

South Carolina courts have repeatedly held:

“An attorney is not immune if the conduct is fraudulent, malicious, or outside the legitimate scope of representation.”

But Judge Mullen never analyzed whether Bowen’s conduct was:

- fraudulent,
- misleading,
- in bad faith, or
- outside the litigation.

She simply stated:

“He is immune... He acted within his professional duties.”

This is a legal error because whether he acted within the scope is a question of fact, which cannot be determined on summary judgment unless undisputed — and here it is very much disputed.

→ This alone makes the Summary Judgment improper.

2. Judge Mullen improperly weighed facts and credibility — forbidden under Rule 56

Under Rule 56 (summary judgment):

- The judge must view evidence in favor of the non-moving party
- The judge cannot weigh evidence
- The judge cannot make credibility determinations
- ANY disputed fact blocks summary judgment

Here, the judge did the opposite.

She accepted Bowen’s version of events as fact and rejected Geraldine’s.

Judge’s Error:

She states Geraldine “did not deny ownership of the boat” in 2018.

But that is a disputed fact and Geraldine DID deny ownership later, repeatedly.

Whether she owned the shrimp boat is central, and disputes about material facts bar summary judgment.

Judge’s Error:

She also states, without evidence:

“There is no evidence that statements made by Attorney Bowen were knowingly false.”

Geraldine provided:

- Affidavits
- The White Family Trust records
- Evidence that the boat was never hers
- Evidence of misrepresentation to seize trust proceeds

Those ARE evidence.

The judge ignored every piece of evidence provided by Geraldine.

That is improper as a matter of law.

3. The Judge incorrectly stated that one circuit judge cannot “overturn” another — irrelevant to this case

Judge Mullen relied heavily on *Enoree Baptist Church v. Fletcher* (one judge cannot overturn another).

But Geraldine was not asking Judge Mullen to overturn Judge Dukes.

She asked the court to review:

- Attorney misconduct
- Fraud upon the court
- Improper enforcement actions
- Misrepresentation regarding ownership
- Improper application of a judgment to unrelated trust proceeds

Attorney misconduct and fraud-on-the-court are always reviewable, even years later.

The judge used the wrong legal doctrine.

This is a legal error.

4. The judge mischaracterized the relief Geraldine requested

Geraldine requested:

- Temporary restraining order
- Stops to collection activity
- Review of fraudulent enforcement
- Relief from misrepresentation
- Return of the \$15,665.73 taken from the trust proceeds

Judge Mullen incorrectly reframed this as:

“She wants me to set aside Judge Duke’s judgment.”

That is not what Geraldine asked.

This misunderstanding led to the wrong legal standard being applied.

Another reversible error.

5. Judge Mullen failed to address the unclean hands doctrine

Even if a judgment is valid, it cannot be enforced through fraudulent or deceptive means.

Geraldine alleged that Bowen:

- misrepresented boat ownership
- illegally targeted trust proceeds
- acted outside litigation
- used a dissolved corporation's judgment
- bypassed proper enforcement channels

The judge did not analyze:

- fraud,
- unclean hands,
- improper enforcement, or
- equitable relief.

This is an error.

6. The judge ignored the fact that Benny Hudson Seafood Corp was dissolved in 2015

The order never addresses:

- the corporation was dissolved,
- the judgment may be void or unenforceable,
- the attorneys acted without corporate authority,
- the reinstatement date does not validate prior actions.

This is central and the court ignored it entirely.

7. Misapplication of Summary Judgment Standard — Judge's Greatest Legal Error

Under Rule 56, Summary Judgment must be denied if:

- any fact is disputed,
- any evidence conflicts,
- credibility must be assessed,
- discovery is incomplete,

- legal standards are unclear.

Every one of these applies here.

Instead, the judge treated the hearing like a bench trial, deciding:

- what was true
- what was false
- what evidence she would accept
- what she would ignore

That is reversible error and grounds for appeal.

8. Judge Mullen relied on incorrect facts — demonstrably false from the record

She stated:

- Geraldine admitted ownership of the boat
- There was “no evidence” of misrepresentation
- Bowen acted “solely” within his representation
- Geraldine had proper notice of the damages hearing
- Geraldine had a “full and fair opportunity to be heard”

Each of these is contradicted by:

- the record
- affidavits
- trust documents
- correspondence
- procedural history
- the injustice involving Pat Carr telling her NOT to appear at the hearing

These factual errors make the ruling clearly erroneous.

9. Failure to consider extrinsic fraud (fraud upon the court)

Fraud upon the court:

- is always reviewable
- is not subject to the 30-day rule
- is not barred by prior orders
- removes attorney immunity

The judge did not mention:

- Hazel-Atlas
- Chewing
- Great Coastal Express
- Beggerly

Geraldine's Petition hinges entirely on extrinsic fraud, which the judge did not analyze at all.

That is a fatal legal omission.

10. The judge's order is internally inconsistent

She states:

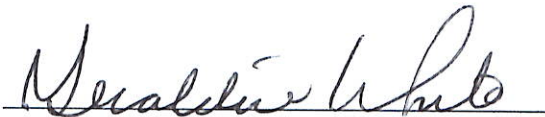
1. Bowen is immune
2. But also that Geraldine "failed to prove fraud"
3. But also that she's not allowed to challenge the fraud because the prior judge issued the order
4. But also that she had a fair hearing
5. But also that she failed to deny ownership (which is incorrect)

These contradictions make the Orders arbitrary and capricious.

I declare under the penalty of perjury under the laws of the State of South Carolina that the foregoing is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

Executed this 25TH day of November, 2025 in Beaufort County, South Carolina



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