ELECTRONICALLY FILED - 2023 Jun 08 3:23 PM - HAMPTON - COMMON PLEAS - CASE#2021CP2500392

STATE OF SOUTH CAROLINA COUNTY OF HAMPTON RENEE S. BEACH, PHILLIP BEACH, ROBIN BEACH, SAVANNAH TUTEN, AND SETH TUTEN, Plaintiffs, vs. GREGORY M. PARKER, GREGORY M. PARKER, INC. d/b/a PARKER'S CORPORATION, BLACK GRECO, JASON D'CRUZ, VICKY WARD, MAX FRATODDI, HENRY ROSADO, AND PRIVATE INVESTIGATION SERVICES GROUP, LLC., Defendants.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-25-00392 **ORDER DENYING DEFENDANTS MOTION TO RECONSIDER IN PART AND TO ALTER/AMEND THE COURT'S ORDER OF MAY 24, 2023**

The Parker's Defendants, Gregory M. Parker, Gregory M. Parker, Inc. d/b/a Parker's Corporation, Blake Greco, and Jason D'Cruz, filed a Motion to Reconsider in Part and to Alter/Amend filed June 2, 2023, asking this Court to reconsider its May 24, 2023 Order containing Privilege Determinations pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure.

STANDARD OF REVIEW

Motions for reconsideration will not be granted absent "highly unusual circumstances." U.S. ex rel. Becker v. Washington Savanah 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." Hutchinston

[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.").

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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 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 Parker's Defendants' Motion, arguments made during hearings held on this matter, and after reviewing the discovery with accompanying privilege logs, the Court hereby DENIES both Parker's Defendants Motion to Reconsider in Part and to Alter/Amend.

AND IT IS SO ORDERED.

[SIGNATURE PAGE TO FOLLOW]

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Hampton Common Pleas

Case Caption: Renee S. Beach , plaintiff, et al VS Gregory M. Parker , defendant, et al

Case Number: 2021CP2500392

Type: Order/Other

IT IS SO ORDERED!

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