

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 Barry Wright)
)
 Plaintiff,)
)
 -vs-)
)
 Henry Smith)
)
 Defendant)

IN THE COURT OF COMMON PLEAS
 FIRST JUDICIAL CIRCUIT
 CASE NO.: ~~2015-CP-38-01104~~

RECEIVED
 MAR 31 2017
 SC Court of Appeals

ORDER ON PLAINTIFF'S MOTION FOR RECONSIDERATION

FILED FOR RECORD
 WINNIEFA B. CLARK
 2017 MAR 10 9:43
 CLERK OF COURT
 ORANGEBURG, SC

PROCEDURAL HISTORY

This matter appears before this Court upon the Plaintiff's Motion for Reconsideration of the Court's Final Order issued following the trial of this matter on September 7, 2016. The Final Order was entered in the Clerk of Court's Office for Orangeburg County on September 30, 2016.

The Plaintiff has also made an alternative request for a new trial pursuant to Rule 60 of the Rules of Civil Procedure.

JURISDICTION

This matter appears before the Court upon the Plaintiff's Motion for Reconsideration of this Court's decision in this matter pursuant to Rule 59 of the Rules of Civil Procedure for the State of South Carolina. The Plaintiff has also added as an additional ground for the Court to consider a request to grant the parties a new trial pursuant to Rule 60 of the Rules of Civil Procedure.

This Court finds and holds that this Court retains in personum jurisdiction of the parties and subject matter herein. Further, venue is proper.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ATTEST: TRUE COPY

Winniefa B. Clark

CLERK OF COURT
 ORANGEBURG COUNTY, SC

This matter was a non-jury trial before this Court on September 7, 2016. This Court heard all of the testimony and examined all of the evidence presented by the parties and issued its Final Order dated September 29, 2016.

Thus, this Court finds that no additional hearing or argument of Counsel will aide this Court in deciding this matter. See Pollard v. County of Florence 314 S.C. 397, 444 SE 2d 534.

Whether to have a hearing on a Motion for Reconsideration is left to the discretion of the trial Court.

HOLDING


After due deliberation and a review of the applicable law and the motion of counsel, I am denying the Plaintiff's motion in full. I have reviewed my notes as well as the evidence presented and find that there is nothing warranting the Plaintiff's Motion to Reconsider, for Relief from Judgment, to Amend, Alter, or Modify or to Reopen the September 7, 2016 hearing.

Thus, I hold that it is reasonable that the Plaintiff's Motion be denied.

IT IS THEREFORE ORDERED that the Plaintiff's motion to Reconsider, for Relief from Judgment, to Amend, Alter or Modify or to Reopen the trial of this matter be and hereby is denied.

AND IT IS SO ORDERED this 10th day of March, 2017.

Orangeburg, SC



Edgar W. Dickerson, Presiding Judge of the Court
of Common Pleas for the First Judicial Circuit