

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Jeff Stutler, Appellant,

v.

South Carolina Farm Bureau Mutual Insurance Company
d/b/a South Carolina Farm Bureau Insurance Companies,
Dillon County Fire Department, and Bobby Lee
Thompson, Defendants,

Of whom Dillon County Fire Department and Bobby Lee
Thompson are Respondents.

Appellate Case No. 2010-179649

Appeal From Dillon County
Paul M. Burch, Circuit Court Judge

Unpublished Opinion No. 2012-UP-529
Submitted August 1, 2012 – Filed September 19, 2012

AFFIRMED

Daniel Nathan Hughey, of Hughey Law Firm, LLC, of
Mount Pleasant, for Appellant.

C. Heath Ruffner, of Harris, McLeod & Ruffner, of
Cheraw, for Respondent Dillon County Fire Department.

Andrew F. Lindemann and Daniel C. Plyler, both of
Davidson & Lindemann, P.A., of Columbia, for
Respondent Bobby Lee Thompson.

PER CURIAM: Affirmed¹ pursuant to Rule 220(b), SCACR, and the following authorities: *Williams v. Watkins*, 384 S.C. 319, 324, 681 S.E.2d 914, 916 (Ct. App. 2009) ("Relief under Rule 60(b)(1), SCRCR, lies within the sound discretion of the [trial judge] and will not be reversed on appeal absent an abuse of discretion." (internal quotation marks omitted)); *id.* ("An abuse of discretion arises where the judgment is controlled by an error of law or is based on factual conclusions that are without evidentiary support."); *Paul Davis Sys., Inc. v. Deepwater of Hilton Head, LLC*, 362 S.C. 220, 225, 607 S.E.2d 358, 360-61 (Ct. App. 2004) ("It is incumbent upon the party seeking relief pursuant to Rule 60(b)(1) to show the applicability of one of the qualifying grounds [of mistake or inadvertence].").

AFFIRMED.

HUFF, THOMAS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.