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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.

RESPONDENTS' FINAL BRIEF

TABLE OF CONTENTS

TABLE OF CONTENTS 2

TABLE OF AUTHORITIES..... 4

STATEMENT OF ISSUES ON APPEAL..... 4

STATEMENT OF THE CASE7

STANDARD OF REVIEW..... 8

ARGUMENT..... 9

I. THE CIRCUIT COURT CORRECTLY DETERMINED THAT APPELLANT WAS PROPERLY SERVED AND PROPERLY DECLINED TO SET ASIDE THE JUDGMENT ON SERVICE GROUNDS9

 A. *Presumption of Proper Service Arises from a Sworn Return* 9

 B. *Dolan’s Subsequent Participation Waived Any Jurisdictional Objection* 10

 C. *The Circuit Court’s Finding of Valid Service is Entitled to Deference*11

II. THE CIRCUIT COURT PROPERLY DENIED DOLAN’S RULE 60(B) MOTION BECAUSE HE FAILED TO DEMONSTRATE A BASIS FOR RELIEF. 13

 A. *Rule 60(b)(4) Does Not Apply Because the Judgment Was Not Void* 13

 B. *The Trial Court Properly Applied the Rule 60(b) Standard, Not the Lesser “Good-Cause” Test of Rule 55(c)* 14

 C. *Dolan Failed to Establish Excusable Neglect or Any Other Equitable Ground for Relief* 15

D. Policy Considerations Favor Finality of Judgments17

III. THE CIRCUIT COURT PROPERLY DETERMINED THAT THE DAMAGES AWARD
WAS SUPPORTED BY COMPETENT EVIDENCE. 18

IV. DOLAN’S REMAINING ALLEGATIONS OF JUDICIAL BIAS AND DUE-PROCESS
VIOLATIONS ARE UNSUPPORTED BY THE RECORD. 19

CONCLUSION **21**

CERTIFICATE OF SERVICE**23**

TABLE OF AUTHORITIES

CASES

<i>Bakala v. Bakala</i> , 352 S.C. 612, 576 S.E.2d 156 (2003)	10
<i>BB&T v. Taylor</i> , 369 S.C. 548, 633 S.E.2d 501 (2006)	13
<i>Clark v. Key</i> , 304 S.C. 497, 499, 405 S.E.2d 599, 600 (1991)	12, 18
<i>Coleman v. Dunlap</i> , 306 S.C. 491, 413 S.E.2d 15 (1992)	17
<i>Davis v. Parkview Apartments</i> , 409 S.C. 266, 288, 762 S.E.2d 535, 547 (2014)	19
<i>Fassett v. Evans</i> , 364 S.C. 42, 610 S.E.2d 841 (Ct. App. 2005)	8, 9, 12, 14
<i>Graham Law Firm, P.A. v. Makawi</i> , 396 S.C. 290, 721 S.E.2d 430 (2012)	8, 12, 18
<i>Hemingway v. Mention</i> , 228 S.C. 211, 89 S.E.2d 369 (1955)	16
<i>Hill v. Dotts</i> , 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001)	16
<i>Howard v. Holiday Inns, Inc.</i> , 271 S.C. 238, 246 S.E.2d 880 (1978)	18
<i>ITC Com. Funding, LLC v. Crerar</i> , 393 S.C. 487, 713 S.E.2d 335 (Ct. App. 2011)	10
<i>Mallett v. Mallett</i> , 323 S.C. 141, 473 S.E.2d 804 (Ct. App. 1996)	19, 20
<i>McDaniel v. U.S. Fid. & Guar. Co.</i> , 324 S.C. 639, 478 S.E.2d 868 (Ct. App. 1996)	13
<i>Micronics, Inc. v. S.C. Dep't of Revenue</i> , 345 S.C. 506, 548 S.E.2d 223 (Ct. App. 2001)	16, 17
<i>Moore v. Simpson</i> , 322 S.C. 518, 523, 473 S.E.2d 64, 67 (Ct. App. 1996)	12
<i>Richardson Constr. Co. v. Meek Eng'g & Constr., Inc.</i> , 274 S.C. 307, 262 S.E.2d 913 (1980)	9
<i>Ricks v. Weinrauch</i> , 293 S.C. 372, 360 S.E.2d 535 (Ct. App. 1987)	14
<i>S.C. Dep't of Soc. Servs. v. Beeks</i> , 325 S.C. 243, 481 S.E.2d 703 (1997)	19
<i>Stark Truss Co., Inc. v. Superior Constr. Co., Inc.</i> , 360 S.C. 503, 602 S.E.2d 99 (Ct. App. 2004)	15
<i>State v. Dunbar</i> , 356 S.C. 138, 587 S.E.2d 691 (2003)	12

