STATE OF SOUTH CAROLINA COUNTY OF COLLETON	)	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT
Ashley Reeves as Personal Representative for the Estate of Albert Carl "Bert" Reeves, Plaintiff, vs. South Carolina Municipal Insurance and Risk Financing Fund [SCMIRF] Defendant.	)	Civil Action No. 2014-CP-15-135 **ORDER**

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SC Court of Appeals

This matter comes by way of Plaintiff's Motion to Reconsider filed on July 6, 2016 and Defendant's Motion to Reconsider filed on July 11, 2016 pursuant to SCRCP 59(e). Defendant's Motion to Reconsider asks this Court to alter or amend its ruling in the Court's Order, dated June 24, 2016, which granted Plaintiff's Motion for Summary Judgment and denied Defendant's Motion for Summary Judgment as to issue one set forth in the Plaintiff's Amended Complaint. Plaintiff's Motion to Reconsider asks this Court to alter or amend its ruling in the same Order, dated June 24, 2016, which granted Defendant's Motion for Summary Judgment and denied Plaintiff's Motion for Summary Judgment as to issue two.

A motion made pursuant to Rule 59(e) "may in the discretion of the court be determined on briefs filed by the parties without oral argument." SCRCP 59(f). The Court may decide a Rule 59(e) motion without oral argument or additional briefs when the moving party has submitted a motion that sets forth arguments on the issues raised. Pollard v. County of Florence, 314 S.C. 397, 444 S.E.2d 534 (Ct. App. 1994). The Court exercises its discretion to decide the

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Motions to Reconsider without oral argument and both the Plaintiff and Defendant have submitted memorandum regarding these motions.

"The purpose of Rule 59(e), SCRCP, 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), (*citing* Budinich v. Becton Dickinson and Co., 486 U.S. 196, 200, 108 S.Ct. 1717, 1720, 100 L.Ed.2d 178, 184 (1988) (*citing* White v. New Hampshire Dept. of Employment Security, 455 U.S. 445, 451, 102 S.Ct. 1162, 1166, L.Ed.2d 325, 330-31 (1982)).A Rule 59(e) motion, in essence, asks the Court to reconsider "all relevant facts, law, and arguments" to determine whether "it is has ruled wrongly". I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000).

With respect to Defendant's Motion for Reconsideration as to issue one, the Court has again reviewed and considered the parties' arguments and submissions, the transcript of the hearing, and the applicable law regarding the parties' Motions for Summary Judgment. I find my Order dated June 24, 2016 properly granted Plaintiff's Motion for Summary Judgment and denied Defendant's Motion for Summary Judgment as to issue one. Accordingly, Defendant's Motion for Reconsideration is respectfully DENIED.

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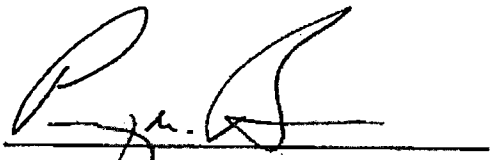
With respect to Plaintiff's Motion for Reconsideration as to issue two, Plaintiff requests that the Court amend its Order, dated June 24, 2016, to find that the South Carolina Tort Claims Act does not apply and limit a claim for breach of contract. However, the issue before this Court, as stated in the stipulated issues, is "would a *tort claim* for bad faith brought against SCMIRF be subject to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10 et seq.?" *Stipulation of Facts and Issues*, at p. 4. Therefore, the issue raised in Plaintiff's Motion is not presently before this Court and Plaintiff's Motion for Reconsideration is respectfully DENIED.

AND IT IS SO ORDERED!



Perry M. Buckner, III

Dated: July 19, 2016

Walterboro, South Carolina

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