

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Caitlyn Langham,

Plaintiff,

vs.

Officer Russell Porter, City of Spartanburg
Police Department and Wal-Mart Stores, Inc.,

Defendants.

COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Civil Action No. 2016-CP-42-1280

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

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SC Court of Appeals

This matter came before the Court on February 28, 2017, upon Plaintiff Caitlyn Langham's (hereinafter, "Plaintiff") Motion for Reconsideration pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. Plaintiff requests the Court reconsider its dismissal of Plaintiff's causes of action for false imprisonment, defamation, and violations of 42 U.S.C. § 1983 against Defendant Wal-Mart Stores, Inc. (hereinafter "Walmart"), as memorialized in the Order dated November 15, 2016. Donald L. Smith appeared on behalf of Plaintiff and Randi Lynn Roberts appeared on behalf of Walmart.¹ For the reasons set forth herein, the Court finds that Plaintiff did not present any facts or issues that the Court failed to consider or rule upon in dismissing the aforementioned causes of action against Walmart. Therefore, the Court denies Plaintiff's Motion for Reconsideration.

NATURE OF THE CASE

Plaintiff filed her Complaint instituting the present action on April 8, 2016, alleging a cause of action against Walmart for malicious prosecution. *See* Pl.'s Compl. at ¶¶ 63-67. Additionally, Plaintiff asserts that Walmart is vicariously liable under the doctrine of *respondeat superior* for the alleged acts and omissions of Defendant Porter, against whom Plaintiff alleges

¹ Counsel for Defendants Officer Russell Porter and City of Spartanburg, Police Department was also present.

causes of action for violations of 42 U.S.C. § 1983, false imprisonment, defamation, and assault and battery. Walmart filed a Motion to Dismiss pursuant to Rule 12(b)(6), of the South Carolina Rules of Civil Procedures, requesting dismissal of Plaintiff's causes of action for false imprisonment, defamation, and violations of 42 U.S.C. §1983. Walmart did not move to dismiss Plaintiff's causes of action against it for assault and battery, through the theory of *respondet superior*, and malicious prosecution. After full consideration of all the evidence and arguments presented by the parties on Walmart's Motion to Dismiss, this Court dismissed Plaintiff's causes of action as alleged against Walmart for false imprisonment, defamation, and violations of 42 U.S.C. § 1983 in its Order filed November 15, 2016. Subsequently, Plaintiff filed the subject Motion for Reconsideration.

LAW/ANALYSIS

A Rule 59(e) motion is a vehicle to request the alteration or amendment of judgment as well as a vehicle to seek reconsideration of issues presented at the initial hearing or trial. *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 21, 602 S.E.2d 772, 778 (2004); *see, e.g., Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992) (finding the "purpose of Rule 59(e), SCRCPP, to alter or amend the judgment is to request the judge to reconsider matters properly encompassed in a decision on the merits"). "A party *may* wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." *Id.* at 24, 602 S.E.2d at 780 (emphasis in original). "A party *must* file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review." *Id.* (emphasis in original).

The Court hereby incorporates by reference its ruling as set forth in the Order dated November 16, 2016, including all citations therein to the relevant case and statutory law. Based

on the evidence appropriately in the record and the parties' arguments, the Court finds that Plaintiff does not present any evidence, issues, or facts that warrant the Court's altering, amending, or reconsidering its dismissal of Plaintiff's causes of action for false imprisonment, defamation, and violations of 42 U.S.C. § 1983. Thus, this Court denies Plaintiff's Motion for Reconsideration.

CONCLUSION

ACCORDINGLY, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff's Motion for Reconsideration is DENIED.

_____, 2017
Gaffney, South Carolina

The Honorable R. Keith Kelly



Spartanburg Common Pleas

Case Caption: Caitlyn Langham VS Russell Porter , defendant, et al
Case Number: 2016CP4201280
Type: Order/Other

It is so Ordered.

s/ R. Keith Kelly - 2165