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SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF JASPER)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

LPP Mortgage, Inc. f/k/a LPP Mortgage Ltd.,)

Civil Action No. 2017-CP-27-00147

Plaintiff,)

**ORDER DENYING DEFENDANT'S
MOTION FOR
RECONSIDERATION**

vs.)

Jenice J. Jefferson,)

Defendant.)

Before this Court is Defendant's Motion for Reconsideration of this Court's September 13, 2017 Order denying Defendant's Motion for Leave to File a Third-Party Complaint against the mortgage servicer brought pursuant to Rule 59(e), SCRPC. A telephonic hearing was held on the Motion for Reconsideration on February 2, 2018. Having reviewed the arguments and authorities presented by the parties in this matter, the Court hereby orders the Motion for Reconsideration be **DENIED**. The Court's reasoning is as follows:

1. South Carolina law provides that a Motion to Reconsider pursuant to Rule 59(e), SCRPC, is appropriate when a party "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" or when "an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review." *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004).
2. The Court fully considered both the application of Rules 14 and 15, SCRPC in denying Defendant's Motion for Leave to file a Third-Party Complaint. Because Defendant was required to obtain leave of Court pursuant to Rule 14(a) ("Otherwise *he must obtain*

leave on motion upon notice to all parties to the action”) before filing the third-party complaint, the Court had to first determine whether an amendment should be granted as an initial matter. The Court did so, denying the amendment within its discretion based on futility. Defendant has not established any error in the ruling nor any credible grounds for reconsideration under Rule 59 (e).

3. Further, contrary to Defendant’s assertions, the Court’s order fully addressed the alleged torts of the mortgage servicer in its careful discussion of fundamental agency law principles. The order expressly states that “[a]s the agent of the Plaintiff, the actions of the mortgage servicer are imputable to the Plaintiff. Under general rules of agency law, when an agent acts with apparent authority of the principal, the acts are attributable to the principal. All issues surrounding the subject note and mortgage can be resolved between the two parties already involved in the action.” *See* Sept. 13, 2017 Order (internal citations omitted).
4. The fact that Defendant does not agree with the Court’s holding on this issue does not warrant a Rule 59(e) motion to reconsider. The Court understood Defendant’s allegations and properly considered the information presented.
5. Defendant fails to satisfy the standard for altering or amending a judgment under Rule 59(e). Defendant states no valid basis for reconsideration.
6. Therefore, having reviewed this matter and being sufficiently advised, it is ordered that Defendant’s Motion to Reconsider the Court’s September 13, 2017 Order is hereby **DENIED**.

IT IS SO ORDERED.



Benjamin C.P. Sapp
Special Referee for Jasper County

Jasper, South Carolina

Date: Feb 28, 18