

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 DAVID SCOT LYND,)
)
 Plaintiff,)
)
 vs.)
)
 DAWN CALDWELL,)
 INDIVIDUALLY AND IN HER)
 CAPACITY AS AN OFFICER OF)
 THE ISLE OF PALMS POLICE)
 DEPARTMENT, AND SOUTH)
 CAROLINA LAW)
 ENFORCEMENT DIVISION,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-2824

ORDER

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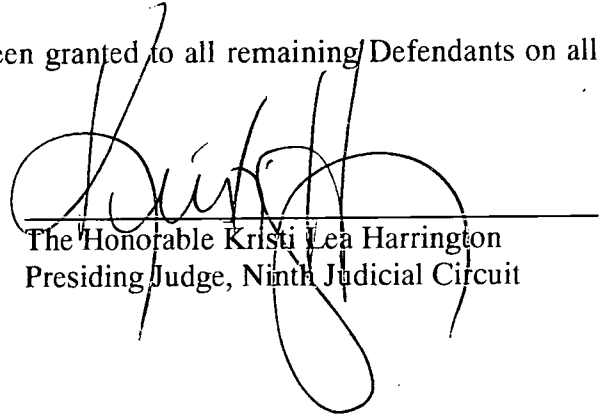
Motions for Summary Judgment by Defendants South Carolina Law Enforcement Division and Dawn Caldwell were heard by this Court on April 26, 2016. The Motions were granted pursuant to formal orders of this Court filed on May 11, 2016. Plaintiff David Scot Lynd filed a Motion for Relief from Orders Granting Summary Judgment on June 22, 2016. By Form 4, this Court denied Plaintiffs Motion for Relief on August 11, 2016.

The Plaintiff asserts the Motion is filed under SCRCP 60(b)(3), claiming fraud, misrepresentation, or other misconduct of Defendants, and thus requesting relief from judgment. Rule 60(b)(3) requires "extrinsic fraud," or "fraud that induces a person not to present a case or deprives a person of the opportunity to be heard." *See Raby Const., L.L.P. v. Orr*, 358 S.C. 10 (2004). The Plaintiff's Motion for Relief failed to prove conduct demonstrating extrinsic fraud to warrant granting relief under SCRCP 60.

If the Court considered this a Motion to Reconsider Judgment pursuant to SCRCP 59(e), the Motion is untimely and without merit. The Motion was filed and served long after the statutory period which allows ten days after receipt of the written notice of the entry of the order. The Plaintiff failed to present any new information or argument that was not presented at the full hearing on the Motions for Summary Judgment.

Therefore, it is ordered that the case Plaintiff's Motion for Relief from Judgment filed June 22, 2016 is denied. As summary judgment has been granted to all remaining Defendants on all claims, this case is ended.

February 26, 2018



The Honorable Kristi Lea Harrington
Presiding Judge, Ninth Judicial Circuit