

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

R. Lawton McIntosh, Circuit Court Judge

Opinion No. 2025-UP-226 (S.C. Ct. App. filed July 2, 2025)
Supreme Court Case No. 2025-001679

Bierer and Associates, Inc.,

Petitioner,

v.

Jan F. Kennerly, Jr., Danielle Kennerly, EUSA, LLC,
J&D Farms, LLC, Trystar LLC; Travis Pattern &
Foundry, Inc.; Illinois Tool Works, Inc.; and David
Deinek,

Defendants,

of which, Trystar LLC and Travis Pattern &
Foundry Inc. are

Respondents.

AND

Jan F. Kennerly, Jr.,

Defendant/Third Party Plaintiff,

v.

Walter Bierer, Brent Jeffries, and Joseph Bierer,

Third Party Defendants.

**TRAVIS PATTERN & FOUNDRY, INC.'S RETURN
TO PETITION FOR A WRIT OF CERTIORARI**

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I. INTRODUCTION

Petitioner Bierer and Associates, Inc. (“Bierer”) seeks this Court’s extraordinary review after two courts have already determined that every one of its claims against Respondents Trystar LLC (“Trystar”)¹ and Travis Pattern & Foundry, Inc. (“Travis Pattern”) is time-barred.

First, the Business Court granted summary judgment to Respondents, finding that the undisputed evidence demonstrated that all of Bierer’s claims were barred by the applicable statutes of limitation. Second, the Court of Appeals, in a detailed unpublished opinion (Op. No. 2025-UP-226), considered again the same evidence and arguments put forth by Bierer in its current Petition and affirmed the trial court’s decision on every ground. Both courts consistently held (1) that Bierer was on inquiry notice of its claims against Travis Pattern and Trystar no later than 2016, well outside the three-year limitations period, and (2) that no conduct by Trystar or Travis Pattern tolled the statutes of limitation against them through their own fraudulent concealment.

Bierer’s Petition does not identify any novel constitutional issue, unsettled question of statewide importance, or conflict among appellate decisions. Instead, through its Petition, Bierer acts as though the sky is falling. (Pet. 23-24.) It is not. Bierer requests this Court re-weigh the same evidence and consider precisely the same legal issues that the lower courts have already thoroughly considered and roundly rejected. Bierer’s request is at odds with the limited purpose of certiorari review under Rule 242, SCACR. Because the Court of Appeals’ decision faithfully applies controlling precedent and turns on case-specific facts, further review in this honorable Court is neither warranted nor appropriate.

¹ Travis Pattern & Foundry, Inc. incorporates by reference Trystar’s Return in Opposition to Petition for Writ of Certiorari, as if fully set forth herein, to the extent that it addresses arguments applicable to Travis Pattern & Foundry, Inc.

II. BACKGROUND

Bierer first sued its former employee, Jan F. “Rick” Kennerly (“Kennerly”), and his related entities, in September 2018. The original parties to Bierer’s legal action conducted significant discovery until—nearly three years later—on April 15, 2021, when Bierer amended its complaint to add six claims against Trystar and Travis Pattern.² Bierer also sought equitable remedies of accounting and constructive trust. (R. at 104, 106-07.) The case was assigned to Judge McIntosh within the South Carolina Business Court.

Travis Pattern and Trystar, among other parties, independently filed answers, denying the allegations in the Third Amended Complaint and asserting, among others, the affirmative defenses of statutes of limitation and laches. (R. at 119-36, 139-92.) On September 28, 2022, after the conclusion of discovery, Travis Pattern filed a motion for summary judgment pursuant to Rule 56(c), SCRPC, contending that all Bierer’s claims were time-barred by applicable three-year statutes of limitation. (R. at 198-221.) Trystar filed an analogous motion for summary judgment on October 26, 2022. (R. at 336-54.) On February 6, 2023, the court granted the dispositive motions and also denied Bierer’s motion for reconsideration on May 5, 2023. (R. at 3-37.)

The Court of Appeals affirmed the trial court’s ruling in an unpublished final decision dated July 2, 2025, and denied Bierer’s request for rehearing.

