

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )  
 Elizabeth J. Langley, )  
 )  
 v. )  
 )  
 Wendy J. Lynch, Rebecca M. )  
 Lynch, James M. Lynch, II, Donald )  
 Jordon, III, Jimmy White and S. )  
 Porter Stewart, II, as Personal )  
 Representative of the Estate of )  
 James M. Lynch, )  
 )  
 \_\_\_\_\_ Defendants, )

IN THE COURT OF COMMON PLEAS  
 FOR THE TWELFTH JUDICIAL CIRCUIT

CASE NO.: 2013-CP-21-01408

**ORDER DENYING PLAINTIFF'S  
 MOTION TO RECONSIDER**

2015 AUG 17 AM 9:38  
 CONNIE REEL-SHEARIN  
 CLERK OF COURT, C.P. & C.S.  
 FLORENCE COUNTY, SC

FILED

Defendant Wendy Lynch's Motion for Summary Judgment was heard at length by this Court on June 17, 2015. On the day of the hearing, Plaintiff's counsel presented the Court with a memorandum in opposition that included numerous affidavits not earlier provided to defense counsel. Albeit tardy, the documents submitted by Plaintiff's counsel were considered by the Court. After due consideration, the Court granted the Defendant's summary judgment motion on all issues and dismissed Plaintiff's lawsuit in its entirety by Order dated June 22, 2015 and duly filed on June 26, 2015. On or about July 1, 2015, Plaintiff filed a Motion to Reconsider that this Court has reviewed and denies.

The Plaintiff's two paragraph Motion to Reconsider appears to be based upon Rules 52(b) and 59(e), SCRPC, but fails to conform to the requirements of Rule 7(b) SCRPC which requires that motions "state with particularity" the grounds for the relief sought. The motion for reconsideration fails in this requirement and generally states:

The grounds for this Motion shall be such as argued at the re-hearing of this matter, and be based on the laws and decided appellate court decisions of South Carolina, including but not limited to the fact that the Court's Order itself expresses that there are disputed factual issues in the case by referring to evidence as being a "bald assertion."

CERTIFIED: A TRUE  
 CONNIE REEL-SHEARIN  
 CLERK OF COURT, C.P. & C.S.  
 FLORENCE COUNTY, S.C.

CC mailed 8/18/15

FILED

Id.

This Court's use of the phrase "bald assertion" was not a comment on evidence adduced at the proceeding. It was instead a reference to the fact that the only substantive offer made by Plaintiff at the hearing was, in the light most favorable to Plaintiff, the unsupported belief of one person that undue influence must have existed but a belief not supported by any facts or evidence meeting the summary judgment standard.

In this Court's original review of the presentation by Plaintiff, and now upon review of the Motion for Reconsideration, the Court notes: "Fundamental fairness would seem to indicate that there should be one basic fact-finding process, and that review thereafter should be on the record made in that fact-finding process or procedure." Milliken & Co. v. SC Department of Labor, 275 S.C. 264, 269 S.E.2d 763 (1980). Without restating in total the Court's findings that summary judgment was appropriate, this Court concluded that the Plaintiff submitted no material substantive evidence, medical or otherwise, that met the required legal standards at summary judgment for challenging the Will based on incompetency or undue influence - both required by our established case law as cited in this Court's Order of June 22, 2015.

Upon reconsideration, the defense presentation was compelling and the Plaintiff's presentation devoid of any evidence raising a genuine issue of material fact. The Plaintiff's Motion to Reconsider is DENIED.

IT IS SO ORDERED.



The Honorable Craig D. Brown  
Presiding Judge, Court of Common Pleas  
Florence County

this 14 day of August, 2015

2015 AUG 17 AM 9:38  
DONNIE REEL-SHEARIN  
FLORENCE COUNTY, SC

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