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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
The Honorable Jocelyn Newman, Circuit Court Judge

Case No. 2025-002577

Diana Janura f/k/a Diana Bright…….Appellant,

v.

Craig Bright,…….Respondent.

RESPONSE/REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MEMORANDUM OF LAW REGARDING APPEALABILITY OF ORDERS

Appellant Diana Janura f/k/a Diana Bright hereby responds to Respondent's Return to Appellant's Memorandum of Law Regarding Appealability of Orders ("Return"). First, the Return should not be considered because (a) this Court did not ask for a memorandum from Respondent, and (b) Appellant's Memorandum of Law ("Memorandum") is not a motion under Rule 240, SCACR, which provides for a return to a motion. Second, to the extent that this Court allows Respondent's Return, Appellant submits a reply in sections II and III below, providing that none of the caselaw cited by Respondent calls into question the fact that orders dissolving warrants of attachment are immediately appealable, as a matter of law. Additionally, none of the caselaw or

argument proffered by Respondent suggests that all issues on appeal by Appellant should not be heard by this Court. All orders issued in the circuit court's Form 4 Order issued by Judge Jocelyn Newman on December 22, 2025 at 11:16 am should be heard by this Court in this appeal.

I. Respondent submitted an improper return.

The Return was improperly submitted to this Court. On January 5, 2026, this Court sent a letter to Appellant's counsel with copies to Respondent's counsel, asking Appellant to "serve and file memoranda addressing the issue of appealability within ten (10) days of the date of this letter." Because the letter was addressed only to Appellant's counsel, Appellant's counsel understood that only they were to respond to this letter. Thus, ten days after the date of the letter, Appellant filed her Memorandum. Respondent did not file a memorandum. Rather, Respondent served and filed his Return on January 27, 2026—twelve days after the deadline imposed in this Court's January 5, 2026 letter. Appellant acknowledges that this Court's letter states the plural "memoranda" rather than the singular "memorandum," implying more than one memorandum, but if this Court contemplated a memorandum from Respondent, he should have served and filed his memorandum on the same day Appellant's Memorandum was due. Moreover, Appellant's Memorandum was not a motion falling under Rule 240, SCACR, which provides for a return. To the extent this Court treats the Return, as one under Rule 240, SCACR, Appellant requests that the below sections of this response be treated as a reply, under 240(f), SCACR.

II. Appellant's Reply to Return

A. Order Dissolving Warrant of Attachment

Respondent calls into question the tenet that orders dissolving warrants of attachment are not immediately appealable. He does so by reciting the facts of *Virginia-Carolina Chemical Company v. Wilkins*, 105 S.C. 291, 89 S.E.659 (1916) and *Melton v. Walker*, 209 S.C. 330, 40

S.E.2d 161 (1946) and then tries to distinguish factually these two cases from the case at hand. This logic does not prevent the unavoidable conclusion that orders dissolving warrants of attachment are immediately appealable interlocutory orders. Discussing *Wilkins*, Respondent acknowledges that the supreme court stated "'[a]ppeals from orders vacating an attachment have constantly been heard by this Court'" but then goes on to state the supreme court "also noted that whether the attachment should remain in force until it could be determined whether the order of dissolution was right was a moot question." (Return at 9 (citing in first quotation *Wilkins*, 105 S.C. at 299, 89 S.E. at 13).) The question posed by this Court in the present matter is whether the orders are immediately appealable. Respondent focuses on the mootness of whether the attachment should remain in force during the appeal in *Wilkins*, but that issue is wholly irrelevant to this Court's question of appealability.

Similarly, Respondent's reliance on *Melton* is a red herring. (Return at 9-10.) Respondent states that *Melton* provides that a factual determination is necessary for whether an appeal stays the dissolution of a warrant of attachment, while the order on the dissolution is on appeal. (*Id.* at 9.) This reading of *Melton* is incorrect, but it has nothing to do with whether an order dissolving a warrant of attachment is immediately appealable.

Respondent also has a footnote citing to *Allen v. Partlow*, 3 S.C. 417 (1872) to support his position that an order dissolving a warrant is not "uniformly appealable." (Return at 9, n.4.) It is unclear exactly what Respondent is arguing in this footnote. He states that *Allen* held that dissolution of a warrant "is not appealable where the defendant has deposited 'special bail' with the circuit court to secure a potential judgment." (*Id.*) And then he uses this statement to support his conclusion that "[t]he difference appears to turn on whether a substantial right of plaintiff is affected in the particular case." (*Id.*) This logic is unclear and perhaps unsound.

