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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Hon. Bentley D. Price, Judge

Appellate Case No. 2022-000213

Valerie Julia Brown

Appellant

v.

Ramiro Rodriguez,

Respondent

PROOF OF SERVICE

I hereby certify that this law firm represents the Appellants in the above captioned matter and that on the date below and Hilton Head Island South Carolina I served a copy of the foregoing Notice of Appeal with two orders attached on the following persons by US mail, first class postage prepaid, and previously on March 8, 2022 by electronic mail to his AIS email address being *tfinger@fingerlaw.com*. Further notice of the filing was made through the Appellate Court's E-filing system on March 9, 2022.

Documents served:

(1) Proof of Service and

(2) NOTICE OF APPEAL THE TWO ORDERS OF THE CIRCUIT
COURT UPON WHICH THE APPEAL IS TAKEN

Parties Served:

Terry A. Finger, Esq.
Finger, Melnick, Brooks & Labruce, PA
35 Hospital Center, Suite 200
P.O. Box 24005
Hilton Head Island, SC 29925

Attorney for Respondent

This 30th day of April 2022 at Hilton Head Island, SC

The Houston Law Firm LLC
1000 Main Street, Suite 200C
Hilton Head Island, SC 29926
Phone: 843-715-9078
chouston@houstonlawfirm.net

By: S/Charles E. Houston Jr.
Charles E. Houston, Jr.
SC Bar # 2663

Attorney for Appellant

THE
HOUSTON
LAW FIRM LLC



Charles E. Houston, Jr.

April 30, 2022

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SC Court of Appeals

Terry A. Finger, Esq.
Finger, Melnick, Brooks & Labruce, PA
35 Hospital Center, Suite 200
P.O. Box 24005
Hilton Head Island, SC 29925

*Re: Appellate Case No. 22-000213
Valerie Julia Brown v. Raimiro Rodrriguez.
Proof of Service of Notice of Appeal*

Dear Terry:

Enclosed is a copy of the Appellants Proof of Service which I am providing and serving a copy upon you as counsel for the Respondents.

With kind regards,
The Houston Law Firm LLC

Charles E. Houston Jr.

Encls: as stated

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Hon. Bentley D. Price, Judge

Case No. 2021-CP-07-01651

Valerie Julia Brown

Appellant

v.

Ramiro Rodriguez,

Respondent

NOTICE OF APPEAL

The above named Appellant appeals the Order of the Honorable Bentley D. Price filed February 3, 2022 denying Plaintiff's Motion for Relief and Reconsideration from its Order of January 19, 2022 granting Defendant's

Ramiro Rodriguez, Motion to Dismiss. Appellant was served with written notice of entry by electronic filing on February 3, 2021 and January 19, 2021 respectively.

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By: S/ Charles E. Houston Jr.
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Other Counsel of Record:

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Hilton Head Island, SC 29925
Attorney for Respondent

STATE OF SOUTH CAROLINA
 COUNTY OF BEAUFORT

Valerie Julia Brown
 Plaintiff,
 vs.
 Ramiro Rodriguez,
 Defendant.

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2021-CP-07-01651

**ORDER DENYING PLAINTIFF'S
 MOTION TO RECONSIDER**

The Plaintiff Valerie Julia Brown filed a motion asking this Court to reconsider its January 19, 2022 Order.

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. 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

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.”).

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 Valerie Julia Brown’s Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Beaufort Common Pleas

Case Caption: Valerie Julia Brown VS Ramiro R Rodrigez

Case Number: 2021CP0701651

Type: Order/Other

IT IS SO ORDERED!

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

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP0701651

Valerie Julia Brown
PLAINTIFF(S)

Ramiro R Rodrigez
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:

This matter came before the Court as Defendant Ramiro R Rodrigez's Motion to Dismiss heard on January 6, 2022.

Defendant Ramiro R Rodrigez's Motion to Dismiss is granted without prejudice.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

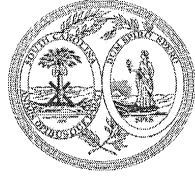
For Clerk of Court Office Use Only

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 01/19/2022 .

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), SCRPC.



Beaufort Common Pleas

Case Caption: Valerie Julia Brown VS Ramiro R Rodrigez
Case Number: 2021CP0701651
Type: Order/Electronic Form 4

IT IS SO ORDERED!

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

Electronically signed on 2022-01-19 12:05:11 page 3 of 3