

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

Dennis Robert Mitton,)
)
)
Plaintiff,)
)
v.)
)
Danny James,)
)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

C.A. NO.: 2018-CP-21-03002

ORDER
RECEIVED
May 28 2020
SC Court of Appeals

This matter came before the Court on Defendant Danny James’ Motion to Alter, Amend or Reconsider pursuant to Rule 59(e) of the South Carolina Rule of Civil Procedure which was filed on May 1, 2020. Defendant seeks relief from this Court’s April 21, 2020 Order vacating its November 19, 2019 Order and reinstating the default judgment against Defendant in the amount of \$4,018,653.37. The Court hereby denies Defendant’s Motion with the exception of the following clarification to the Court’s April 21, 2020 Order.

The April 21, 2020 Order states: “On this date [August 15, 2019], Nettles was still employed with the Folkens Law Firm as evidenced by his communications with Mitton’s attorney during this timeframe. The Folkens Law Firm is not a releasee in the James Release.” In his Motion, Defendant submitted affidavits from Louis Nettles and Karl Folkens testifying to the fact that Mr. Nettles last date of employment with the Folkens Law Firm was May 31, 2019. The Court clarifies that nothing in the Court’s April 21, 2020 Order or this Order is meant to make any findings of facts related to the liability of the Folkens Law Firm in any potential professional malpractice claim related to this action. The question of whether Mr. Nettles or the Folkens Law Firm are liable for professional malpractice is a question for another court to determine at the appropriate time, and this Court’s April 21, 2020 Order should not be construed as making any

findings of fact related to this. As such, the Court hereby deletes the following sentences from its April 21, 2020 Order: “On this date, Nettles was still employed with the Folkens Law Firm as evidenced by his communications with Mitton’s attorney during this timeframe. The Folkens Law Firm is not a releasee in the James Release.”

As to all other issues raised in Defendant’s Motion to Alter, Amend, or Reconsider, the Court denies same as the Court has already considered the arguments raised in Defendant’s Motion. Accordingly, Defendant’s Rule 59(e) Motion to Alter, Amend, or Reconsider is hereby DENIED, except as modified hereinabove.

AND IT IS SO ORDERED.

The Honorable Michael G. Nettles
Presiding Judge, Twelfth Judicial Circuit

This ____ day of _____, 2019
_____, South Carolina



Florence Common Pleas

Case Caption: Dennis Robert Mitton VS Danny James

Case Number: 2018CP2103002

Type: Order/Other

So Ordered

s/ The Honorable Michael G. Nettles #2140