

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

) CASE NO.: 2015-CP-07-869

PEDRO MENDOZA AND PASTOR
MENDOZA,

) ORDER
) on
) PLAINTIFFS' RULE 60 AND RULE 59
) MOTIONS

Plaintiffs,

v.

) RECEIVED

THE BEAUFORT COUNTY SCHOOL
DISTRICT,

) MAY 16 2019
) SC Court of Appeals

Defendant.

This matter came before me for consideration of Plaintiffs' Rule 60 Motion for Relief From Order and, thereafter, if granted, the Plaintiffs' Rule 59 Motion for Reconsideration to Alter or Amend. Present for the hearing were Bernard McIntyre, Esquire, attorney for the Plaintiffs, and R. Nicholas Felix, Esquire, attorney for the Defendant.

Following the presentation of counsel I took the matter under consideration at the request of counsel to afford the parties an opportunity to engage in post-trial negotiations and settlement efforts. The parties having endeavored the same and the matter remaining unresolved the parties through counsel jointly requested I rule on Plaintiffs' motions.

Now therefore, upon consideration of the Plaintiffs' Motions and the Defendant's Returns together with the exhibits attached thereto and the evidence reference therein, the pleadings and filings of record, the statutory and common laws of the State of South Carolina, and the South Carolina Rules of Civil Procedure, I hereby find as follows:

1. Rule 60, SCRCP Motion: Plaintiffs made sufficient showing that question exists regarding the Plaintiffs' actual receipt of notice of filing of the Final Order. Plaintiffs' motion pursuant to Rule 60 on the grounds of inadvertence and excusable neglect is granted and therefore

Plaintiffs motion for reconsideration to alter or amend the Final Order pursuant to Rule 59 is deemed timely filed.

2. Rule 59, SCRPC Motion: The Final Order of the Court makes sufficient and specific findings of fact and conclusions of law on the issues raised in Plaintiffs' Rule 59 motion. The Defendants Motion for Summary Judgment was taken under advisement pending presentation of the Plaintiffs' case. The Defendant's Motion for Summary Judgment and the Defendants Motion for Directed Verdict were denied following the Plaintiffs' case. I carefully considered the credibility of the witnesses and the weight of the evidence. I also afforded the parties opportunity to submit post-trial briefs in furtherance of their respective positions which both parties did. I did not issue the Final Order until after presentation of all witnesses and submission of all evidence. Plaintiffs Rule 59 motion for reconsideration to alter or amend the Final Order of the Court is denied.

AND IT IS SO ORDERED.

Marvin H. Dukes, III
Master-In-Equity and Special Circuit
Court Judge

Beaufort, South Carolina

_____, 2019.



Beaufort Common Pleas

Case Caption: Pedro Mendoza , plaintiff, et al VS Beaufort County School District
, defendant, et al
Case Number: 2015CP0700869
Type: Master/Order/Other

So Ordered:

s/Marvin H. Dukes III #3069