III. STANDARD FOR CERTIORARI

Certiorari is granted only in extraordinary cases. *State v. Isaac*, 405 S.C. 177, 185 n.6, 747 S.E.2d 677, 681 n.6 (2013) (“[S]uch writs are aptly named, as they are intended only for the most

² Bierer’s claims include: (1) aiding and abetting breach of fiduciary duty, (2) tortious interference with contract, (3) tortious interference with prospective contract, (4) unjust enrichment, (5) common law unfair competition, and (6) violation of the South Carolina Trade Secrets Act, S.C. Code Ann. § 39-8-10, *et seq.* (2023). (R. at 94-110.)

extraordinary and exceptional situations[.]”). Therefore, to appeal to this Court’s jurisdiction, the petitioner must establish that the appeal involves “[n]ovel questions of law concerning issues of significant public interest” or to resolve conflicts in precedent. *In re Breast Implant Prod. Liab. Litig.*, 331 S.C. 540, 543 n.2, 503 S.E.2d 445, 447 n.2 (1998); *see also* Rule 242(b), SCACR. Mere disagreement with fact-driven holdings or the application of settled law is no basis for further review.

IV. BIERER’S PETITION FAILS TO MEET CERTIORARI STANDARDS

A. The Court of Appeals’ Application of the Discovery Rule Follows, Rather Than Conflicts With, Existing Precedent.

First, Bierer asserts that the Court of Appeals’ decision “creates a novel and problematic standard for the discovery rule” that conflicts with *Walbeck v. I’On Co.*, 439 S.C. 568, 581, 889 S.E.2d 537, 543-44 (2023). (Pet. 8.) Bierer is wrong.

In South Carolina, there are two ways in which a statute of limitations may begin to accrue: (1) the plaintiff’s actual knowledge of a potential claim (subjective test), and (2) implied or constructive knowledge of a potential claim imposed on the plaintiff (objective test). “It takes very little to start the clock[.]” *Maher v. Tietex Corp.*, 331 S.C. 371, 379, 500 S.E.2d 204, 208 (Ct. App. 1998) (quoting *Roe v. Doe*, 28 F. 3d 404, 407 (4th Cir. 1994)). Through its Petition, Bierer “proposes an interpretation of the discovery rule that would require absolute certainty a cause of action exists before the statute of limitations begins to accrue,” but in *Bayle v. South Carolina Department of Transportation*, the Court of Appeals firmly held: “that is not the law of this state.” 344 S.C. 115, 126, 542 S.E.2d 736, 741 (Ct. App. 2001). For the following reasons, the lower courts correctly applied the discovery rule to the undisputed facts of the case and certiorari is unwarranted.

1. Bierer had actual knowledge of its potential claims at various times between 2013 and 2016.

The undisputed record evidence establishes that Bierer had *actual knowledge* of its potential claims as early as 2013. Bierer’s internal emails discuss its concerns about Trystar “possibly circumventing” its sales efforts, Trystar’s alleged “history” of “undermining” Bierer’s business by selling to Bierer’s customers directly instead of through Bierer’s distribution network, and Bierer’s characterization of Trystar’s conduct as “crossing another line.” (R. at 356, 358.)

Later, as early as 2014, but potentially as late as 2016,³ Bierer also received an industry brochure (the “IEEE Brochure”) announcing that Kennerly was “working for” (i.e., getting paid by) Travis Pattern even though Bierer knew that he was a Bierer employee. (R. at 253.) It is undisputed that Bierer confronted Kennerly about this IEEE Brochure and he allegedly “laughed it off.” (*See* R. at 228.) Bierer acknowledged that this IEEE Brochure was widely disseminated in the industry. (R. at 228, 431.) As the Court of Appeals recognized in another case: “where events receive widespread publicity, plaintiffs may be charged with knowledge of their occurrence.” *Hedgepath v. American Tel. & Tel. Co.*, 348 S.C. 340, 337, 559 S.E.2d 327, 358 (Ct. App. 2001). However, here, Bierer admits it had *actual* knowledge of the IEEE brochure.

Similarly, in *Gibson v. Bank of America, N.A.*, the court of appeals held that once a plaintiff receives account statements showing clear evidence of loss, the law charges the plaintiff with notice of a potential claim. 383 S.C. 399, 407, 680 S.E.2d 778, 782 (Ct. App. 2009). The court explained: “It is undisputed that [Plaintiff] received the [two] statements by mid-June 2000, [which] showed a depletion of the . . . accounts totaling \$47,661.82. [It was error for] the trial court

³ Even if Mr. Bierer’s testimony that he did not have the IEEE brochure until sometime in 2015 or 2016, (R. at 397 at ¶ 13), is accepted, then Bierer had actual knowledge of potential claims against Travis Pattern and Trystar, through discovery of the IEEE brochure, by at least that time.

