

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 ALEXANDER PASTENE,)
)
)
)
 Plaintiff,)
)
)
 vs.)
)
 THOMAS TROBOUGH, MR. & MRS.)
)
 NORMAN GINSBURG, W. RICHARD)
)
 BEETLE, COUNTRY CLUB OF HILTON)
)
 HEAD, CLUB CORP OF DALLAS, TX,)
)
 CCHH TENNIS COMMITTEE)
)
 MEMBERS,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 C.A. NO.: 2011-CP-07-4407

ORDER

13 DEC 11 PM 4:44
 CLERK OF COURT
 BEAUFORT COUNTY, S.C.

NOW COMES BEFORE THE COURT Plaintiff's Motion for Reconsideration, dated July 25, 2013. The present action arises out of *pro se* Plaintiff's filing suit against the above-captioned Defendants, alleging causes of action for assault, defamation and wrongful termination as against public policy. Defendants Richard Beetle and Country Club of Hilton Head moved to dismiss these causes of action and raised to the Court's attention by way of that same motion that Defendants Club Corp of Dallas, TX and CCHH Tennis Committee Members are not known legal entities subject to suit. In a parallel chain of events, the causes of action against Defendants Thomas Trobough and Normal Ginsburg were dismissed without prejudice by Judge Dukes, Beaufort County Master-In-Equity, in an Order dated December 4, 2012.

In order to place the current Motion in the proper context, a partial review of the case history is required. The instant Motion derives from an Order Granting Defendant's Motion to Dismiss the Plaintiff's Complaint, issued by Judge Kinard on March 2, 2012. Judge Kinard's Order dismissed with prejudice the cause of action for assault as to Defendant Richard Beetle and

Country Club of Hilton Head. This Order also dismissed the causes of action for defamation and wrongful termination against public policy without prejudice and with leave for Plaintiff to re-file within thirty days. *Pro se* Plaintiff then submitted to the Court on April 10, 2012, "Answers to Honorable Judge Ernest Kinard's Order Granting Motion to Dismiss of 3-2-12 & Answer to Defendants Richard Beetle, CCH and Club Corp's Motion to Dismiss Dated 12-5-11" (hereinafter "Answers to Judge Kinard's Order"). Notably, "Answers to Judge Kinard's Order" were submitted to the Court past the thirty-day time for re-filing as allowed by Judge Kinard in regards to the remaining causes of action.

At this juncture, the undersigned issued an Order on May 21, 2012. This Order stated that "Answers to Judge Kinard's Order" appeared to be a Motion to Reconsider and was filed well past ten days from the receipt of written notice of the Order. SCRCP 52(b) and 59(e). Because "Answers to Judge Kinard's Order" was filed well past the deadline for either a Motion to Reconsider or the re-filing deadline set by Judge Kinard, the Court dismissed this matter with prejudice in its entirety as to Defendants Richard Beetle and Country Club of Hilton Head.


In response to the Court's May 21, 2012, Order, the Plaintiff submitted to the Court Plaintiff's Motion for Reconsideration dated July 25, 2012. This Motion did not come before the Court at the time of filing, was continued by visiting Judge Stephanie McDonald, and failed to be heard at a later date. Plaintiff filed Notice of Civil Appeal on September 20, 2012. The Court of Appeals dismissed the appeal without prejudice and ordered this Court to consider Plaintiff's July 25, 2012 Motion to Reconsider in an Order dated November 27, 2013.

Plaintiff's July 25, 2012, Motion to Reconsider now comes before the Court and essentially asks the Court to reconsider a second time the Motion to Dismiss, granted March 2, 2012. There is no Court rule or statute that would authorize the filing of a second Motion to Reconsider.

Furthermore, the Motion was filed well past the ten-day deadline for filing a Motion to Reconsider.

NOW, THEREFORE, IT IS ORDERED that the Plaintiff's Motion dated July 25, 2012, is found to be filed contrary to Court procedure and the law, has no merit, and is therefore, denied.

AND IT IS SO ORDERED.



Carmen T. Mullen
Fourteenth Judicial Circuit

December 11, 2013
Beaufort, South Carolina