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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Appellate Case No. 2023-001360

Taylor Chasey Robertson ..... Appellant,

v.

South Carolina Department of Public Safety, South Carolina Highway Patrol, and Trooper Patrick J Goshorn ..... Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

May 18, 2026

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STATEMENT OF THE CASE

Petitioner's claims arise from a May 9, 2020 traffic stop and arrest by Trooper Patrick J. Goshorn. In her Complaint, Petitioner alleges that Trooper Goshorn acted within the course and scope of his employment with the South Carolina Department of Public Safety (SCDPS) and/or the South Carolina Highway Patrol. (R. pp. 21, 27, ¶¶ 6, 56.) Because the Petition concerns only the dismissal of Petitioner's claims against SCDPS for insufficient service, the details of the underlying incident are not material to the questions presented here.

Plaintiff Initiated this Case on May 9, 2022

Exactly two years later, on May 9, 2022 at 4:47 p.m., Plaintiff filed this South Carolina Tort Claims Action against Defendants South Carolina Department of Public Safety (SCDPS), South Carolina Highway Patrol (SCHP), and Trooper Patrick J. Goshorn.[1] (R. pp. 18-35.)

Plaintiff's Attempt to Serve SCDPS and SCHP on September 6, 2022

On the very last day, September 6, 2022, 120 days after filing her lawsuit, Plaintiff attempted to serve SCDPS and SCHP. That afternoon, a process server hand-delivered a copy of the Summons and Complaint to the South Carolina Attorney General's Office. (R. p. 439.) A process server also hand-delivered a copy of the Summons and Complaint to Candance Horton, an employee of the South Carolina Department of Motor Vehicles, at 10311 Wilson Boulevard in Blythewood, South Carolina. (R. p. 438.)[2]

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[1] Under the South Carolina Tort Claims Act, the statute of limitations applicable to this case is two years. S.C. Code Ann. § 15-78-110.

[2] On September 13, 2022, Plaintiff filed an affidavit of service indicating that she had served SCDPS and SCHP "by personal delivery to: Candance Horton (Branch Services)" on September 6, 2022. (R. p. 438.) Later, on September 21, 2022, Plaintiff filed another Affidavit of Service indicating that she served Candance Horton at 3:12 p.m. on September 6, 2022, by leaving copies with her at 10311 Wilson Blvd Blythewood, SC 29016. (R. pp. 440-441.)

Defendants' October 6, 2022, Motions to Dismiss

On October 6, 2022, Defendants SCDPS and SCHP filed their motions to dismiss Plaintiff's Complaint because Plaintiff failed to timely and properly serve them. (R. pp. 44-50.) On October 6, 2022, Trooper Goshorn also filed a motion to dismiss Plaintiff's Complaint pursuant to Sections 15-78-60 and 15-78-70 of the Tort Claims Act. (R. pp. 51-52.)

In support of their motion to dismiss, on December 29, 2022, Defendants filed the affidavit of Diana Brown, the Human Resources Operations Manager for SCDPS. (R. pp. 442-443.) Brown averred that Candance Horton, the person who Plaintiff attempted to serve, has never been employed by either SCDPS or SCHP nor authorized to accept service on their behalf. (R. p. 443, ¶ G.)

February 23, 2023, Hearing on Defendants' Motions to Dismiss

On February 23, 2023, the trial court conducted a hearing on Defendants' motions to dismiss. (R. pp. 375-396.) During the hearing, Plaintiff's counsel acknowledged "that the process server did serve a Candance Horton, who we – we have learned is employed with the Department of Motor Vehicles." (R. p. 386, lines 23-25.) Counsel admitted that although Plaintiff's service on SCDPS "might not have been exactly in compliance" with the South Carolina Rules of Civil Procedure, Plaintiff provided "sufficient notice" to SCDPS and, therefore, the case should not be dismissed. (R. p. 389, lines 12-21.)

