

The South Carolina Court of Appeals

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard, Plaintiffs,

Of whom Heidi Gersten is the Appellant,

v.

Kevin Carter, Richard Davis, Joseph Tirbovich,
Nationwide Insurance Company, Interinsurance
Exchange of the Automobile Club, John Ammendola,
Trustguard Insurance Company, SC Department of
Public Safety, Chevrolet, GMC, Unknown John Does,
Defendants,

Of whom Kevin Carter is the Respondent.

Appellate Case No. 2022-001312

ORDER

This court dismissed this appeal on September 24, 2024, after Appellant failed to file a record on appeal that complies with the South Carolina Appellate Court Rules. Appellant filed a petition for rehearing, which was denied. Appellant then filed a petition for a writ of certiorari with our supreme court, which was denied on August 13, 2025. Remittitur was properly sent on August 15, 2025. On August 18 and 19, 2025, Appellant filed a motion to recall remittitur and an amended motion to recall remittitur. On August 28, 2025, Respondent filed a return, opposing the motion, and Appellant filed a reply. A remittitur cannot be recalled except upon "a very strong showing . . . that the remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). After careful consideration, we deny Appellant's motion to recall the remittitur because Appellant has failed to make such a showing.



FOR THE COURT

Columbia, South Carolina

cc:

Heidi Gersten

Wesley Brian Sawyer, Esquire

Betty Jo Lawson

FILED
Sep 25 2025