, Esq.
Original Hearing Date:	March 4, 2026
Court Reporter:	Web Ex

This matter comes before the Court on Defendants Scott and Meghan Hansen's Motion to Reconsider filed May 21, 2026, pursuant to South Carolina Rule of Civil Procedure 59(e) for the following relief: 1) issue or clarify its ruling on Defendants' Motion to Dismiss or Stay and to Compel Arbitration; (2) reconsider or clarify its ruling set forth in the Court's Order denying Defendants' Motion to Dismiss Plaintiffs' Amended Complaint filed December 9, 2025; and (3) reconsider or clarify its ruling set forth in the Court's Order denying Defendants' Objection to Plaintiffs' Voluntary Dismissal Without Prejudice and Motion to Add Necessary Parties filed December 9, 2025. Defendants' Motion was in the nature of a memorandum. Plaintiff filed a response to Defendant's Motion to Alter or Amend on June 16, 2026. Plaintiff is represented by David K. Haller, Esq. Defendants Scott and Meghan Hansen are represented by J. Rutledge Young, III, Esq.

This matter previously came before the Court on March 4, 2026, for a hearing on Defendants Hansen's Motion to Dismiss Plaintiffs' Amended Complaint filed December 9, 2025, Defendants Hansen's Objection to Plaintiff's Voluntary Dismissal without prejudice and motion to add necessary parties filed December 9, 2025, and Defendant's Hansen's Motion to Dismiss or Stay and to Compel Arbitration filed October 12, 2025.¹

The Court issued individual Orders Denying the Motions on May 4, 2026, as follows: Defendants' Motion to Dismiss Plaintiff's Amended Complaint filed December 9, 2025, and Defendants' Objection to Plaintiffs' Voluntary Dismissal without Prejudice and Motion to Add Necessary Parties filed December 9, 2025. Having considered Defendants' Motion to Reconsider, as well as the various interests balanced by the Court at the time of the ruling, the Defendants Motion to Reconsider 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

¹ At the time of the filing of Defendant's Motion to Reconsider on May 21, 2026, an Order has not been issued on Defendants Scott Hansen and Meghan Hansen's Motion to Dismiss or Stay and to Compel Arbitration filed October 24, 2025, and heard May 4, 2026. Any motion premised on this motion is dismissed as premature.

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).

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 20 days after receipt of written notice of the entry of the order.” Rule 59(e), SCRCP.³ The deadline in Rule 59(e) is an “absolute deadline.” Overland, Inc. v. Nance, 423 S.C. 253, 256-57, 815 S.E.2d 431, 433 (2018) (citing Leviner v. Sonoco Prods. Co., 339 S.C. 492, 530 S.E.2d 127 (2000)). A trial court does not have the power to alter or amend a final order if the deadline has passed 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. Id.

“A party filing a written motion under this rule shall provide a copy of the motion to the judge within ten (10) days after the filing of the motion.” Rule 59(g), SCRCP; 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.”).

Defendant’s Motion to Reconsider is not properly before the Court because it was not properly served upon the Court as required by Rule 59(g), SCRCP. Here, the record reflects that Defendant filed the Motion to Reconsider seventeen (17) days after entry of the Order, which is within the twenty-day filing deadline set forth in Rule 59(e), SCRCP. However, the Court did not receive a copy of the motion, as required by Rule 59(g), SCRCP, from Defendant; rather, the Clerk

³ Effective April 30, 2026, Rule 59(e), SCRCP was amended extending the filing deadline from ten (10) days to twenty (20) days. Accordingly, the twenty (20)-day deadline is applicable.

of Court forwarded the motion to the Court on May 22, 2026.⁴ Such service is insufficient under Rule 59(g), SCRPC (“A *party filing* a written motion under this rule *shall provide a copy of the motion to the judge* within ten (10) days after the filing of the motion.”)(emphasis added). The Defendant, as the filing party, failed to provide the Court with a copy of the motion, and, at the date of this Order, the allotted ten-day period has elapsed. Moreover, Defendant seeks 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. Defendant has not highlighted any portions of the record this Court may have misunderstood, failed to fully consider, or perhaps failed to rule on.

After fully considering Defendants’ Motion to Alter or Amend, there is no basis upon which the Court needs to reconsider its Order Denying Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint and Defendants’ Objection to Plaintiffs’ Voluntary Dismissal Without Prejudice and motion to add Necessary Parties.

Based on the foregoing, the Court finds that Defendants’ Motion is untimely pursuant to Rule 59(g), SCRPC and seeks 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, Defendants’ Motion to Alter or Amend filed May 21, 2026, is Denied.

AND IT IS SO ORDERED.

Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

Charleston, South Carolina
July 23, 2026

⁴ On June 23, 2026, Plaintiff’s counsel emailed and e-filed a letter attaching a copy Defendants’ Motion to Reconsider.



Charleston Common Pleas

Case Caption: Lisa Pollner , plaintiff, et al VS Scott Hansen , defendant, et al
Case Number: 2025CP1004868
Type: Order/Other

IT IS SO ORDERED.

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

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Sep 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Deirdre Jefferson, Presiding Judge

Case No. 2025-CP-10-4868

Lisa Pollner and Caleb Fournier Appellant.

v.

Scott Hansen and Meghan Hansen Respondents.

PROOF OF SERVICE

I, the undersigned counsel for appellants, Lisa Pollner and Caleb Fournier, affirm that I served the APPELLANTS' MEMORANDUM ON APPEALABILITY to counsel for the respondents by email on September 8, 2026 to the email address listed below.

HALLER LAW FIRM, P.C.

s/ David K. Haller

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ATTORNEY FOR APPELLANTS

September 8, 2026

Charleston, South Carolina

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