<i>Sundown Operating Co. v. Intedg Group, Inc.</i> , 383 S.C. 601, 681 S.E.2d 885 (2009)	15, 16, 17
<i>Thomas & Howard Co. v. T.W. Graham and Co.</i> , 318 S.C. 286, 457 S.E.2d 340 (1995)	13
<i>United States v. Grinnell Corp.</i> , 384 U.S. 563 (1966)	19
<i>Wham v. Shearson Lehman Bros., Inc.</i> , 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989)	18

RULES OF CIVIL PROCEDURE

Rule 4, SCRCP	9
Rule 4(d), SCRCP	10, 11
Rule 4(g), SCRCP	9
Rule 12(b)(2), SCRCP	7, 11
Rule 12(b)(5), SCRCP	7, 11
Rule 12(h)(1), SCRCP	10, 11
Rule 55(b)(2), SCRCP	18
Rule 55(c), SCRCP	14
Rule 60(b), SCRCP	14, 15, 16, 18
Rule 60(b)(1), SCRCP	15
Rule 60(b)(4), SCRCP	7, 13

APPELLATE COURT RULES

Rule 222, SCACR	20
Rule 501, SCACR (Canon 3(E)(1))	19

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 (ROA p. 1).

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 (ROA p. 14-15). 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 (ROA p.60). Dolan did not respond or otherwise appear (ROA p. 4). On June 22, 2022, the clerk entered Dolan's default (ROA p. 4), and following a properly noticed damages hearing (ROA p. 4), the circuit court entered an Order Granting Default Judgment on August 15, 2023, awarding Respondents \$39,079.00, plus post-judgment interest (ROA p. 4).

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 (ROA p. 4). Respondents thereafter initiated a separate foreclosureⁱ 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 (ROA pp. 200, 270). Dolan was personally served in that case on March 23, 2024 (ROA p. 4), and, through counsel, filed an Answer and Counterclaims on April 22, 2024, to which Respondents filed a Reply on May 20, 2024 (ROA p. 4).

On April 19, 2024, nearly one year after the default, Dolan moved to vacate the 2023 judgment under Rule 60(b)(4), SCRCF, asserting lack of service of process (ROA pp. 2, 44). Respondents opposed the motion, submitting the affidavit of their paralegal, Carolyn Denney (ROA pp.2, 68), and the original affidavit of service (ROA pp. 2, 60). The circuit court held a

hearing on July 17, 2024 (ROA pp. 2, 29), 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 (ROA pp. 2 –4).

Dolan subsequently filed multiple additional affidavits and motions, including motions for reconsideration and to dismiss under Rules 12(b)(2) and 12(b)(5), SCRCF (ROA pp. 2, 46, 48), all of which were denied by the court without further hearing (ROA pp. 7, 498). On March 5, 2025, following the second damages hearing (ROA pp. 2, 9), 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 (ROA p. 1).

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 (ROA pp. 4, 7). The court further exercised its discretion to ensure that Dolan received notice and an opportunity to be heard before damages were finalized (ROA pp. 4, 9).

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. 2005). 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

I. THE CIRCUIT COURT CORRECTLY DETERMINED THAT APPELLANT WAS PROPERLY SERVED AND PROPERLY DECLINED TO SET ASIDE THE JUDGMENT ON SERVICE GROUNDS

A. Presumption of Proper Service Arises from a Sworn Return

The circuit court correctly determined that a presumption of proper service arose in this case because the Respondents complied with the requirements of Rule 4, SCRCF, by filing a facially valid, sworn affidavit of service.

Under South Carolina law, a plaintiff may effect service upon an individual by delivering a copy of the summons and complaint to the person personally. Rule 4(g), SCRCF, requires that the person serving the process make proof of service thereof to the court promptly. Once a plaintiff files a sworn return of service, a legal presumption of proper service is created.