[to] conclude[] that whether the[se] statements placed [her] on notice . . . was a question for the jury.” *Id.* In other words, the plaintiff’s subjective *interpretation or understanding* of the significance of the statements giving rise to a claim in issue was irrelevant. Rather, the receipt of the statements alone triggered the plaintiff’s obligation to conduct a reasonable investigation into potential claims. Here, it is likewise clear that Bierer received the IEEE Brochure indicating to the industry, generally, as well as to Bierer, specifically, that Travis Pattern represented to the public that Kennerly was its sales representative as early as 2014 and as late as 2016. Under either scenario, Bierer’s claims, filed in 2021, are time barred.

South Carolina law clearly establishes that where “there is no conflicting evidence or only one reasonable inference can be drawn,” then the running of a statute of limitations is a matter of law. *Turner v. Milliman*, 381 S.C. 101, 110, 671 S.E.2d 636, 641 (Ct. App. 2009), *aff’d in part, rev’d in part on other grounds*, 392 S.C. 116, 708 S.E.2d 766 (2011). In the instant case, the lower court and the Court of Appeals meticulously catalogued the undisputed facts from the record which demonstrated that Bierer had actual knowledge of a potential claim against Trystar and Travis Pattern by 2016, at the latest. (Travis Pattern contends that Bierer was on notice of claims as early as 2013.) Bierer has never identified any conflicting evidence and, again, fails to do so now in its Petition. Instead, Bierer only rehashes its unreasonable, and subjective, interpretation of that evidence. (Pet. 10-19.)

In attempting to assert that the Court of Appeals’ decision conflicts with existing precedent, Bierer misreads *Walbeck v. I’On Co.*, 439 S.C. 568, 889 S.E.2d 537. (Pet. 8.) That decision simply reiterates the rule that discovery-date issues go to the jury *only when* “conflicting evidence” would permit multiple reasonable inferences. *See id.* at 580-82, 889 S.E.2d at 543-44. Here, the Court of Appeals found only one reasonable inference from the undisputed record evidence; the same

conclusion the trial court independently reached. Here, there is not a “host of conflicting evidence” (as was present in *Walbeck*) as to when Bierer had actual knowledge of a potential claim against Travis Pattern and Trystar. *See id.* at 582, 889 S.E.2d at 544. Instead, the undisputed evidence shows that Bierer considered, and in fact began investigating, its potential claims but failed to timely sue on them within the statutes of limitation.

2. The referenced emails and IEEE Brochure constitute inquiry notice as a matter of law.

In addition, the same evidence supports the Court of Appeals’ conclusion that Bierer was also on inquiry notice as late as 2016 of potential claims against Travis Pattern. The statute of limitations runs not only when a plaintiff has actual knowledge of a potential claim (as discussed above), but also when a plaintiff “*should know*, by the exercise of reasonable diligence, that a cause of action exists for the wrongful conduct.” *True v. Monteith*, 327 S.C. 116, 119, 489 S.E.2d 615, 616-17 (1997) (emphasis added). “It is settled law that knowledge of facts sufficient to put a reasonable man on inquiry is equivalent to actual notice of such facts as a reasonably diligent inquiry would certainly have disclosed.” *Gov’t Emps. Ins. Co. v. Chavis*, 254 S.C. 507, 525, 176 S.E.2d 131, 140 (1970) (J. Brailsford, dissenting) (citation omitted).

In this case, the documents and information that Bierer undeniably had in its possession as early as 2013 and as late as 2016 go far beyond the “very little” needed to trigger the statute of limitations in South Carolina under the objective test. These records show that Bierer articulated its suspicions about potential claims against Travis Pattern in writing, repeatedly, both internally and externally, and Bierer also possessed a national advertisement (the IEEE Brochure) announcing Kennerly’s employment with Travis Pattern.

As proof that Bierer knew or should have known of its potential claims, *Bierer actually did investigate* by emailing Trystar in 2013 and, separately, by confronting Kennerly about the IEEE

brochure in 2014, 2015, or 2016 (and again in 2018, when it finally called Travis Pattern directly). That Bierer had no new evidence in 2018, when it did call Travis Pattern regarding the exact same evidence it had sometime in 2014-2016, is also telling. *See also Martin v. Companion Healthcare Corp.*, 357 S.C. 570, 576, 593 S.E.2d 624, 628 (2004) (“[D]uring the four-year interim between Martin’s payment to Healthcare Recoveries and the filing of the instant cause of action, Martin cannot point to any events, other than her original payment of the claim and a meeting she had with attorneys, that caused her to ‘discover’ this claim.”).

