

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Perry M. Buckner, Circuit Court Judge
Carmen Tevis Mullen, Circuit Court Judge

Case No. 2009-CP-25-285
Appellate Case No. 2013-000432

RECEIVED
JUL - 8 2013
S.C. Supreme Court

Gary Smart, Respondent,

v.

James Allen Grady, Louis Daniel Moffett, Lynwood Brantley
d/b/a Brantley Hauling and Randolph Murdaugh, III, Defendants,

of whom

James Allen Grady is Petitioner.

**RESPONDENT'S RETURN TO PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS
OR IN THE ALTERNATIVE PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF COMMON PLEAS**

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TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

COUNTER-STATEMENT OF THE QUESTIONS PRESENTED 1

COUNTER-STATEMENT OF THE CASE 2

ARGUMENTS 9

 I. Pursuant to *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000), should this Court refuse to address the merits of the circuit court’s interlocutory order denying Petitioner’s Motion to Transfer Venue? 10

 II. Should this Court overrule *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000) and hold an interlocutory order denying a motion to transfer venue is, in fact, immediately appealable under Section 14-3-330(2) of the South Carolina Code of Laws? 11

 III. Is the interlocutory order denying Petitioner’s Motion to Compel Execution of the Stipulation of Dismissal immediately appealable under Section 14-3-330(4) of the South Carolina Code of Laws, so that the Court may review the merits of the denial of the Motion to Transfer Venue in the Court’s discretion? 12

 IV. Should this Court grant the extraordinary relief of a writ of certiorari to the Court of Common Pleas to immediately review the merits of the interlocutory venue ruling in this case? 14

CONCLUSION 16

TABLE OF AUTHORITIES

CASES

Binney v. State, 384 S.C. 539, 683 S.E.2d 478 (2009) 14

Breland v. Love Chevrolet Olds, 339 S.C. 89, 529 S.E.2d 11 (2000) 1, 9, 10, 11, 12

Laffitte v. Bridgestone Corp., 381 S.C. 460, 674 S.E.2d 154 (2009) 14-15

McGee v. Bruce Hosp. System, 312 S.C. 58, 439 S.E.2d 257 (1993) 14

Peterkin v. Brigman, 319 S.C. 367, 461 S.E.2d 809 (1995) 13

Pettiford v. South Carolina State Bd. of Ed., 218 S.C. 322, 62 S.E.2d 780 (1950) 15

State v. Hill, 314 S.C. 330, 444 S.E.2d 255 (1994) 14

State v. Moore, 54 S.C. 556, 32 S.E. 700 (1899) 15

State v. Senft, 2 S.C.L. (2 Hill) 367 (Ct. App. 1834) 15

STATUTES

S.C. Code Ann. § 14-3-330 (1979 & Supp. 2012) *passim*

S.C. Code Ann. § 14-3-310 (1976) 14

S.C. Const. art. V, § 5 14

RULES

Rule 242, SCACR 1

Rule 41, SCRCR 4, 5, 6, 12

MISCELLANEOUS

Jean H. Toal, Shahin Vafai & Robert A. Muckenfuss, *Appellate Practice in South Carolina*, 275-276 (2nd ed. 2002) 15

COUNTER-STATEMENT OF THE QUESTIONS PRESENTED

The Petitioner Grady outlines four (4) main “Questions Presented” embracing numerous sub-parts. (Petition, pp. iii-iv, 1). Rule 242(f), SCACR, provides “[t]he return shall include an argument on each question and may include a counter-statement of the case and of the questions presented for review.” The matters before the Court are fairly straightforward and not as complex as Petitioner Grady would have this Court believe. Accordingly, Respondent provides the following Counter-Statement of the Questions Presented for Review:

