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May 04 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel M. Coble, Circuit Judge

Appellate Case No. 2026-000736

Kenneth B. Loveless,Appellant.

v.

Kevin Scully, Edward K. White, Flora E. “Beth” Hutchison, Michael Montgomery and
Beatrice Dennis-White, Respondents.

RESPONDENT SCULLY’S RETURN TO MOTION FOR PARTIAL REMAND

Respondent Kevin Scully hereby submit this return to the Appellant’s motion for a partial remand of appeal so that a motion to amend (or supplement) the Appellant’s pleading may be heard and ruled upon. Respondents note the following in return to Appellant’s motion:

1. The Appellant seeks a remand of part of this appeal so that a non-dispositive motion he addressed with the court can be heard. In his motion, Appellant acknowledges addressing this motion with the court at a hearing. If no ruling was obtained on it, the thing for Appellant to do was to ask for a ruling in his motion to reconsider. “Where a matter is not ruled on by the circuit court, the issue is not preserved for appellate review unless the complaining party moves to

amend the judgment pursuant to Rule 59(e).” Vespazziani v. McAlister, 307 S.C. 411, 413, 415 S.E.2d 427, 428 (Ct. App. 1992).

2. Appellant even notes that he received leave to amend – thus paving the way for him to allege things about the legislative testimony he believes gives him something else to sue Respondent Scully for – at a time when he was aware of his legislative testimony theory. He just did not include allegations about legislative testimony in his amended pleading.
3. Accordingly, Respondent Scully disagrees with the idea that the lower court did not allow a hearing on this motion below.
4. From a procedural standpoint, that is less important than the lack of legal authority or sound reasoning supporting the motion. Appellant advances no authority for his motion. Motions in this court are to contain a memorandum with citation to authorities supporting the motion, Rule 240(c)(2), SCACR, and this motion does not. No authority is cited because none supports the motion.
5. Nor does good sense support the motion. This court has consolidated three appeals from the same case of the decisions on motions that were heard at the same time. That promotes efficiency. The procedure Appellant seeks does not. Keep in mind that Appellant does not seek a hearing below on a dispositive motion so that review of that ruling may consolidated with that of the pending appeals. Appellant, rather, seeks a hearing on a Rule 15 motion to add to his

pleading. Even assuming that the lower court would grant Appellant's motion to supplement his complaint on a partial remand, what then? To seek review of the soundness of that complaint's allegations would require a motion to dismiss *that* complaint, on a motion that would have its own arguments, hearing, and ruling, all different from those in the appealed record. In other words, a new record would need to be created. Appellant seems to envision that this newly-created part of the case would be consolidated for review with the existing appeals, which all arise from the existing record. The departure from ordinary procedure urged by the Appellant would be cumbersome and time-consuming.

6. Neither legal authority nor sound reasoning supports the Appellant's motion. It should be denied.

WHEREFORE Respondent Scully prays for an order denying Appellant's motion.

Respectfully submitted,

/s/ Andrew S. Radeker

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May 4, 2026

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PROOF OF SERVICE

I certify that I have served the foregoing return on the date given below by
emailing it to counsel for the other parties at the address(es) noted below.

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May 4, 2026