Aside from the 2013 emails about and with Trystar, and the IEEE brochure, an avalanche of other dissociative events by Kennerly (or “red flags”), beginning in 2012 and continuing through 2018, all of which were known to Bierer at the time, would have put a person of common knowledge and experience on inquiry notice of potential claims. This evidence demonstrates that Kennerly was separating himself from Bierer, which is ultimately what led to Bierer’s termination of Kennerly and provides the grounds for its claims against Travis Pattern:

- Kennerly started doing business with a personal cell phone;
- Kennerly began doing business with a personal email;
- Kennerly stopped sending trip reports;
- Kennerly stopped requesting itemized reimbursements;
- Kennerly stopped introducing representatives from other companies to Bierer in a work capacity;
- Kennerly was “disappearing for weeks at a time”⁴;
- Kennerly was discussing other manufacturers’ products with customers;
- Bierer received five separate invoices from Travis Pattern with Kennerly “UGD” on them;⁵ and
- Bierer noticed a drop in sales.

But the Court does not need to examine any of this evidence to firmly conclude that Bierer’s claims against Travis Pattern are time-barred. Instead, the Court can rely on Bierer’s own

⁴ R. at 263.

⁵ R. at 265-273.

admission from 2018: “*No business other than Bierer would have tolerated this for any period of time.*” (R. at 263 (emphasis added).) During his deposition, Walter Bierer, Bierer’s owner, also testified regarding his so-called reliance on Kennerly’s 2014 (or 2016) alleged denial of his affiliation with Travis Pattern: “It was unreasonable? Well, looking at how corrupt [Kennerly] totally was, *it probably was unreasonable.*” (R. at 247 (emphasis added).)

In South Carolina, the statute of limitations begins running even if the plaintiff does “not know the exact nature of the wrong” where the person is nevertheless “aware of their injuries.” *Brown v. Pearson*, 326 S.C. 409, 418, 483 S.E.2d 477, 482 (Ct. App. 1997). The fact that Bierer may not have comprehended the full extent of its damages in 2013, 2014, 2015, or 2016 is immaterial. *Dean v. Ruscon Corp.*, 321 S.C. 360, 363, 468 S.E.2d 645, 647 (1996). Rather, a “full-blown theory of recovery” is not required for purposes of the running of a cause of action. *Snell v. Columbia Gun Exch.*, 276 S.C. 301, 303, 278 S.E.2d 333, 334-35 (1981).

If the triggering of the statute of limitations is like a puzzle, then under South Carolina law, an injured party need only *one puzzle piece* to begin investigating its potential claims. Here, Bierer had the first piece in 2012 and, by 2016, had accumulated *every single piece to the puzzle*. Yet, Bierer unreasonably refused to put the puzzle together until July 2018, at which point it assembled the exact same puzzle pieces that it had possession of years earlier. This is not objectively reasonable.

B. The Petition Seeks Impermissible Re-Weighing of Fact-Based Determinations.

Rule 242 does not permit this Court to become a finder of fact. The Court of Appeals affirmed—based on deposition testimony, documentary exhibits, and concession in briefs—that the undisputed record evidence clearly established Bierer had actual and constructive knowledge more than three years before it filed suit in 2021. Bierer’s challenges, first before the Court of

Appeals, and now in its Petition, are nothing more than a request to substitute its own view of the evidence, not to resolve a legal question of broad significance.

Bierer primarily takes issue with the lower courts' application of the objective discovery test for triggering the statute of limitations. But South Carolina law is clear: If a party does not have actual knowledge of a claim, then "[t]he date on which discovery should have been made is an objective rather than subjective question." *Dorman v. Campbell*, 331 S.C. 179, 184, 500 S.E.2d 786, 789 (Ct. App. 1998). "[C]ourts must decide whether the circumstances of the case would put a person of common knowledge and experience on notice that some right of his has been invaded, or that some claim against another party might exist." *Majstorich v. Gardner*, 361 S.C. 513, 520, 604 S.E.2d 728, 732 (Ct. App. 2004). "The adequacy of the plaintiff's due diligence investigation is measured against an objective standard that considers what the reasonably prudent person would have done[.]" 32 Am. Jur. *Proof of Facts* 3d § 129.

