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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Eugene C. Griffith, 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.

**RESPONDENT-APPELLANT’S RETURN TO APPELLANT-RESPONDENT’S
MOTION TO RE-DESIGNATE PARTIES AND AMEND CAPTION AND
TO DIRECT RHOADS TO SERVE AND FILE RECORD ON APPEAL**

Respondent-Appellant Rhoads submits this return pursuant to Rule 240 of the South Carolina Appellate Court Rules. As set forth herein, Rhoads opposes Appellant-Respondent Aiken County Sheriff’s Office’s (“ACSO’s”) motion, filed August 25, 2025, seeking to re-designate the parties, amend the caption, and direct Rhoads to serve and file the record on appeal. ACSO requests special treatment so as to have Rule 206, SCACR, set aside for its benefit (and at the detriment of Respondent-Appellant Rhoads) and, in essence, asks this Honorable Court to overrule its prior order addressing a similar motion. Further, this Honorable Court should not overlook that, although both appeals have been filed for nearly a year, Appellant-Respondent ACSO awaited until the very day that the Record on Appeal was due before filing its motion to redesignate the parties in an effort to avoid the responsibility of preparing the ROA. As discussed below, Appellant-Respondent ACSO’s motion should be denied.

OVERVIEW

Importantly, two different post-trial orders from the Circuit Court are at issue in this appeal. Following a \$950,000 jury verdict in Rhoads' favor, ACSO filed post-trial motions spanning 27-pages. These motions included assertions that sheriff's deputies owe no legal duties to the pre-trial detainees in their custody care/control and therefore a JNOV should be granted, claimed errors in the jury charge requiring a new trial absolute, proclaimed numerous evidentiary errors requiring a new trial absolute, sought application of the 13th juror doctrine, and asserted that Rhoads' prior settlement with a private defendant required dismissal of the case because the only remaining defendant was governmental. On March 12, 2024, the Trial Court entered an initial post-trial order denying ACSO's various post-trial motions. **On April 11, 2024, ACSO appealed the March 12th order, thereby, quite plainly, becoming the Appellant by having filed the first appeal in this matter.**¹

In addition to appealing the Circuit Court's March 12th order, ACSO also moved for reconsideration of the denial of its numerous post-trial motions. On August 19, 2024, the Circuit Court partially granted ACSO's motion for reconsideration, ruling that Rhoads' prior settlement with a private defendant ended her claims against ACSO and granting a JNOV. **On September 17, 2024, Rhoads filed a Notice of Appeal of the Trial Court's post-trial order from August 19th, thereby filing a cross-appeal and being the second appeal filed in this matter.**

¹ Sometime after ACSO appealed the March 12th order, Rhoads also appealed a post-trial order pertaining to the calculation of interest on an unaccepted offer of judgment. However, Rhoads has since dropped that appeal. See Footnote 8 of Respondent-Appellant Rhoads' Initial Brief stating in part: "Rhoads had intended to appeal how the Trial Court's had calculated post-trial interest deriving from the consequences of an unaccepted offer of judgment and for which she subsequently received a more favorable verdict. While she maintains that the manner of the calculation was in error (the Trial Court did not base the calculation on the actual amount of the jury's verdict but made the calculation based on a reduced figure that applied the set-off and SCTCA cap), Rhoads no longer intends to appeal that particular issue."

On November 6, 2024, Rhoads moved for a partial stay, arguing that her appeal taken on September 17th should be heard first and that, when/if that appeal was successful, ACSO’s appeal should then be considered by the Court of Appeals. ACSO opposed this motion for a partial stay. On December 19, 2024, the Court of Appeals denied the motion, thereby effectively ruling that ACSO’s appeal and Rhoads’ appeal would be heard together and having the practical effect of determining that ACSO should remain the Appellant-Respondent and that Rhoads would remain the Respondent-Appellant.

LAW & ANALYSIS

I. Appellant-Respondent’s motion asks this Honorable Court to disregard the plain language of the South Carolina Appellate Court Rules.

Rule 206, SCACR, has been the cornerstone procedure for handling cross-appeals for more than three decades, providing:

Where more than one party serves a notice of appeal, *the party whose notice of appeal is first received by the appellate court shall be designated as the primary appellant* and *shall be responsible for performing all duties required of the appellant under Rules 207 and 210*. Upon receipt of notification that the primary appellant has received the transcript of proceeding, the clerk of the appellate court shall establish a briefing schedule.

Rule 206, SCACR (emphasis added).

There can be no debate that ACSO is “the party whose notice of appeal is first received by the appellate court.” In fact, ACSO’s appeal was received more than five months before Rhoads’ appeal that also remains at issue in this matter. Rule 206 makes clear that ACSO is the primary appellant and will be the party responsible for preparing the record on appeal.

