

STATE OF SOUTH CAROLINA FILED - RECORDED THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER 2017 APR -3 AM 11:07 FIRST JUDICIAL CIRCUIT
Case No. 2016-CP-18-1706

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Molly Morpew,

Plaintiff,

vs.

Stephen Dudek, Doreen Cross, David
Collins, Allison Williams, First Federal,
Michael Scarafile, Susan Nicholson,
Carolina One Real Estate, Carrie Boyer,
Woody Law Firm,

Defendants.

**ORDER DENYING PLAINTIFF MOLLY
MORPHEW'S MOTION FOR
RECONSIDERATION**

RECEIVED

DEC 12 2018

SC Court of Appeals

Presiding Judge:

Date of Hearing:

Plaintiff's Counsel:

Defendant Dudek & Cross's Counsel:

Defendant Williams and First Federal's Counsel:

Defendant Woody Law Firm & Carrie Boyer's Counsel:

Defendant Scarafile, Nicholson, Collins,

& Carolina One's Counsel:

Court Reporter:

Hon. Deadra L. Jefferson

November 7, 2016

Molly Morpew, *Pro Se*

Steve Smith, Esq.

Jordan Crapps, Esq.

Claude PreVoust, Esq.

Steve Smith, Esq.

Karen Andersen

THIS MATTER is before the Court on *Pro Se* Plaintiff Molly Morpew's Motion for Reconsideration filed February 15, 2017. The Court was not served with this Motion for Reconsideration by *Pro Se* Plaintiff Molly Morpew, and was instead notified by the Dorchester County Clerk of Court's Office of this outstanding Motion on February 23, 2017. Plaintiff moves, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, for this Court to Reconsider its Order Granting in Part and Denying in Part the following Motions: (1) Defendants Michael Scarafile, Susan Nicholson, Carolina One Real Estate and David Collins' Motion to Dismiss; (2) Defendants Stephen Dudek and Doreen Cross' Motion to Dismiss; (3) Defendants Allison

Williams and First Federal's Motion to Dismiss; and (4) Defendants Woody Law Firm and Carrie Boyers' Motion to Dismiss. The Orders addressing these Motions were signed January 26, 2017, with the exception of the Order addressing Defendants Dudek and Cross' Motion to Dismiss, which was signed January 25, 2017. All the Orders were subsequently filed on January 31, 2017.


Upon receipt of Plaintiff Motion to Reconsider, this Court gave all Defendants the opportunity to respond. Defendants Michael Scarafile, Carolina One Real Estate, David Collins, and Susan Nicholson relied on their previous written submissions and oral arguments propounded at the hearing in opposing the motion. Defendants Stephen Dudek and Doreen Cross also relied on their previous written submissions and oral arguments propounded at the hearing in opposing the motion. Defendants Allison Williams and First Federal additionally relied on their previous written submissions and arguments propounded at the hearing in opposing the motion. Defendants Woody Law Firm and Carrie Boyer filed a written response in opposition to Plaintiff's Motion to Reconsider. The written response was received by this Court on February 27, 2017 and subsequently filed March 2, 2017. Defendants Woody Law Firm and Carrie Boyer's Response in Opposition reiterates their previous arguments propounded at the hearing. Having considered Plaintiff's Motion, as well as the various interests balanced by the Court at the time of the ruling, Plaintiff's Motion for Reconsideration is hereby denied.

Rule 59(e) of the South Carolina Rules of Civil Procedure states that "(a) motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of entry of the order." Rule 59(e), SCRPC. The purpose of Rule 59(e), SCRPC, to alter or amend the judgment is to allow the parties liberal opportunity to move for the trial judge to reconsider matters properly encompassed in a decision on the merits, regardless of whether the issues and arguments have been previously presented. "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. 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.” Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (emphasis in original). “A party cannot use a motion to reconsider to present an issue he could have raised prior to judgment but did not.” Anderson Memorial Hosp., Inc. v. Hagen, 313 S.C. 497, 498, 443 S.E. 2d 399, 400 (Ct. App. 1994) (citing C.A.H. v. L.H., 315 S.C. 389, 434 S.E. 2d 268 (1993)). See Arnold v. State, 309 S.C. 157, 172–73, 420 S.E.2d 834, 842 (1992). Further, pursuant to SCRCF Rule 59(g), “a party filing a written motion under this rule shall provide a copy of the motion to the judge within ten (10) days after the filing of the motion.”

Accordingly, Plaintiff’s Motion for Reconsideration is denied because it does not comply with SCRCF Rule 59(g) which requires Plaintiff to provide the Court with a copy of this motion. Alternatively, after reviewing the record in its entirety, Plaintiff presented no novel facts, arguments, or theories in support of her Motion for Reconsideration. Moreover, Plaintiff has not highlighted any portions of the record this Court may have misunderstood, failed to fully consider, or perhaps failed to rule on. Accordingly, Plaintiff’s Motion to Reconsider is hereby DENIED.¹

IT IS SO ORDERED.


Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

March 15, 2017
Charleston, South Carolina
At Chambers

¹ This Motion is disposed of without the necessity of a hearing and decided on the record, written motion, and briefs. Rule 59(f), SCRCF; Pollard v. City of Florence, 314 S.C. 397, 401–402, 444 S.E.2d 534, 536 (Ct. App. 1994).

FORM 4

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

FILED - RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2016CP1801706

2017 APR -3 AM 11:07

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Stephen Dudek
David Collins
First Federal
Susan Nicholson
Carrie Boyer

Doreen Cross
Allison Williams
Michael Scarafie
Carolina One Real Estate

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 12(d), SGRCP (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other: _____

RECEIVED
DEC 12 2018
SC Court of Appeals

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; (format order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT 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 (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Deadra L. Jefferson
Circuit Court Judge

2128
Judge Code

4/3/2017
Date

For Clerk of Court Office Use Only

This judgment was entered on 4/3/2017, and a copy mailed first class or placed in the appropriate attorney's box on 4/3/2017, to attorneys of record or to parties (when appearing pro se) as follows:

Molly M Morpew 788 E. Butternut Road Summerville, SC
29483

Michael Christopher Scarafie 4024 Salt Pointe Parkway N.
Charleston, SC 29405

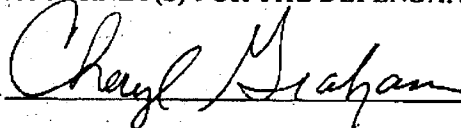
Steven L. Smith/Zachary James Closser /Samuel Melvil
Wheeler 7455 Cross County Rd., Suite 1 PO Box 40578
Charleston, SC 29423-0578

Amy L.B. Hill/Jordan Michael Crapps PO Box 7368
Columbia, SC 29202

Amy Lynn Neuschafer /William Alfred Bryan Jr. 11945
Grandhaven Drive Suite D Murrells Inlet, SC 29576

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