The South Carolina Court of Appeals has held that this presumption of proper service “cannot be impeached by the mere denial of service by the defendant”. *Fassett v. Evans*, 364 S.C. at 47, 610 S.E.2d at 844 (Ct. App. 2005). To impeach a return of service, a litigant must provide competent extrinsic proof that service was not effected; a self-serving affidavit is insufficient as a matter of law. *See Richardson v. P.V. Inc.*, 383 S.C. 610, 616, 682 S.E.2d 263, 266 (2009).

In the present case, the Respondents filed an Affidavit of Service on May 11, 2022

(ROA p. 60). This sworn document, signed by a private process server, reflected that Dolan was personally served on May 7, 2022, at an address in Mauldin, South Carolina (ROA p. 60). Although Dolan submitted affidavits from himself and family members disputing his physical description, specifically his height and eye color, these filings amount to the very “mere denials” rejected in *Fassett* and *Richardson Construction* (ROA p. 65, 66). Dolan failed to present any objective, third-party evidence to prove he was not at the location at the time of service, and the circuit court properly found that his affidavits did not rebut the legal presumption created by the sworn return (ROA p. 60).

Because the Respondents provided a sworn return of service and Dolan failed to provide competent proof to the contrary, the circuit court acted within its discretion in finding that service was valid and personal jurisdiction was established

B. Dolan’s Subsequent Participation Waived Any Jurisdictional Objection

Even if service had been improper, the circuit court correctly maintained jurisdiction because Dolan waived any jurisdictional objections by voluntarily and extensively participating in the litigation following the entry of default.

Under Rule 12(h)(1), SCRCF, a defense of lack of jurisdiction over the person or insufficiency of service of process is waived if it is omitted from a motion in the circumstances described in Rule 12(g), or if it is neither made by motion under this rule nor included in a responsive pleading. Furthermore, Rule 4(d), SCRCF, provides that a “voluntary appearance by a defendant is equivalent to personal service”.

These rules establish that personal jurisdiction is a waivable right that must be asserted at the earliest procedural opportunity. *See Bakala v. Bakala*, 352 S.C. 612, 620, 576 S.E.2d 156, 160 (2003) (noting that personal-jurisdiction objections are waived

unless timely raised). When a party seeks affirmative relief or participates in the merits of a case without strictly reserving a jurisdictional objection, they submit to the court's authority as a matter of law. *See* Rule 12(h)(1), SCRCF.

Dolan's conduct in this litigation falls squarely within these waiver provisions. The record reflects that Dolan did not merely contest service; he engaged in active, multi-front litigation. The circuit court specifically noted that Dolan had acknowledged the litigation in writing shortly after service was first attempted in 2022 (ROA p. 4). Following the entry of default, and after being served in a related foreclosure action on March 23, 2024, Dolan filed an Answer and Counterclaims in that matter and subsequently filed five separate motions for reconsideration and dismissal in the underlying case (ROA pp. 44, 46, 48, 52, 55).

By filing these pleadings and seeking affirmative relief rather than strictly appearing specially to contest jurisdiction, Dolan's conduct became "equivalent to personal service" under Rule 4(d). The circuit court properly determined that this extensive participation precluded Dolan from seeking "another bite at the apple" regarding service (ROA pp. 5-7). Consequently, Dolan's active engagement with the court's processes waived any jurisdictional objection and confirmed the court's authority over him.

Because Dolan's extensive post-default participation constitutes a waiver of jurisdictional defects as a matter of law, the circuit court's exercise of jurisdiction was proper and should be affirmed.

C. The Circuit Court's Finding of Valid Service is Entitled to Deference

The circuit court's factual determination that Dolan was validly served is supported by competent evidence in the record and, under the applicable deferential standard of

review, must be affirmed.

In South Carolina, factual findings concerning the validity of service of process are entitled to deference on appeal and will not be disturbed unless they are unsupported by the evidence or controlled by an error of law. *See Clark v. Key*, 304 S.C. 497, 499, 405 S.E.2d 599, 600 (1991). This deferential standard applies in the Rule 60(b) context, where the circuit court is tasked with resolving disputed issues of service and notice. *See Graham Law Firm, P.A. v. Makawi*, 396 S.C. 290, 294–95, 721 S.E.2d 430, 432 (2012).

