

RECEIVED

Feb 19 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

Judge James J Wegmann, Master-In-Equity

Case No: 2018-CP-07-00804

Appellate Case No:2025-002484

BENNY HUDSON SEAFOOD CORP

Respondent,

v.

MARTIN GOVAN

Respondent,

and

MARTIN GOVAN

Respondent,

V

CRAIG WHITE and GERALDINE WHITE
THIRD PARTY DEFENDANT

Of whom Geraldine White is the Appellant.

**MOTION TO REINSTATE APPEAL /VACATE DISMISSAL FOR FAILURE TO
PAY FILING FEE**

Geraldine White, Appellant
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com
843-681-3947

MOTION TO REINSTATE APPEAL /VACATE DISMISSAL FOR FAILURE TO PAY FILING FEE

The Appellant respectfully moves this Court for an Order vacating the dismissal of this appeal and reinstating the appeal. This motion is made pursuant to the South Carolina Appellate Court Rules and the Court's inherent authority to ensure fairness and due process.

I. PROCEDURAL HISTORY

1. On January 8, 2026, this Court denied Appellant's motion to proceed in forma pauperis and required payment of the filing fee.
2. On January 20, 2026, Appellant timely filed a Motion to Extend Time to Pay the Filing Fee, requesting additional time to comply with the Court's order.
3. The Court did not rule on the Motion to Extend Time.
4. On February 19, 2026, Appellant received notice that the appeal had been dismissed for failure to pay the filing fee pursuant to the January 8, 2026 order.
5. Appellant acted in good faith and awaited the Court's ruling on the pending extension motion before submitting payment.

II. GROUNDS FOR REINSTATEMENT

A. Pending Motion Affecting Compliance

Appellant timely sought an extension of time to pay the filing fee. The motion directly addressed compliance with the Court's order. Dismissal of an appeal while a timely motion affecting compliance remains pending deprives the litigant of a fair opportunity to comply and warrants reinstatement. See Rule 260(a), SCACR.

B. Preference for Decisions on the Merits

South Carolina courts prefer resolving cases on their merits rather than on procedural technicalities when fairness permits. See *Ex parte Gregory*, 378 S.C. 430, 663 S.E.2d 46 (2008). Reinstatement is appropriate where dismissal was procedural and no prejudice

results.

C. Due Process Requirements

Procedural due process requires notice and a meaningful opportunity to be heard before deprivation of a legal right. See U.S. Const. amend. XIV; S.C. Const. art. I, § 3; Ross v. Medical Univ. of S.C., 328 S.C. 51, 492 S.E.2d 62 (1997). Appellant reasonably awaited the Court's decision on the pending motion before paying the fee.

D. Good Faith and Lack of Prejudice

Appellant acted diligently and in good faith and stands ready to remit the filing fee immediately. Reinstatement will not prejudice the Respondent and serves the interests of justice.

III. REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Vacate the dismissal of the appeal;
2. Reinstate the appeal;
3. Grant Appellant's Motion to Extend Time nunc pro tunc;
4. Permit the filing fee to be paid and accepted as timely; and
5. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

s://Geraldine White
Geraldine White, Appellant
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com
843-681-3947

February 19, 2026

Other Counsel of Record
Carr Legal Group, LLC
Patrick William Carr, Esq.
1917 Lovejoy Street
Beaufort, SC 29902
patrick@carrlegal.com
Attorney for Martin Govan

William M Bowen, Esq
PO Box 6128/52 New Orleans Rd Ste 202
Hilton Head Island, SC 29928
w.bowen@bowenpa.com
Attorney for Benny Hudson Seafood Corp

Robert "Tabor" Vaux, Jr.
1251 May River Road
P O Box 769
Bluffton, SC 29910
tabor.vaux@vmlaw.com

INTENTIONALLY LEFT BLANK

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Judge James J Wegmann, Master-In-Equity

Case No: 2018-CP-07-00804

Appellate Case No:2025-002484

RECEIVED

Feb 19 2026

SC Court of Appeals

BENNY HUDSON SEAFOOD CORP

Respondent,

v.

MARTIN GOVAN

Respondent,

and

MARTIN GOVAN

Respondent,

v

CRAIG WHITE and GERALDINE WHITE
THIRD PARTY DEFENDANT

Of whom Geraldine White is the Appellant.

**MOTION TO REINSTATE APPEAL /VACATE DISMISSAL FOR FAILURE TO
PAY FILING FEE**

PROOF OF SERVICE

I certify that a copy of this Motion to Reinstate Appeal, Memorandum of Law, Orders and Motion For Extension was served on all parties by the U.S. Mail, hand delivery, or electronic service via email on this 19 day of February, 2026.

Other Counsel of Record
Carr Legal Group, LLC
Patrick William Carr, Esq.
1917 Lovejoy Street
Beaufort, SC 29902
patrick@carrlegal.com
Attorney for Martin Govan

William M Bowen, Esq
PO Box 6128/52 New Orleans Rd Ste 202
Hilton Head Island, SC 29928
w.bowen@bowenpa.com
Attorney for Benny Hudson Seafood Corp

Robert "Tabor" Vaux, Jr.
1251 May River Road
P O Box 769
Bluffton, SC 29910
tabor.vaux@vmblaw.com

Respectfully submitted,

s://Geraldine White
Geraldine White, Appellant
141 Lamotte Drive #A3
Hilton Head Island, SC 29926
whitegeraldine91@gmail.com
843-681-3947

February 19, 2026