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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2025-000237

Joe Bryan,

Respondent,

v.

THI of South Carolina at Charleston, LLC d/b/a
Riverside Health and Rehab,

Appellant.

REPLY IN SUPPORT
OF RESPONDENT'S MOTION TO DISMISS APPEAL

Pursuant to Rule 240(f), SCACR, Respondent submits this reply in support of his Motion to Dismiss and in response to Appellant's Memorandum in Opposition to the same.

While Appellant's Memorandum wastes little time in addressing the perceived inadequacies in the *Solesbee* decision, it still fails to demonstrate a reliance by the trial court on that decision. The hearing transcript cited by Appellant includes no discussion of or reference to *Solesbee* by the trial court; the only discussion of the case during the hearing at all was in comments by counsel for Appellant. There is simply no support for Appellant's contention that the trial court relied upon *Solesbee*, and this Court should disregard that argument.

Appellant's argument that the trial court implicitly relied on *Solesbee* is also without support. The fact that the trial court's order references the same precedent relied upon by the Court in *Solesbee* in no way demonstrates implicit reliance upon *Solesbee*. Appellant's Memorandum

fails to acknowledge that those precedential cases are still good law, which the trial court properly relied upon, independent of *Solesbee*. To accept Appellant’s argument, the Court would be essentially greenlighting appeals on the merits of every case it ever decided. Because Appellant cannot demonstrate the trial court’s reliance on *Solesbee*, explicitly or implicitly, which is its only foothold into appellate review,¹ the Court should dismiss this appeal.

Appellant’s brief concludes by referencing multiple other cases² in which it has survived motions to dismiss on the grounds of frivolousness following its attempted relitigation of *Solesbee*. These references serve only to underscore Respondent’s argument – that Appellant has made repeated attempts to relitigate an issue of law that has already been decided. The Court should not reward Appellant for its frivolous attempts to relitigate this issue simply because it has avoided the consequences of such actions thus far.

For the foregoing reasons, and for the reasons set forth in Respondent’s Memorandum in Support, the Respondent respectfully requests that the Court dispense with further briefing and dismiss this appeal.

[signature page to follow]

¹ See Respondent’s Memorandum in Support of Motion to Dismiss at pp. 4-5.

² Appellant inadvertently distinguishes these cases by describing *Solesbee* as “the one published case cited by the respondents.” Of course, *Solesbee* has never been cited by this Respondent, underscoring the frivolous nature of this appeal in particular.

Respectfully submitted,

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