What is clear is that former Chief Justice Toal has unequivocally stated in her appellate treatise that orders dissolving warrants are immediately appealable. Jean H. Toal, Amelia W. Walker, Margaret E. Baker, *Appellate Practice in South Carolina*, 166 (S.C. Bar., 3d ed. 2016). The mootness of an issue involving a stay, factual inquiries, and whether "special bail" has been deposited with the court to secure a judgment are of no moment for the inquiry posed by this Court—whether the orders are immediately appealable. An order dissolving a warrant of attachment is an immediately appealable interlocutory order, and the order regarding the motion to strike (based on violations of the warrant and other orders of the circuit court) is a companion order that should be heard by this Court in conjunction with the order dissolving the warrant of attachment.

B. Order Denying Motion to Strike

Respondent similarly tries to distinguish factually cases that support the principle that appellate courts can entertain orders that have a "sufficient nexus" to orders that are immediately appealable. (Return at 10-12.) However, the factual distinguishments do not focus on the question before this Court on appealability—is there a "sufficient nexus" between the two orders? Here, the answer is yes.

When addressing *Hodge v. UniHealth Post-Acute Care of Bamberg, LLC*, 422 S.C. 544, 813 S.E.2d 292 (Ct. App. 2008), Respondent states that the order denying the motion to strike is not part of Appellant's reasoning as to why the lower court dissolved the Warrant of Attachment. (Return at 11.) Respondent does not know what Appellant's arguments will be as to why she thinks the circuit court erred in dissolving the Warrant of Attachment. A motion for reconsideration with a list of grounds for the lower court to address has been filed, but those are the issues that Appellant wants to ensure that there has been a ruling on by the circuit court.

Appellant's grounds in her motion for reconsideration are not exhaustive as to why there was error. Most importantly, the factual analysis by the *Hodge* court is not dispositive of this matter. Rather, the focus is on "sufficient nexus" as discussed in Appellant's Memorandum.

Similarly, Respondent discusses *Hite v. Thomas & Howard Co.*, 305 S.C. 358, 409 S.E.2d 340 (1991) and states that the supreme court added another element to consideration for companion appeals—the element of "'a ruling on the appeal will avoid unnecessary litigation.'" (Return at 11-12 (citing *Hite*, 305 S.C. at 360, 409 S.E.2d at 341).) First, Respondent misconstrues the language of the *Hite* case by implying the *Hite* court imposed an extra element, and he ignores the key element of "sufficient nexus." Second, consideration of the order denying the motion to strike would avoid unnecessary litigation. It should have been granted, and like Respondent states, "Appellant is likely to seek punitive remedies for any perceived violation of any applicable order or the rules governing the discovery process." (*Id.* at 12.) Respondent is a habitual offender of court orders and rules. He has refused to verify answers to interrogatories, provide a verified list of all entities in which he has an interest, and provide his net worth—all of which have been ordered by the circuit court, in addition to being required by the South Carolina Rules of Civil Procedure. (Mem. at 3-5.) The motion to strike should have been granted, and it is based in part on violations of the warrant of attachment. There is a sufficient nexus for this Court to consider the order denying the motion to strike to be a companion order to the order dissolving the warrant of attachment.

III. Respondent's request for a higher bond is improper.

This Court's sole question was whether the orders were immediately appealable. Respondent's request in his "Conclusion" section for this Court to require Appellant to "obtain a bond in a sufficient amount to maintain the effect of the Warrant of Attachment during the

pendency of the appeal[]" is not properly before this Court. (Return at 12.) Appellant asks this Court to disregard this request.

Conclusion

For the reasons stated above, Appellant asks this Court to either disregard Respondent's Return or treat this response as a reply to the Return. The order dissolving the warrant of attachment is immediately appealable, and the order denying the motion to strike is a companion order and should be heard by this Court with the appeal on the dissolution of the warrant of attachment. This Court should not entertain Respondent's improper request for a higher bond.

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February 2, 2026

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PROOF OF SERVICE

I certify that on February 2, 2026, I have caused the service of the Response/Reply to Respondent's Return to Appellant's Memorandum of Law Regarding Appealability of Orders via electronic mail using the email address listed in the Attorney Information System for his attorneys of record at the addresses listed below:

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Columbia, South Carolina
February 2, 2026

Amy Kelly

From: Amy Kelly
Sent: Monday, February 2, 2026 4:41 PM
To: 'M. Dawes Cooke, Jr.'; 'Justin Novak'; 'Jessica W. Stratta'; 'Anthony Baglivo'; 'Karen Jessee'
Cc: Bess DuRant; Biff Sowell
Subject: Response/Reply to Respondent's Return to Appellant's Memorandum of Law Regarding Appealability of Orders- Janura v. Bright; Case No. Appellate Case No. 2025-002577
Attachments: Response-Reply to Respondent's Return to Appellant's Memorandum of Law Regarding Appealability of Orders.pdf; Proof of Service- Response and Reply to Respondent Return to Appeallant Memorandum of Law re Appealability.pdf

Attached and served upon you is the Response/Reply to Respondent's Return to Appellant's Memorandum of Law Regarding Appealability of Orders that we are filing with the Court of Appeals.

Sincerely
Amy A. Kelly

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