

IN THE STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
CA NO. 2018-CP-18-49

Ryan Sigal, Ryan Miller, and Jeffrey Ward,)
)
)

Plaintiffs,)

vs.)

Shelly Leeke Law Firm, LLC, and Shelly Leeke,)
)
)

Defendants.)
)

**ORDER DENYING MOTION
FOR CLARIFICATION**

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2018-CP-10-0333

Shelly Leeke Law Firm, LLC,)
)
)

Plaintiff,)

v.)

Brandon Dawson and Miller, Dawson, Sigal & Ward, LLC f/k/a/ Dawson Law Firm, LLC,)
)
)

Defendants.)
)

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SC Court of Appeals

This matter is before the Court on the motion of Ryan Sigal, Ryan Miller, Jeffrey Ward, Brandon Dawson and Miller, Dawson, Sigal & Ward, LLC, (collectively "MDSW") by and through their undersigned attorneys, for a clarification of this Court's Order Granting Motions to Enforce Settlement issued by the Court on January 22, 2019 (hereinafter the "Order"), which resolved a dispute between the parties regarding the unambiguous terms of a settlement entered at mediation.



“Generally, a trial judge loses jurisdiction over a case when the time to file post-trial motions has elapsed.” *Russell v. Wachovia Bank, N.A.*, 370 S.C. 5, 20, 633 S.E.2d 722, 730 (2006). Likewise, except for the limited purpose of correcting clerical errors, “[a] trial court does not have the power to alter or amend a final order if more than ten days passes and no Rule 59(e) motion has been served, nor does a trial court have any power to grant the moving party an extension of time in which to file a Rule 59(e) motion.” *Overland, Inc. v. Nance*, 423 S.C. 253, 256-57, 815 S.E.2d 431, 433 (2018). “The failure to serve a Rule 59(e) motion within ten days of receipt of entry of the order converts the order into a final judgment, and the aggrieved party’s only recourse is to file a notice of intent to appeal.” *Id.*

Here, while MDSW’s motion is titled a “Motion for Clarification,” it nonetheless seeks to alter or amend the Court’s January 22, 2019 Order, and thus is treated as a Rule 59(e) motion. Since the motion was not served within the applicable timeframe, the Court no longer has any power to alter or amend the January 22, 2019 Order. For these reasons, MDSW’s Motion for Clarification is hereby denied.

IT IS SO ORDERED.

The Honorable Maite D. Murphy

_____, 2019
Charleston, South Carolina



Dorchester Common Pleas

Case Caption: Ryan Sigal , plaintiff, et al VS Shelly Leeke Law Firm Llc ,
defendant, et al
Case Number: 2018CP1800049
Type: Order/Other

So Ordered

s/ Maite Murphy 2166

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