

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Dawne Harper

Plaintiff

vs.

South Carolina Farm Bureau Insurance

Defendant

IN THE COURT OF COMMON PLEAS

Case Number: 2026CP3200526

**ORDER DENYING MOTION FOR
RECONSIDERATION****RECEIVED****Sep 28 2026****SC Court of Appeals**

This matter is before the Court on Plaintiff's Motion for Reconsideration pursuant to Rule 59(e) SCRCPP ("the Motion"), which was timely filed on September 10, 2026. The Motion asks this Court to alter, amend, or reconsider its Form 4 from August 27, 2026, and Formal Order from September 10, 2026. Those orders entered a default against Plaintiff on its counter claim and refused to set aside the default and grant an enlargement of time to respond.

After reviewing the applicable law and considering 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. Therefore, the Motion to Alter, Amend, or Reconsider is DENIED.

Plaintiff's Motion argues, "Respectfully, the Court, here, did precisely what the Supreme Court in *Sundown* cautioned that no trial court should ever do: deny relief from the entry of default under Rule 55(c) based upon the absence of "excusable neglect." However, the Court's order, as quoted by the Plaintiff states, "Plaintiff's explanation, though honest and forthright, fails to make *a particularized showing of one or more grounds* provided in Rule 60(b), SCRCPP . . . Plaintiff cannot show excusable neglect to meet the good cause standard." (emphasis added)

The Court generally agrees with Plaintiff's formulation of the governing standard here, as outlined in *Sundown*:

The standard for granting relief from an entry of default under Rule 55(c) is mere "good cause." This standard requires a party seeking relief from an entry of default under Rule 55(c) to provide an explanation for the default and give reasons why vacation of the default entry would serve the interests of justice. Once a party has put forth a satisfactory explanation for the default, the trial court must also consider: (1) the timing of the motion for relief; (2) whether the [defaulting party] has a meritorious defense; and (3) the degree of prejudice to the plaintiff if relief is granted.

Sundown Operating Co., Inc v. Intedge Industries, Inc., 383 S.C. 601, 607-08, 681 S.E.2d 885, 888 (2009).

Moreover, “[t]he Rule 60(b) factors are indeed relevant to a Rule 55(c) analysis, but only inasmuch as proof of any one of these factors is sufficient to show ‘good cause.’” *Id.* at 608, 681 S.E.2d at 889.

To be clear, the Court has considered whether Plaintiff has put forth a “satisfactory explanation” on the grounds of mistake, inadvertence, or excusable neglect, but has not found a satisfactory explanation for any of those (or any other of the Rule 60(b) factors).

The Court’s reliance on various caselaw is not a consideration of only the possibility of excusable neglect, but instead a full consideration as to why there is no satisfactory explanation for *any one of the Rule 60(b) factors*. For example, South Carolina’s courts have regularly declined to hold travel as a satisfactory explanation, which is one of the explanations offered by Plaintiff’s counsel, here. *See* *Howard v. Holiday Inns, Inc.*, 271 S.C. 238, 246 S.E.2d 880 (1978). The same is true for a party’s failure to navigate the legal process, which is tied to counsel’s claim that he simply did not expect a counter claim. *See* *Hill v. Dots*, 345 S.C. 304, 547 S.E.2d 894 (2001). Once again, the Court notes it is sympathetic to Plaintiff’s position, but the law requires a satisfactory explanation, which is not found here. The Court finds counsel’s argument on inadvertence to be similar to the unavailing argument in *Campbell v City of North Charleston*, 431 S.C. 454, 460, 848 S.E.2d 788, 791-92 (Ct. App. 2020), where the explanation for inadvertence was that it was “out of character.”

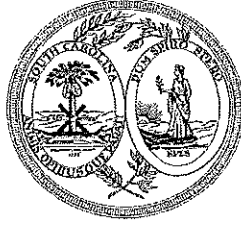
The Court hopes to make clear that its consideration of this caselaw was a search for why *any mistake, inadvertence, or neglect could be backed by a satisfactory explanation*, and not to *only* consider excusable neglect, which Plaintiff argues is what the Court has done. Although the Court’s finding that there is no satisfactory explanation is dispositive in this instance, the Court also notes concern as to whether the *Wham* factors would support a setting aside of the default in this instance. This is because the Court has concerns about whether *the defaulted counterclaim was of much merit in the first place*.

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. *See* Rule 59(f), SCRCP (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) SCRCP, without first conducting a hearing or allowing [the parties] ‘to fully brief’ the issues raised in [the] motion”).

AND IT IS SO ORDERED

September 16, 2026

Judge D. Shawn Graham



Lexington Common Pleas

Case Caption: Dawne Harper VS Farm Bureau Insurance
Case Number: 2026CP3200526
Type: Order/Other

So Ordered

**Judge D. Shawn Graham, Circuit
Court Judge, 11th Judicial Circuit**
