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**Jun 17 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2024-002127  
Case No. 2023-CP-28-0538

Christine Jernigan, ..... Appellant,

v.

Kershaw County South Carolina, ..... Respondent.

**REPLY MEMORANDUM IN SUPPORT OF  
MOTION TO DISMISS APPEAL**

The Respondent Kershaw County has moved to dismiss this appeal for the lack of appellate jurisdiction. As the record demonstrates, on October 28, 2024, the Appellant Christine Jernigan filed a motion to reconsider pursuant to Rule 59(e), SCRCP; however, the trial court ruled that “[t]he motion was not timely filed.” *See*, Form Order filed November 21, 2024. Based on her Initial Brief and the issues on appeal raised therein, it is clear that the Appellant has not appealed the trial court’s explicit ruling that her motion to reconsider “was not timely filed.” Importantly, “an unappealed ruling, right or wrong, is the law of the case.” *Atlantic Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 730 S.E.2d 282, 285 (2012). Thus, the law of this case – whether correct or not – holds that the Appellant’s motion to reconsider was not timely filed.

Because that motion was not timely filed, then the deadline for filing a timely appeal was not stayed by the filing of that Rule 59(e) motion, and hence, the filing of the notice of appeal on December 16, 2024, was not timely. Accordingly, this Court lacks appellate jurisdiction and must dismiss the appeal.

In response to the motion to dismiss the appeal, the Appellant attempts to challenge the trial court's explicit ruling that her motion to reconsider "was not timely filed." However, it is too late for her to challenge that ruling at this stage of the appeal, where the Appellant both failed to appeal from that ruling in her Initial Appellant's Brief and failed to seek reconsideration from the trial court prior to even filing her appeal. Notably, the Appellant does not dispute that she committed those very errors, but instead disputes their impact on this Court's appellate jurisdiction. The Appellant refers to those errors as "alleged procedural missteps or deficiencies which do not affect this Court's appellate jurisdiction." She is incorrect in that regard.

The Appellant complains that the Respondent does not acknowledge the timeliness of her motion to reconsider; however, the law of the case already holds – right or wrong – that the motion "was not timely filed." That is the unappealed ruling of the trial court. To reiterate, at this point, it makes no difference whether that ruling was correct or not – *the untimeliness of the motion to reconsider is the law of the case*. And, because that motion to reconsider was untimely, that means that the filing of the notice of appeal was also untimely, and as a result, this Court lacks appellate jurisdiction.

Contrary to the Appellant's assertion, her "procedural missteps or deficiencies" cannot be corrected at this stage of the litigation, and this Court has no jurisdiction to excuse those errors. As the Supreme Court has held, "[s]ervice of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served." *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206, 207 (1985).

As a pertinent example of this rule applied under similar circumstances, in *Connor v. City of Forest Acres*, 348 S.C. 454, 560 S.E.2d 606 (2002), the Supreme Court actually reversed this Court for granting the appellant's motion to correct the record and for accepting a backdated notice of appeal where the court lacked appellate jurisdiction to do so. 560 S.E.2d at 610. The same limitations on appellate jurisdiction apply in this appeal.

In sum, the Respondent respectfully renews its request that the Court dismiss this appeal for lack of appellate jurisdiction.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

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*Counsel for Respondent Kershaw County*

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**CERTIFICATE OF SERVICE**

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), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Respondent, does hereby certify that service of the **Reply Memorandum in Support of Motion to Dismiss Appeal** in the above-captioned matter was made upon all counsel of record by email only this the 17th day of June 2025, as follows:

Justin A. Jernigan, Esquire  
Email: [justin.a.jernigan@gmail.com](mailto:justin.a.jernigan@gmail.com)

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*s/ Andrew F. Lindemann*



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*\*Also Admitted in North Carolina*

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**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Christine Jernigan v. Kershaw County South Carolina  
Appellate Case Number: 2024-002127  
Civil Action Number: 2023-CP-28-0538  
Our File Number: 290.20826

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended April 24, 2024), please find enclosed for filing the **Reply Memorandum in Support of Motion to Dismiss Appeal** with regard to the above referenced matter. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order.

If you have any questions, please advise.

Thank you for your assistance.

LINDEMANN LAW FIRM, P.A.

A handwritten signature in blue ink, appearing to read 'A. Lindemann', is placed above the typed name.

Andrew F. Lindemann

AFL/jac  
Enclosure

cc: Justin A. Jernigan, Esquire (*w/ Enclosure, Via Email Only*)  
David L. Morrison, Esquire (*w/ Enclosure, Via Email Only*)