

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NO. 2019CP3201270

Isaac Smith, Jr  
PLAINTIFF(S)

Sonja I Lewis  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (*CHECK REASON*):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN** (*CHECK REASON*):  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

The plaintiff filed a motion to reconsider an order. The court can find no error of law or fact that warrants altering or amending the prior order, and the motion is denied.

**ORDER INFORMATION**

This order  ends  does not end the case.

See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/22/2021 .

Isaac Smith, Jr for Isaac Smith, Jr  
Isaac Smith, Jr for Isaac Smith, Jr

**RECEIVED**  
DEC 07 2021  
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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The order in question was filed over two years ago on November 21, 2019. Basically, it found that the plaintiff had failed to prosecute his motion for protective order wherein he seeks to avoid discovery. The discovery requests were from September 2019. On November 7, 2019, the plaintiff filed a motion for continuance, but he referred to a hearing scheduled for October 24. He is self-represented (pro se) and lives in California. The lawsuit concerns real estate in South Carolina, and the plaintiff availed himself of this court to resolve the dispute. The motion does not cite a specific Rule of Civil Procedure, but a motion for reconsideration is commonly used to refer to a motion to alter or amend under Rule 59. That Rule requires that the motion be filed within 10 days of receipt of the ruling, which the plaintiff claims was obtained in a letter dated January 9, 2020. While it is doubtful that the motion was filed in timely manner, and the court is not allowed to extend the deadline for filing a Rule 59 motion, it is clear that no copy of the motion was sent to the judge, as required by the rule. Therefore, the judge was unaware of the reconsideration motion until May of 2021. Both sides were given the opportunity to provide written submissions. The order in question found that the plaintiff failed to appear and failed to obtain a continuance, so the court simply dismissed the motion for protective order and required the plaintiff to respond to discovery. The plaintiff really did not address the issues pertinent to the pending motion in his written submissions. In an earlier filing, he was trying to shift to the defendant the obligation to provide information before he could respond to discovery. This lawsuit cannot simply languish with basically no activity. Assuming that the motion for reconsideration was timely, the court finds no basis to modify its previous ruling. The motion is denied.



Lexington Common Pleas

**Case Caption:** Isaac Smith Jr VS Sonja I Lewis

**Case Number:** 2019CP3201270

**Type:** Order/Electronic Form 4

Circuit Judge (Code #2050)

s/ William P. Keesley

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