- I. Pursuant to *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000), should this Court refuse to address the merits of the circuit court’s interlocutory order denying Petitioner’s Motion to Transfer Venue?
- II. Should this Court overrule *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000) and hold an interlocutory order denying a motion to transfer venue is, in fact, immediately appealable under Section 14-3-330(2) of the South Carolina Code of Laws?
- III. Is the interlocutory order denying Petitioner’s Motion to Compel Execution of the Stipulation of Dismissal immediately appealable under Section 14-3-330(4) of the South Carolina Code of Laws, permitting the Court to review the merits of the denial of the Motion to Transfer Venue in the Court’s discretion?
- IV. Should this Court grant the extraordinary relief of a writ of certiorari to the Court of Common Pleas to immediately review the merits of the interlocutory venue ruling in this case?

COUNTER-STATEMENT OF THE CASE

This is an automobile wreck case. Patrice Smart filed a complaint against James Allen Grady and Louis Daniel Moffett in Jasper County in April 2008, alleging she suffered a loss of consortium because of injuries to her husband, Gary Smart, caused by the negligence of Grady and Moffett. (Appx. p. 71-74) She also filed a stipulation in May 2008 asserting her damages did not exceed \$75,000. (Appx. p. 75). On May 18, 2009, Judge Carmen T. Mullen signed a consent order of dismissal without prejudice, which was submitted by counsel for all parties. (Appx. pp. 76-77). The Smarts were represented by lawyer R. Alexander Murdaugh. However, Alex Murdaugh withdrew once it became apparent he would likely be a witness in the case.

On June 24, 2009, Mr. Smart filed an action in Hampton County against Grady, Moffett, Lynwood Brantley d/b/a Brantley Hauling and Randolph Murdaugh, III. (Appx. pp. 78-82). Mrs. Smart filed a separate action against these same defendants seeking recovery for loss of consortium. (Appx. pp. 83-87). The complaints essentially alleged that Grady was operating a vehicle in Jasper County on the evening of December 22, 2007 and was towing a trailer with an ATV aboard but not properly secured. (Appx. p. 79, ¶ 5; p. 84, ¶ 5). The ATV became detached and fell into the roadway where it was struck by a tractor-trailer truck being operated by Moffett in the same direction behind Grady. (*Id.*). Murdaugh was traveling in the opposite direction and stopped to render assistance. (*Id.*). Murdaugh parked his car on the shoulder with his high beam lights illuminated, facing northward and angled toward oncoming traffic. (*Id.*). Smart was traveling southward along the highway and ran into Moffett's truck; there were no

warning devices and the lights on the Murdaugh vehicle blinded Smart. Mr. Smart was seriously injured in the collision. (*Id.*). The Smarts were represented by lawyer Mark B. Tinsley, their current counsel. (Appx. pp. 82, 87).

Defendant Brantley Hauling removed the cases to federal court, contending Murdaugh, the only South Carolina resident, was a sham defendant because the Smarts never intended on getting a judgment against Murdaugh. (Appx. p. 91, ll. 10-13; l. 23 - p. 92, l. 4). Grady joined in that removal as required by federal law. (Appx. p. 129). United States District Court Judge Sol Blatt heard the matter and ruled that the Smarts had to sue Murdaugh to avoid the “empty chair” defense. (Appx. pp. 93, l. 21 - p. 96, l. 15). Judge Blatt held there was a colorable claim against Murdaugh and issued a bench ruling that the case would be remanded to Hampton County. (Tr. p. 97, l. 23 - p. 98, l. 15). Judge Blatt also noted that “once the Murdaugh firm got out of the case, the plaintiffs got new lawyers, it was a new case.” (Appx. p. 94, ll. 10-12). The District Court then entered a written order granting the motion to remand the matter to state court in October 2009. (Appx. pp. 88-89).

On March 31, 2010, Mr. Smart filed and served an offer of judgment for \$2,750,000 (Appx. pp. 100-101) and Mrs. Smart filed an offer of judgment for \$500,000. (Appx. pp. 102-103).

