

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2025-CP-07- 00718

Geraldine White,

Plaintiff,

vs.

John R.C. Bowen and Kori Brett
McKeithan,

Defendants.

**ORDER GRANTING
DEFENDANT
KORI BRETT MCKEITHAN'S
MOTION TO DISMISS**

RECEIVED

Dec 15 2025

SC Court of Appeals

This matter comes before the Court upon Defendant Kori Brett McKeithan's Motion to Dismiss, filed on April 23, 2025 (hereinafter the "Motion to Dismiss"). A hearing on this matter was held in person on October 28, 2025, with Plaintiff and counsel for Defendants in attendance.

After a review of the written submissions of the parties, the pleadings, and the oral arguments of Plaintiff and counsel, the Court hereby orders that Defendant McKeithan's Motion to Dismiss is **GRANTED**.

Plaintiff alleged that she was entitled to equitable relief regarding a sale of real estate in which she was a co-owner. Plaintiff alleged that a judgment debt and resulting judgment lien against such sale's proceeds was obtained fraudulently by Defendant John Bowen, that Defendant McKeithan failed to report Defendant Bowen to appropriate authorities pursuant to Plaintiff's directive, and that Defendant McKeithan should be directed to proceed with any disbursement from the sale of real estate without interference by Defendant Bowen.

Plaintiff fails to state a claim against Defendant McKeithan upon which relief may be granted. Under SCRCF Rule 12(b)(6), a purported cause of action shall be dismissed when the

complaint fails to state a claim upon which relief can be granted. “In considering a motion to dismiss, the trial court must base its ruling solely on allegations set forth in the complaint.” *Spence v. Spence*, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006). SCRCP Rule 12(b)(6) permits a trial judge to dismiss a claim when the Defendant demonstrates the Plaintiff’s “failure to state facts sufficient to constitute a cause of action” in the pleadings filed with the Court. *FOC Lawshe Ltd. P’ship v. Int’l Paper Co.*, 352 S.C. 408, 412, 574 S.E.2d 228, 230 (Ct. App. 2002). The court “must base its ruling solely on allegations set forth in the complaint.” *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007).

To survive a motion to dismiss under Rule 12(b)(6), the complaint must meet two criteria:

1. It must assert a plausible claim; and
2. It must set forth sufficient factual allegations to support the claim.

Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949-50 (2009).

I find that Plaintiff’s purported cause of action against Kori Brett McKeithan appears to stem solely from her assertion that Defendant McKeithan failed in an alleged duty to Plaintiff to report Defendant Bowen’s allegedly fraudulent conduct. The Complaint Section titled “Factual Background” states:

Attorney Kori Brett McKeithan, despite receiving documented proof of misconduct, failed in her professional duty under Rule 8.3 to report Respondent John R. C. Bowen’s fraudulent conduct upon receiving the attached Formal Request to Report Professional Misconduct, Accept Appointment as Trustee ad Litem, and Facilitate Return of Unlawfully Taken Funds dated March 19, 2025 and the attached email response from attorney McKeithan.

The rule that Plaintiff cites, Rule 8.3, South Carolina Rules of Professional Conduct, does not create a duty between Defendant McKeithan and Plaintiff. Accordingly, Plaintiff has not stated a claim against Defendant McKeithan upon which relief may be granted. Based upon Rule

12(b)(6), SCRCF, Defendant McKeithan should be dismissed as a defendant from this action.

Therefore, it is hereby

ORDERED that Plaintiff's claims against Defendant McKeithan are DISMISSED, with prejudice.

IT IS SO ORDERED.

Judge Carmen T. Mullen
Beaufort County, South Carolina

Dated this ____ day of November, 2025.



Beaufort Common Pleas

Case Caption: Geraldine White VS John R C Bowen , defendant, et al
Case Number: 2025CP0700718
Type: Order/Dismissal

So Ordered

s/Carmen T Mullen 2142