

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF FAIRFIELD)

Bi-Lo, LLC,)

Plaintiff,)

vs.)

National Union Fire Insurance Co. of)
Pittsburgh, PA, Unifirst Corporation, and)
Mary Black,)

Defendant.)

2016 JUN 3) AM 10 38
FAIRFIELD COUNTY)
CLERK OF COURT)
BETTY JO BECKHAM)

SIXTH JUDICIAL CIRCUIT

Civil Action No.: 2014-CP-20-00011

RECEIVED

ORDER

JUN 30 2016

SC Court of Appeals

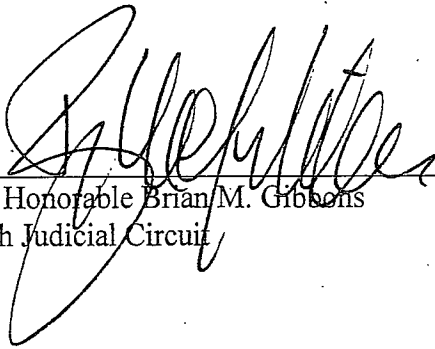
This matter comes before the Court by way of Plaintiff Bi-Lo, LLC's Motion to Alter or Amend pursuant to Rule 59, SCRPC. Specifically, Plaintiff asks this Court to reconsider its Order of February 18, 2016, granting Defendant National Union Fire Insurance Co. of Pittsburgh, PA's Motion for Summary Judgment.

"The purpose of Rule 59(e), SCRPC, to alter or amend the judgment[,] is to request the trial judge to 'reconsider matters properly encompassed in a decision on the merits.'" *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992) (quoting *Budinich v. Becton Dickinson and Co.*, 486 U.S. 196, 200, 108 S.Ct. 1717, 100 L.Ed.2d 178 (1988)). A motion to alter or amend is not an opportunity for a party to reargue its case. *See Collins Music Co., Inc. v. IGT*, 353 S.C. 559, 579 S.E.2d 524 (Ct. App. 2002). Additionally, "[a] party cannot use a motion to reconsider to present an issue he could have raised prior to judgment but did not." *Anderson Mem'l Hosp., Inc. v. Hagen*, 313 S.C. 497, 498, 443 S.E.2d 399, 400 (Ct. App. 1994) (citing *C.A.G. v. L.H.*, 315 S.C. 389, 434 S.E.2d 268 (1993)).


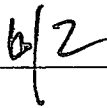
After careful consideration of the record in this case, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds

no error of laws or facts not appropriately considered. Accordingly, this Court DENIES Plaintiff's Motion pursuant to Rule 59(e), SCRPC to reconsider this Court's Order filed February 18, 2016.

IT IS SO ORDERED.



The Honorable Brian M. Gibbons
Sixth Judicial Circuit


_____, South Carolina

_____, 2016