

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Civil Action No. 2015-CP-10-5000

Jim Washington,

Plaintiff,

vs.

Trident Medical Center, LLC,

Defendants.

RECEIVED

APR 15 2019

SC Court of Appeals

**ORDER DENYING PLAINTIFF'S
MOTION TO ALTER/AMEND
JUDGMENT**

FILED
MAR 18 AM 9:30
J. ARISTON
CLERK OF COURT

Presiding Judge:
Plaintiff's Attorney:
Defendants' Attorneys:

Hon. Deadra L. Jefferson
Pro Se
Blake Williams, Esq.
Dave Batten, Esq.

Date of Hearing:
Court Reporter:

February 7, 2019
Melissa Singletary

THIS MATTER comes before this Court by way of Plaintiff's Motion to Reconsider and "Motion to Vacate" asking this Court to alter or amend its Order Denying Plaintiff's Motion to Vacate Judgment and Motion to Amend Pleadings, filed February 14, 2019. Plaintiff served and filed its Motion to Reconsider/Vacate on February 22, 2019. The Defendant served its response in opposition to the Motion on March 7, 2019, and it was subsequently filed on March 8, 2019. Having considered the Plaintiff's Motion, as well as the various interests balanced by the Court at the time of the ruling, the Defendants' Motion to Reconsider/Vacate is hereby denied.¹

"The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to reconsider matters properly encompassed in a decision on the merits." Arnold v. State, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992). "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

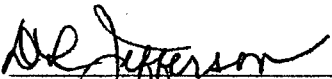
¹ This Motion is disposed of without the necessity of a hearing and decided on the record and briefs. Rule 59(f), SCRCP; Pollard v. City of Florence, 314 S.C. 397, 401-402, 444 S.E.2d 534, 536 (Ct. App. 1994).

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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 also Arnold v. State, 309 S.C. 157, 172–73, 420 S.E.2d 834, 842 (1992).

The Plaintiff presented no novel facts, arguments, or theories in support of the Motion to Reconsider/Vacate the Judgment. The Defendants have not highlighted any portions of the record this Court may have misunderstood, failed to fully consider, or perhaps failed to rule on. Accordingly, the Motion to Alter/Amend Judgment is hereby DENIED.

IT IS SO ORDERED.



Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

14th day of March, 2019
Charleston, South Carolina

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