

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 Wadette Cothran and )  
 Chris Cothran, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 )  
 State Farm Mutual Automobile )  
 Insurance Company and )  
 Robert Tucker, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 C/A No.: 2015-CP-42-1578

**RECEIVED**  
 JAN 29 2016  
 SC Court of App.

**ORDER DENYING  
 DEFENDANTS' MOTION TO  
 RECONSIDER**

H. HOPKINS BLANCHARD  
 2016 JAN 26 AM 9:55

**I. INTRODUCTION**

On December 2, 2015, pursuant to Rule 59(e), Defendants filed a Motion to reconsider this Court's November 17, 2015 Order Granting Plaintiff's Motion for Summary Judgment and Denying Defendants' Motion for Summary Judgment.

Pursuant to Rule 59(f), the Court decides this motion based upon the brief submitted by Defendants and without oral argument.

**II. DEFENDANTS MOTION TO RECONSIDER IS DENIED**

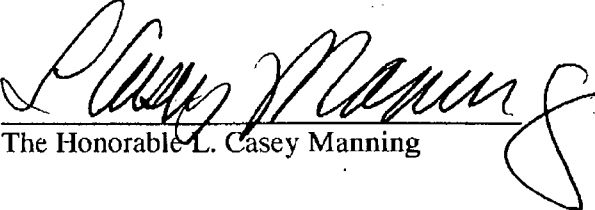
For the reasons outlined in the November 17, 2015 Order Granting Plaintiffs' Motion For Summary Judgment and Denying Defendants' Motion for Summary Judgment, Defendant's Motion To Reconsider is denied.

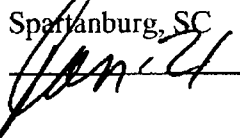
The November 17, 2015 Order addresses all of the Defendants' arguments for reconsideration except one. In their Motion to Reconsider, Defendants, for the first time, raise the doctrine of *stare decisis* as a ground for reversal of this Court's earlier Order. As noted in

*Hickman v. Hickman*, 301 SC 455, 456, 392 SE2d 481, 482 (1990), "[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not," and therefore *stare decisis* cannot be invoked by this Motion because it was not raised prior to the judgment. Nevertheless, for the reasons outlined in the Court's November 17, 2015 Order, the *Richardson* opinion does not validate the policy provision in the State Farm policy at issue, and the doctrine of *stare decisis* would not, therefore, in any event, be applicable.

IT IS THEREFORE ORDERED that Defendants' Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

  
The Honorable L. Casey Manning

Spartanburg, SC  
, 2016

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M. HOPE OLGALEY