

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

William A. Brozell

CASE NUMBER: 2016 CP-40-04639

Judith Haley

RECEIVED

PLAINTIFF(S)

DEFENDANT(S)

JUN 02 2017

Submitted by:

Attorney for: Plaintiff Defendant or Self-Represented Litigant

SC Court of Appeals

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other Dismissed without prejudice
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: Plaintiff's motion to Reconsider is Denied.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Keftrod

Judge Code 2164

Date 5/16/17

For Clerk of Court Office Use Only

This judgment was entered on the 7 day of May, 2017 and a copy mailed first class or placed in the appropriate attorney's box on this 18 day of May, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court

Janette W. McBride

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

William A. Brazell,)
)
Plaintiff,)

C/A No.: 2016-CP-40-04639

v.)
)
Judith Haley,)
)
Defendants.)

**ORDER
DENYING PLAINTIFF'S MOTION TO
RECONSIDER**

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JUN 02 2017

SC Court of Appeals

RICHLAND COUNTY
FILED
2017 MAY 17 PM 1:0
JEANE L. ...
C.C.P. ...

THIS MATTER came before the Court upon Plaintiff's Motion to Reinstate the Case and Motion to Reverse Dismissal on April 25th, 2017. Present at the hearing was Samuel M. Price Jr. for the Plaintiff, and the pro se Defendant.

Under SCRCP Rule 59(f), a Rule 59(e) motion "may in the discretion of the court be determined on the briefs filed by the parties without oral argument." Hence, the grant or denial of a Motion to Reconsider is within the discretion of the circuit court. Motions to Reconsider are limited in scope and are not to be used to repeat the same arguments previously presented. *Dockins v. Benchmark Commc'n*, 180 F.R.D. 294, 295 (D.S.C. 1998). A Motion to Reconsider cannot be granted where the moving party simply seeks to have the Court rethink its decision. *Id.*

Following the hearing and review of arguments and pleadings submitted by the parties, this Court denied Plaintiff's motion to reinstate the case and dismissed the case with prejudice. The Order was filed on April 25, 2017, and Plaintiff filed a Motion to Reconsider on May 10, 2017. After a review of the pleadings, and the motion and arguments therein, this Court denies Plaintiff's Motion to Reconsider without oral arguments presented.

The Court takes notice that Plaintiff's counsel missed several hearings and a roster meeting set by the Court, including December 5, 2016, January 4, 2017, and January 9, 2017. Judge Benjamin signed an order dismissing the case for lack of prosecution on January 25, 2017. At the April 25th hearing to reinstate the case, Plaintiff's counsel presented no valid argument to override Judge Benjamin's dismissal. Similarly, he presents no valid or new argument in his Motion for Reconsideration.

Therefore, after reviewing Plaintiff's Motion and the arguments within being duly noted, Plaintiff's Motion to Reconsider this Court's ruling on Plaintiff's Motion to Reinstate the Case is hereby **DENIED**.

IT IS SO ORDERED this 17 day of May, 2017.

R. Hood

The Honorable Robert E. Hood
Presiding Judge