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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Case No.: 2022-CP-23-01702
Appellate Case No.: 2025-000622

James Loper and Lauren Loper.....Respondents,

v.

John Dolan.....Appellant.

RESPONDENT'S INITIAL BRIEF

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STATEMENT OF ISSUES ON APPEAL

1. Whether the circuit court correctly determined that service of process on Appellant was valid and that the court therefore possessed personal jurisdiction over him.
2. Whether the circuit court acted within its discretion in resolving the issue of service of process based on the written record and affidavits, where Appellant had already been given an opportunity to present evidence.
3. Whether the circuit court properly declined to set aside the entry of default and default judgment under Rule 60(b)(4), SCRCP, where Appellant failed to meet his burden of establishing that service was defective or that the judgment was void.
4. Whether the circuit court correctly concluded that no additional evidentiary hearing was required after finding that Appellant's affidavits did not rebut the presumption of proper service.
5. Whether the circuit court acted within its discretion in treating and analyzing Appellant's post-judgment motions under the appropriate provisions of Rules 55(c) and 60(b), SCRCP.
6. Whether the circuit court properly denied Appellant's subsequent Rule 12(b)(2) and 12(b)(5) motions, which merely repeated arguments already heard and decided.

STATEMENT OF THE CASE

This appeal arises from the Greenville County Circuit Court's entry and subsequent enforcement of a default judgment in favor of Respondents, James and Lauren Loper, and against Appellant, John Dolan, in *Loper v. Fernandez, et al.*, Case No. 2022-CP-23-01702.

Respondents filed their original Summons and Complaint on April 1, 2022, asserting claims related to breach of contract and negligence against Dolan and several co-defendants. An Affidavit of Service filed May 11, 2022, reflected personal service upon Dolan by a private process server on May 7, 2022, at a Mauldin, South Carolina address. Dolan did not respond or otherwise appear. On June 22, 2022, the clerk entered Dolan's default, and following a properly noticed damages hearing, the circuit court entered an Order Granting Default Judgment on August 15, 2023, awarding Respondents \$39,079.00, plus post-judgment interest.

A Writ of Execution issued on September 26, 2023, and was returned nulla bona, confirming that Dolan possessed insufficient personal property to satisfy the judgment. Respondents thereafter initiated a separate foreclosure action, *Loper v. Dolan*, Case No. 2024-CP-23-01046, on February 19, 2024, to foreclose the judgment lien against Dolan's real property located at 13 3rd Street, Greenville, South Carolina. Dolan was personally served in that case on March 23, 2024, and, through counsel, filed an Answer and Counterclaims on April 22, 2024, to which Respondents filed a Reply on May 20, 2024.

On April 19, 2024, nearly one year after the default, Dolan moved to vacate the 2023 judgment under Rule 60(b)(4), SCRPC, asserting lack of service of process. Respondents opposed the motion, submitting the affidavit of their paralegal, Carolyn Denney, and the original affidavit of service. The circuit court held a hearing on July 17, 2024, and issued its July 22, 2024 Order, finding service sufficient, confirming Dolan's default, and setting aside only the damages portion of the judgment to allow a new damages hearing with proper notice.

Dolan subsequently filed multiple additional affidavits and motions—including motions for reconsideration and to dismiss under Rules 12(b)(2) and 12(b)(5), SCRCPP, all of which were denied by the court without further hearing. On March 5, 2025, following the second damages hearing, the court entered an Amended Judgment in favor of Respondents in the amount of \$84,144.79. Dolan filed this appeal on April 1, 2025.

Throughout the proceedings, the circuit court consistently found that Dolan had been properly served, had actual notice of the litigation, and had failed to meet his burden of proving that the default judgment was void. The court further exercised its discretion to ensure that Dolan received notice and an opportunity to be heard before damages were finalized.

STANDARD OF REVIEW

The decision to grant or deny a motion to set aside a default judgment is addressed to the sound discretion of the trial court and will not be disturbed on appeal absent a clear showing of an abuse of discretion. *See Fassett v. Evans*, 364 S.C. 42, 50, 610 S.E.2d 841, 845 (Ct. App. 2004). An abuse of discretion occurs when the trial court’s ruling is controlled by an error of law or is without evidentiary support. *See id.*

Likewise, findings of fact concerning the validity of service of process are reviewed under the same deferential standard. *See Graham Law Firm, P.A. v. Makawi*, 396 S.C. 290, 294–95, 721 S.E.2d 430, 432 (2012). The appellate court does not reweigh evidence or substitute its judgment for that of the circuit court; rather, it determines only whether the court’s conclusions have evidentiary support and rest on correct legal principles.

