

RECEIVED

Jul 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G.D. Morgan, Circuit Court Judge

Case No.: 2024-002011

Steven Maness.....Appellant,

v.

Gunter Heating & Air, LLC and Teddy L. Gunter,.....Respondents.

**RESPONDENTS’ REPLY TO APPELLANT’S MOTION TO EXTEND TIME TO FILE
A REPLY BRIEF**

Respondents, Gunter Heating & Air, LLC/Teddy L. Gunter (“Respondents”), hereby respond to Appellant’s Motion to Extend Time to File a Reply Brief, filed on July 29, 2025.

To the extent Appellant is merely requesting an additional ten (10) days to file a Reply Brief, Respondents have no objection to that request. However, to the extent Appellant seeks to insert arguments that were not part of the original record before Judge Morgan, and therefore not properly preserved for appeal, Respondents object to any such arguments. Based upon the Motion to Extend filed by Appellant, Appellant appears to assert Respondents’ Memorandum in Support of Summary Judgment, filed ahead of the September 6, 2024 hearing before Judge Morgan, is the basis of Appellant’s request for an extension. was incorrect. Appellant’s Reply to Respondents’ Brief cannot raise new issues or discuss issues that were neither argued before Judge Morgan nor

preserved for appeal. The law is clear that only issues “fairly and properly raised to the lower court and passed upon by that court” can be appealed. *State v. Oxner*, 391 S.C. 132, 134, 705 S.E.2d 51, 52 (2011) (internal quotations omitted). *See also, Pye v. Estate of Fox*, 369 S.C. 555, 565, 633 S.E.2d 505, 510 (2006). For this Court to have “a platform for meaningful appellate review,” *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) the circuit court must have had the opportunity for each theory advanced by Appellant “to rule properly after it has considered all relevant facts, law, and arguments,” *I’On, LLC v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). Where a party raises an issue, but the issue is never ruled on by the trial court, and the party fails to file a motion to alter or amend, the issue is not preserved. *S.C. Farm Bureau Mut. Ins. Co. v. S.E.C.U.R.E. Underwriters Risk Retention Group*, 347 S.C. 333, 544 S.E.2d 870 (Ct. App. 2001).

In conclusion, Respondents have no objection to an additional ten (10) day extension for Appellant’s Reply. However, Respondents do object to Appellant’s effort to make an improper argument that is not preserved for appeal.

Respectfully submitted,

s/ Charles O. Williams, III
Charles O. “Bo” Williams III
(S.C. Bar No. 69495)
Gallivan, White & Boyd, P.A.
P.O. Box 10589
Greenville, South Carolina 29603
Telephone: (864) 271-5347
Facsimile: (864) 271-7502

Attorney for Respondents

Greenville, SC
July 30, 2025

RECEIVED

Jul 30 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court Of Common Pleas**

**The Honorable G.D. Morgan, Jr.
Case No.: 2021-CP-23-304620**

Appellate Case No. 2024-002011

Steven ManessAppellant,

v.

Gunter Heating & Air, LLC and Teddy L. Gunter.....Respondents.

PROOF OF SERVICE

**Steven Maness
305 Kilgore Farms Circle
Simpsonville, South Carolina 29681
Telephone: (864) 905-1314
Smaness1996@gmail.com**

PRO SE APPELLANT

I certify that on July 30, 2025, I served a copy of Respondents' Reply to Appellant's Motion to Extend Time to File a Reply Brief to be included in the Record on Appeal by United States Mail, postage prepaid to the following:

**Steven Maness
305 Kilgore Farms Circle
Simpsonville, South Carolina 29681**

By: s/ Charles O. Williams, III
Charles O. "Bo" Williams III
(S.C. Bar No. 69495)
Gallivan, White & Boyd, P.A.
P.O. Box 10589
Greenville, South Carolina 29603
Telephone: (864) 271-5347
Facsimile: (864) 271-7502

Attorney for Respondents

Greenville, South Carolina

July 30, 2025