Pursuant to mandatory mediation rules, the cases were mediated. Defendant Grady’s counsel and his insurer, USAA, who were present at the mediation, elected not to participate in the settlement, and they did not settle. However, the other defendants (Moffett and Brantley d/b/a Brantley Trucking) did settle. (Appx. pp. 205-211).

On August 31, 2010, Grady's counsel wrote to Mr. Tinsley advising him that Grady's insurer, USAA, had reviewed the case and decided to offer the policy limits of \$300,000 to resolve the matter. (Appx. pp. 249-250).

On October 6, 2010, Mr. Smart executed a stipulation of dismissal as to Moffett, Brantley and Murdaugh due to a partial settlement of the claims. The stipulation was signed by Tinsley and by attorney John H. Tiller for Murdaugh. The stipulation retained the right to proceed against Grady. Mr. Tiller and Mr. Tinsley also executed a stipulation of dismissal of Mrs. Smart's consortium claim as to those same defendants. The stipulations were not signed, however, by any other party or counsel for any other party. (Appx. pp. 104-109). On October 18, 2010, the defendant Grady filed and served an offer of judgment for \$300,000 upon the plaintiff, Mr. Smart. (Appx. pp. 110-111).

Defendant Grady then sought to strike the stipulation of dismissal. (Appx. p. 162, ll. 14-16). Grady argued the stipulation was not properly executed under Rule 41, SCRCF. (Appx. p. 162, ll. 22-23). He also sought reallocation of the settlement proceeds in that motion. (Appx. p. 163, ll. 4-9; p. 164, ll. 9-11; p. 165, ll. 20-22; p. 166, ll. 1-5, 11-13).

On April 2, 2011, the Smarts and Murdaugh executed a Covenant not to Execute in consideration for the payment of \$95,000 to Mrs. Smart and \$5,000 to Mr. Smart. (Appx. pp. 212-214). Murdaugh's counsel signed an affidavit that the Covenant replaced prior documents and "any prior agreement is rescinded." (Appx. p. 215).

On April 4, 2011, Judge Mullen held a hearing in Hampton County. (Appx. pp. 156-178). Grady's counsel noted that all parties agreed the stipulation of dismissal was

ineffective because the stipulation did not comply with Rule 41. (Appx. p. 162, ll. 12 - 25). Counsel for Grady added, "And they agree to that, which essentially moots our motion to change venue back to Jasper County." (Appx. p. 162, l. 25 - p. 163, l. 1).

On June 22, 2011, defendant Grady sent to all counsel in the case a stipulation of dismissal with prejudice of Murdaugh. (Appx. pp. 244-246). Attorney Erin Dean signed the stipulation for Murdaugh and returned it to Grady's counsel. (Appx. p. 246).

However, no one else signed the document.

On July 7, 2011, Grady filed a Motion to Drop Defendant Murdaugh from the case and to compel execution of the stipulation of dismissal as to Defendant Murdaugh. (Appx. pp. 112-116). Grady contended that Mrs. Smart had settled her loss of consortium claims with respect to Moffett, Brantley and Murdaugh for \$1,040,000.00 and Mr. Smart settled his claims against those same defendants for \$10,000.00. (Appx. p. 114). Grady then pointed out that because the Stipulations of Dismissal were not fully executed by all parties upon filing, then the Stipulations were ineffective. (Appx. p. 114). Grady asserted the refusal to dismiss Murdaugh and the other defendants was solely to defeat diversity jurisdiction and to prevent a change of venue.¹ (Appx. pp. 114, 135).