Under this standard, a circuit court’s determination that service of process was sufficient and that a default judgment should stand will be upheld so long as the record contains evidence reasonably supporting that conclusion. *See Fassett*, 364 S.C. at 50, 610 S.E.2d at 845; see also *Makawi*, 396 S.C. at 294–95, 721 S.E.2d at 432.

ARGUMENT

A. The Circuit Court Properly Exercised Jurisdiction Because Dolan Was Validly Served and Subsequently Appeared

The circuit court correctly determined that service of process on Dolan was valid under Rule 4, SCRCF, and that it therefore possessed personal jurisdiction. The sworn return of service creates a presumption of proper service that cannot be overcome by Dolan's bare denial. His later participation in the litigation further confirmed jurisdiction and waived any objection.

Rule 4(d)(1), SCRCF, authorizes service upon an individual "by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein." Once a plaintiff complies with Rule 4 and files a sworn return, a presumption of proper service arises. *See Fassett v. Evans*, 364 S.C. 42, 49–50, 610 S.E.2d 841, 845 (Ct. App. 2005) (presumption of proper service arises where civil rules are followed and "cannot be impeached by the mere denial of service by the defendant"); *Richardson Constr. Co. v. Meek Eng'g & Constr.*, 274 S.C. 307, 311, 262 S.E.2d 913, 916 (1980) (same). That rule traces back to *Laurens Trust Co. v. Copeland*, 154 S.C. 390, 151 S.E. 617 (1930), which held that an officer's return of service is prima facie evidence that may be impeached only by competent extrinsic proof, not self-serving denials.

Dolan presented no competent evidence to rebut that presumption. His affidavits, and those of family members, merely deny service and dispute appearance details such as height and eye color, precisely the "mere denials" that *Fassett* and *Richardson Construction* reject. The circuit court thus acted well within its discretion in finding service proper and jurisdiction established.

Appellant relies heavily on *BB&T v. Taylor*, 369 S.C. 548, 633 S.E.2d 501 (2006), to argue that noncompliance with Rule 4 renders a judgment void. But *BB&T* involved a complete failure of service, not a facially valid sworn return of personal service. The South Carolina Supreme Court has consistently declined to treat minor irregularities as jurisdictional defects. In *Roche v. Young Bros., Inc. of Florence*, 318 S.C. 207, 211, 456 S.E.2d 897, 900 (1995), the Court explained that “we have never required exacting compliance with the rules to effect service of process,” emphasizing that substantial compliance and actual notice are sufficient to confer jurisdiction. *See also New Hampshire Ins. Co. v. Bey Corp.*, 312 S.C. 47, 435 S.E.2d 377 (Ct. App. 1993) (upholding service where technical defect caused no prejudice). The same result follows here: the record reflects substantial compliance and actual notice.

Older cases such as *Cannon v. Haverty Furniture Co.*, 179 S.C. 1, 183 S.E. 469 (1935), *Clark v. Key*, 304 S.C. 497, 405 S.E.2d 599 (1991), and *McCall v. Cohen*, 16 S.C. 445 (1882) predate or apply pre-Rule standards that required strict statutory compliance. Modern Rule 4 practice, as reaffirmed in *Fassett* and *Roche*, treats a sworn affidavit of personal service as presumptively valid and focuses on whether the defendant had notice and opportunity to defend. The circuit court correctly found both here.

Even if some irregularity existed, the judgment would be voidable, not void. *Coon v. Coon*, 364 S.C. 563, 568, 614 S.E.2d 616, 619 (2005) (“Because the court had subject matter and personal jurisdiction, any procedural error is voidable, not void.”). Nothing in *Belle Hall Plantation Homeowners Ass’n v. Murry*, 419 S.C. 605, 799 S.E.2d 310 (2017), cited by Appellant, alters that rule; *Belle Hall* simply defines a “void” judgment as one entered without jurisdiction or due process. The circuit court had both.

