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Sep 08 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.

**REPLY MEMORANDUM IN SUPPORT OF 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”) has filed a motion requesting that this Court issue 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. Rhoads opposes that relief on the premise that she should not be responsible for the preparation of the Record on Appeal even though it is her appeal which is primary. In so arguing, Rhoads disregards the procedural history and also complains that that the ACSO filed its motion on the date that the Record on Appeal was due to be filed.

In lieu of repeating the procedural history in detail, the ACSO emphasizes the fact that the two original Notices of Appeal – one filed by each side on April 11, 2024 – are now moot. At that point, the ACSO had pending a Rule 59(e) Motion for Reconsideration in the Circuit Court, which motion had been filed on March 22, 2024. On April 19, 2024, the ACSO filed a Motion for Stay of Appeal and Limited Remand, in which the ACSO explained: “The Sheriff’s Office filed its Notice of Appeal out of an abundance of caution to avoid any timeliness questions.” This Court granted that motion and remanded to the Circuit Court to allow Judge Eugene Griffith time to decide the pending Rule 59(e) motion. By Order Granting Defendant’s Motion to Alter or Amend Order and JNOV Motion filed on August 19, 2024, Judge Griffith *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 by both sides, thereby rendering both of those appeals to be moot.

At that point, judgment had been entered in the ACSO’s favor, and it remains in the ACSO’s favor, pending a decision on Rhoads’ appeal. If no further appeals had been filed, the case was over. However, Rhoads filed her 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 was and remains the dispositive order on appeal throughout the briefing stage of the appeal. It is that Order which grants judgment for the ACSO. The ACSO also filed a conditional cross-appeal, which will only be heard if this Court reverses the JNOV and reinstates any of the earlier post-trial orders that were vacated by that Order as appealed by Rhoads. This procedural history demonstrates that the first operative Notice of Appeal was filed by Rhoads on September 17, 2024, making her the Primary Appellant. The ACSO then filed a conditional cross-appeal making it the Secondary Appellant.

Rhoads suggests in her return that the ACSO took a contrary position in successfully defeating her Motion for Partial Stay, whereby Rhoads sought to stay the conditional cross-appeal. ACSO did not take a contrary position. In fact, the briefing on the Motion for Partial Stay is consistent with the position taken by the ACSO in the current motion. The ACSO, in fact: wrote: “ACSO agrees with Rhoads that the August 19, 2024 Order vacates the previous post-trial orders as well as the judgment previously entered on March 12, 2024. That judgment and the post-trial orders are subject to appeal only if Rhoads seeks reinstatement of those orders and judgment as part of the relief sought in the current appeal.”

Finally, Rhoads complains that the ACSO did not file the current motion to re-designate the parties until the date that the Record on Appeal was due to be filed. However, by that date, it was clear that Rhoads was not going fulfill her responsibility as the Primary Appellant, and that it was necessary to ask this Court to intervene and address this situation. In support of her position, Rhoads cites to an August 1, 2024 email from Brink Hinson advising Andrew Lindemann that the ACSO is responsible for preparing the Record on Appeal. Rhoads seems to suggest that counsel for the ACSO did not challenge or dispute that email and the position stated therein and instead waited “24 days” to file this motion. In actuality, counsel for the ACSO responded to Mr. Hinson’s email *six minutes later* stating:

The first appeal was rendered moot by Judge Griffith’s JNOV ruling. In actuality and in fairness, the principal appeal is that of Rhoads and then the Sheriff filed a conditional cross-appeal, so in reality Rhoads is the initial appellant. If we can’t agree on that, I will get a motion filed.

See, Exhibit 1 (Email dated August 1, 2025 from Lindemann to Hinson). When it was clear that Rhoads was not going to fulfill her duty as the Primary Appellant, this motion was filed.

Based on the foregoing discussion, the ACSO respectfully renews its request 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 renews its request that the Court direct Rhoads, as the Primary Appellant, to prepare, serve, and file the Record on Appeal.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann
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Counsel for Aiken County Sheriff's Office

September 8, 2025

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APPEAL FROM AIKEN COUNTY
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Appellate Case No. 2024-000592
Case No. 2020-CP-02-2238

Cassiopia Rhoads, Respondent-Appellant,

v.

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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 **Reply Memorandum in Support of 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 8th day of September 2025, as follows:

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

Patrick J. McLaughlin, Esquire
Wukela Law Firm
Email: Patrick@wukelalaw.com

s/ Andrew F. Lindemann

From: [Andrew Lindemann](#)
To: ["Brink Hinson"; Jennifer \(Baker\) Chapman](#)
Cc: [Patrick Mclaughlin](#)
Subject: RE: Cassiopia Rhoads v. ACSO (2024-000592) - Record on Appeal
Date: Friday, August 1, 2025 11:14:12 AM

Brink:

Thanks for reminding me on this. The first appeal was rendered moot by Judge Griffith's JNOV ruling. In actuality and in fairness, the principal appeal is that of Rhoads and then the Sheriff filed a conditional cross-appeal, so in reality Rhoads is the initial appellant. If we can't agree on that, I will get a motion filed.

Let me know your position. Thanks.

Andrew

Andrew F. Lindemann
Lindemann Law Firm, P.A.
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
Direct Dial: 803-881-8921
Email: andrew@ldlawsc.com

From: Brink Hinson <brink@hhplawgroup.com>
Sent: Friday, August 1, 2025 11:08 AM
To: Andrew Lindemann <Andrew@ldlawsc.com>; Jennifer (Baker) Chapman <Jennifer@ldlawsc.com>
Cc: Patrick Mclaughlin <patrick@wukelalaw.com>
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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**Also Admitted in North Carolina*

September 8, 2025

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 **Reply Memorandum in Support of 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.

If you have any questions, please advise. Thank you for your assistance.

LINDEMANN LAW FIRM, P.A.

A handwritten signature in blue ink, appearing to read 'A. Lindemann', is positioned above the typed name.

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*)