

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

First-Citizens Bank & Trust Company, Inc.

Plaintiff

-vs-

Justin K. Spires, Timothy J. Spires, Sr.,  
South Carolina Department of Probation,  
Parole and Pardon Services and Warren B.  
Giese as Solicitor,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CASE NO. 2019-CP-40-05698

**ORDER DENYING MOTION TO  
RECONSIDER**

**RECEIVED**

**Oct 21 2021**

**SC Court of Appeals**

The matter before the Court is a Motion to Reconsider filed by Defendants pursuant to Rule 59(e), SCRPC. Defendants move the Court to alter or amend its Order filed June 21, 2021, which denied Defendants' Motion for Relief from Default Judgment. Defendants' motion, filed July 1, 2021, is timely. Defendants' motion sets forth two grounds this Court should consider to alter or amend its Order.

A hearing was conducted on August 18, 2021. Theodore von Keller participated and argued on behalf of Plaintiffs. Shawn M. French, Sr. participated and argued on behalf of Defendants.

The purpose of a motion to alter or amend judgment is to ask the trial judge to reconsider matters contemplated in a decision on the merits. *Pye v. Estate of Fox*, 369 S.C. 555, 565-566, 633 S.E.2d 505, 510 (2006). "[I]t is proper to view a Rule 59(e) motion not only as a vehicle to request the trial court alter or amend the judgment, but also as a vehicle to seek reconsideration of issues and arguments." *Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 21, 602 S.E.2d 772, 778-779 (2004) (internal quotation marks omitted).

Based upon the record and evidence of this case, the arguments of counsel, and the foregoing, this Court can discern no new facts, legal theories or applications of law which were not previously considered by the Court in its June 21, 2021 Order. Defendants' two grounds upon which the Motion for Reconsideration is based were fully briefed and argued by counsel in their Motion for Relief from

Default and considered by the Court. Therefore, Defendants' Motion to Reconsider is denied.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiffs' Motion to Reconsider this Court's Order filed June 21, 2021 is denied.

**AND IT IS SO ORDERED**

**(JUDGE'S SIGNATURE PAGE TO FOLLOW)**



Richland Common Pleas

**Case Caption:** First Citizens Bank & Trust Company vs Justin K Spires , defendant,  
et al  
**Case Number:** 2019CP4005698  
**Type:** Master/Order/Other

It is so Ordered

s/Joseph M. Strickland, 3055