During the hearing, Plaintiff's counsel conceded that certain claims against Trooper Goshorn should be dismissed. The court asked, "so what you contend should remain is the false imprisonment, malicious prosecution, and abuse of process." (R. p. 393, lines 11-13.) Plaintiff's counsel responded: "As to the officer solely, yes, Your Honor." (R. p. 393, line 14.) At the hearing,

Plaintiff orally moved the court "for leave to amend the complaint to include a 1983 cause of action" against Trooper Goshorn. (R. p. 390, lines 14-15.)

On June 27, 2023, the Trial Court issued an order granting Defendants' motions to dismiss. (R. pp. 5-13.) The court held that with the exception of Plaintiff's claim for outrage, which is explicitly barred by Section 15-78-30(f) of the Act, and Plaintiff's claim for abuse of process, Plaintiff's other causes of action against SCDPS might have been viable if the action was timely commenced. (R. pp. 10-11.) However, the court found that Plaintiff's "attempted service on the South Carolina Department of Public Safety and/or the South Carolina Highway Patrol was not proper service pursuant to Rule 4." (R. p. 9.) Accordingly, the court ruled that Plaintiff's claims against SCDPS and SCHP should be dismissed because Plaintiff failed to properly serve SCDPS or SCHP and, therefore failed properly commence this action against those Defendants. (R. pp. 11-12.)

The court found that there are no allegations in the Complaint that Trooper Goshorn acted outside the scope of his official duties. (R. p. 10.) Instead, Plaintiff alleges in her Complaint that at all times Trooper Goshorn "acted within the scope and course of his official duties as a trooper with the South Carolina Department of Public Safety and/or the South Carolina Highway Patrol." (R. p. 9.) The court also found that there are no allegations in the Complaint that Trooper "Goshorn's actions amounted to actual fraud, actual malice, intent to harm, and/or a crime of moral turpitude" and thus he was immune from suit pursuant to the Tort Claims Act. (R. p. 10.) The court held that Plaintiff's cause of action for negligent training, supervision, and retention was not viable against Trooper Goshorn. (R. p. 10.) The court also held that the cause of action stylized by Plaintiff as "State Tort Claims Act" did not state a cause of action against Trooper Goshorn. (R. p. 10.)

Plaintiff's June 30, 2023, Motion for Reconsideration

On June 30, 2023, Plaintiff filed a motion for reconsideration. (R. pp. 186-374.) In her motion, Plaintiff argued that her service upon an employee of SCDMV constitutes proper service upon SCDPS under Rule 4(d). (R. p. 190.) Plaintiff also argued that even if her service upon SCDPS was not technically proper under Rule 4(d)(5), her noncompliance should be excused because Plaintiff "sufficiently complied" with Rule 4(d). (R. p. 190.)

Plaintiff conceded that her Complaint failed to state a cause of action against Trooper Goshorn as to her causes of action for negligence, gross negligence, and "State Tort Claims Act". (R. p. 219.) Despite previously confirming to the trial court that Plaintiff's cause of action against Goshorn for outrage should be dismissed, Plaintiff argued that the court mistakenly dismissed that claim. (R. pp. 219-225.) Plaintiff requested a ruling concerning the oral motion made by Plaintiff during the February 23, 2023 hearing for leave to amend her Complaint to add a federal claim pursuant to 42 U.S.C. §1983. (R. p. 191-192.) Plaintiff also contended for the first time that if her Complaint is deficient "Plaintiff must be given an opportunity to amend the Complaint before the final order of dismissal is entered", although she did not identify proposed amendments nor file a motion to amend. (R. p. 225.)

August 14, 2023, Hearing

On August 14, 2023, the trial court heard Plaintiff's motion for reconsideration. (R. pp. 397-429.) Plaintiff argued that because Rule 4(d)(5) does not specify a specific employee of every state agency for purposes of accepting service on behalf of the agency, Plaintiff should be permitted to accomplish service on SCDPS by delivering a copy of her Complaint to anyone present at 10311 Wilson Boulevard. (R. p. 404, lines 3-5; p. 406, lines 2-6, 19-22.) Notably, during the hearing,

Plaintiff's counsel contended that "was there a failure by the process server to serve the right entity? Maybe, maybe not if service is made in the lobby." (R. p. 426, lines 20-22.)

