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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM YORK COUNTY

Circuit Court of Common Pleas

Daniel B. Hall, Circuit Court Judge

Unpublished Opinion No. 2026-UP-067 (S.C. Ct. App. filed Feb. 18, 2026)

In re: Estate of John Dale Williamson

Doug Williamson, Respondent

v.

Errick L. Williamson, individually and as personal representative of the Estate of John Dale Williamson; Derrick Williamson; and Robin Beckler, Respondents below, of whom Errick L. Williamson, individually, and Errick L. Williamson, as personal representative of the Estate of John Dale Williamson is the Petitioner.

PETITION FOR A WRIT OF CERTIORARI

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STATUTES

Rule 36, SCRCP, 3-4

CERTIFICATE OF COUNSEL

Counsel for Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on April 13, 2026.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in finding that Doug Williamson would be prejudiced if deemed admissions to Requests for Admission were set aside?

2. Did the Court of Appeals err in affirming the Probate Court’s grant of partial summary judgment based solely upon the deemed admissions to Requests for Admission?

STATEMENT OF THE CASE

John Dale Williamson (“John Dale”) passed away in November 2022. (R. p. 23, ¶ 16). “Errick” Williamson, John Dale’s nephew and the Petitioner here to the Supreme Court, is a beneficiary of John Dale’s will, which bears the signatures of John Dale and two independent witnesses (the “Will”). (R. pp. 24, ¶ 22, and 66-70). Respondent “Doug” Williamson is one of John Dale’s brothers, and he filed a Petition to Set Aside Will and for Appointment of Personal Representative in York County’s Probate Court in March 2023 (the “Petition”). (R. pp. 21 and 22, ¶ 8). If the Will is set aside, Doug will benefit as one of John Dale’s heirs and, on the flip side, Errick will be damaged significantly. (R. pp. 25, ¶ 33, and 63, ¶ 7).

While litigating the Petition, Doug served Rule 36 Requests for Admission (the “Requests”) on August 31, 2023. (R. pp. 123 and 258). Request No. 9 reads: “Admit that John Dale Williamson did not sign the [Will] attached hereto as Exhibit B.” (R.

p. 123). On October 10, 2023, through counsel, Errick requested an additional ten days to respond to the Requests. (R. p. 164, ¶ 17). Doug’s counsel denied the minor extension, and Errick responded to the Requests on October 11, 2023. (R. pp. 164-65, ¶¶ 18-19). In his responses, Errick denied Request 9 because John Dale had, indeed, signed the Will. (R. p. 142).

In November 2023, Doug filed a Motion for Partial Summary Judgment and supporting brief (the “Partial MSJ”). In the Partial MSJ, Doug argued in court—for the first time—that the Requests are deemed admitted and, consequently, there is not *prima facie* evidence that the Will was executed. (R. pp. 188-95). Shortly thereafter, Errick filed a Motion to Withdraw/Amend Admissions, or Alternatively, for Additional Time to Serve Discovery Responses, and Motion to Strike Petitioner’s Motion to Compel and supporting brief (the “Motion to Withdraw or Amend”). (R. pp. 230-42).

The Partial MSJ and Motion to Withdraw or Amend were heard in the Probate Court in December 2023. (R. p. 80). The Probate Court granted the Partial MSJ, denied the Motion to Withdraw or Amend, and invalidated the Will on January 5, 2024 (the “Probate Order”). (R. pp. 4-11). The Probate Court reasoned that, because Errick “admitted” that John Dale did not sign the Will, then Errick cannot meet his burden of presenting *prima facie* evidence that the Will was duly executed. (R. pp. 9-10, ¶¶ 21-24).

The Probate Court invalidated the Will even though Errick served responses to the Requests—and denied Request 9—months before the Requests were deemed

admitted via order. (R. pp. 4, 123, and 142). It invalidated the Will even though discovery was in its infancy—no depositions had been taken, no experts were disclosed, no admissions had been relied upon, there were still five to six months of discovery left—and trial was not set. (R. pp. 83-84, 92, and 99). It invalidated the Will even though there would be no legally recognized prejudice to Doug to make him litigate the matter. (R. pp. 236-37). And it invalidated the Will even though it meant that, assuming the Will was valid, John Dale’s last wishes will unnecessarily go unfulfilled. (R. pp. 25, ¶ 33, and 63, ¶ 7).