On July 8, 2011, Grady filed a motion to transfer venue from Hampton County to Jasper County. (Appx. pp. 117-121). Grady contended that the matter had to be tried in the county where the wreck occurred (Jasper) or where the Smarts resided at the time (Jasper) under Section 15-7-30 of the South Carolina Code. (Appx. pp. 119-120). Grady

¹ The case was not removable because it had been pending for over a year at that time; therefore, diversity jurisdiction no longer existed. 28 U.S.C. § 1446(b).

asserted the Smarts refused to execute a valid stipulation of dismissal as to Murdaugh pursuant to Rule 41, SCRPC, and further that Murdaugh is a nominal defendant whose presence in the case is solely to preserve venue in Hampton County. (Appx. pp. 140-142).

On August 3, 2011, Judge Mullen held a second hearing to address a motion to enforce a settlement agreement and to compel execution of the stipulations of dismissal. (Appx. pp. 179-204). Plaintiff Smart contended Murdaugh was still a defendant in the case so that venue remained proper in Hampton County. (Appx. p. 188, ll. 9-12; p. 196, ll. 5-17). Mrs. Smart's case was settled in full so her case was dismissed. (Appx. p. 201, l. 17 - p. 204, l. 15). Grady countered that Murdaugh was a "nominal defendant" who was not in jeopardy in the case. (Appx. p. 190, l. 25 - p. 191, l. 3).

Mr. Smart also asserted Grady waived any complaint to venue by not raising it in his answer (Appx. p. 196, ll. 2-4) and by withdrawing his prior motion to transfer venue. (Appx. p. 196, ll. 5-11).

On August 3, 2011, Judge Mullen entered a Form 4 Order denying the Motion to Compel Execution of Dismissal and the Motion to Transfer Venue. (Appx. p. 19). Judge Mullen also entered a separate Form 4 Order dismissing Mrs. Smart's case with prejudice, and ruled a pending Motion to Consolidate the two cases was "moot." (Appx. pp. 22-23).

THE APPEALS

On August 9, 2011, Grady filed and served two notices of appeal, one for each case. (Appx. pp. 25-40). On December 5, 2011, Grady filed a "Motion to Certify Appeals from the Court of Appeals, Consolidate Appeals and Correct Caption, Determine

Appealability and Exercise ‘Pendent’ Jurisdiction, or in the Alternative, Petition for a Writ of Certiorari to the Court of Common Pleas” with the Supreme Court of South Carolina. That same date Grady filed a “Motion to Hold Appeals in Abeyance Pending Decision by Supreme Court” with this Court. On January 4, 2012, Respondents filed a Return to Grady’s omnibus motion with the Supreme Court. On April 5, 2012, this Court issued its order denying every one of Grady’s motions. A copy of that Order is included in the Appendix. (Appx. p. 42). The case remained at the Court of Appeals.

Grady’s appeals involved :

- (1) an order dismissing Mrs. Smart’s consortium claim against Grady with prejudice;
- (2) an oral ruling striking Defendants Louis Daniel Moffett and Lynwood Brantley d/b/a Brantley Hauling from the underlying action; and
- (3) an order denying Grady’s motions to compel execution of stipulations of dismissal and to transfer venue.

Respondent moved to dismiss the appeals on the ground that Grady was not an aggrieved party with regard to the dismissal of the consortium claim against him, and further that the other orders were not immediately appealable interlocutory orders. (Appx. pp. 8-43). Grady filed a Return withdrawing the appeal from the oral ruling of dismissal as to the Brantley defendants but arguing the remaining orders were appealable under Section 14-3-330 of the South Carolina Code. (Appx. pp. 44-255). Respondent filed a Reply to the Return. (Appx. p. 256-278).

On September 21, 2012, the Court of Appeals entered an order dismissing the

appeals without prejudice on the ground that the orders being appealed were not immediately appealable under Section 14-3-330. (Appx. pp. 3-6). On October 9, 2012, the Clerk inadvertently issued an order remitting the case to the trial court despite Grady's request for an extension to file for rehearing. (Appx. p. 319). The Court of Appeals issued an order on October 11, 2012, recalling the remittitur. (Appx. p. 320).