Without referencing any specific allegation in Plaintiff's Complaint, Plaintiff's counsel contended that "we believe that we have alleged properly what we needed to allege as far as what he did and whether or not it could be deemed as actual malice or something else that would qualify to remove any type of immunity, and we believe that, you know, those are issues that a jury should determine." (R. p. 412, lines 18-22.) Notably, Plaintiff did not seek leave to amend her Complaint to cure any deficiencies in her state law pleadings. Instead, Plaintiff's counsel asked the court to issue a ruling on Plaintiff's oral motion for leave to amend her Complaint "to add a cause of action for a 1983 cause of action." (R. p. 413, lines 10-12.)

August 16, 2023, Order Denying Plaintiff's Motion for Reconsideration

On August 16, 2023, the court issued a Form 4 Order denying Plaintiff's motion for reconsideration and Plaintiff's oral motion to amend her Complaint. (R. pp. 14-17.)

August 25, 2023, Appeal

On August 25, 2023, Petitioner filed a notice of appeal. On February 4, 2026, the South Carolina Court of Appeals affirmed the trial court's order. The South Carolina Court of Appeals held that: (1) the trial court did not err in dismissing Petitioner's claim against Respondents SCDPS and SCHP because Plaintiff failed to properly serve the complaint and her action is barred by the two-year statute of limitations; (2) the trial court did not err in dismissing Petitioner's claims against Respondent Goshorn because he is immune from suit under the South Carolina Tort Claims Act; and (3) Petitioner's argument that the trial court erred in denying her motion to amend her complaint was not properly preserved on appeal.

On February 19, 2026, Petitioner filed a petition for rehearing. The issues raised in her petition concerned only the dismissal of her claims against SCDPS and SCHP. Petitioner did not address the dismissal of her claims against Trooper Goshorn or the denial of her motion to amend. On March 18, 2026, the South Carolina Court of Appeals denied that petition.

Questions Presented for Review

I. Whether the Petition presents any special and important reason for this Court to grant certiorari under Rule 242(b), SCACR.

II. Whether the Court of Appeals correctly held that Petitioner failed to satisfy Rule 4(d)(5), SCRCP.

III. Whether the Court of Appeals correctly rejected Petitioner's contention that her attempted service constituted sufficient compliance with Rule 4.

ARGUMENT

THIS CASE PRESENTS NO SPECIAL OR IMPORTANT REASON FOR FURTHER REVIEW

Rule 242(b) of the Appellate Court Rules provides that a writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. Rule 242(b), SCACR. This Court has held that it will grant certiorari only where special reasons justify the exercise of that discretion. South Carolina Dep't of Soc. Servs. v. Benjamin, 430 S.C. 235, 236, 844 S.E.2d 373 (2020). Rule 242(b) identifies some instances which may justify the grant of a writ of certiorari, none of which apply here. The Petition identifies no question of exceptional importance, no conflict in authority, nor recurring unsettled legal issue warranting this Court's review. Rather, it challenges a fact-specific application of settled service-of-process principles to an unsuccessful attempt to serve a state agency.

There is no novel question of law in this case. Petitioner characterizes the case as involving a "matter of first impression". But the absence of a reported decision addressing the precise factual scenario presented here does not transform an ordinary service defect into an issue meriting certiorari. The Rules of Civil Procedure identify how service must be accomplished depending upon the type of defendant to be served. To that end, Rule 4(d)(5) specifically identifies how to serve a state agency like SCDPS: "Upon an officer or agency of the State by delivering a copy of the summons and complaint to such officer or agency and by sending a copy of the summons and complaint by registered or certified mail to the Attorney General at Columbia. If the agency is a

corporation the copy shall be delivered as provided in paragraph (3) of this subdivision of this rule." SCRCP Rule 4(d)(5).[3]