The Probate Order was appealed to the Circuit Court and affirmed on August 6, 2024 (the “Circuit Court Order”). (R. pp. 17 and 243). The Orders were appealed to the Court of Appeals, and the Court of Appeals entered an Opinion affirming the Circuit Court Order on February 18, 2026 (the “Opinion”). Errick timely petitioned the Court of Appeals for rehearing on March 5, 2026, arguing that the Court of Appeals misapplied established precedent regarding prejudice, ignored other relevant arguments, and ultimately failed to correct the lower courts’ abuses of discretion. The Petition for Rehearing was denied on April 13, 2026, and this Petition for a Writ of Certiorari timely follows.

ARGUMENTS

- I. **The Court of Appeals ignored this Court’s holding in *Baughman* and did not properly analyze whether withdrawing the deemed admissions would prejudice Doug.**

Rule 36(b), *South Carolina Rules of Civil Procedure*, allows courts to set aside deemed admissions if (1) the merits of the action will be subserved and (2) there will

be no prejudice to the party who obtained the admission.¹ In the Opinion, the Court of Appeals correctly acknowledged that the case’s merits would be furthered if the deemed admissions were set aside so the parties and court could “determine the validity of the will’s execution.” Opinion p. 2.

The Court of Appeals, however, homed in on the second prong and found that “Doug demonstrated he would be prejudiced by the amendment or withdrawal of Errick’s admission.” Opinion p. 2. The prejudice that Doug would suffer, however, was not explicitly identified by the Court of Appeals. But, because the Court of Appeals focused on *Scott* and other similar cases, it appears the Court of Appeals believes that Doug would be prejudiced by setting aside the deemed admissions because his discovery rights were “trampled.” Opinion p. 2 (citing *Scott v. Greenville Hous. Auth.*, 353 S.C. 639, 645 and 651-52, 579 S.E.2d 151, 154 and 157-58 (Ct. App. 2003)). Therefore, the Court of Appeals held, the lower courts did not abuse their discretion by denying “Errick’s request to amend or withdraw his admissions.” *Id.* But to arrive at this holding, the Court of Appeals wholly ignored this Court’s precedent.

In *Baughman*—cited throughout Errick’s briefs—this Court addressed whether there is prejudice when deemed admissions are allowed to be withdrawn even when the actual responses were provided *before* the requests were deemed admitted via order. *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 109-10, 410 S.E.2d 537, 542 (1991). Facing those facts, the Court held that because the “Plaintiffs’

¹ The burden is on the party that obtained the admission to show prejudice. Rule 36(b).

responses were filed even before the requests were ordered admitted, [the] defense could not possibly have been prejudiced.” *Id.* at 110, 410 S.E.2d at 542.² Thus, because there was no prejudice, the Court held without equivocation that the “Plaintiffs *should have been permitted* to withdraw the deemed admissions.” *Id.* at 109, 410 S.E.2d at 542 (emphasis added).

The same is true here. Errick provided responses before any Request was deemed admitted via order. (R. pp. 4, 123, and 142). This Court’s holdings in *Baughman* directly confirm that Errick’s actions “could not possibly have” prejudiced Doug and that Errick “should have been permitted to withdraw the deemed admissions.” *Baughman*, 306 S.C. at 109-10, 410 S.E.2d at 542. The Court of Appeals, however, ignored this direct precedent and failed to conduct a proper prejudice analysis.³

Instead, the Court of Appeals focused on *Scott* when discussing prejudice. Notwithstanding the impropriety of relying on the Court of Appeals’ precedent instead of this Court’s precedent, *Scott* involved egregious, distinguishable facts. First, the defendant in *Scott* produced documents just two days before the first

² In *Baughman*, there was also a second, entirely independent, reason to set aside the admissions: The recipient of the requests timely sought a protective order. *Id.* at 109-10, 410 S.E.2d at 542. The lower courts, however, used this independent reason to erroneously distinguish *Baughman*. (R. p. 7). They implied that both factors—no prejudice and a protective order was sought—had to be present to set aside deemed admissions. But that’s wrong, and each reason stands on its own. *Baughman*, 306 S.C. at 109-10, 410 S.E.2d at 542. That was one way the lower courts abused their discretion, which the Court of Appeals did not address.

