

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

PTA-FLA, Inc.,

Case No. 2015-CP-40-1394

Plaintiff,

vs.

ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER

TW Telecom Holdings Inc., a Delaware
Corporation; and DOES 1-10, inclusive

Defendants.

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FEB 20 2020

SC Court of Appeals

RICHLAND COUNTY
FILED
2015 AUG 26 AM 11:28
JEANETTE W. MOSEBRO
C.C.P. & G.S.

This matter comes before the Court by way of Defendant's Motion to Alter or Amend the Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. Specifically, Defendant asks this Court to reconsider its Order Denying Defendant's Motion to Set Aside Entry of Default and For Late Answer filed July 16, 2015.


After careful consideration of the record in this case and the submissions of the parties, this Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or facts not appropriately considered.¹ Accordingly, this Court hereby **DENIES** Defendant's Motion under Rule 59(e) of the South Carolina Rules of Civil Procedure, to reconsider this Court's Order Denying Defendant's Motion to Set Aside Entry of Default

¹ Despite the appropriate and timely response to Plaintiff's Motion for Entry of Default and Defendant's counsel's reasoned argument on Defendant's Motion to Set Aside Default, this Court is still of the opinion that "good cause" for the default has not been established by a reasonable and specific explanation. Thus, reference to the *Wham* factors (*Wham v. Shearson Lehman Bros., Inc.*, 298 S.C. 462, 465, 381 S.E.2d 499, 501-02 (Ct. App. 1989)) is unnecessary because the predicate, "good cause," has not been established. According to the reasons propounded by Defendant's "gatekeeper for lawsuits" for default, almost any default could be excused. The Defendant's apparent policy of allowing itself to be noticed of lawsuits only by email from its agent for service of process, CT Corporation System, presumably with no hard copy to follow, invites the type of situation confronted by Defendant in this case.

filed July 16, 2015. Furthermore, pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary.

IT IS SO ORDERED.

Columbia, South Carolina
August 25, 2015



G. Thomas Cooper, Jr., Judge
Fifth Judicial Circuit

SCANNED