As the Court of Appeals has explained, “questions of fact arising on a motion to quash service of process for lack of jurisdiction of the person of the defendant are to be determined by the court.” *Moore v. Simpson*, 322 S.C. 518, 523, 473 S.E.2d 64, 67 (Ct. App. 1996) (quoting *Lawson v. Jeter*, 243 S.C. 103, 132 S.E.2d 276 (1963)). Accordingly, where the circuit court resolves conflicting evidence regarding service, its factual determinations are entitled to deference on appeal.

Here, the circuit court evaluated the competing evidence, including the private process server’s sworn affidavit of personal service (ROA p. 60) and the affidavits submitted by Dolan and his family members disputing the physical description of the person served (ROA pp. 65–66). Following an evidentiary hearing on July 17, 2024, the court issued a detailed order finding that service was sufficient and that Dolan’s affidavits failed to rebut the presumption of proper service (ROA p. 2). Because the record contains competent evidence supporting service, the circuit court’s finding satisfies the evidentiary threshold for affirmance.

Accordingly, because the circuit court’s finding of valid service is supported by the record and reflects no error of law or abuse of discretion, its exercise of personal jurisdiction should be upheld.

II. THE CIRCUIT COURT PROPERLY DENIED DOLAN’S RULE 60(b) MOTION BECAUSE HE FAILED TO DEMONSTRATE A BASIS FOR RELIEF.

A. Rule 60(b)(4) Does Not Apply Because the Judgment Was Not Void

The circuit court correctly denied Dolan’s motion under Rule 60(b)(4), SCRCF, because the underlying judgment was not “void”; the court possessed both subject matter jurisdiction over the claims and personal jurisdiction over Dolan through valid service of process.

Under Rule 60(b)(4), SCRCF, a court may relieve a party from a final judgment if “the judgment is void.” In South Carolina, a judgment is void only if the court that rendered it lacked subject matter jurisdiction or personal jurisdiction. *See BB&T v. Taylor*, 369 S.C. at 551-552, S.E.2d at 503 (2006). A judgment is not void simply because it may be erroneous or because a party disagrees with the court’s factual findings. *See McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. at 644, 478 S.E.2d 871 (Ct. App. 1996).

The distinction between a void judgment and one that is merely voidable is critical. If a court has the power to determine a case, any error in the exercise of that power must be corrected via a timely appeal or a motion under other subsections of Rule 60(b), such as excusable neglect. *See Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). For a judgment to be void for lack of personal jurisdiction, there must be a total failure of service that was not otherwise waived or cured.

Improper service of process implicates Rule 60(b)(4), SCRCF, rather than Rule 60(b)(1), because a judgment entered without personal jurisdiction is void. *See Fassett v. Evans*, 364 S.C. 42, 47–48, 610 S.E.2d 841, 843–44 (Ct. App. 2005) (explaining that the proper ground to challenge a default judgment based on ineffective service is Rule 60(b)(4)). Where service of process is proper, however, Rule 60(b)(4) relief is

unavailable as a matter of law. *See id.*

Dolan's motion to vacate rested entirely on his assertion that the 2023 judgment was void for lack of service (ROA p. 44). However, as established in Argument I, the circuit court made a factual finding, supported by a sworn Affidavit of Service, that Dolan was personally served on May 7, 2022 (ROA p. 1). Because the court found that service was properly effected, it necessarily possessed personal jurisdiction at the time the default was entered (ROA p. 1). Furthermore, since the court had subject matter jurisdiction over the breach of contract and negligence claims, the resulting judgment was legally valid (ROA p. 1). Because jurisdiction existed, the judgment cannot be void as a matter of law, and Rule 60(b)(4) is inapplicable.

Because the judgment was not void, the court properly denied relief under Rule 60(b)(4).

B. The Trial Court Properly Applied the Rule 60(b) Standard, Not the Lesser “Good-Cause” Test of Rule 55(c)

The circuit court correctly analyzed Dolan's motion under the rigorous standards of Rule 60(b) because a final judgment had already been entered; the more lenient “good cause” standard of Rule 55(c) was no longer available to him as a matter of law.

