



The South Carolina Court of Appeals

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January 23, 2015

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Norman Robert Knight v. Companion Property
Lower Court Case No. 2013CP1004560
Appellate Case No. 2013-002785

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jay A. Kitchings".

CLERK

Enclosure

cc: Norman Robert Knight
Theodore Luke Manos, Esquire

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

FILED
7/28/14 