Moreover, any challenge to personal jurisdiction was waived when Dolan participated through filings and motions. Under Rule 4(d), SCRCP, “a voluntary

appearance by a defendant is equivalent to personal service.” *Bakala v. Bakala*, 352 S.C. 612, 620, 576 S.E.2d 156, 160 (2003) (personal-jurisdiction objections are waived unless timely raised); *Badeaux v. Davis*, 337 S.C. 195, 198, 522 S.E.2d 835, 836 (Ct. App. 1999) (same). Dolan’s subsequent motions and filings therefore confirmed the court’s authority. *See also ITC Com. Funding, LLC v. Crerar*, 393 S.C. 487, 493, 713 S.E.2d 335, 338 (Ct. App. 2011) (participation constitutes waiver).

Finally, appellate review of factual findings on service is highly deferential. *Ex parte Hart*, 186 S.C. 125, 195 S.E. 253 (1938), and *Ex parte Reichlyn*, 310 S.C. 495, 427 S.E.2d 661 (1993), both hold that such determinations will not be disturbed absent clear error. The record here contains substantial evidence supporting the trial court’s conclusion that Dolan was personally served and later appeared. Under these circumstances, the court’s exercise of jurisdiction was proper and its ruling should be affirmed.

B. The Circuit Court Properly Denied Dolan’s Rule 60(b) Motion Because He Failed to Demonstrate a Basis for Relief

The circuit court acted well within its discretion in denying Dolan’s Rule 60(b) motion because he failed to show any meritorious defense or valid ground for relief.

Relief under Rule 60(b), SCRCP, is an extraordinary remedy reserved for exceptional circumstances. The movant bears the burden of proving both (1) a meritorious defense and (2) one of the rule’s enumerated grounds. *See Fassett v. Evans*, 364 S.C. 42, 49–50, 610 S.E.2d 841, 845 (Ct. App. 2005) (holding that setting aside a default judgment rests within the trial court’s discretion and will not be disturbed absent clear abuse of discretion); *accord Mitchell Supply Co. v. Gaffney*, 297 S.C. 160, 162–63, 375 S.E.2d 321, 322–23 (Ct. App. 1988).

A trial court's ruling under Rule 60(b) is reviewed for abuse of discretion. *See BB&T v. Taylor*, 369 S.C. 548, 552, 633 S.E.2d 501, 503 (2006); *see also Graham Law Firm, P.A. v. Makawi*, 396 S.C. 290, 294–95, 721 S.E.2d 430, 432 (2012).

Rule 60(b) allows relief from a final judgment only for limited reasons, mistake, excusable neglect, newly discovered evidence, fraud, or when “the judgment is void.” The burden rests on the movant to establish entitlement to that extraordinary remedy. *See Fassett*, 364 S.C. at 50, 610 S.E.2d at 845. The rule protects the finality of judgments; it is not a substitute for appeal. *See Badeaux v. Davis*, 337 S.C. 195, 198, 522 S.E.2d 835, 836 (Ct. App. 1999). A party's mere neglect or carelessness does not warrant relief. *See Anderson v. Anderson*, 299 S.C. 110, 113, 382 S.E.2d 897, 899 (1989).

1. RULE 60(b)(4) DOES NOT APPLY BECAUSE THE JUDGMENT WAS NOT VOID

Appellant relies on *Belle Hall Plantation Home Owners' Ass'n v. Murry*, 419 S.C. 605, 799 S.E.2d 310 (2017), and *Anderson v. Anderson*, 299 S.C. 110, 382 S.E.2d 897 (1989), to argue the judgment was void for improper service. But *Belle Hall* defines “void” narrowly to mean only where the court lacked jurisdiction or violated due process. *See Belle Hall*, 419 S.C. at 612, 799 S.E.2d at 314. And *Anderson* concerned subject matter, not personal, jurisdiction. *Cf. Anderson*, 299 S.C. at 112, 382 S.E.2d at 898. Both confirm that jurisdiction exists when the court had authority over the parties and subject matter, precisely the circumstance here.

