

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Presiding Court Judge

Case No. 2022-001054

Charles Bradford KeifferAppellant

v.

Jasper County Delinquent Tax Office and Carolina Heritage, LLCRespondents

RESPONDENT, CAROLINA HERITAGE, LLC’S

RETURN TO APPELLANT’S PETITION FOR REHEARING

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On August 23, 2023, the South Carolina Supreme Court rejected the well-established standard for motions for summary judgment, when the motion is based on insufficiency of the evidence, Kitchen Planners, LLC v. Samuel E. Friedman, Op. no. 28173 (Aug. 23, 2023).

The Court rejected the ‘mere scintilla’ standard, citing Baughman v. Am. Tel. & Tel. Co. 306, S.C. 101, 115, 410 S.E. 2d 537, 545 (holding a party opposing summary judgment “must ... ‘do more than simply show that there is some metaphysical doubt as to the material facts’ but must come forward with specific facts showing that there is a genuine issue for trial.”

This the Appellant has failed to do. There is no genuine issue for trial. The Appellant has failed to show that there is even a metaphysical doubt as to the material facts. Appellant’s Petition for Rehearing fails to address or even acknowledge the entirely new and different landscape now facing the party opposing summary judgment. Even if the Appellant did acknowledge the excellent new standard, his motion fails to even satisfy the old, discredited standard of “a mere scintilla.”

Submitted this 24rd day of October, 2023.

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