Thus, under any plain reading of the rule, to serve a state agency like SCDPS, Petitioner was required to (1) **deliver** a copy of the Summons and Complaint to SCDPS (2) **and** to **send** a copy of the summons and complaint **by registered or certified mail** to the Attorney General. Petitioner did neither. The question in this case is not as Petitioner suggests what "deliver" means under Rule 4(d)(5), because Plaintiff admittedly did not deliver the Summons and Complaint to Defendant SCDPS at all. (Petition for Writ of Certiorari, p. 9-10.) Instead, she delivered them to an employee of a completely different entity, the South Carolina Department of Motor Vehicles. (Id.) Petitioner also acknowledges that she did not send a copy of the summons and complaint by registered or certified mail to the Attorney General's office. (Petition, p. 17.)

The record reflects multiple defects in service: Petitioner did not deliver process to SCDPS to a proper agency recipient, and she likewise did not send the Attorney General's copy by registered or certified mail as Rule 4(d)(5) expressly requires. The Petition arises from these specific and cumulative defects and does not involve a novel question of law or any other special or important reason for this Court to exercise its discretion in this case. Therefore, this Court should deny Petitioner's request for a writ of certiorari.

THE SOUTH CAROLINA COURT OF APPEALS PROPERLY ANALYZED PETITIONER'S ATTEMPTED SERVICE.

Petitioner incorrectly contends that the South Carolina Court of Appeals applied an "exacting standard" instead of a "sufficient compliance" standard when it determined that her

[3] Rule 4(j)(2) of the Federal Rules of Civil Procedure similarly addresses service upon a state or local government requiring "deliver[y] [of] a copy of the summons and of the complaint to its chief executive officer". FRCP 4(j)(2).

service upon an entirely different state agency did not constitute proper service upon SCDPS under Rule 4(d)(5). This Court has held that exacting compliance with the Rules of Civil Procedure is not required to effect service of process. Moore v. Simpson, 322 S.C. 518, 523, 473 S.E.2d 64, 66 (1996). However, the appropriate inquiry is "whether the plaintiff has sufficiently complied with the rules such that the court has personal jurisdiction of the defendant and the defendant has notice of the proceedings." Id.

Petitioner relies heavily on general statements from South Carolina cases indicating that "exacting compliance" is not required in every service dispute. Those authorities do not stand for the proposition that a plaintiff may disregard essential components of initial service and still obtain personal jurisdiction based on notice alone.

There is an important distinction between a minor irregularity in otherwise valid service and a failure to satisfy the foundational requirements of Rule 4. This case falls into the latter category. Petitioner did not merely misspell a name, omit a technical detail from a proof of service, or commit some amendable clerical defect. Instead, she failed to serve the named state agency and failed to use the method expressly prescribed for service on the Attorney General. That is not sufficient compliance with Rule 4(d)(5); it is noncompliance with the Rule's central requirements.

Nor does Petitioner's reliance on fairness and lack of prejudice alter the analysis. South Carolina law recognizes that service rules are meant to provide a reliable method for invoking a court's authority over a defendant. If actual notice alone sufficed, Rule 4's specific service requirements would become optional. They are not.

Thus, even assuming some service defects may be overlooked where the rule has been substantially satisfied, this is not such a case. Petitioner failed to comply with the indispensable

requirements for serving a state agency under Rule 4(d)(5), and the Court of Appeals correctly declined to treat that failure as harmless.

Petitioner cites the five cases in support of her position, although none of them provide any purchase for her argument. Moore v. Simpson, 322 S.C. 518, 473 S.E.2d 64 (Ct. App. 1996); McCall v. IKON, 363 S.C. 646, 611 S.E.2d 315 (Ct. App. 2005); Roche v. Young Bros., Inc. of Florence, 318 S.C. 207, 456 S.E.2d 897 (1995); Richardson v. P.V., Inc., 383 S.C. 610, 682 S.E.2d 263, (2009); and Bage, LLC v. Southeastern Roofing Co. of Spartanburg, Inc., 373 S.C. 457, 646 S.E.2d 153 (Ct. App. 2007)[4]. Each of those cases involve questions relating to whether a corporate entity was properly served when the Summons and Complaint was delivered to someone associated with that entity. None address attempted service upon a state agency or upon a completely separate entity as occurred in this case.