Rule 60(b)(4) applies only when a judgment is void for lack of jurisdiction or denial of due process. *See Fassett*, 364 S.C. at 49, 610 S.E.2d at 844–45 (explaining that defective service renders a judgment void only if it deprives the court of jurisdiction). The record establishes jurisdiction: Dolan was personally served and later appeared. The sworn return of service created a presumption of proper service,

and his mere assertion that he no longer lived at the address was insufficient to rebut that presumption. *See id.* at 49, 610 S.E.2d at 845.

Further, objections to personal jurisdiction are waived by appearance. *See Badaux*, 337 S.C. at 198, 522 S.E.2d at 836 (appearance waives objection to jurisdiction); *accord Bakala v. Bakala*, 352 S.C. 612, 620, 576 S.E.2d 156, 160 (2003). Because Dolan filed multiple pleadings and motions after default, he waived any personal-jurisdiction challenge.

Even assuming a procedural error, such defects render a judgment voidable, not void, when the court has jurisdiction. *See also Coon v. Coon*, 364 S.C. 563, 568, 614 S.E.2d 616, 619 (2005). Accordingly, Rule 60(b)(4) affords him no relief.

2. THE TRIAL COURT PROPERLY APPLIED THE RULE 60(b) STANDARD, NOT THE LESSER “GOOD-CAUSE” TEST OF RULE 55(c)

The trial court correctly evaluated Dolan’s motion under Rule 60(b), not Rule 55(c). Under Rule 55(c), SCRPC, a court may set aside an entry of default for “good cause,” but once a default judgment is entered, relief must be sought under Rule 60(b). *See Ex parte Trustgard Ins. Co. v. Full Logistics, Inc.*, 442 S.C. 485, 493–94, 900 S.E.2d 448, 452–53 (Ct. App. 2023) (contrasting the “good-cause” standard of Rule 55(c) with the more rigorous Rule 60(b) standard and emphasizing the greater finality of judgments); *see also ITC Com. Funding, LLC v. Crerar*, 393 S.C. 487, 494, 713 S.E.2d 335, 339 (Ct. App. 2011).

Appellant’s argument that the lesser Rule 55(c) standard should apply ignores settled law and the principle of finality. Because Dolan’s motion came nearly a year after entry of judgment, the circuit court correctly applied Rule 60(b). Nothing in the record suggests the court misapplied that rule or standard.

3. DOLAN FAILED TO ESTABLISH EXCUSABLE NEGLIGENCE OR ANY OTHER EQUITABLE GROUND FOR RELIEF

Even if Rule 60(b)(1) applied, the circuit court correctly found that Dolan's delay and inaction did not amount to excusable neglect. To obtain relief under Rule 60(b)(1), a movant must demonstrate both a meritorious defense and one of the rule's enumerated bases—such as mistake, inadvertence, surprise, or excusable neglect—supported by prompt and diligent action. *See Fassett*, 364 S.C. at 50, 610 S.E.2d at 845. Courts grant such relief sparingly and review denials for abuse of discretion. *See also Graham Law Firm*, 396 S.C. at 294–95, 721 S.E.2d at 432.

Appellant's reliance on *Christian v. Healy*, 435 S.C. 507, 868 S.E.2d 403 (2021), is misplaced. In *Christian*, the Supreme Court addressed Rule 60(b)(1) and reversed the denial of relief where counsel's mistake led to a default judgment, emphasizing that the rule should be applied with a preference for resolving cases on their merits. Unlike in *Christian*, Dolan was not prevented from responding by counsel error or misunderstanding; he simply failed to act. *See also Deep Keel, LLC v. Atl. Priv. Equity Grp., LLC*, 413 S.C. 58, 773 S.E.2d 607 (Ct. App. 2015) (reversing and remanding for lack of findings of fact in a deficiency-judgment case).

Here, Dolan waited nearly a year to file his motion and submitted repeated, meritless filings thereafter. That conduct shows indifference, not excusable neglect. The circuit court weighed his affidavits and correctly found no credible basis for relief, just as in *Fassett*, 364 S.C. at 50–51, 610 S.E.2d at 845–46 (affirming denial where defendant failed to act diligently). Because Dolan's own conduct shows neither diligence nor mistake, the circuit court properly denied Rule 60(b)(1) relief.

