

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

James Earl Tegeler,)
)
Plaintiff,)
)
vs.)
)
Charlotte Collier, Hannah Elizabeth)
Collier, Linda Smith, and)
Northgate Baptist Church,)
)
Defendants.)
_____)

THE COURT OF COMMON PLEAS
C.A. No. 2020-CP-2301213

RECEIVED
Nov 19 2020
SC Court of Appeals

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION TO ALTER OR AMEND A JUDGMENT AND MOTION FOR RELIEF FROM JUDGMENT

I. RELEVANT PROCEDURAL HISTORY

This matter came before the Court on August 18, 2020, at 10:30 a.m., in Greenville County, South Carolina, Thirteenth Judicial Circuit upon each defendants’ respective dispositive motions,¹ including Defendant Northgate Baptist Church’s (hereinafter “Northgate”) Motion to Dismiss (“Motion to Dismiss”) pursuant to South Carolina R. Civ. P. 12(b)(6). Northgate filed its Motion on March 25, 2020. Northgate filed its Memorandum in Support of its Motion to Dismiss (“Northgate’s Memo”) on August 13, 2020. Thereafter, Plaintiff filed his response to Northgate’s Memo on August 17, 2020. Attorney S. Michael Nail of Ogletree Deakins Nash Smoak & Stewart, P.C. was present representing the interests of Northgate. Attorney Amy M. Snyder was present representing the interests of defendant, Charlotte Collier. Attorney Daniel R. Hughes was present

¹ The procedural history and merits of the other defendants’ motions are addressed in separate orders.

representing the interests of defendants, Hannah Collier and Linda Smith. Attorney Deborah D. Davis was present representing the Plaintiff.

On August 18, 2020, the Court issued a Form 4 Order GRANTING Northgate's Motion to Dismiss, *with prejudice*. On August 28, 2020, Plaintiff filed a Motion for Reconsideration to Alter or Amend a Judgment and Motion for Relief from Judgment ("Plaintiff's Motion"). On September 3, 2020, Northgate filed its response to Plaintiff's Motion. On September 8, 2020, the Court issued a written order GRANTING Northgate's Motion to Dismiss, *with prejudice*. On September 14, 2020, Plaintiff filed an Amended Notice and Motion for Reconsideration to Alter or Amend a Judgment and Motion for Relief from Judgment ("Plaintiff's Amended Motion").² On September 15, 2020, Northgate filed its response to Plaintiff's Amended Motion ("Northgate's Response").

II. ORDER

Plaintiff's Motion and Amended Motion assert a variety of arguments, all of which the Court has previously considered or have been waived by Plaintiff because he did not present them at the Hearing or otherwise before the Court rendered judgment granting Northgate's Motion to Dismiss.

Thus, after a thorough review of the content of Plaintiff's Rule 59(E)³ and Rule 60(B) Motions filed with the Court in the above referenced matter, as well as Defendant Northgate's response, the Court finds nothing to support altering or modifying the previous orders entered by the Court in the matter dated August 18, 2020 and September 8, 2020.

² Plaintiff's Motion was filed before the Court's submission of a final order granting Northgate's Motion to Dismiss (September 8, 2020), rendering it premature and based off arguments at the hearing rather than a final order. Because Plaintiff's Amended Motion contains very similar arguments to those arguments contained in Plaintiff's Motion, Northgate's Response only addressed new assertions, which were underlined for the Court's ease of reference.

³ The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 59(f), SCRCP.

IT IS HEREBY ORDERED that Plaintiff's Rule 59(E) and Rule 60(B) motions are hereby DENIED.

This ____ day of November, 2020.

The Honorable Alex Kinlaw, Jr.



Greenville Common Pleas

Case Caption: James Earl Tegeler vs. Northgate Baptist Church , defendant, et al

Case Number: 2020CP2301213

Type: Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763