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**Apr 23 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  
2ND REQUEST**

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

Appellant Geraldine White respectfully moves this Court for an Order vacating the dismissal of this appeal and reinstating the appeal. This motion is made pursuant to Rules 203, 260, and 262 of the South Carolina Appellate Court Rules, and this Court's inherent authority to prevent injustice and ensure 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.
3. The Court did not rule on that Motion before dismissing the appeal.
4. On February 19, 2026, Appellant received notice that the appeal had been dismissed for failure to pay the filing fee.
5. On February 19, 2026, Appellant filed a Motion to Reinstate Appeal.
6. On April 1, 2026, this Court granted reinstatement and gave Appellant fifteen days to pay the \$250 filing fee.
7. On April 6, 2026, Appellant purchased a \$250 money order and mailed it to the South Carolina Court of Appeals at P.O. Box 11629, Columbia, South Carolina 29211.
8. Appellant mailed the filing fee within the time allowed by this Court's April 1, 2026 Order.
9. On April 23, 2026, Appellant received notice that the appeal was again dismissed for failure to pay the filing fee.
10. Appellant has contacted Western Union and was informed that the money order was cashed on or about April 14, 2026. Appellant is attempting to obtain proof identifying when and by whom the money order was negotiated.
11. Appellant acted in good faith and made a timely effort to comply with this Court's Order. The dismissal appears to have resulted from mail delivery, processing, or payment-crediting issues outside Appellant's control.

**II. GROUNDS FOR REINSTATEMENT**

A. Reinstatement Is Authorized Upon Good Cause Shown

Rule 260(a), SCACR, authorizes reinstatement of an appeal upon a showing of good cause. Good cause exists here because Appellant complied with the Court's April 1, 2026 Order by purchasing and mailing the \$250 filing fee within the fifteen-day period.

This is not a case where the Appellant ignored the Court's Order or failed to act. Appellant acted promptly, mailed the fee timely, and later learned that the money order was cashed. Any failure of the Court to associate the payment with this appeal was beyond Appellant's control.

### **B. The Appellate Rules Favor Reinstatement Where the Defect Is Procedural and Curable**

Rule 203, SCACR, provides that an appeal may be dismissed for failure to pay the filing fee, but such dismissal is not intended to create an unjust forfeiture where the appellant made a good faith and timely effort to comply.

Here, the filing fee was not ignored. It was purchased and mailed. If there was a processing error, delivery issue, or failure to credit the payment to the correct case, dismissal is too harsh a remedy.

### **C. Timely Mailing Supports Appellant's Good Faith Compliance**

Rule 262, SCACR, recognizes the importance of mailing in appellate practice. Appellant mailed the filing fee on April 6, 2026, well within the fifteen-day deadline set by this Court.

The appellant should not lose her appeal because of a mailing, processing, or payment-crediting issue after she timely placed the payment in the mail.

### **D. South Carolina Courts Prefer Decisions on the Merits**

South Carolina courts favor deciding cases on their merits rather than disposing of them on procedural technicalities. *Ex parte Gregory*, 378 S.C. 430, 663 S.E.2d 46 (2008).

This appeal should not be dismissed where Appellant made a timely, good faith effort to comply with the Court's Order and where no Respondent will suffer prejudice if the appeal is reinstated.

### **E. Dismissal Would Violate Basic Due Process and Fundamental Fairness**

Procedural due process requires notice and a meaningful opportunity to be heard before a party is deprived of a legal right. U.S. Const. amend. XIV; S.C. Const. art. I, § 3; *Ross v. Medical University of South Carolina*, 328 S.C. 51, 492 S.E.2d 62 (1997).

Appellant complied with the reinstatement Order by timely mailing the filing fee. Dismissing the appeal despite Appellant's compliance would deprive Appellant of appellate review based on circumstances outside her control.

### **F. There Is No Prejudice to Respondents**

Respondents will not be prejudiced by reinstatement. This matter is still in the appellate stage, and reinstatement merely allows the appeal to proceed on the merits.

By contrast, Appellant will suffer severe prejudice if the appeal remains dismissed, because she will lose appellate review despite having timely mailed the filing fee.

### **III. REQUEST FOR RELIEF**

WHEREFORE, Appellant respectfully requests that this Court:

1. Vacate the dismissal of this appeal;
2. Reinstate the appeal;
3. Deem the filing fee timely paid or, alternatively, allow Appellant additional time to verify the cashed money order or submit replacement payment if necessary;
4. Grant Appellant additional time to obtain documentation from Western Union regarding the cashed money order;
5. Direct the Clerk's Office to investigate whether the money order was received, processed, or credited to the wrong case; and
6. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Geraldine White

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**PROOF OF SERVICE**

I certify that a copy of this Motion to Reinstate Appeal, Orders and Motion For Extension was served on all parties by the U.S. Mail, hand delivery, or electronic service via email on the 23 day of April, 2026 or shortly thereafter.

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