

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-08-00513

Aracelis Santos,

Plaintiff,

vs.

Harris Investment Holdings, LLC, City of
Hanahan, City of Hanahan Police Department,
John Doe #1 and John Doe #2, employees of
the City of Hanahan Police Department,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

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JUL 16 2021

SC Court of Appeals

The Plaintiff Aracelis Santos filed a motion asking this Court to reconsider its June 14, 2021 Order. Specifically, Plaintiff asks the Court to reconsider: (1) dismissal with or without prejudice (2) the standard of review (3) the basis for dismissal.

STANDARD OF REVIEW

Motions for reconsideration will not be granted absent "highly unusual circumstances." U.S. ex rel. Becker v. Washington Savannah River Co., 305 F.3d 284, 290 (4th Cir. 2002) (stating that simple disagreements with the court's ruling will not support Rule 59(e) relief).¹ Courts have recognized three circumstances in which a court should grant a Rule 59(e) motion: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Importantly, a motion for reconsideration is not a vehicle to re-litigate previously raised issues or "to raise argument or present evidence that could have been presented prior to the entry of judgment." Dash v. Mayweather, C/A No. 3:10-1036-JFA, 2010 U.S. Dist. LEXIS 95277, *2 (D.S.C. Sept. 13, 2010) (quoting Exxon Shipping Co. v.

¹ Rule 59 is substantially the same as the Federal Rule. *See* Elam v. S.C. Dep't of Transp., 361 S.C. 9, 21, 602 S.E. 2d 772, 779 (2004) ("Rule 59(e) in the South Carolina and federal rules of civil procedure is practically identical.").

Baker, 554 U.S. 471, n.5 (2008)). In other words, “[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Stevens & Wilkinson of S.C., Inc. v. City of Columbia, 409 S.C. 563, 567, 762 S.E.2d 693, 695 (2014); Patterson v. Reid, 318 S.C. 183, 185, 456 S.E.2d 436, 437 (Ct. App. 1995). Nor does “[a] party’s mere disagreement with the court’s ruling . . . warrant a Rule 59(e) motion.” In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Practices & Prods. Liab. Litig., 269 F.Supp. 3d 685, 691 (D.S.C. 2017); *see also* Lyons v. Fid. Nat’l Title Ins. Co., 415 S.C. 115, 135, 781 S.E.2d 126, 137 (Ct. App. 2015).

After consideration of the issues raised in Plaintiff’s motion, the Court hereby DENIES Plaintiff Aracelis Santos’ Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Berkeley Common Pleas

Case Caption: Aracelis Santos VS Harris Investment Holdings Llc , defendant, et al
Case Number: 2021CP0800513
Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2021-06-29 12:53:12 page 3 of 3

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Case Type:	Common Pleas	Case Sub Type:	Fraud/Bad Faith 150
Status:	Pending/ADR	Assigned Judge:	Clerk Of Court C P, G S, And Family Co
Disposition:		Disposition Date:	
Original Source Doc:		Original Case #:	
Judgment Number:		Court Roster:	

Case Parties **Judgments** **Tax Map Information** **Associated Cases** **Actions** **Financials**

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Santos, Aracelis	ADR/Alternative Dispute Resolution (Workflow)	Action	09/
Harris Investment Holdings Llc	Decline to Sign:Order/Dismissal	Filing	07/
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Santos, Aracelis	Order Denying Plaintiff's Motion to Reconsider	Order	06/
Harris Investment Holdings Llc	NEF(06-28-2021 10:26:45 AM) Order/Order Cover Sheet \$25....	Filing	06/
Harris Investment Holdings Llc	Order/Order Cover Sheet \$25.00	Filing	06/
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Santos, Aracelis	Memo/Memo in Opposition	Filing	05/

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Santos, Aracelis	Service/Acceptance Of Service on City Of Hanahan	Filing		03/
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