³ Of course, there are factual differences between *Baughman* and this case, which Doug pointed out. But there was only one key fact that this Court cited when determining possible prejudice in *Baughman*: the date of the actual answers to requests for admission vis-à-vis the date of the order deeming the requests admitted.

scheduled trial, which mandated that the trial was continued. *Scott*, 353 S.C. at 642-43, 579 S.E.2d at 153. Then the defendant delayed again, necessitating further court intervention. *Id.* at 644, 579 S.E.2d at 153. And when the case was finally called for trial a second time, the defendant produced new records during trial—which it previously swore it did not have in an Affidavit—and a third trial was required. *Id.* at 644, 579 S.E.2d at 153-54. Only then was there a trampling of discovery rights and, therefore, actual prejudice. *Id.* at 652-53, 579 S.E.2d at 158.

This case is drastically different. Errick provided responses while discovery was in its infancy—no depositions had been taken, no experts were disclosed, no admissions had been relied upon, and there were still at least five to six months of discovery left. (R. pp. 83-84, 92, and 99). The responses were provided before a trial date was set. (R. p. 83). Unlike the defendant in *Scott*, Errick didn't produce documents on the eve of trial. He didn't produce documents during a trial in direct contradiction of an Affidavit. And Doug did not have to prepare for even one trial, let alone three like the litigant in *Scott*. Errick simply did not trample Doug's rights, and there was no legal prejudice.

There were other, minor discovery issues that Doug has tried to magnify, but they pale in comparison to the issues in *Scott* and do not show prejudice. (*See* R. pp. 100-08, 140-44, 145-61, 182-87, and 222-23 (showing alleged discovery issues related to Errick's employment records, confidential spousal communications, verification of discovery responses, and the existence of certain documents)). Even if those issues existed, there was plenty of time—and easy means—to correct the alleged issues.

Moreover, setting aside the deemed admissions would not prevent Doug from addressing these alleged discovery issues.⁴ Most cogently, if the deemed admissions were set aside, Doug would still have every weapon in his arsenal to prove his case—albeit on the merits instead of by relying on a slight, outcome-determinative procedural misstep.

Overall, the Court of Appeals inappropriately cited *Scott* and did not properly identify how Doug’s discovery rights would be prejudiced by allowing the deemed admissions to be set aside. Worse, by ignoring *Baughman*, the Court of Appeals issued an Opinion in conflict with this Court’s prior decision. And, because the Court of Appeals ignored *Baughman*, it failed to correct the lower courts’ abuses of discretion and allowed the Orders to stand. This Court should grant certiorari and correct this legal error.

II. Because the Court of Appeals misapplied the prejudice element, it improperly affirmed the lower courts’ Orders.

Other than briefly discussing—and improperly analyzing—alleged prejudice, the Court of Appeals overlooked Errick’s other arguments. For instance, the Court of Appeals did not address whether the lower courts properly understood how they should apply their discretionary authority, whether they properly applied that authority, or the purpose of the modern rules of civil procedure, deciding matters on the merits instead of by procedural gamesmanship. Instead, based on prejudice alone, the Court of Appeals erroneously concluded that that there was no abuse of

⁴ Doug also did not rely on these other alleged discovery issues in his brief to obtain the Partial MSJ. (R. pp. 190-94).

discretion and held that there was no genuine issue of material fact relevant to the Partial MSJ because of Errick's deemed admission to Request 9. Opinion p. 3.

The Court of Appeals already determined that the merits would be furthered by determining "the validity of the will's execution." Opinion p. 2. Thus, the Court of Appeals should be required to not just properly analyze prejudice, but also to evaluate these other overlooked issues, allow the deemed admissions to be withdrawn, and set aside the Probate Order, Circuit Court Order, and granting of the Partial MSJ.

CONCLUSION

All three lower courts mistakenly allowed a purely procedural issue to deprive the deceased of his right to control the disposition of his estate. But it is not just equity that is at stake. Instead, there is legal precedent from this Court directly on point—most notably regarding prejudice—that the lower courts have misapplied or just flatly ignored. This Court should take the opportunity to correct these legal errors, and Petitioner Errick Williamson asks the Court to grant this Petition for a Writ of Certiorari.

Respectfully submitted this the 13th day of May 2026.

/s/ Edward B. Davis

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