

EXHIBIT 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TRECA DESHIELDS,)
)
Plaintiff,)
)
v.)
)
JHM ENTERPRISES, INC., D/B/A)
MARRIOTT IN CHARLESTON)
COUNTY, S.C.,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS

Civil Action No. 2019CP1004310

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER ALTER
OR AMEND**

RECEIVED

DEC 03 2021

SC Court of Appeals

This matter originally appeared before the Court on Defendant's Motion for Summary Judgment, filed August 6, 2020. After a review of all materials presented, this Court issued an Order, dated June 6, 2021, granting Defendant's Motion for Summary Judgment. Thereafter, on June 17, 2021, Plaintiff filed her Motion to Reconsider, Alter or Amend the Court's Order pursuant to Rule 59 of the *South Carolina Rules of Civil Procedure*. For the reasons stated herein, Plaintiff's Motion is respectfully denied.¹

STANDARD OF REVIEW

"The power to open, modify or vacate a judgment is possessed solely by the court that rendered judgment." *Coleman v. Dunlap*, 306 S.C. 491, 494, 413 S.E.2d 15, 17 (1992). A Rule 59(e) motion is the proper "vehicle to request the trial court alter or amend the judgment" and "to seek reconsideration of issues and arguments." *Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 21, 361 S.E.2d 772, 778 (2004). The purpose of Rule 59(e), SCRCF, to alter or amend the judgment[,] is to request the trial judge to 'reconsider matters properly encompassed in a

¹ The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 59(f), SCRCF.

decision on the merits.’ *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992) (quoting *Budinich v. Becton Dickinson and Co.*, 486 U.S. 196, 200, 108 S.Ct. 1717, 100 L.Ed.2d 178 (1988)). Rule 59(e) motions serve a vital purpose for proper issue preservation. *Home Medical Systems, Inc. v. Dept. of Rev.*, 382 S.C. 556, 677 S.E.2d 382 (2009).

CONCLUSION

This Court, having considered the arguments, supporting and opposing documents, and filings to date finds no discernable reason, based on the above factors, to warrant overturning its judgment. Accordingly, Plaintiff’s Motion to Reconsider, Alter or Amend is hereby denied.

AND IT IS SO ORDERED.

The Honorable R. Markley Dennis
Judge of the Ninth Judicial Circuit

Charleston, South Carolina

_____, 2021



Charleston Common Pleas

Case Caption: Treca DeShields VS JHM Enterprises Inc

Case Number: 2019CP1004310

Type: Order/Other

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