On October 23, 2012, Grady filed and served his Petition for Rehearing and Reinstatement of Appeals. (Appx. pp. 279-286). Respondent filed a Return to the Petition on October 29, 2012. (Appx. pp. 287-312). On November 5, 2012, Grady filed a Reply to the Return. (Appx. p. 313-321). On January 31, 2013, a panel of the Court of Appeals issued an order denying rehearing and denying the Respondent's Motion for Costs as premature. (Appx. p. 1).

This Petition follows, but only as to Grady's appeal of the interlocutory orders involving Mr. Smart. Grady has abandoned his premature appeal of the order in Mrs. Smart's action dismissing the loss of consortium action.

ARGUMENTS

Grady contends essentially four things in support of his request for a writ of certiorari to the Court of Appeals:

1. On the merits of the venue issue this Court should reverse the interlocutory order denying Grady's motion to transfer venue because Mr. Murdaugh was a "sham, immaterial or nominal defendant" so that his residency should be disregarded for purposes of venue.
2. The interlocutory order denying a change of venue is immediately appealable under Section 14-3-330(2)(a), "an issue never addressed by this Court."
3. The interlocutory order denying a change of venue is immediately appealable under Section 14-3-330(2)(c), "and this Court should overrule its contrary decision in *Breland v. Love Chevrolet Olds, Inc.*, [339 S.C. 89,] 529 S.E.2d 11 [(2000)]."
4. The order denying the motion to compel execution of the stipulation of dismissal as to defendant Murdaugh is immediately appealable, permitting the Court to review the venue ruling in its discretion.

(Petition, p. 2). Grady seeks in the alternative for this Court to issue a common law writ of certiorari to the court of common pleas so that this Court may take up the merits of the interlocutory order denying Grady's motion to transfer venue. (Petition, p. 2).

The Court should deny this Petition and instruct the Court of Appeals to remit this matter to the circuit court for further proceedings.

I. Pursuant to *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000), should this Court refuse to address the merits of the circuit court's order denying Petitioner's Motion to Transfer Venue?

Grady first contends that the trial court erred in denying the motion to change venue because "Defendant Murdaugh ostensibly was not joined for the purpose of establishing venue, but he remains in the case without any personal interest in the outcome of the litigation under a covenant not to execute...." (Petition, pp. 12-14). Grady asserts Mr. Murdaugh is thus a "nominal or immaterial defendant who must be disregarded when deciding the proper venue of an action." (Petition, pp. 12-14). Mr. Murdaugh is described as a "sham, immaterial or nominal defendant in the truest sense of the word....a mere volunteer [who] agreed to stay in the case solely to accommodate the Plaintiff and for no consideration." (Petition, pp. 12-13).

Even if Grady is correct about everything he says in this argument (and he is not), because the interlocutory appeal of the merits of the denial of the motion to transfer venue is inappropriate under Section 14-3-330 and this Court's settled precedent, this issue is not properly before the Court at this time. *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000) (rejecting argument that order denying motion to transfer venue "struck out" part of a pleading and holding order not immediately appealable under § 14-3-330(2)). Grady's argument is tantamount to an argument on the merits of the denial of his motion to transfer venue, and this Court has held correctly that such orders are not immediately appealable. *Breland*. The trial court properly rejected Grady's contention on the merits, and appellate review of that decision must await the end of the case. *Breland*.

II. Should this Court overrule *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 529 S.E.2d 11 (2000) and hold an order denying a motion to transfer venue is, in fact, immediately appealable under Section 14-3-330(2) of the South Carolina Code of Laws?

Grady's argument here goes like this. The right to proper venue is a "substantial right," so that the inquiry is whether the denial of the motion to transfer venue satisfies subparts (a), (b) or (c) of Section 14-3-330(2) of the Code. (Petition, p. 14). Grady asserts that *Breland* was "rightly decided but wrongly analyzed regarding appealability." (Petition p. 15). Grady has not presented a compelling case for this Court to revisit or overrule *Breland*.

