

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CASE NO. 2019-CP-40-03032

South Carolina Coastal Conservation)
League, Inc., Elizabeth M. Smith,)
Abraham B. Jenkins, Jr., and South)
Carolina Public Interest Foundation,)
)
Plaintiffs,)

RECEIVED
Aug 31 2020
SC Court of Appeals

vs.)

**ORDER DENYING PLAINTIFFS’
MOTIONS TO ALTER OR AMEND
ORDER GRANTING DEFENDANT
CHARLESTON COUNTY’S
MOTION TO DISMISS**

Charleston County, South Carolina,)
South Carolina Transportation)
Infrastructure Bank, and South)
Carolina Department of Transportation,)
)
Defendants.)

This Court issued the Order Granting Defendant Charleston County’s (“County”) Motion to Dismiss (“Order”) on February 24, 2020. On March 4, 2020, pursuant to Rule 59(e), SCRCF, the Plaintiff South Carolina Public Interest Foundation (“SCPIF”) filed a Motion to Alter or Amend the Order and Judgment Entered February 24, 2020. The SCPIF contends *inter alia* that “. . . the Order failed to address the claim that Charleston County violated the Penny Tax Act, S.C. Code Ann. § 4-37-10, ff., and broke their promises that the Penny Tax funds would not fund the Mark Clark Expressway Extension Project (“The Project”).” SCPIF Pl.’s Mot. Recons. 1. Equally, on March 5, 2020, pursuant to Rule 59(e), SCRCF, the Plaintiff South Carolina Coastal Conservation League, Inc. (“CCL”) Elizabeth M. Smith, and Abraham B. Jenkins Jr., (collectively “CCL Plaintiffs”) filed a Motion to Alter or Amend the Order and Judgment. CCL, Elizabeth M. Smith, and Abraham B. Jenkins Jr., contend that this Court,

. . . did not directly address the claim in the Second Amended Complaint alleging that Charleston County passed a supplemental appropriation ordinance on February 12, 2019, appropriating Half-Cent revenue, without providing the required fifteen

day public notice and the three ordinance readings, in violation of S.C. Code Ann. §§ 4-9-120 and -130.

CCL Pl.s' Mot. Recons. 1.

Although the Plaintiffs timely filed their motions pursuant to Rule 59(e), SCRCPP, neither of the Plaintiffs provided the Court with a copy of these motions in accordance with Rule 59(g) SCRCPP. Therefore, based upon the failure of the Plaintiffs to comply with Rule 59(g) SCRCPP, I deny the Plaintiffs' motions to alter or amend. See, Smith v. Fedor, 422 S.C. 118, 126 (Ct.App. 2017) (“ . . . trial court may deny the motion solely on the basis of the rule.”)

THEREFORE, IT IS ORDERED that the Plaintiffs' motions to alter or amend are denied.

AND IT IS SO ORDERED.

Honorable L. Casey Manning
Fifth Judicial Circuit

Columbia, South Carolina
_____, 2020



Richland Common Pleas

Case Caption: South Carolina Coastal Conservation League Inc , plaintiff, et al vs
Charleston County South Carolina , defendant, et al

Case Number: 2019CP4003032

Type: Order/Amend

So Ordered

s/L. Casey Manning, 2061