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SC Court of Appeals

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) FOR THE ELEVENTH JUDICIAL CIRCUIT

U.S. #1 METRO FLEA MARKET, INC., et al.,
Plaintiffs - Respondents,

-vs-

MAMIE JACKSON,

Defendant - Appellant.

Civil Action No. 2011-CP-32-00358

66057

ORDER REGARDING MOTION TO STRIKE

FILED

Ms. Mamie Jackson filed a motion designated as a Motion to Strike. The motion is dismissed as being untimely.

WPL #1

The current motion was filed on September 18, 2012. It was mailed to the court by United States mail, postmarked September 20, 2012, and received by the court today. The motion asks to strike various sections of an order issued on August 7, 2012. That order was from a motion filed by Ms. Jackson seeking relief from a previous order under Rule 60, SCRCP. The current motion states that Ms. Jackson received the order denying the Rule 60 motion on August 25, 2012. It appears to be asking for relief under Rule 59, SCRCP, requesting the court to alter or amend the August 7 order. The court is unaware of any other mechanism in this context that would allow for a litigant to ask the court to strike sections of an order that has been issued. Motions to strike typically relate to requests to strike sections of pleadings, not orders.

Rule 59(e), SCRCP reads:

> **Motion to Alter or Amend a Judgment.** A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.

Since the motion was not filed in a timely manner, the motion is dismissed.

THEREFORE, IT IS ORDERED that the Motion to Strike is dismissed.

AND IT IS SO ORDERED.

William P. Keesley
Judge

Edgefield, South Carolina

September 24, 2012

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FILED
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CLERK OF COURT
EDGEFIELD SC