Under the South Carolina Rules of Civil Procedure, the standard for setting aside an entry of default is “good cause” pursuant to Rule 55(c), SCRPC. However, once that default has ripened into a final judgment, a party seeking relief must meet the higher threshold of Rule 60(b), SCRPC, which requires a showing of “mistake, inadvertence, surprise, or excusable neglect.” *See Ricks v. Weinrauch*, 293 S.C. 372, 374, 360 S.E.2d 535, 536 (Ct. App. 1987).

The South Carolina Supreme Court has clarified that these two rules are not interchangeable. While Rule 55(c) is interpreted liberally to provide relief from the

“procedural act” of an entry of default, Rule 60(b) is applied more strictly to preserve the finality of written judgments. *See Sundown Operating Co. v. Intedge Group, Inc.*, 383 S.C. 601, 681 S.E.2d 885 (2009). Once an Order for Default Judgment is signed and filed, the “good cause” standard is superseded by the requirements of Rule 60(b).

In this matter, the clerk entered Dolan’s default on June 22, 2022 . Over a year later, on August 15, 2023, the circuit court entered a formal Order Granting Default Judgment. Dolan did not move to vacate until April 19, 2024, nearly eight months after the final judgment was entered and almost two years after the initial default (ROA p. 44). Because a final judgment was of record, the circuit court correctly determined that Dolan was required to prove one of the specific grounds for relief under Rule 60(b), such as excusable neglect, rather than the lower “good cause” threshold (ROA p. 1). Dolan’s failure to act until a foreclosure action was initiated against him demonstrates a lack of the diligence required under the Rule 60(b) standard.

Because the litigation had reached the stage of a final judgment long before Dolan appeared, the circuit court properly applied the Rule 60(b) standard. Its decision to deny relief based on that standard should be affirmed.

C. Dolan Failed to Establish Excusable Neglect or Any Other Equitable Ground for Relief

The circuit court acted within its sound discretion in finding that Dolan failed to establish excusable neglect. Relief under Rule 60(b)(1), SCRPC, is available only upon a showing of “mistake, inadvertence, surprise, or excusable neglect,” and the movant bears the burden of demonstrating entitlement to such relief. *Sundown Operating Co. v. Intedge Group, Inc.*, 383 S.C. 601, 607–08, 681 S.E.2d 885, 888 (2009).

South Carolina courts have consistently held that neglect which is willful, deliberate, or the product of conscious indifference does not constitute excusable

neglect. *See Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001). A motion for relief from judgment is an appeal to the equitable discretion of the court and is governed by the principle that “nothing can call equity into activity but conscience, good faith, and diligence.” *Hemingway v. Mention*, 228 S.C. 211, 215, 89 S.E.2d 369, 371 (1955).

In exercising that discretion, the circuit court was entitled to consider Dolan’s prolonged inaction and lack of diligence in responding to the litigation. Delay and indifference to the legal process weigh heavily against a finding of excusable neglect and support denial of Rule 60(b) relief. *See Sundown*, 383 S.C. at 607–08, 681 S.E.2d at 888.

The record of Dolan’s conduct, defined by months of silence and a failure to respond until his assets were at risk, cannot be reconciled with the standard of reasonable diligence. Even if the court were to look past the May 2022 service (ROA p. 60), Dolan remained silent throughout the entry of default in June 2022 and the subsequent damages hearing leading to the August 2023 Order. Most telling, Dolan did not move to vacate until April 19, 2024, nearly eight months after the final judgment was entered and almost two years after the initial default (ROA p. 44). Under South Carolina law, the promptness with which a party seeks relief is a ‘primary factor’ that the court must consider when determining if a judgment should be set aside. *See Micronics, Inc. v. S.C. Dep’t of Revenue*, 345 S.C. 506, 510–11, 548 S.E.2d 223, 226 (Ct. App. 2001).

Dolan’s choice to wait until a foreclosure action was initiated against him, months after the finality of the underlying judgment, fails this requirement of promptness. *See id.* at 511, 548 S.E.2d at 226. Such a delay demonstrates a lack of the diligence required under the Rule 60(b) standard.