The term “shall” means “the action is mandatory.” *Johnston v. South Carolina Dept. of Labor, Licensing, and Regulation*, 365 S.C. 293, 296-97, 617 S.E.2d 363, 364 (2005). Appellant-Respondent ACSO seeks to undermine that Rule for one single reason—to shirk its mandatory responsibility of preparing and filing the Record on Appeal. Such relief is not contemplated by our

Appellate Court Rules and should be denied. Further, it should be noted that if the Court grants ACSO the relief which it seeks, this will encourage other cross-appellants from filing these types of motions, seeking special treatment in contradiction to the Appellate Court Rules any time there are cross-appeals.

II. The issue before the Court in ACSO's motion has practically been raised and ruled on by this Court over nine (9) months ago.

On November 6, 2024, Rhoads filed a motion for partial stay, the grounds for which Rhoads summarized as:

Respondent-Appellant Cassiopia Rhoads ("Rhoads") hereby moves for a partial stay, asking this Honorable Court *to hold in abeyance the appeals pertaining to the Trial Court's initial post-trial order*, which has been superseded by a subsequent order. Rhoads asks this Honorable Court to stay the parties' cross-appeals that were taken on April 11, 2024 (and pertaining to a litany of issues within the Trial Court's first post-trial order entered on March 12, 2024) *and initially hear only the appeal taken with regard to the Trial Court's final post-trial order from August 19, 2024*. In this final post-trial order, the Trial Court granted Appellant-Respondent Aiken County Sheriff's Office's ("ACSO's") motion to reconsider and granted a JNOV, thereby vacating and effectively mooting the entirety of the many rulings contained within its initial post-trial order from March 12, 2024. As discussed below, staying the cross-appeals pertaining to the initial post-trial order will add efficiency to the appellate process.

Rhoads' *Motion for a Partial Stay*, filed Nov. 6, 2024, p. 1 (emphasis added).

On November 18, 2024, ACSO filed a return *opposing* Rhoads' request. In its conclusory paragraph, ACSO argued against treating its appeal as a separate matter, which now, in an effort to avoid preparing the record on appeal, is effectively what it seeks to do:

In short, the idea of a stay of the conditional cross-appeal may have some appeal, but from a practical perspective, *such a stay potentially prolongs the appeal unnecessarily* and certain of the other JNOV issues, at a minimum, will likely be briefed and argued as additional sustaining grounds, and frankly, the Court may very well want options as to how it may be able to decide this case. For these reasons, *ACSO opposes Rhoads' request for a stay of the issues related to the March 12, 2024 Order*.

ACSO's *Return in Opposition to Motion for Partial Stay*, filed Nov. 18, 2024, p. 4 (emphasis added).²

By order issued December 19, 2024, this Honorable Court denied Rhoads' Motion for Partial Stay. Now, ACSO seeks to avoid preparing the record on appeal, and out of pure desired convenience, has taken a contrary position that has needlessly involved briefing of moot issues in this appeal. As a product of ACSO's successful opposition of the motion for a partial stay, ACSO's appeal of the order from April 11, 2024, and Rhoads' appeal of the order from September 17, 2024, have jointly resulted in total of six briefs being filed in in this appeal, and half of these could have been avoided if ACSO had consented to Rhoads' request to stay ACSO's appeal. It is simply too late in the process for ACSO to assert there must be a recaptioning of the case, particularly when this argument runs contrary to its prior (successful) opposition to Rhoads' Motion for a Partial Stay.

III. Fundamental principles of equity require Appellant-Respondent ACSO prepare the record on appeal because the issues involved in ACSO's initial appeal necessitate a large portion of the materials required to be included in the Record on Appeal.

As discussed above, the issues involved in ACSO's appeal from the April 11th order relate to numerous trial issues, many of which were evidentiary in nature, by which ACSO's claims the Trial Court committed reversible error. In contrast, Rhoads' appeal from the September 17th order is quite narrow and legal in nature—it only requires the Court of Appeals to determine if Rhoads' prior settlement with a private corporation (Southern Health Partners) ended her claims against

² Having successfully opposed Rhoads' motion for a partial stay, which would have limited the issues requiring argument and correspondingly limited the matters/documents that needed to be included within the Record on Appeal, ACSO has waited until the due date for the Record on Appeal to ask this Court to ignore the plain language of Rule 206 and, as discussed below, takes a stance that is contrary to the position it took when it successfully argued against Rhoads' Motion for a Partial Stay.

ACSO because it is a governmental entity. By having appealed so many evidentiary issues that have factual concerns, it is ACSO's appeal that has necessitated a large portion of what has been designated for the Record on Appeal. Amending the caption and ordering Respondent-Appellant Rhoads to prepare and file the Record on Appeal, which would contain copious pages that are only relevant to matters/issues that ACSO has appealed (issues about which ACSO successfully argued against staying) would be inequitable and is directly contrary to the purpose and spirit of Rule 206, SCACR, which requires the first party to appeal to be the one to prepare the Record on Appeal.