Moore illustrates the point. 322 S.C. 518, 473 S.E.2d 64. There, a process server delivered a copy of the plaintiffs' summons and complaint to a receptionist at the law firm. Id. at 521, 473 S.E.2d at 65. In considering a motion to quash service of the summons and complaint, the trial court found that the attorney was never personally served and that the receptionist was not an officer, managing or general agent, or agent authorized by appointment or law to receive service of process. Id. at 522, 473 S.E.2d at 66. Consequently, the trial court concluded that the plaintiff failed to serve either the attorney or the law firm. Id.

On appeal, the South Carolina Court of Appeals noted that exacting compliance was not required to effect service. Id. at 523, 473 S.E.2d at 67. Nonetheless, the South Carolina Court of Appeals found that the plaintiffs had failed to show sufficient compliance with the Rule 4(d)(1)

[4] Notably, this Court vacated the South Carolina Court of Appeals' opinion in Bage. See Bage, LLC v. Southeastern Roofing Co. of Spartanburg, Inc., 383 S.C. 489, 681 S.E.2d 867 (2009).

and failed to show that the receptionist was authorized to accept service on behalf of the attorney or the law firm. Id. at 524, 473 S.E.2d at 67. The South Carolina Court of Appeals affirmed the trial court's ruling "because appellants failed to show compliance with the rules." Id. Moore therefore undermines, rather than supports, Petitioner's position. If service on an unauthorized receptionist associated with the defendant entity was insufficient there, service on an employee of a different state agency is insufficient here.

Unlike the plaintiffs in Roche, Richardson, and Bage, there is no evidence that Candace Horton, an employee of SCDMV, was an agent for or could accept service on behalf of SCDPS. Conversely, similar to the defendants in Moore, Respondents presented unrefuted evidence establishing that Ms. Horton was not authorized to accept service on behalf of SCDPS. Although Rule 4(d)(5) requires that the Attorney General be served by registered or certified mail, Petitioner admittedly attempted service upon the Attorney General by hand-delivery because she procrastinated until the afternoon of the last day to effect service.

Petitioner attempts to redefine "delivery" under Rule 4(d)(5) to mean delivery to the correct street address, regardless of whether the papers were actually delivered to the agency being sued or to a person authorized to receive them on that agency's behalf. That construction cannot be reconciled with the Rule's text.

Rule 4(d)(5) does not provide that service is accomplished by leaving papers somewhere within a building associated with the agency. It requires delivery to "such officer or agency." Rule 4(d)(5) SCRCP. The fact that SCDPS and another agency may occupy the same address does not merge them into a single legal entity for service purposes. Service on one agency is not service on another simply because they share a building.

Petitioner's position would produce an unworkable rule. Under her reading, process could be validly "delivered" to virtually any employee present at a shared government address, whether that employee works for the named defendant and whether the employee has any authority to receive legal papers on that defendant's behalf. Rule 4(d)(5) does not support that result, and neither sound judicial administration nor basic service principles permit it.

The Court of Appeals therefore correctly concluded that handing process to an employee of a different agency did not effect service on SCDPS or SCHP. Accordingly, this Court should deny the petition.

THE TRIAL COURT AND RESPONDENTS DID NOT CONFLATE RULES 4(D)(3) AND 4(D)(5).

Petitioner argues the lower courts improperly "conflated" Rule 4(d)(3) and Rule 4(d)(5) even though the South Carolina Court of Appeals does not cite to or otherwise address Rule 4(d)(3) in its opinion. But whatever terminology the parties use to describe the issue, the dispositive point is straightforward: service on a state agency must be directed to the agency being sued, not to an employee of an entirely different agency.

