

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of Common Pleas

Hon. Brian M. Gibbons, Circuit Judge

Case No. 2022-CP-19-0114
Appellate Case No. 2023-000541
Opinion No. 2026-UP-027

George William Rauton, III, Appellant,

vs.

Patsy R. Lightle, Respondent.

PETITION FOR REHEARING

February 11, 2026

D. Randolph Whitt
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SC Court of Appeals

INTRODUCTION

This Court issued its decision in this appeal which was filed January 28, 2026. Appellant was not notified of this decision, via email, on January 28, 2026.

ARGUMENT FOR REHEARING

The Court misapprehended South Carolina authority regarding issue presentation by requiring Appellant to make a request this Court to recognize the tort of intentional interference with inheritance

The Court affirmed the trial court's dismissal and declined to rule on the errors Appellant identified in the trial court's ruling because "South Carolina has not formally recognized the tort of intentional interference with inheritance and Rauton has not requested this court do so:"

This Court's ruling misapprehends the provisions of SCACR Rule 208(b)(1)(B) that "Broad general statements may be disregarded by the appellate court." Moreover, the ruling misapprehends the long established authority on how issues are presented in an appeal. To be appropriate for review an issue must have been raised and ruled upon by the trial court. *Holy Loch Distributors, Inc. v. Hitchcock*, 340 S.C. 20, 24, 531 S.E.2d 282, 284 (2000) The ruling on the issue must also have been been prejudicial to the appellant. *Broom v. Jennifer*, 403 S.C. 96, 742 S.E.2d 382 (2013).

In the instant case the issue of the existence of the tort of intentional interference with inheritance was not raised in the the trial court in the sense of being contested by the parties. The trial court's order notes that: "Plaintiff relies on the Federal District Court case of *Wellin v. Wellin*, 135 F. Supp.3d 502 (D.S.C. 2015) to support his assertion that his claim would be recognized by the South Carolina Supreme Court. (Order appealed from R. p. 3) The order further recognizes: "Defendant agrees that Judge Norton's prediction is well-reasoned and that the South Carolina Supreme Court would likely recognize Intentional Interference with Inheritance. (Emphasis added, Order appealed

from R. p. 3).

The trial court's order also does not make a definitive ruling on the existence of the tort of intentional interference with inheritance, rather the trial court reasoned that there were flaws in the complaint, which are the issues stated in the Issues on Appeal set forth in Appellant's brief. To the extent the trial court addressed the issue of existence, it did so favorably to Appellant: "Despite the likelihood of the Supreme Court's recognizing Intentional Interference,..."(Order appealed from R. p. 3).

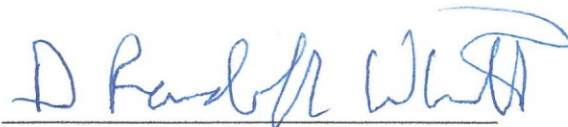
Therefore, the opinion requires Appellant to have appealed an issue the was not contested by the parties, was not definitively ruled on by the trial court, and to the extent it was addressed, was addressed by the trial court favorably to Appellant and thus was not prejudicial to Appellant.

CONCLUSION

The established authority on issue presentation means a broad request to "formally recognize" the existence of the tort of intentional interference with inheritance not essential to consideration of the issues that were actually raised and contested by the parties and were actually ruled upon by the trial court in a manner that was prejudicial to Appellant.

For the foregoing reasons, this Court should grant rehearing, consider the issues raised in the briefs and reverse the trial court's order.

Respectfully submitted,



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PROOF OF SERVICE

I certify that I have served Appellant's Petition for Rehearing on Respondent listed above via emailing a copy of it on February 11, 2026, addressed to her attorney of record as follows:

Adam T. Silvernail adam@silvernaillawfirm.com

February 11, 2026

/s/D.RandolphWhitt

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SC Court of Appeals

From: dwhitt2001@aol.com (dwhitt2001@aol.com)

To: adam@silvernaillawfirm.com

Date: Wednesday, February 11, 2026 at 03:57 PM EST

Good Afternoon Adam,

Attached and served upon you are our petition for rehearing and proof of service.

Regards,
Randy Whitt



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