



**HHP LAW GROUP**

**Francis M. "Brink" Hinson, IV**  
**Attorney at Law**  
**Direct: 803-381-0108**  
**brink@hhplawgroup.com**

September 17, 2024

**Via Email**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: ctappfilings@sccourts.org

**RECEIVED**

**Sep 17 2024**

**SC Court of Appeals**

Re: Cassiopia Rhoads v. Aiken County Sheriff's Office  
Civil Action No.: 2020-CP-02-02238  
Notice of Appeal – Procedural Posture/Background

Dear Ms. Kitchings,

Earlier today, Appellant Cassiopia Rhoads filed a *Notice of Appeal* relating to the *Order Granting Defendant's Motion to Alter or Amend Order and JNOV Motion* of the Honorable Eugene C. Griffith, Jr. from August 19, 2024. Please allow this correspondence to provide a bit of background on the procedural posture of the matter.

During the week of October 9, 2023, the civil action was tried to verdict before Judge Griffith, resulting in a \$950,000 verdict in Ms. Rhoads favor being returned on October 13, 2023. Both parties filed post-trial motions and subsequently filed appeals pertaining to the Circuit Court's post-trial orders. That appeal was assigned Appellate Case No. 2024-000592.

Around that same time, Respondent/Defendant Aiken County Sheriff's Office ("ACSO") filed a Rule 59(e) motion for reconsideration of the post-trial order. While awaiting a ruling from the Circuit Court, Respondent/Defendant ACSO also filed a motion with the Court of Appeals seeking to stay the appeal. That motion was uncontested and a stay was granted on or about June 4, 2024.

On August 19, 2024, Judge Griffith issued an *Order Granting Defendant's Motion to Alter or Amend Order and JNOV Motion*, thereby granting Defendant ACSO's motion for reconsideration, issuing a JNOV, and vacating the jury's verdict. Appellant/Plaintiff Rhoads then filed a Rule 59(e) motion for reconsideration of that new order. I would note, in such a situation, the appropriateness of a subsequent motion for reconsideration was confirmed in *Coward Hund Construction Co. v. Ball Corp.*, 336 S.C. 1, 518 S.E.2d 56 (Ct. App. 1999) (determining that a second motion for reconsideration is appropriate if it challenges something that was altered from the original judgment as a result of an earlier motion for reconsideration, because, when this occurs, the new judgment/order replaces the previous one and the party aggrieved by the alteration may therefore move for reconsideration of the new order).

At present, Appellant/Plaintiff Rhoads' motion to reconsider the *Order Granting Defendant's Motion to Alter or Amend Order and JNOV Motion* is still pending.

---

*Physical Address*

924 Gervais St.  
Columbia, SC 29201

**HHP LAW GROUP, LLC**

HINSON, HILLER, & PADGET  
803.400.8277 / www.hhplawgroup.com

*Mailing Address*

P.O. Box 83  
Columbia, SC 29202

Appellant Rhoads filed the recent notice of appeal out of an abundance of caution to protect her appellate rights in light of the pending motion for reconsideration and to avoid any jurisdictional issue in the unlikely event this Court later determines her pending 59(e) was successive.

I would also mention Appellant/Plaintiff Rhoads anticipates filing a motion to remand and hold the appellate matter in abeyance pending the lower court's disposition of the new motion to reconsider. I had planned on waiting to file such a motion until the parties learned if the appeal that was filed earlier today would bear the prior number (Appellate Case No. 2024-000592) or if it would be assigned a new and different appellate case number.

By copy of this letter, I am serving a copy of this correspondence on all counsel of record, by email, pursuant to Section (d)(1) of the Supreme Court's Order *Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules* (As Amended April 24, 2024).

If you have any questions or require any additional information, please do not hesitate to give my office a call.

With kind regards, I remain,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Francis M. Hinson IV". The signature is fluid and cursive, with a large initial "F" and "H".

Francis M. "Brink" Hinson, IV

cc: Andrew F. Lindemann, Esq. (via email at [andrew@ldlawsc.com](mailto:andrew@ldlawsc.com))  
Patrick J. McLaughlin, Esq. (via email at [patrick@wukelalaw.com](mailto:patrick@wukelalaw.com))