Respondents do not need Rule 4(d)(3) to govern this case to prevail. The result follows directly from Rule 4(d)(5) itself. That Rule required Petitioner to deliver process to the officer or agency sued. She did not do so. The papers were handed to a SCDMV employee. Nothing in the record shows that individual was authorized to receive service for SCDPS or SCHP. Nothing in Rule 4(d)(5) suggests that a plaintiff may satisfy service on one agency by delivering process to another.

THE SOUTH CAROLINA COURT OF APPEALS CORRECTLY DETERMINED THAT DELIVERY DID NOT OCCUR.

Proper service under Rule 4(d)(5) requires **delivery** of a copy of the summons and complaint to the state agency. Petitioner admits that she did not do this in any form or fashion.

Instead, she delivered the Summons and Complaint to Candance Horton, an employee of SCDMV; "The fact that an employee of the SCDMV was served directly with the papers is not in dispute." (Petition, p. 10.) The South Carolina Court of Appeals correctly ruled that Petitioner failed to deliver a copy of her summons and complaint to SCDPS.

SERVICE ON THE ATTORNEY GENERAL DID NOT CURE PETITIONER'S FAILURE TO SERVE SCDPS, AND PETITIONER DID NOT FOLLOW THE RULE'S SPECIFIED METHOD IN ANY EVENT.

In an effort to argue that she substantially complied with the requirements of the Rules of Civil Procedure, Petitioner argues that it really does not matter that she did not deliver the Summons and Complaint to the actual named Defendant, what is most important is that the Attorney General received a copy, even though she did not follow the rules in providing to him. There is no basis in the Rules to support this argument, nor does it make practical sense. The Rule's text forecloses that argument.

Rule 4(d)(5) requires service on the agency **and** service on the Attorney General. It does not rank those requirements, make one optional, or provide that compliance with one excuses noncompliance with the other. The Court should not rewrite the Rule by treating one of its express conditions as merely advisory.

Moreover, Petitioner did not comply with the Attorney General portion of the Rule as written. The Rule requires that a copy be sent "by registered or certified mail" to the Attorney General in Columbia. Petitioner chose a different method. Even on her own account, then, the Petition asks this Court to excuse noncompliance with both prongs of Rule 4(d)(5). That request should be denied. A party cannot invoke "substantial compliance" to dilute two independent service requirements at once and then claim that there is personal jurisdiction over a state agency.

The South Carolina Court of Appeals properly found that Rule 4(d)(5) required Petitioner to send a copy of the summons and complaint by registered or certified mail to the Attorney General at Columbia. (Opinion, p. 2.) Petitioner admits that she attempted to serve the Attorney General by hand-delivery because she procrastinated until the afternoon of the last possible day to effect service.

Although the South Carolina Court of Appeals does not expressly state that Petitioner failed to properly serve a copy of the Summons and Complaint upon the Attorney General's office, it is apparent from her admissions that she failed to do so. Petitioner mistakenly believes that her improper service upon the Attorney General's office should excuse her improper service upon SCDPS. However, the South Carolina Court of Appeals correctly ruled that service in this case did not occur within the applicable timeframe. Therefore, this Court should not grant a writ of certiorari.

ACTUAL NOTICE AND LACK OF PREJUDICE DO NOT SUPPLY PERSONAL JURISDICTION.

Much of the Petition's equitable appeal rests on the assertion that Respondents had actual notice of the suit and suffered no prejudice. But actual notice does not substitute for valid service of process.

The purpose of service is not merely to alert a defendant that litigation exists in some general sense. Service is the formal mechanism by which a court acquires jurisdiction over a defendant. For that reason, a defendant's awareness of a lawsuit does not relieve the plaintiff of the burden of complying with Rule 4, nor does the absence of prejudice dispense with jurisdictional requirements.

Petitioner's contrary rule would undermine the very framework of Rule 4. If a plaintiff could obtain jurisdiction whenever the defendant eventually learned of the action, regardless of

whether the plaintiff followed the Rule's prescribed method, service-of-process rules would cease to have operative force. South Carolina law does not permit that result.

Thus, Respondents' notice of the suit may explain why counsel appeared to contest jurisdiction, but it cannot create the jurisdiction Petitioner failed to establish through proper service.