It should be noted that Rhoads went out of the way to confirm ACSO's responsibility for preparing the Record on Appeal, contacting this Court to confirm that responsibility and then reminding ACSO of that responsibility via email *24 Days* before ACSO filed the present motion. Exhibit 1, Email dated Aug. 1, 2025. Thus, even after being specifically reminded of its responsibility to produce the record on appeal, ACSO waited until the very day the record was due before filing its motion asking this Court to set aside Rule 206. ACSO having waited until the last possible day to file the motion suggests that at least one of ACSO's purposes is delay, and such a purpose should not be rewarded by this Court. Indeed, a lawsuit "is not a children's game, but a serious effort on the part of adult human beings to administer justice." *Welch v. Advance Auto Parts*, 445 S.C. 640, 666, 916 S.E.2d 320, 335 (2025).

CONCLUSION

Respondent-Appellant Rhoads requests that the Court deny Appellant-Respondent ACSO's motion. Pursuant to Rule 269, SCACR, Rhoads respectfully asks the Court to consider any sanctions it deems proper under the circumstances, particularly given the timing of the matter—that Appellant-Respondent ACSO waited until the very day the Record on Appeal was due before it filed the motion now before this Court.

<signature on page following>

September 3, 2025
Columbia, SC

Respectfully submitted,

s/ Francis M. Hinson, IV

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

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

Cassiopia Rhoads Respondent-Appellant,

v.

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**RESPONDENT-APPELLANT'S RETURN TO APPELLANT-RESPONDENT'S
MOTION TO RE-DESIGNATE PARTIES AND AMEND CAPTION AND
TO DIRECT RHOADS TO SERVE AND FILE RECORD ON APPEAL**

EXHIBIT 1

Brink Hinson

From: Brink Hinson
Sent: Friday, August 1, 2025 11:08 AM
To: Andrew Lindemann; Jennifer (Baker) Chapman
Cc: Patrick Mclaughlin
Subject: Cassiopia Rhoads v. ACSO (2024-000592) - Record on Appeal

Andrew –

My office called and confirmed with the Court of Appeals earlier this morning, having appealed first and being designated as the Appellant-Respondent, the Aiken County Sheriff's Office is responsible for preparing the record on appeal in Rhoads. If you need a copy of, need direction on, or have any questions regarding any of the things Patrick and I designated for the ROA, of course, don't hesitate to reach out and let us know.

Sincerely,
Brink

Francis M. "Brink" Hinson, IV

Attorney at Law

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Eugene H. Griffith, Jr., Circuit Court Judge

Case No. 2020-CP-02-02238

Appellate Case No. 2024-000592

Cassiopia Rhoads Respondent-Appellant,

v.

Aiken County Sheriff's Office.....Appellant-Respondent

PROOF OF SERVICE

The undersigned, counsel for Respondent-Appellant Rhoads, does hereby certify that on the date indicated below the **RESPONDENT-APPELLANT'S RETURN TO APPELLANT-RESPONDENT'S MOTION TO RE-DESIGNATE PARTIES AND AMEND CAPTION AND TO DIRECT RHOADS TO SERVE AND FILE RECORD ON APPEAL** were served on counsel for Appellant-Respondent Aiken County Sheriff's Office via email and via United States Mail, first-class postage pre-paid, to the following:

COUNSEL: Andrew F. Lindemann
LINDEMANN LAW FIRM, P.A.
P.O. Box 6923
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E: andrew@ldlawsc.com
Attorney for Appellant-Respondent

<signature on page following>

Respectfully submitted,



September 3, 2025
Columbia, SC

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September 3, 2025

Via Email Only

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

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SC Court of Appeals

Re: Cassiopia Rhoads v. Aiken County Sheriff's Office
Appellate Case No. 2024-000592
Civil Action No.: 2020-CP-02-02238
Status of Transcript Order

Dear Ms. Kitchings,

Enclosed and for filing, please find the *Respondent-Appellant's Return to Appellant-Respondent's Motion to Re-Designate Parties and Amend Caption and to Direct Rhoads to Serve and File Record on Appeal, Exhibit 1 and Proof of Service* in connection with the above-referenced matter.

Should you have any questions or require any additional information, please do not hesitate to contact our office directly.

Kindest regards,

Ashley M. Cashdollar

Enclosure(s): *as stated*

cc: Patrick McLaughlin, Esquire (*via email at patrick@wukelalaw.com*)
Andrew Lindemann, Esquire (*via U.S. Mail and email at andrew@ldlawsc.com*)

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