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**Jul 17 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

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Appellate Case No. 2024-002176  
Circuit Case No. 2023-CP-10-00305

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John R. Nick, Respondent

**v.**

Emily Prioleau, Appellant

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**REPLY TO RESPONDENT’S OBJECTION TO APPELLANT’S DESIGNATION OF  
MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL**

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**COMES NOW** the Appellant, in reply to Respondent’s objection to the designation of deposition excerpts in the Record on Appeal, and respectfully submits that the objection must be overruled pursuant to SCACR Rules 210(c) and 210(e), on grounds of both procedural presentation and substantive relevance.

**1. Deposition Excerpts Were Submitted and Presented to the Trial Court**

On October 8, 2024, Respondent’s counsel, William B. Jung, Esq., filed selected excerpts from Appellant’s deposition in the Charleston County Court of Common Pleas (Case No. 2023-CP-10-0305) as Exhibit 1 to the WBJ Affirmation, in support of Respondent’s Motion for Summary Judgment. The excerpts were electronically submitted, served on all parties, and indexed as part of the pretrial record. Pursuant to SCACR Rule 210(c), which permits designation of any matter

presented to the trial court regardless of formal admission, Respondent’s own submission satisfies the procedural requirement for inclusion.

## **2. Trial Court Reviewed Pretrial Filings**

During trial on October 28, 2024, the Honorable Judge Salvini stated: “I have had an opportunity to review the file along with the pretrial briefs of the parties.” (Tr. p. 5, ll. 10–11) This confirms that the court reviewed Respondent’s filed affirmation and attached deposition excerpts, thereby satisfying Rule 210(c) and justifying designation.

## **3. Deposition Was Substantively Used at Trial**

The designated deposition excerpts were echoed and incorporated in Appellant’s sworn testimony at trial. Key excerpts—relating to financial contributions, ADA-compliant renovations, and ownership expectations—were reflected directly in trial testimony. (See Appendix A.)

## **4. Excerpts Are Necessary for Proper Review**

Under SCACR Rule 210(e), deposition excerpts are appropriate for designation where they are “necessary for proper review.” The designated excerpts substantiate Appellant’s equitable claims—including promissory estoppel, unjust enrichment, reliance, resulting trust, and equitable estoppel—and contextualize the factual issues disputed at trial. As reflected in Appendix A, each excerpt supports proper appellate analysis and affirms trial court review.

## **5. Respondent’s Objection Is Without Merit**

Respondent claims that the designated deposition excerpts are inadmissible because they were not formally admitted into evidence at trial. However, Appellant does not assert admission—only that the excerpts were presented to and reviewed by the trial court, as permitted under SCACR Rule 210(c). Respondent’s own counsel, William B. Jung, Esq., filed and served the excerpts as

Exhibit 1 to the WBJ Affirmation, and the trial judge confirmed review of those pretrial materials during open court proceedings (Tr. p. 5, ll. 10–11; see Point 2). Appellant’s designation is factual, transparent, and limited to excerpts that align directly with trial testimony and filed documents. Accordingly, Respondent’s objection is procedurally inconsistent and unsupported under SCACR Rule 210.

WHEREFORE, Appellant respectfully requests that Respondent’s objection be overruled, and that the designated deposition excerpts remain in the Record on Appeal pursuant to SCACR Rules 210(c) and 210(e).

Respectfully submitted,

/s/ Emily Prioleau  
Emily Prioleau, **Appellant**  
5528 Flanders Avenue  
North Charleston, SC 29406  
(843) 693-0184

Pursuant to SCACR Rule 210(c), Appellant provides the following Deposition–Transcript Reference Map to assist the Court in identifying excerpts previously presented to the trial court and substantively echoed during sworn testimony.

Appendix A: Deposition–Transcript Reference Map  
Presented pursuant to SCACR Rule 210(c) and 210(e)

Quoted Deposition Excerpt	Deposition Citation	Transcript Citation	Equitable Relevance
“...probably around \$40,000, or so, or more.”	Dep. p. 51	Tr. p. 45, lines 7–10	Unjust enrichment, Partial performance
“The house was designed around my grandson, the bathrooms, to make sure that everything was handicap, I mean, accessible... Everything I did was surrounded to be able to accommodate him.”	Dep. pp. 25–27	Tr. pp. 52–53	Partial performance; Promissory estoppel, Equitable estoppel, Resulting trust
“He owed me over \$158,000 cash... once he built his house, he would pay me back”	Dep. pp. 36–38, 41	Tr. p. 56, lines 3–15	Promissory estoppel, resulting trust theory, unjust enrichment, Reliance
“He already had a bagful of my money... “	Dep. pp. 41	Tr. pp. 45–46, 56	Partial performance, Promissory estoppel, Resulting trust, unjust enrichment, Reliance
“We met the morning before the paperwork was signed... we came to an agreement...” and “I agreed to let the house go in his name... because he would be able to get the stuff cheaper.”	Dep. p. 29, 35, 61–64	Tr. pp. 45–46	Oral agreement, Resulting trust, Reliance, Promissory estoppel
“Exhibit 1 to Affirmation of William B. Jung, Esq.” (Deposition excerpts filed Oct 8, 2024)	Dep. cover sheet / index pages	Tr. pp. 5–6	Procedural inclusion under SCACR Rule 210(c)

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CERTIFICATE OF SERVICE

I hereby certify that on 17 July 2025, the foregoing **Reply to Respondent's Objection to Designation of Deposition Excerpts** was filed electronically with the South Carolina Court of Appeals, and a true and correct copy was served via U.S. Mail, postage prepaid, addressed as follows:

**William B. Jung, Esq.**  
1156 Bowman Road, Ste 200  
Mount Pleasant, SC 29464

/s/ Emily Prioleau

**Emily Prioleau**, Appellant  
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