4. POLICY CONSIDERATIONS FAVOR FINALITY OF JUDGMENTS

The circuit court properly preserved the finality of its judgment, a principle central to South Carolina procedure. Courts rarely reopen final judgments absent extraordinary justification, recognizing that litigants and the public rely on the stability of judicial decisions. *See Lewis v. Cong. of Racial Equal. (C.O.R.E.)*, 275 S.C. 556, 558, 274 S.E.2d 287, 288 (1981); *see also Green Tree Serv., LLC v. Adams*, 375 S.C. 583, 588, 654 S.E.2d 100, 103 (Ct. App. 2007).

The authorities Appellant cites reinforce this principle. *See Maybank v. Zurlo*, 444 S.C. 47, 54, 906 S.E.2d 94, 98 (2024) (recognizing appellate deference to discretionary rulings); *see also Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 567, 743 S.E.2d 778, 782 (2013) (noting that while interlocutory rulings may be reconsidered, final orders warrant stability).

The default judgment here followed proper service and multiple opportunities for Dolan to respond. Allowing him to relitigate now would erode confidence in final judgments and burden judicial economy. *See Roche v. Young Bros., Inc. of Florence*, 318 S.C. 207, 211, 456 S.E.2d 897, 900 (1995) (“When the civil rules on service are followed, there is a presumption of proper service.”); *see also Fassett*, 364 S.C. at 50, 610 S.E.2d at 845.

Because Dolan failed to meet Rule 60(b)’s demanding standards and finality must prevail, the circuit court’s denial of relief should be affirmed. Rule 60(b) is not a vehicle for a losing party to re-litigate issues or undo his own lack of diligence. The circuit court correctly determined that the judgment against Dolan was not void, that no excusable neglect or other equitable basis existed, and that the final judgment should stand.

Rule 60(b) is not a vehicle for a losing party to re-litigate issues or undo his own lack of diligence. Because Dolan’s Rule 60(b) motion was untimely, unsupported,

and aimed at a valid judgment, the circuit court acted within its discretion in denying relief. Its order should be affirmed.

C. The Circuit Court Properly Determined That the Damages Award Was Supported by Competent Evidence

The circuit court acted well within its discretion in determining the amount of damages. Once a defendant defaults, liability is admitted and the only remaining issue is the proper measure of damages. Because the record contains competent, uncontroverted evidence supporting the award, the court’s findings are entitled to deference and should be affirmed.

When a defendant defaults, all well-pleaded allegations of liability are deemed admitted, leaving only damages for proof. *See Fassett v. Evans*, 364 S.C. 42, 50, 610 S.E.2d 841, 845 (Ct. App. 2005). The trial court has broad discretion to determine the amount of damages, and its decision will not be disturbed absent an abuse of discretion. *See Graham Law Firm, P.A. v. Makawi*, 396 S.C. 290, 294–95, 721 S.E.2d 430, 432 (2012). Findings of fact are upheld if supported by any competent evidence. *See Shirley’s Iron Works, Inc. v. City of Union*, 403 S.C. 560, 567, 743 S.E.2d 778, 782 (2013).

South Carolina appellate courts consistently defer to the trial court’s evaluation of evidence and witness credibility in post-default damages hearings. In *Fassett*, the Court of Appeals affirmed a damages award where the defendant failed to appear or offer contrary evidence, holding that the trial court’s assessment “will not be disturbed absent a clear showing of abuse of discretion.” 364 S.C. at 50, 610 S.E.2d at 845. Likewise, *Makawi* reiterated that an appellate court “does not re-weigh evidence or substitute its judgment for that of the circuit court.” 396 S.C. at 294–95, 721 S.E.2d at 432. This deferential standard reflects the principle that the trial judge, who observes witnesses and reviews exhibits firsthand, is best positioned to assess damages.

Here, the circuit court twice evaluated Respondents' proof of damages to ensure fairness and accuracy. At the first hearing in August 2023, the court received sworn testimony and documentation of Respondents' losses and entered judgment for \$39,079. To provide Dolan additional notice, the court later vacated only the damages portion and held a second evidentiary hearing on February 14, 2025. At that hearing, Respondents presented updated records and testimony substantiating an increased amount of \$84,144.79.

