

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, AIKEN DIVISION

Yolanda West v. AGY Holding Corp.

West v. AGY Holding Corp., No. 1:24-cv-03839-JDA (D.S.C. Dec. 2, 2025) · No. 1:24-cv-03839-JDA · Decided
December 3, 2025

SUMMARY

The United States District Court for the District of South Carolina denied AGY Holding Corp.’s Rule 59(e) motion to alter the judgment. The court held that dismissal without prejudice was appropriate because the plaintiff might be able to cure pleading deficiencies concerning retaliation and contract claims. The court also concluded that the plaintiff’s filing of a substantially similar separate action did not establish manifest injustice.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Aiken Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Aiken Division
DECIDED	December 3, 2025
DOCKET	1:24-cv-03839-JDA
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 59(e) to alter the judgment so that the action would be dismissed with prejudice rather than without prejudice after the Court granted Defendant's motion to dismiss.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted to accommodate an intervening change in controlling law, account for newly available evidence, or correct a clear error of law or prevent manifest injustice. Reconsideration is an extraordinary remedy to be used sparingly.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion for reconsideration
- civil procedure
- retaliation
- civil rights
- employment contracts

PRACTICE AREAS

civil procedure

employment law

civil rights

contracts

QUESTIONS PRESENTED

1. Whether Defendant satisfied the requirements for relief under Federal Rule of Civil Procedure 59(e) by showing an intervening change in controlling law, newly available evidence, clear legal error, or manifest injustice.
2. Whether the Court clearly erred or caused manifest injustice by dismissing Plaintiff's action without prejudice rather than with prejudice.
3. Whether Plaintiff's filing of a substantially similar second complaint required the Court to alter the judgment and dismiss the original action with prejudice.

HOLDINGS

1. Defendant was not entitled to reconsideration because it identified no intervening change in controlling law or new factual evidence and failed to show a clear error of law or manifest injustice.
2. The Court did not clearly err by dismissing the action without prejudice; dismissal without prejudice was appropriate because Plaintiff might conceivably replead successfully and the Court had identified potentially curable deficiencies in the initial Complaint.
3. Plaintiff's filing of a substantially similar complaint in a separate action did not establish manifest injustice requiring alteration of the judgment.

KEY QUOTATIONS

"The Fourth Circuit has recognized only three grounds for granting 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.""

"However, "reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.""

"In the present action, the Court insinuated that Plaintiff could cure the deficiencies in her initial Complaint by including more detailed factual allegations establishing that (1) Plaintiff opposed race discrimination and/or (2) Defendant's employment handbook, policies and procedures, and governing documents created a contract with mandatory terms altering Plaintiff's at-will employment status."

FACTUAL BACKGROUND

Plaintiff alleged that, while employed as an M Shift EndFinding/Roving Supervisor, a department leader asked her to make fraudulent statements about a white employee and to make unethical decisions that could result in hourly employees' termination. After Plaintiff refused, the department leader allegedly displayed animosity toward her, placed her on a performance improvement plan, and imposed changing goals and frequent follow-up meetings. Defendant terminated Plaintiff on January 31, 2024, and Plaintiff later filed a substantially similar action after the original action was dismissed without prejudice.

PROCEDURAL HISTORY

Plaintiff filed claims under 42 U.S.C. § 1981, breach of contract, and breach of contract accompanied by fraudulent intent. The Magistrate Judge recommended granting Defendant's motion to dismiss, and the District Court adopted the recommendation on September 10, 2025, dismissing the action without prejudice. Defendant then moved to alter or amend the judgment, arguing that dismissal with prejudice was required or warranted; the District Court denied that motion.