D. Policy Considerations Favor Finality of Judgments

The circuit court's refusal to vacate the judgment aligns with South Carolina's strong public policy favoring the finality of judicial proceedings and the security of legal titles.

South Carolina law recognizes that there must be an end to litigation. The judicial policy of this state is to favor the finality of judgments. *See Micronics, Inc. v. S.C. Dep't of Revenue*, 345 S.C. 506, 510, 548 S.E.2d 223, 225 (Ct. App. 2001). While the courts prefer to decide cases on their merits, this preference must be balanced against the necessity of ensuring that judgments are settled and reliable. *See Sundown Operating Co. v. Intedje Group, Inc.*, 383 S.C. 601, 607–08, 681 S.E.2d 885, 888 (2009).

The rules governing relief from judgment (Rule 60) are intended to be extraordinary remedies. If every defendant could ignore a lawsuit and then demand a “do-over” years later without a showing of strict compliance with the rules, the legal system would become unpredictable. *See Coleman v. Dunlap*, 306 S.C. 491, 495, 413 S.E.2d 15, 17 (1992). The burden is therefore on the party seeking to upset the status quo to show that the judgment is truly unjust or void.

In this case, the Respondents have relied on the validity of their judgment for years, moving from the initial complaint to a damages hearing, a writ of execution, and finally a foreclosure action. To set aside a judgment after such a lengthy procedural history, and after Dolan sat on his rights for nearly two years, would undermine the finality that Respondents and the court system are entitled to rely upon (ROA p. 3). Granting relief under these circumstances would reward Dolan's delay and prejudice the Respondents, who have spent significant time and resources enforcing their validly obtained award (ROA p. 3).

Because the interest in finality outweighs Dolan's untimely and unsupported request for relief, the circuit court's decision to maintain the judgment was a proper exercise of discretion.

III. THE CIRCUIT COURT PROPERLY DETERMINED THAT THE DAMAGES AWARD WAS SUPPORTED BY COMPETENT EVIDENCE.

The circuit court's award of damages must be affirmed because it was based on competent evidence presented during the damages hearing, and Dolan, by virtue of his default, is precluded from challenging the underlying liability.

In a default action, the defendant's default serves as an admission of the allegations in the complaint, except for the amount of damages. *See Howard v. Holiday Inns, Inc.*, 271 S.C. 238, 242, 246 S.E.2d 880, 882 (1978). The plaintiff must prove the extent of their damages by a preponderance of the evidence. *See id.* On appeal, the trial court's findings regarding the amount of damages will be upheld if there is any evidence to support them. *See Clark v. Key*, 304 S.C. 497, 499, 405 S.E.2d 599, 600 (1991).

South Carolina law distinguishes between "liquidated" and "unliquidated" damages. For unliquidated damages, the court must conduct a hearing to determine the proper amount. Once the court has heard testimony or reviewed documentation and made a finding, that finding is entitled to great deference. The appellant cannot simply offer a different calculation on appeal; they must show the award is unsupported by the record. *See Graham Law Firm, P.A. v. Makawi*, 396 S.C. 290, 296, 721 S.E.2d 430, 433 (2012).

The record demonstrates that the circuit court took the necessary steps to ensure the award was accurate by vacating an initial award when it was determined the Appellant lacked proper notice (ROA p. 4). A new damages hearing was held on February 14, 2025, where the Respondents presented detailed evidence of their losses (ROA p. 5).

This evidence included testimony from the Respondents and was supported by repair estimates and structural assessments that linked Dolan's conduct to the financial harm suffered (ROA pp. 5, 18-19). Because Dolan defaulted, he admitted the elements of the claims, including causation, leaving only the amount of damages to be verified by the court. The circuit court specifically found the Respondents' evidence to be credible and uncontroverted, resulting in a judgment of \$84,144.97 (ROA pp. 5, 8).

Because there is evidence in the record reasonably supporting the circuit court's findings regarding the specific amount awarded, the award must be affirmed. The court strictly adhered to the procedural mandates of Rule 55(b)(2), SCRCR, by conducting a new hearing on February 14, 2025, to determine the extent of the unliquidated damages. Since the resulting judgment of \$84,144.97 rests upon the credible, uncontroverted proofs submitted at that hearing, the circuit court's valuation is conclusive on appeal and should not be disturbed (ROA pp. 5, 8).

