

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2020-CP-10-02726

Olivia M. Thompson, Ph.D., M.P.H., )  
Plaintiff, )

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

-vs-

College of Charleston; College of )  
Charleston Foundation, Inc.; Frances C. )  
Welch, Ph.D., M.A.; Godfrey A. Gibbison, )  
Ph.D., M.S.; and Christopher R. Tobin, )  
Defendants. )

**RECEIVED**

JAN 18 2022

**SC Court of Appeals**

The Plaintiff, Olivia M. Thompson, Ph.D. M.P.H., filed a motion asking this Court to reconsider its Order dated November 12, 2021. Specifically, Plaintiff asks this Court to reconsider the order denying Plaintiff's Motion for Preliminary Injunction filed April 2, 2021 and Supplemental Motion for Preliminary Injunction filed July 9, 2021. For the reasons set forth below, the motion to reconsider is DENIED.

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).<sup>1</sup> 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

<sup>1</sup> 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.")

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. 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’s Motion to Alter or Amend.

AND IT IS SO ORDERED.

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Charleston Common Pleas

**Case Caption:** Olivia M Thompson VS College Of Charleston , defendant, et al  
**Case Number:** 2020CP1002726  
**Type:** Motion/Alter and/or Amend

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134

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