Dolan, represented by counsel, had full opportunity to contest Respondents' evidence but offered none. The court's March 5, 2025 order expressly found that Respondents' evidence was credible and that the increased figure reflected their actual losses. Those findings are supported by competent evidence and must therefore be affirmed. *See also Green Tree Serv., LLC v. Adams*, 375 S.C. 583, 588, 654 S.E.2d 100, 103 (Ct. App. 2007) (holding that the amount of damages following default lies within the trial court's discretion).

Any difference between the two awards reflects the court's independent reassessment after reviewing additional documentation—not error. Trial courts possess broad discretion to weigh credibility, assess damages, and adjust amounts as justice requires. *See Belle Hall Plantation Home Owners' Ass'n v. Murry*, 419 S.C. 605, 611, 799 S.E.2d 310, 313 (2017) (recognizing deference to circuit-court fact-finding).

Because the circuit court afforded Dolan notice and an opportunity to be heard, and because its decision rested on competent, uncontroverted evidence, the damages award was neither arbitrary nor an abuse of discretion. The judgment should therefore be affirmed.

D. Dolans Remaining Allegations of Error, Including Judicial Bias and Due Process, Are Unsupported by the Record

The record contains no evidence of judicial bias or denial of due process. The circuit court afforded Dolan notice, multiple opportunities to respond, and a fair hearing on every issue. Because due process requires only notice and an opportunity to be heard, not a particular outcome, his allegations are meritless.

Due process under both the South Carolina and United States Constitutions requires that a party receive notice and an opportunity to be heard in a meaningful manner. *See Brown v. S.C. State Bd. of Educ.*, 301 S.C. 326, 329, 391 S.E.2d 866, 868 (1990). Judicial bias warrants reversal only upon a clear showing that the judge's conduct demonstrated actual prejudice or created the appearance of impropriety. *See In re Estate of Weeks*, 329 S.C. 251, 260, 495 S.E.2d 454, 459 (Ct. App. 1997) (explaining that adverse rulings, standing alone, do not establish bias). Appellate courts presume that trial judges act impartially unless the record proves otherwise. *See also Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 566–67, 743 S.E.2d 778, 781–82 (2013).

South Carolina courts distinguish between a judge's discretionary rulings—which may be unfavorable to one party, and conduct reflecting genuine prejudice or unfairness. The former does not constitute bias. *See Shirley's Iron Works*, 403 S.C. at 567, 743 S.E.2d at 782 (finding no bias where the trial court denied multiple motions from one party). Likewise, the denial of a motion for reconsideration or the entry of a default judgment does not establish a constitutional violation; due process is satisfied when a party receives notice and a fair opportunity to be heard, even if the result is adverse. *See Brown*, 301 S.C. at 329, 391 S.E.2d at 868.

Here, the record demonstrates that Dolan was afforded every procedural safeguard. He received the summons and complaint, filed multiple affidavits and motions, and participated through counsel after default. The circuit court held hearings, considered

extensive briefing, and issued detailed written orders explaining its rulings, conduct that reflects procedural fairness, not bias.

Dolan identifies no statements or conduct by the court suggesting prejudice. His allegations rest solely on disagreement with the outcome, which is legally insufficient to show bias. *See Weeks*, 329 S.C. at 260, 495 S.E.2d at 459 (“An unfavorable ruling, without more, does not establish bias.”). Moreover, the record shows that the court vacated its initial damages order and convened a second evidentiary hearing to provide Dolan additional notice, actions underscoring the judge’s impartiality and commitment to fairness.

Because Dolan received notice and a fair opportunity to be heard, and because nothing in the record suggests prejudice or impropriety, his due-process and judicial-bias claims fail. The circuit court’s judgment should therefore be affirmed.

For the foregoing reasons, Respondents James and Lauren Loper respectfully request that this Court affirm the circuit court’s August 15, 2023 Order Granting Default Judgment, as subsequently modified by the March 5, 2025 Order of Damages, in all respects. The circuit court correctly found that Dolan was validly served, that the court possessed personal jurisdiction, and that Dolan failed to meet the standards for relief under Rules 55(c) or 60(b), SCRCP. The judgment is fully supported by the record, consistent with South Carolina law, and the product of sound judicial discretion.

Respondents further request that this Court award them costs on appeal and grant such other and further relief as it deems just and proper.

Respectfully submitted this Thursday, October 30, 2025.

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