IV. DOLAN'S REMAINING ALLEGATIONS OF JUDICIAL BIAS AND DUE-PROCESS VIOLATIONS ARE UNSUPPORTED BY THE RECORD.

The Appellant's claims of judicial bias and due process violations are without merit, as the record confirms that the circuit court provided Dolan with multiple opportunities to be heard and acted with total impartiality throughout the proceedings.

Due process is a flexible concept that requires notice and an "opportunity to be heard at a meaningful time and in a meaningful manner." *S.C. Dep't of Soc. Servs. v. Beeks*, 325 S.C. 243, 246, 481 S.E.2d 703, 705 (1997). Regarding judicial bias, adverse rulings, even if erroneous, do not by themselves constitute proof of bias or prejudice. *See Mallett v. Mallett*, 323 S.C. 141, 147, 473 S.E.2d 804, 808 (Ct. App. 1996). A judge should disqualify himself only if his "impartiality might reasonably be questioned." Rule 501, SCACR, Canon 3(E)(1).

South Carolina law presumes that a trial judge is unbiased and capable of reaching a fair decision based on the evidence. To overcome this presumption, a litigant must show that the alleged bias “stems from an extrajudicial source and results in a decision based on something other than what the judge learned from his participation in the case.” *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966); *Mallett v. Mallett*, 323 S.C. 141, 145, 473 S.E.2d 804, 807 (Ct. App. 1996). Merely disagreeing with the outcome of a motion or the court’s weighing of evidence is insufficient to establish a constitutional violation. *See id.*

The record in this case flatly contradicts any claim that Dolan was denied due process. Following the initial service of the Summons and Complaint (ROA p. 14, 15, 60), the Respondents provided notice of both the entry of default and the subsequent damages hearing. Furthermore, once Dolan eventually appeared, the circuit court afforded him a comprehensive opportunity to be heard, permitting him to file extensive briefing and conducting a full hearing on his Rule 60(b) motion on July 17, 2024 (ROA p. 2, 44).

South Carolina law is clear that procedural due process is satisfied when a party is given a meaningful opportunity to be heard. *See, e.g., Davis v. Parkview Apartments*, 409 S.C. 266, 288, 762 S.E.2d 535, 547 (2014) (affirming that where a party has the opportunity to fully litigate an issue, they cannot later establish the prejudice necessary to prove a due process violation). By participating in the July 2024 hearing on the merits of his jurisdictional challenge, Dolan received all the process he was due, and any alleged prior defect was rendered harmless.

Similarly, Dolan’s allegations of judicial bias are without merit, as they appear rooted solely in his dissatisfaction with the court’s refusal to vacate the judgment and its

decision to credit the process server's affidavit over his own (ROA p. 60). Because these rulings were based strictly on the evidence presented and the applicable law, they cannot form the legal basis for a claim of prejudice. Adverse rulings do not, by themselves, constitute proof of bias. *See Mallett v. Mallett*, 323 S.C. 141, 147, 473 S.E.2d 804, 808 (Ct. App. 1996).

Because Dolan received notice, appeared through counsel, and had his arguments fully considered by an impartial tribunal, there was no violation of due process or evidence of judicial bias. The circuit court's orders should therefore be affirmed in their entirety.

CONCLUSION

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 and the subsequent Order determining damages in all respects.

The record confirms that the circuit court properly exercised its discretion in finding that Dolan was validly served and that he failed to demonstrate any entitlement to relief under Rule 55(c) or Rule 60(b), SCRCPP. Because the circuit court's findings are supported by competent evidence and align with South Carolina's strong policy favoring the finality of judgments, there is no basis for reversal.

Respondents further request that this Court award them costs on appeal pursuant to Rule 222, SCACR, and grant such other and further relief as the Court deems just and proper.

Respectfully submitted this Monday, February 9, 2026.

Holder Padgett Littlejohn + Prickett, LLC

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ⁱ Although the foreclosure action (Case No. 2024-CP-23-01046) is referenced throughout the record and Appellant's brief, the foreclosure complaint itself was not included in the Record on Appeal, notwithstanding Respondents' designation of that pleading.