THE WAIVER ARGUMENT IS UNPRESERVED AND DOES NOT WARRANT REVIEW.

Petitioner postulates that the South Carolina Court of Appeals erred in not considering her argument that Respondents waived personal jurisdiction. Notably, that argument was not properly before the South Carolina Court of Appeals because Petitioner did not raise it in her initial brief on appeal. As it was not properly raised in the Court of Appeals, it is not a special or important reason for this Court to exercise its discretion and grant the writ of certiorari.

It is well-established an argument raised for the first time in a reply brief is not properly before the appellate court. See McClurg v. Deaton, 395 S.C. 85, 87 n.2, 716 S.E.2d 887, 888 (2011) ("It is axiomatic that an issue cannot be raised for the first time in a reply brief."); Chet Adams Co. v. James F. Pedersen Co., 307 S.C. 33, 37, 413 S.E.2d 827, 829 (1992) (indicating an appellant waives his right to complain on an issue raised for the first time in his reply brief); ABB, Inc. v. Integrated Recycling Grp. of SC, LLC, 432 S.C. 545, 553, 854 S.E.2d 171, 175 (Ct. App. 2021) ("[A] party cannot raise an issue for the first time in an appellate reply brief."); Carolina Renewal, Inc. v. S.C. Dep't of Transp., 385 S.C. 550, 557, 684 S.E.2d 779, 783 (Ct. App. 2009) (noting issues must be argued by the appellant in the initial brief to be considered.); Divine v. Robbins, 385 S.C. 23, 44 n.4, 683 S.E.2d 286, 297 n.4 (Ct. App. 2009) ("The reply brief is not the appropriate vehicle to raise new issues on appeal; thus, we decline to address this argument."); Glasscock, Inc. v. U.S. Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 692 (Ct. App. 2001)

("[A]n argument made in a reply brief cannot present an issue to the appellate court if it was not addressed in the initial brief."); Murray v. Murray, 312 S.C. 154, 159–60, 439 S.E.2d 312, 316 (Ct. App. 1993) ("An appellant may not use the reply brief to argue issues not argued in the appellant's brief."); Bochette v. Bochette, 300 S.C. 109, 112, 386 S.E.2d 475, 477 (Ct. App. 1989) ("An appellant may not use ... the reply brief as a vehicle to argue issues not argued in the appellant's brief.").

In any event, the waiver argument lacks merit. Respondents preserved their insufficient-service and personal-jurisdiction defenses in their first responsive filings and promptly moved to dismiss on that basis. Limited litigation activity while that motion was pending did not constitute a clear and intentional relinquishment of those defenses.

The South Carolina Court of Appeals did not err in declining to consider Petitioner's belated argument concerning whether Respondents waived personal jurisdiction. Therefore, this Court should not grant a writ certiorari accordingly.

THE SOUTH CAROLINA COURT OF APPEALS CORRECTLY AFFIRMED DISMISSAL OF PETITIONER'S CLAIMS AGAINST SCDPS.

The trial court correctly determined that Petitioner failed to properly serve SCDPS. Having waited until the last day to file her lawsuit, Plaintiff also then waited until the eleventh hour to try to serve SCDPS. However, Petitioner failed to deliver a copy of her summons and complaint within the time for doing so. Thus, the trial court correctly determined that Plaintiff did not timely commence her lawsuit against SCDPS.

In the end, Petitioner seeks extraordinary review of an ordinary proposition: service on the wrong agency employee is not service on the named state agency, and notice does not cure failure to comply with Rule 4(d)(5). The Court of Appeals applied those settled principles to the record

before it and affirmed dismissal. That fact-bound decision does not warrant certiorari. The Petition should therefore be denied.

CONCLUSION

Based upon the foregoing authorities and arguments, Respondents South Carolina Department of Public Safety and the South Carolina Highway Patrol respectfully submit that this Court should deny Petitioner's petition for a writ of certiorari.

Respectfully submitted,

May 18, 2026

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