

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
Patricia B. Holliday, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Ross S. Holliday, )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

Case No.: 2018-CP-10-00872

ORDER ON PLAINTIFF'S MOTION  
TO ALTER/AMEND JUDGMENT

RECEIVED  
DEC 9 2019  
SCRP of Appeals

Presiding Judge: Hon. Deadra L. Jefferson  
Plaintiffs' Attorney: Matthew Tillman, Esq.  
Defendant's Attorney: Alice Paylor, Esq.  
Date of Hearing: September 27, 2019  
Court Reporter: Elizabeth Harris

THIS MATTER comes before the Court by way of Plaintiff's Motion to Reconsider, Alter, or Amend Judgment pursuant to Rule 59 (e), SCRPC, filed October 29, 2019. Plaintiff asks the Court to Amend its Order, filed October 11, 2019 Granting Defendant's Motion for Summary Judgment. Plaintiff filed her Motion to Reconsider on October 29, 2019. Defendant filed his response in opposition to Plaintiff's Motion on November 1, 2019, and Plaintiff filed her Reply to Defendant's opposition on November 5, 2019. Having considered Plaintiff's Motion, as well as the various interests balanced by the Court at the time of the ruling, Plaintiff's Motion to Reconsider, Alter, or Amend is hereby Denied.<sup>1</sup>

"The purpose of Rule 59(e), SCRPC, 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 argument or issue, and the party wishes for the court to reconsider or rule on it. A

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

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).

Plaintiff’s Motion seeks only to reargue the issues on the same basis previously presented to the Court and presents no novel facts, arguments, or theories in support of the Motion to Alter or Amend the Judgment. 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 is heard and respectfully Denied.

**IT IS SO ORDERED.**

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Hon. Deadra L. Jefferson  
Presiding Judge  
Ninth Judicial Circuit

November \_\_\_\_\_, 2019  
Charleston, South Carolina



Charleston Common Pleas

**Case Caption:** Patricia B Holliday VS Ross S Holliday  
**Case Number:** 2018CP1000872  
**Type:** Order/Form 4

IT IS SO ORDERED.

s/D.L. Jefferson Ninth Judicial Circuit Judge 2128

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