Bierer would have this Court create a new standard where the parties have a "very close relationship" or when an alleged wrongdoer is "like a son."⁶ (Pet. 9.) But there is not even such a separate test when the parties are actually related. If such a test existed, as Bierer suggests, then the objective standard would always collapse into a subjective one. Our courts clearly state an objective test for the running of the statute of limitations and the starting of the discovery rule, which Bierer acknowledges. (Pet. 9 (citing *Stokes-Craven Holding Corp. v. Robinson*, 416 S.C. 517, 526, 787 S.E.2d 485, 490 (2016) (requiring that reasonable diligence must be evaluated based on what "a person of common knowledge and experience" would do, not what the plaintiff, with its unique knowledge, experiences, and relationships, would do)).) Bierer's attempts to change that

⁶ See Pet. 5 ("Kennerly developed a very close relationship with the Bierer family. This is especially true for Walter Bierer who, prior to learning of Kennerly's deceit, had included him in Walter Bierer's Last Will and Testament.").

test based on the facts in this case failed at both the trial court and appellate court and, too, should be rejected here.

C. Bierer’s Fraudulent-Concealment Argument Was Correctly Rejected.

Bierer maintains that its claims against Travis Pattern are not time-barred because it allegedly reasonably relied on *Kennerly’s* representation to Bierer (in 2014 or 2016) that he was not working for Travis Pattern when he was confronted about the IEEE Brochure. (Pet. 20.) Bierer asserts that because Kennerly was an agent of Travis Pattern (despite undisputedly being a *Bierer employee*)⁷ then Kennerly’s fraudulent misrepresentation can be imputed to Travis Pattern. However, both the trial court and the Court of Appeals correctly rejected this legally untenable argument.

1. There is no evidence of concealment by Travis Pattern.

Fraudulent concealment is a type of equitable tolling. “Equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.” *Crocker v. S.C. Dep’t of Health & Env’tl Control*, 428 S.C. 1, 9, 831 S.E.2d 924, 929 (Ct. App. 2019) (quoting *Hooper v. Ebenezer Senior Servs. & Rehab. Ctr.*, 386 S.C. 108, 117, 687 S.E.2d 29, 33 (2009)). Fraudulent concealment requires conduct by *the defendant* that *prevents* discovery. *Logan v. Cherokee Landscaping & Grading Co.*, 389 S.C. 611, 618–19, 698 S.E.2d 879, 883 (Ct. App. 2010). Fraudulent concealment is defined as: “deliberate acts of deception by a defendant calculated to conceal from a plaintiff that he has a cause of action.” *Doe v. Bishop of Charleston*,

⁷ Bierer’s position here is internally inconsistent. On the one hand, Bierer allegedly had no knowledge that Kennerly was an agent of Travis Pattern or Trystar until sometime in 2018 (to avoid the running of the statute of limitations). On the other hand, Bierer relies on record evidence “clear[ly]” establishing that Kennerly was acting as an agent of Travis Pattern and Trystar as early as 2013. (See Pet. 20-21.) Bierer’s contradictory positions beg the question of whether a third-party (Bierer) can reasonably rely on the alleged misrepresentations of an agent (Kennerly) when the third-party did not even know that an agency relationship existed at all.

407 S.C. 128, 140, 754 S.E.2d 494, 500-01 (2014). In *Edmonson v. Eagle National Bank*, the Fourth Circuit reiterated “that to toll a limitation period based on fraudulent concealment, ‘a plaintiff must demonstrate: (1) *the party pleading* the statute of limitations fraudulently concealed facts that are the basis of the plaintiff’s claim, and (2) the plaintiff failed to discover those facts within the statutory period, despite (3) the exercise of due diligence.’” 922 F. 3d 535, 548 (4th Cir. 2019) (quotation omitted) (emphasis added).

Bierer has never offered any evidence that Travis Pattern itself prevented Bierer from discovering the alleged wrongdoing or concealing from Bierer that it had a cause of action. Indeed, as the record demonstrates, Travis Pattern publicly touted Kennerly’s affiliation with it in the IEEE Brochure which it disseminated throughout the industry and, when Bierer did call Travis Pattern in 2018, Travis Pattern readily acknowledged to Bierer that it hired Kennerly. There is simply no “deception” by Travis Pattern regarding their relationship with Kennerly that Bierer has ever offered, and therefore, its fraudulent concealment argument fails.