DISPOSITION

other

CASES CITED

- Brooks v. Zorn, No. 2:22-cv-00739-DCN-MHC, 2024 WL 1571688, at *3 (D.S.C. Apr. 11, 2024)
- Pac. Ins. v. Am. Nat'l Fire Ins., 148 F.3d 396, 403 (4th Cir. 1998)
- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Washington v. Craane, No. 18-CV-1464 (DWF/TNL), 2019 WL 2147062, at *5 (D. Minn. Apr. 18, 2019)
- Abdul-Mumit v. Alexandria Hyundai, LLC, 896 F.3d 278, 292 (4th Cir. 2018)
- Harvey v. CNN, 48 F.4th 257, 269 (4th Cir. 2022)

OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA AIKEN DIVISION Yolanda West,) No. 1:24-cv-03839-JDA) Plaintiff,)) v.) OPINION AND ORDER) AGY Holding Corp.,)) Defendant.) This matter is before the Court on Defendant’s motion to alter or amend the Court’s judgment. [Doc. 29.]

For the reasons stated herein, the Court denies the motion. BACKGROUND This action arises out of Plaintiff’s employment with Defendant as an M Shift EndFinding/Roving Supervisor. [Doc. 1 ¶ 5.] On May 10, 2023, Plaintiff’s Department Leader, Vinny De Remigio, allegedly asked Plaintiff to make fraudulent statements regarding a white employee during a Step 1 Grievance meeting regarding a union matter.

[Id. ¶¶ 8–9.] De Remigio also allegedly asked Plaintiff to make unethical decisions towards hourly employees that would result in their termination. [Id. ¶¶ 10–11.] When Plaintiff refused to take such actions, De Remigio began to show signs of animosity toward Plaintiff, including placing her on a Performance Improvement Plan (“PIP”) on December 1, 2023. [Id. ¶¶ 9, 12–13.]

During Plaintiff’s time on the PIP, De Remigio regularly changed Plaintiff’s improvement goals and subjected Plaintiff to frequent follow- up meetings, but did not attend Plaintiff’s last follow-up meeting due a vacation. [Id. ¶¶ 15, 17, 23.] Plaintiff was terminated on January 31, 2024. [Id. ¶

24.] Plaintiff's Complaint asserted claims against Defendant for retaliation in violation of 42 U.S.C. § 1981, breach of contract, and breach of contract accompanied by fraudulent intent.

[Doc. 1 ¶¶ 28–55.] On November 12, 2024, Defendant filed a motion to dismiss the Complaint with prejudice for failure to state a claim. [Doc. 14.] In particular, Defendant argued that Plaintiff failed to sufficiently plead engagement in a protected activity or refer to specific policy language sufficient to create a contract between the parties to modify her at-will employment.

[Doc. 14.] On April 24, 2025, the Magistrate Judge issued a Report and Recommendation ("Report") recommending Defendant's motion to dismiss be granted. [Doc. 18.] The Magistrate Judge did not specify whether it recommended dismissal with or without prejudice. [See generally *id.*]

On September 10, 2025, the Court accepted the Report of the Magistrate Judge and incorporated it by reference. [Doc. 27 at 8.] Accordingly, the Court granted Defendant's motion to dismiss, and it dismissed the action without prejudice. [*Id.*]

On October 8, 2025, Defendant filed a motion to alter the Court's judgment. [Doc. 29.] Specifically, Defendant asks the Court to dismiss the action with prejudice, not without prejudice. [*Id.*] To this end, Defendant argues that "dismissal without prejudice may have been inadvertent," as "[n]either AGY's Motion to Dismiss [n]or the Report and Recommendation contemplate a dismissal without prejudice." [*Id.* at 2.]

Moreover, Defendant argues that the Court's dismissal of the Complaint without prejudice is manifestly unjust: Plaintiff filed a "substantially similar" complaint against AGY and another defendant shortly after Defendant filed its motion for reconsideration, forcing Defendant "AGY to defend itself and incur the resultant cost and burden." [Doc. 32 at 2; see also Doc.