Section 14-3-330 provides:

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

* * *

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action[.]

S.C. Code Ann. § 14-3-330 (1977 & Supp. 2012).

Breland correctly held an order denying a motion to transfer venue does not meet the test of § 14-3-330(2)(c) because it does not "strike[] out an answer or any part thereof or any pleading in any action[.]" The order also does not grant or refuse a new trial, so it fails the test of § 14-3-330(2)(b). And under *Breland*, the order fails the test of § 14-3-330(2)(a) because even though it may involve a "substantial right," it does not "in effect determine[] the action," nor does it "prevent[] a judgment from which an appeal might be

taken.” The order also does not “discontinue[] the action[.]” In fact, as *Breland* recognized, an order denying a motion to transfer venue fails to meet any of § 14-3-330(2)’s subparts.

This view serves the very valid and longstanding policy this Court has promoted of avoiding “piecemeal” appeals in litigation. *Breland*. Grady is critical of this Court’s cases upholding that policy, but that criticism amounts to nothing more than a disagreement over the policy. Grady has provided no compelling reason to upset this settled notion underlying the limitation of appeals under § 14-3-330.

The Court should deny the Petition for Writ of Certiorari to the Court of Appeals and permit that Court to remit the matter to the circuit court for further proceedings.

III. Is the order denying Petitioner’s Motion to Compel Execution of the Stipulation of Dismissal immediately appealable under Section 14-3-330(4) of the South Carolina Code of Laws, permitting the Court to review the merits of the denial of the Motion to Transfer Venue in the Court’s discretion?

Grady contends the Court of Appeals improperly dismissed the appeal of this order pursuant to § 14-3-330(1) and (2), but the order was also appealable under § 14-3-330(4). (Petition pp. 21-22). The Court should not be persuaded by this argument.

The actual motion before the circuit court was a motion to force Respondents to execute a stipulation of dismissal of Defendant Murdaugh as part of a settlement agreement. (App. pp. 112-116). Defendant Grady conceded that the stipulation of dismissal pursuant to Rule 41, SCRCF, that he sought to enforce was “ineffective,” but he sought clarification and an order compelling execution of the document. (App. p.114, fn. 1). This was part of a purported settlement, however, and the upshot of the motion was an

attempt to enforce its terms, not to obtain injunctive relief. *See also* Grady's Memorandum in Support of the Motion to Compel Execution of Stipulation of Dismissal (App. pp. 130-131) ("the very terms of this settlement agreement contemplate and specify that the Plaintiffs are to execute a Release and Stipulation of Dismissal"); (App. Pp. 136-140) (describing the motion as one seeking to enforce a release as a contractual obligation under the purported settlement agreement with Mr. Murdaugh).

This Court should not be persuaded by Appellant's argument that the motion below sought injunctive relief so that the denial of the motion is appealable under Section 14-3-330(4). Otherwise, *any time* a party seeks to compel compliance with an alleged settlement agreement the relief sought may be couched in terms of seeking injunctive relief. What is actually happening, however, is that the party is seeking specific performance of some term of the alleged settlement agreement, the denial of which this Court has held is not immediately appealable. *See Peterkin v. Brigman*, 319 S.C. 367, 461 S.E.2d 809 (1995) (denying immediate appellate review of order declining to approve wrongful death settlement).

The Court should reject Appellant's assertion that the order denying Appellant's motion to compel execution of the stipulation of dismissal is immediately appealable under Section 14-3-330(4). The Court should deny the Petition for Writ of Certiorari directed to the Court of Appeals and permit that Court to remit the matter to the circuit court for further proceedings.

IV. Should this Court grant the extraordinary relief of a writ of certiorari to the Court of Common Pleas to immediately review the merits of the venue ruling in this case?

