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Apr 17 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM EDGEFIELD COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Judge

Opinion No. 2026-UP-027 (S.C. Ct. App. Filed January 28, 2026)

George William Rauton, III, Appellant,

vs.

Patsy R. Lightle, Respondent.

PETITION FOR A WRIT OF CERTIORARI

April 17, 2026

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1. Did the Court of Appeals err in declining to consider any of the issues raised in Petitioner's brief below and premising its ruling on the absence of a broad general request to “formally recognize the tort of intentional interference with inheritance” when that issue was not squarely ruled upon by the trial court, was not contested by the parties, and to the extent it was addressed, was resolved in Petitioner's favor?

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Certificate of Counsel

Counsel for petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on March 18,2026.

QUESTION PRESENTED

1. Did the Court of Appeals err in declining to consider any of the issues raised in Petitioner's brief below and premising its ruling on the absence of a broad general request to “formally recognize the tort of intentional interference with inheritance” when that issue was not squarely ruled upon by the trial court, was not contested by the parties, and to the extent it was addressed, was resolved in Petitioner's favor?

Statement of the Case

This action was commenced by the Appellant's filing of a Summons and Complaint on April 21, 2023.(R. p.11) Respondent filed a motion to dismiss under SCRCP Rule 12(b)(6) on May 27, 2023. (R. p.15) Appellant filed a memorandum in opposition to the motion on January 27, 2023. (R. p. 20) A hearing was held on January 30, 2023. (R. p. 34)

The Circuit Court granted the motion to dismiss on February 9, 2023(R. p. 1). A timely motion to reconsider was filed on February 20, 2023. (R. p. 28) An Order denying reconsideration was filed March 3, 2023, (R. p. 8) A notice of appeal was filed and served on March 30, 2023. (R. p. 32)

The Court of Appeals issued its opinion on January 28, 2026 . A timely Petition for Rehearing was filed, and was denied by the Court of Appeals.

Petitioner seeks a writ of certiorari to review that decision.

Argument

The Rationale for the Court of Appeals ruling is contained in Footnote 1 to the opinion, which states:

“We need not address any of Rauton's issues because they all presuppose the existence of the tort of intentional interference with inheritance, which South Carolina has not formally recognized nor has Rauton requested this court

recognize. See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not address remaining issues when its resolution of a prior issue is dispositive).”

However, the Court of Appeals misperceives the order entered by the trial court.

If the trial court had ruled that the tort of intentional interference with inheritance did not exist, then clearly that ruling would have to have been appealed. However, that is not what the trial court ruled at all.

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 of the tort of intentional interference with inheritance, it did so favorably to Appellant: “Despite the likelihood of the Supreme Court’s recognizing Intentional Interference,...”(Order appealed from R. p. 3).

The Court of Appeals 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). To the extent the trial court ruled on the existence of the tort of intentional interference with inheritance, its ruling was favorable to Petitioner and not prejudicial on that point.

The issues actually raised in Petitioner's brief below were actual rulings of the trial court, which were prejudicial, however, none of these issues were addressed by the Court of Appeals.

Therefore, the opinion requires Petitioner to have appealed an issue that 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 Petitioner and thus was not prejudicial to Petitioner.

Conclusion

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

For the foregoing reasons, this Court should grant Certiorari, and reverse the Court of Appeals Order affirming trial court's order of dismissal.

Respectfully submitted,

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Patsy R. Lightle, Respondent.

PROOF OF SERVICE

I certify that I have served the Petition for a Writ of Certiorari on Respondent listed above via emailing a copy of it on April 17, 2026, addressed to her attorney of record as follows:

Adam T. Silvernail adam@silvernaillawfirm.com

April 17, 2026

s/ D. Randolph Whitt

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dwhitt2001@aol.com

Attorney for Petitioner

Service of Petition for Cert Rauton/Lightle

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

To: adam@silvernaillawfirm.com

Date: Friday, April 17, 2026 at 01:56 PM EDT

Good Afternoon,

Attached and served upon you are the Petition for a Writ of Certiorari and Proof of service that I will be filing with the Court shortly.

Regards,
Randy Whitt



Rauton petition for cert 2026.pdf

85.8 kB



Rauton SVC Cert.pdf

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