32-1.] Plaintiff has filed a response opposing Defendant's motion, and Defendant has filed a reply. [Docs. 30; 32.] Accordingly, the motion is now ripe for review. APPLICABLE LAW "A motion for reconsideration is generally raised via Rules 59 and 60 of the Federal Rules of Civil Procedure." *Brooks v. Zorn*, No. 2:22-cv-00739-DCN-MHC, 2024 WL 1571688, at *3 (D.S.C.

Apr. 11, 2024). The Fourth Circuit has recognized only three grounds for granting 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." *Pac. Ins. v. Am. Nat'l Fire Ins.*, 148 F.3d 396, 403 (4th Cir. 1998). "[T]he rule permits a district court to correct its own errors, sparing the parties and the appellate courts the burden of unnecessary appellate proceedings." *Id.* (internal quotation marks omitted).

However, "reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly." *Id.* (internal quotation marks omitted). "Rule 59(e) motions may not be used...

to raise arguments which could have been raised prior to the issuance of the judgment, nor may they be used to argue a case under a novel legal theory that the party had the ability to address in the first instance.” *Id.* DISCUSSION Defendant’s cited justifications are insufficient to warrant reconsideration under Federal Rule of Civil Procedure 59(e).

As an initial matter, Defendant does not point to any intervening change in controlling law or new factual evidence. [See generally Doc. 29]. As such, the Court declines to address these grounds. The Court did not commit a clear error of law by dismissing the case without prejudice. Even if the Magistrate Judge explicitly recommended dismissal with prejudice (it did not), such a recommendation carries no presumptive weight, and the responsibility to make a final determination remains with the Court.

Mathews v. Weber, 423 U.S. 261, 270–71 (1976). Moreover, dismissal without prejudice is an appropriate sanction where a complaint “might conceivably be repleaded with success.” *Washington v. Craane*, No. 18-CV-1464 (DWF/TNL), 2019 WL 2147062, at *5 (D. Minn. Apr. 18, 2019), Report and Recommendation adopted by 2019 WL 2142499 (D. Minn. May 16, 2019); see also *Abdul-Mumit v. Alexandria Hyundai, LLC*, 896 F.3d 278, 292 (4th Cir.

2018) (explaining that whether a 12(b)(6) dismissal is with or without prejudice is committed to the district court’s discretion); *Harvey v. CNN*, 48 F.4th 257, 269 (4th Cir. 2022) (“Where a plaintiff fails to state a claim in his amended complaint after having been advised with specificity of the legal deficiencies in the initial complaint, dismissal with prejudice is appropriate.”) (internal quotation marks omitted); 35B C.J.S.

Federal Civil Procedure § 847 (2025) (“When dismissing case for failure to state claim, the district court should not dismiss with prejudice unless it has determined that amendment would be futile, as when it appears that the complaint cannot be amended to cure the deficiency.”) (footnote omitted).

In the present action, the Court insinuated that Plaintiff could cure the deficiencies in her initial Complaint by including more detailed factual allegations establishing that (1) Plaintiff opposed race discrimination and/or (2) Defendant’s employment handbook, policies and procedures, and governing documents created a contract with mandatory terms altering Plaintiff’s at-will employment status.

[Doc. 27 at 4–8.] As such, dismissal without prejudice is appropriate. Finally, that Plaintiff filed a “substantially similar” complaint in a separate action does not affect a manifest injustice upon Defendant. [Doc. 32 at 2.]

The Court declines to review the allegations in Plaintiff’s related action at this time. [Doc. 32-1]; see also *West v. AGY Holding Corp.*, No. 1:25-cv-12904-JDA-WSB, Doc. 1. However, should Plaintiff’s second complaint fail to state a claim for relief, the Court has discretion to dismiss the

action with prejudice. See Harvey, 48 F.4th at 269. CONCLUSION For the foregoing reasons, AGY's motion to alter judgment [Doc.

29] is DENIED. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge
December 2, 2025 Columbia, South Carolina

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