Grady argues alternatively that the Court should exercise its authority under the South Carolina Constitution and statutory authority and issue a writ of certiorari directed to the Court of Common Pleas to review these unappealable rulings. S.C. Const. art. V, § 5 (Supreme Court has “power” to issue writ of certiorari); S.C. Code Ann. § 14-3-310 (1976) (Supreme Court has “power” to issue writ of certiorari) ((Petition pp. 22-23). The Court should decline this invitation to exercise this discretionary authority.

This Court has granted this form of discretionary review in cases involving the utmost exigency. *See State v. Hill*, 314 S.C. 330, 444 S.E.2d 255 (1994) (dismissing State’s appeal of order granting bail to defendants charged with capital murder but granting common law writ of review and reversing decision; issue deemed crucial because Court had to instruct as to burden of proof and factors to be considered before admitting a capital defendant to bail in light of “the risks associated with the release of a capital defendant”); *McGee v. Bruce Hosp. System*, 312 S.C. 58, 439 S.E.2d 257 (1993) (granting common law writ of review of order granting the plaintiff’s motion to compel and instructing the defendant Hospital to produce the credentialing files and clinical privileges for each of the defendant physicians; immediate resolution was necessary given underlying concern for confidentiality of proceedings and policy supporting candor in those proceedings and to avoid the very disclosure the Hospital sought to prevent). *See also Binney v. State*, 384 S.C. 539, 541 n. 1, 683 S.E.2d 478, 479 n. 1 (2009) (noting grant of writ of certiorari is reserved for “exceptional circumstances”); *Laffitte v.*

Bridgestone Corp., 381 S.C. 460, 471-472, 674 S.E.2d 154, 160-161 (2009) (granting writ because “exceptional circumstances” existed; Court stated, “[t]he instant case presents such exceptional circumstances as it involves a novel question of law in a matter that has been the subject of numerous claims in state and federal courts. A decision by this Court at this time best serves the interests of judicial economy by eliminating the numerous inevitable appeals raising this novel issue of significant public interest.”); Jean H. Toal, Shahin Vafai & Robert A. Muckenfuss, *Appellate Practice in South Carolina*, 275-276 (2nd ed. 2002) (Supreme Court will not generally accept matters on writ of certiorari that can be entertained on appeal; writ will be issued only when exceptional circumstances exist of great public interest presenting novel questions of law, the resolution of which would best serve the interests of judicial economy). Grady has not presented the same sort of argument justifying this unusual procedure in this case.

What Grady attempts here is for this Court to bypass the normal course of appeal and issue a discretionary writ of review. The Court should not permit Grady to use this request as a substitute for an appeal he may take at the end of the case. *See, e.g., Pettiford v. South Carolina State Bd. of Ed.*, 218 S.C. 322, 62 S.E.2d 780 (1950) (writ of certiorari cannot be made a substitute for an appeal or writ of error). This is a very, very old rule in South Carolina. *See State v. Senft*, 2 S.C.L. (2 Hill) 367 (Ct. App. 1834) (O’Neill, J) (the writ of certiorari is a common law remedy, a prerogative writ, and is not a substitute for an appeal). *See, also, State v. Moore*, 54 S.C. 556, 560, 32 S.E. 700, 701 (1899) (“[W]here the right of appeal is provided for, that mode of correcting errors of law in an inferior tribunal must be resorted to, and the writ of certiorari will not be allowed.”).

The Court should decline Grady's request for a writ of certiorari directed to the Court of Common Pleas to review the interlocutory orders of the circuit court denying Grady's motion to transfer venue or to enforce the terms of the settlement agreement with Mr. Murdaugh.

CONCLUSION

For the reasons stated this Court should deny this Petition.

Respectfully submitted,



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July 8, 2013

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel of record with a copy of *Respondent's Return to Petition for Writ of Certiorari to the Court of Appeals or in the Alternative Petition for writ of Certiorari to the Court of Common Pleas* by mailing a copy of the same by United States Mail with first class postage prepaid to the following addresses:

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