

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)
Bank of North Carolina,)
Plaintiff,)
vs.)
Anthony Whitfield and Cindy Whitfield,)
Defendants,)
Anthony Whitfield,)
Third Party Plaintiff,)
vs.)
David Swanson,)
Third Party Defendant.)

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT
CASE NO.: 2014-CP-18-1793

**ORDER DENYING
MOTION TO RECONSIDER**

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DORCHESTER COUNTY

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SC Court of Appeals

This matter comes before the Court on Defendant/Third-Party Plaintiff Anthony Whitfield’s motion to reconsider filed on July 25, 2016 pursuant to Rule 59(e), SCRPC. Defendant/Third-Party Plaintiff Whitfield’s motion to reconsider asks the Court to alter or amend its ruling in the order dated July 15, 2016, which granted Third-Party Defendant David Swanson’s motion to dismiss. A hearing was held on August 26, 2016. Counsel for Plaintiff Bank of North Carolina, Defendant/Third-Party Plaintiff Anthony Whitfield, and Third-Party Defendant David Swanson were present.

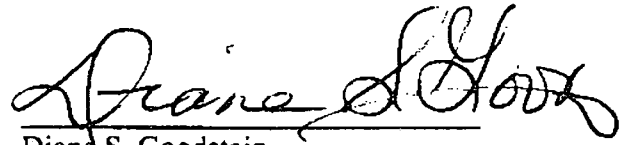
“The purpose of Rule 59(e), SCRPC, to alter or amend the judgment[,] is to request the trial judge to ‘reconsider matters properly encompassed in a decision on the merits.’” Pye v. Estate of Fox, 369 S.C. 555, 633 S.E.2d 505, 511 (2006) (quoting Arnold v. State, 309 S.C. 157, 420 S.E.2d 834, 842 (1992)). A party may request that a trial court reconsider its prior ruling where

the party believes the trial court misunderstood, failed to fully consider, or overlooked an argument or issue. Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772, 780 (2004).

The Court has again reviewed and considered the parties' arguments and submissions, the pleadings in this action and the related foreclosure actions, and the applicable law regarding the motion to dismiss. The Court finds that the order dated July 15, 2016 properly granted Third-Party Defendant Swanson's motion to dismiss. Accordingly, Defendant/Third-Party Plaintiff Whitfield's motion to reconsider is respectfully DENIED.

IT IS SO ORDERED.

This 23 day of September, 2016


Diane S. Goodstein
Circuit Court Judge

 St. Gray, South Carolina