2. Bierer’s agency theory fails.

Bierer has only alleged that *Kennerly* misrepresented to Bierer the nature of his affiliation with Travis Pattern, which Bierer contends is enough (under agency principles) to hold Travis Pattern responsible for fraudulent concealment. However, the Court of Appeals correctly held that even if Kennerly was an “agent” of Travis Pattern (which Bierer has not met its burden of proof in showing), then fraudulent concealment still requires Bierer to show that Kennerly’s fraudulent concealment was “within the scope” of that agency in order for Travis Pattern to be bound by it.

But Bierer has never showed any evidence or made any credible argument that Kennerly’s purported lie to Bierer (denying the existence of a relationship between him and Travis Pattern) served Travis Pattern’s business interests—or that Travis Pattern authorized or cloaked Kennerly

with authority to make such comments. *See Shropshire v. Prahalis*, 309 S.C. 70, 71, 419 S.E.2d 829, 830 (Ct. App. 1992). To be sure, Kennerly’s denial of the existence of any agency relationship or affiliation with Travis Pattern undermines his role as a sales representative for it and appears to be outside the course and scope of such alleged agency relationship. Nevertheless, the Court need not speculate because the absence of record evidence submitted by Bierer on this question ends its argument.

“The purpose of the fraudulent concealment doctrine is to ‘ensur[e] that wrongdoers are not permitted, or encouraged, to take advantage of the limitations period to commit secret illegal conduct without penalty.’” *Edmonson*, 922 F. 3d at 549 (quotation omitted). Here, that policy would be undermined by holding Travis Pattern liable for Kennerly’s alleged fraudulent concealment, when Bierer provides no evidence that they authorized Kennerly’s representations or were even aware of such representations.⁸ Instead, “summary judgment is proper if the record fails to reveal any conduct on the part of the defendant warranting estoppel.” *Brown v. Pearson*, 326 S.C. 409, 419, 483 S.E.2d 477, 482 (Ct. App. 1997).

3. Actual knowledge defeats tolling.

In addition, equitable tolling cannot apply where a party (here, Bierer) had actual knowledge of or was on inquiry notice of a potential claim despite any alleged concealment. *Young v. S.C. Dep’t of Corrections*, 333 S.C. 714, 719, 511 S.E.2d 413, 416 (Ct. App. 1999). The copious documents in Bierer’s possession, custody, and control, including but not limited to its internal emails, emails with third parties, business records (e.g., invoices listing Kennerly as a sales

⁸ “Either the principal must intend to cause the third person to believe that the agent is authorized to act for him, or he should realize that his conduct is likely to create such belief. . . . [A]n agency may not be established solely by the declarations and conduct of an alleged agent.” *Frasier v. Palmetto Homes of Florence, Inc.*, 323 S.C. 240, 244, 473 S.E.2d 865, 868 (Ct. App. 1996) (citation omitted).

representative of Travis Pattern), as early as 2012 or 2013, and, most obviously, the IEEE Brochure announcing Kennerly to be an employee of Travis Pattern, that Bierer discovered in 2014, 2015, or 2016, all and each independently triggered the limitations period as to Bierer, rendering Bierer's supposed reliance on Kennerly's purported concealment in 2016 wholly irrelevant.

D. No Issue of Broad Public Importance or Novel Legal Principle Is Implicated.

This case is an archetypal, fact-specific dispute involving one employer (Bierer) and one rogue employee (Kennerly). That Kennerly had widespread relationships with other businesses in the same industry as Bierer (Travis Pattern) does not make this case unique or of any degree of public importance. The Court of Appeals' unpublished opinion applies settled law to undisputed facts; its holding will not bind the public or future litigants on any novel doctrine. Certiorari is therefore unwarranted.

V. CONCLUSION

This Court has recognized that "statutes of limitation are not simple technicalities," rather they are "fundamental to our judicial system." *Stokes-Craven*, 416 S.C. at 526, 787 S.E.2d at 490. In this case, the orders dismissing Bierer's claims because they are barred by the statutes of limitation withstand judicial scrutiny. Nothing in Bierer's Petition for Certiorari demonstrates error of law, conflict in precedent, or a question of public importance. Therefore, Respondent Travis Pattern respectfully request that this Court deny the Petition for Writ of Certiorari.

Respectfully submitted,

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