



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

July 28, 2014

Norman Robert Knight  
3940 Hottinger Avenue  
North Charleston SC 20405

Mr. Theodore Luke Manos, Esquire  
177 Meeting St., Ste. 300  
Charleston SC 29401

Re: Norman Robert Knight v. Companion Property  
Appellate Case No. 2013-002785

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

# The South Carolina Court of Appeals

Norman Robert Knight, Appellant,

v.

Companion Property and Casualty Insurance Company  
of South Carolina; Robertson Hollingsworth & Flynn  
Law Firm with Paul R. Ryan, as an individual & Partner,  
Respondents.

Appellate Case No. 2013-002785

---

## ORDER

---

On October 28, 2013, Appellant filed a motion to reconsider with the trial court. On November 13, 2013, the trial court denied the motion to reconsider, finding "no reason to alter or amend its prior order." On November 21, 2013, Appellant received notice of the trial court's order denying his motion to reconsider. On November 26, 2013, Appellant filed a second motion to reconsider, which the trial court denied on December 2, 2013. On December 27, 2013, Appellant served his notice of appeal.

Respondents filed a motion to dismiss, arguing this Court lacks appellate jurisdiction because Appellant failed to timely serve the notice of appeal. After careful consideration, the motion is granted. Because the trial court's order denying Appellant's first motion to reconsider found "no reason to alter or amend its prior order," Appellant's second motion to reconsider was improper and did not toll the time to serve the notice of appeal with this Court. *See Coward Hund Constr. Co., Inc. v. Ball Corp.*, 336 S.C. 1, 3, 518 S.E.2d 56, 58 (Ct. App. 1999) ("[A] second motion for reconsideration is appropriate *only if* it challenges something that was altered from the original judgment as a result of the initial motion for reconsideration." (emphasis added)). Therefore, Appellant was required to serve the notice of appeal within thirty days of November 21, 2013, the date he received notice of the trial court's order denying his first motion to

reconsider. Because Appellant failed to serve his notice of appeal until December 27, 2013, which is more than thirty days after Appellant received notice of the trial court's order denying his motion to reconsider, this Court lacks appellate jurisdiction. See Rule 203, SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal . . ."). Accordingly, Respondents' motion to dismiss is granted.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Norman Robert Knight  
Theodore Luke Manos, Esquire

7/28/14  
**FILED**  
