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Apr 29 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.

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO
REINSTATE APPEAL**

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SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO REINSTATE APPEAL

Argument: The Dismissal Was Based on a False Premise and Should Be Vacated

The dismissal of this appeal for alleged nonpayment of the filing fee was improper because the filing fee was received, but was apparently misapplied, unposted, or credited to the wrong appellate case number. Rule 203 requires payment of the appellate filing fee, but it does not authorize dismissal where payment was actually made and received.

Rule 260 allows reinstatement upon “good cause shown,” and a dismissal caused by court or clerical error is good cause for reinstatement. This error deprived Appellant Geraldine White of meaningful appellate review based on an inaccurate administrative record.

A litigant should not lose the right to appeal because a received money order was not properly credited by the Clerk’s Office. Dismissal under those circumstances violates basic procedural due process, because the appeal was dismissed on a materially false factual basis.

The Court’s mistaken dismissal also caused actual out-of-pocket damage. MS. White was forced to spend \$15.00 to have Western Union research the money order and prove payment that had already been tendered. That fee was a direct result of the erroneous dismissal and the failure to properly account for the filing fee.

Applicable Rules and Violations

Rule 203, SCACR — Misapplied because the appeal was dismissed for nonpayment even though payment was received.

Rule 260, SCACR — Supports reinstatement because good cause exists where dismissal resulted from clerical or administrative error.

Procedural Due Process — Violated where appellate rights were terminated based on inaccurate payment information.

Right of Access to Courts — Impaired because the appeal was dismissed due to an internal processing/payment error, not any true failure by Appellant.

Clerical Error / Administrative Error Doctrine — The Court should correct the record and not penalize the litigant for a payment misapplication.

Abuse of Discretion / Manifest Error — Dismissal based on a false premise constitutes manifest error and should be corrected immediately.

Accordingly, the Court should:

1. Vacate the dismissal order;
2. Reinstate Appeal No. 2025-002484;
3. Correct the payment record to reflect that the filing fee was received;
4. Confirm that no further filing fee is due;
5. Reimburse or credit Appellant for the \$15.00 Western Union research fee, or reserve that issue for further order. and grant any further relief necessary to prevent prejudice

caused by the erroneous dismissal.

s/Geraldine White
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Of whom Geraldine White is the Appellant.

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PROOF OF SERVICE**

I certify that I served all parties of record with a true copy of this Supplemental Memorandum by electronic media (email) and/or by depositing in U.S.P.S receptacle prepaid postage on the 29th of April, 2026 or shortly thereafter.

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE FOR

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO
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