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Aug 25 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Eugene C. Griffith, Jr., Circuit Court Judge

Appellate Case No. 2024-000592
Case No. 2020-CP-02-2238

Cassiopia Rhoads,..... Respondent-Appellant,

v.

Aiken County Sheriff’s Office,..... Appellant-Respondent.

**MOTION TO RE-DESIGNATE PARTIES AND AMEND CAPTION
AND TO DIRECT RHOADS TO SERVE AND FILE RECORD ON APPEAL**

The Aiken County Sheriff’s Office (“ACSO”) moves this Court for an Order, pursuant to Rule 206, SCACR, re-designating the parties and amending the caption to properly reflect that Cassiopia Rhoads is the Primary Appellant and the ACSO is only a Secondary Appellant on its conditional cross-appeal.

As the procedural history of this appeal reflects, the original Notices of Appeal filed by both parties on April 11, 2024, should be deemed moot by the trial court’s subsequent issuance of its Order Granting Defendant’s Motion to Alter or Amend Order and JNOV Motion on August 19, 2024. That Order expressly vacated the trial court’s previous post-trial orders and the

judgment previously entered on March 12, 2024, all of which were the subject of the original Notices of Appeal, thereby rendering those appeals to be moot.¹

Rhoads then filed a Notice of Appeal on September 17, 2024, whereby she appealed the Order Granting Defendant's Motion to Alter or Amend Order and JNOV Motion, which is the dispositive order on appeal. It is that Order that entered judgment in the favor of the ACSO. That is the primary appeal that remains before this Court which should make Rhoads the Primary Appellant. Thereafter, the ACSO filed a Notice of Conditional Cross-Appeal on October 21, 2024, which states as follows:

In the event that Rhoads seeks as relief in her appeal that this Court reverse the Order Granting Defendant's Motion to Alter or Amend Order and JNOV Motion and reinstate the previous post-trial orders which were vacated as well as the judgment previously entered on March 12, 2024, the Respondent-Appellant Aiken County Sheriff's Office hereby conditionally appeals the judgment entered on March 12, 2024, and the Order Relating to Post-Trial Motions filed on March 12, 2024, if reinstated.

See, Notice of Conditional Cross-Appeal filed October 21, 2024. That Notice of Conditional Cross-Appeal make the ACSO only a Secondary Appellant. In other words, if the Court affirms on Rhoads' appeal, the Court will not reach the conditional cross-appeal.

Based on this procedural history, Cassiopia Rhoads qualifies as the Primary Appellant and, pursuant to Rule 206, SCACR, Rhoads "shall be responsible for performing all duties required of the appellant under Rules 207 and 210," including the preparation of the Record on Appeal.

¹ The trial court expressly ordered that that "the Defendant's JNOV motion is hereby granted for the reasons stated herein, and the judgment and the Orders previously entered by the Court addressing the parties' post-trial motions are vacated." *See*, Order Granting Defendant's Motion to Alter or Amend Order and JNOV Motion, pp. 8-9. That ruling was made on August 19, 2024, subsequent to the filing of the parties' original Notices of Appeal and while the appeals were held in abeyance.

Based on the foregoing discussion, the ACSO respectfully requests that the Court re-designate the parties and amend the caption such that Rhoads is identified as the “Appellant-Respondent” and the ACSO is identified as the “Respondent-Appellant.” In addition, the ACSO requests that the Court direct Rhoads, as the Primary Appellant, to prepare, serve, and file the Record on Appeal. Finally, the ACSO requests that the deadline for serving and filing the Record on Appeal be held in abeyance during the pendency of this motion or that the Court otherwise grant an extension of time for the service of the Record on Appeal.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

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Cassiopia Rhoads,.....

Respondent-Appellant,

v.

Aiken County Sheriff's Office,.....

Appellant-Respondent.

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 Aiken County Sheriff's Office, does hereby certify that service of the **Motion to Re-Designate Parties and Amend Caption and to Direct Rhoads to Serve and File Record on Appeal** in the above-captioned matter was made upon all counsel of record by email only this the 25th day of August 2025, as follows:

Francis M. Hinson, IV, Esquire
HHP Law Group, LLC
Email: brink@hhplawgroup.com

Patrick J. McLaughlin, Esquire
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s/ Andrew F. Lindemann



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**Also Admitted in North Carolina*

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SC Court of Appeals

Via Email Only

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

RE: Cassiopia Rhoads v. Aiken County Sheriff's Office
Appellate Case Number: 2024-000592
Civil Action Number: 2020-CP-02-2238
Claim Number: 2020G00077
Our File Number: 333.20304

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 **Motion to Re-Designate Parties and Amend Caption and to Direct Rhoads to Serve and File Record on 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.

My firm's check for the \$50.00 filing fee will be sent to the Court via U.S. Mail. If you have any questions, please advise.

Thank you for your assistance.

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jac
Enclosure

cc: Francis M. Hinson, IV, Esquire (*w/ Enclosure, Via Email Only*)
Patrick J. McLaughlin, Esquire (*w/ Enclosure, Via Email Only*)