



After the judgment was entered, Ms. White attempted to set aside the entry of default. In support of that effort she filed a Memorandum of Points and Authorities she stated to the Court that the “Defendants [were] the owner of the subject boat, names Poppas Grace.” She also filed a separate Declaration and Affidavit. At no point during the 2018 Action proceedings did she deny ownership of the shrimp boat. After a full and fair opportunity to be heard, Judge Dukes subsequently denied Ms. White’s Motion to Set Aside Entry of Default. Ms. White then appealed, and the Court of Appeals dismissed her appeal.

In the instant action, Plaintiff has sought emergency, injunctive relief against Attorney Bowen. She has alleged that Attorney Bowen knowingly and deceptively misrepresented facts in his pleadings before Judge Dukes in the 2018 Action, wherein it was alleged that Plaintiff was an owner of the shrimp boat at issue. Despite Attorney Bowen having secured a valid judgment in that action, Plaintiff contends that Attorney Bowen has improperly used judgment obtained in the 2018 Action to seize her percentage share of proceeds of the sale of the White Family Trust property. As it relates to Attorney Bowen, she has sought a temporary restraining order against Attorney Bowen, as well as an order to stay the enforcement of the judgment against Ms. White.

At the hearing on Defendant’s Motion to Dismiss, or in the alternative, for Summary Judgment, Plaintiff disputed the validity and the amount of the judgment against her. Counsel for Attorney Bowen maintained that the judgment was valid and secured after proper use of legal process, that Attorney Bowen was immune from liability to third parties for actions taken with the scope of his representation, and that Plaintiff’s action should be dismissed.

#### **LEGAL STANDARD**

Rule 56(c), SCRPC, provides that a circuit court shall grant summary judgment “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the

affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” *Beneficial Fin. I, Inc. v. Windham*, 431 S.C. 256, 264–65, 847 S.E.2d 793, 798 (Ct. App. 2020). When a motion for summary judgment is made and supported as provided in Rule 56, SCRCP, “an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.” S.C.R. Civ. P. 56(e). The court must view the facts in the light most favorable to the non-moving party, and when reasonable minds cannot differ on plain, palpable, and indisputable facts, summary judgment should be granted. *Windham*, 431 S.C. at 265, 847 S.E.2d at 798.

### **FINDINGS**

The Court has considered the arguments of Ms. White and Attorney Bowen and has reviewed the pleadings in this action and the 2018 Action. After careful consideration, the Court hereby GRANTS Attorney Bowen’s Motion for Summary Judgment for the following reasons.

#### **I. The Judgment in the 2018 Action is Valid and Binding.**

It is a general principle in this state that one circuit court judge does not have the authority to set aside the order of another, which is essentially what Ms. White is asking this Court to do. *Enoree Baptist Church v. Fletcher*, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986); *see also Steele v. Charlotte, Columbia & Augusta R.R.*, 14 S.C. 324, 330 (1880). Judge Marvin Dukes, III, issued the Order of Judgment in the 2018 Action on August 22, 2018. There is no evidence that statements made by Attorney Bowen on behalf of his client were knowingly false or that would warrant reopening this previously decided case. Indeed, when the Plaintiff moved to set aside the entry of default in the 2018 Action, she did not dispute her ownership of the vessel involved. Therefore,

there was no misrepresentation, nor any evidence of misrepresentation, by Mr. Bowen in taking that position for his client. Accordingly, there is no genuine dispute that the judgment obtained by Attorney Bowen on behalf of Benny Hudson Seaford Corp. in the 2018 Action is valid and binding. The Plaintiff's Petition is therefore dismissed.

## **II. The Attorney Immunity Doctrine Applies to Attorney Bowen.**

In addition, it is well-settled law in South Carolina that "an attorney is immune from liability to third persons arising from the performance of his professional activities as an attorney on behalf of and with the knowledge of his client." *Gaar v. N. Myrtle Beach Realty Co.*, 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct. App. 1986). "Immunity is a function of the fact that an attorney acting within the scope of representation is not acting on his or her own behalf, but on the client's behalf." *Hager v. McCabe, Trotter & Beverly, P.C.*, 869 S.E.2d 886, 889 (Ct. App. 2022).

First, Plaintiff's Petition clearly shows that Attorney Bowen's actions relate to his professional duties as an attorney representing his client, Benny Hudson Seaford Corp., in the 2018 Action. Second, there is no evidence before this court indicating that any actions Mr. Bowen took were outside of his duties as an attorney for Benny Hudson Seaford Corp. It is evident that Plaintiff aims to hold Attorney Bowen responsible for statements made in pleadings and before the Court in the 2018 Action. Since Plaintiff's claims unquestionably stem from Attorney Bowen's actions and statements made in his role as an attorney, he is immune from liability to third parties. *Id.* Attorney Bowen is therefore entitled to judgment as a matter of law, as he is immune from liability for his conduct in the 2018 Action. Consequently, Ms. White's Petition is dismissed.

**AND IT IS SO ORDERED!**

Charleston, South Carolina

November \_\_\_\_\_, 2025

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Carmen T. Mullen  
Presiding Judge



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

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