

THE STATE OF SOUTH CAROLINA

In The Supreme Court

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APPEAL FROM YORK COUNTY

Circuit Court of Common Pleas

Daniel B. Hall, Circuit Court Judge

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Unpublished Opinion No. 2026-UP-067 (S.C. Ct.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

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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.

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**REPLY IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI**

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## INDEX

Index.....	ii
Table of Authorities .....	iii
Arguments.....	1
I.    Doug Williamson’s interpretation of <i>Baughman</i> is misplaced .....	1
II.   Doug would not be prejudiced by setting aside the deemed admissions to the Requests .....	2
III.  Appellate courts do defer to trial courts on some matters but not, as Doug acknowledged, when there is an abuse of discretion .....	4
Conclusion.....	5

## TABLE OF AUTHORITIES

### CASES

<i>Baughman v. Am. Tel. &amp; Tel. Co.</i> , 306 S.C. 101, 410 S.E.2d 537 (1991) .....	1-2 and 5-6
<i>Gardner v. Newsome Chevrolet-Buick, Inc.</i> , 304 S.C. 328, 404 S.E.2d 200 (1991).....	3-4
<i>Hadley v. United States</i> , 45 F.3d 1345 (9th Cir. 1995).....	3
<i>Morris v. BB &amp; T Corp.</i> , 438 S.C. 582, 885 S.E.2d 394 (2023).....	4
<i>Patton v. Miller</i> , 420 S.C. 471, 804 S.E.2d 252 (2017) .....	5
<i>Scott v. Greenville Hous. Auth.</i> , 353 S.C. 639, 579 S.E.2d 151 (Ct. App. 2003).....	3-5
<i>Stokes-Craven Holding Corp. v. Robinson</i> , 416 S.C. 517, 787 S.E.2d 485 (2016).....	4

### STATUTES

Rule 36, SCRCP, .....	1-3
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## ARGUMENTS

### **I. Doug Williamson’s interpretation of *Baughman* is misplaced.**

In *Baughman*, the plaintiff argued that deemed admissions to requests for admission should be set aside for two “alternative” reasons: (1) the plaintiff filed a timely protective order; and (2) there was no prejudice under Rule 36(b) because the actual responses to the requests for admission 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). This Court analyzed each separate argument on its own. *Id.* “Doug” Williamson, however, improperly linked the two separate arguments together and claimed that this Court only “briefly addressed” the Rule 36(b) analysis “[b]ecause” the Court had already addressed the protective order. (Return p. 10). This argument is misplaced.

First, the Court afforded the same two paragraphs to each legal argument, so it is improper to claim the prejudice argument was only briefly addressed compared to the protective order argument. *Baughman*, 306 S.C. at 109-10, 410 S.E.2d at 542. The Court recognized the separate arguments as “alternative[s],” and, when it began analyzing Rule 36(b), never implied that it was relying on the protective order as a basis for—or factor relevant to—the Rule 36(b) analysis. *Id.* Instead, the Rule 36(b) analysis stood alone, and this Court held that the trial court misapplied the prejudice part of the Rule 36(b) test. *Id.* The “defense could not possibly have been prejudiced,” and the deemed admissions, therefore, “should have been” set aside. *Id.*

Doug also argued *Baughman* is not applicable because “Errick never moved for a protective order and never responded within the applicable time frame.” (Return p. 10). The additional problem with this argument is that the recipient of the requests in *Baughman* also never responded within the applicable time frame.<sup>1</sup> The *Baughman* requests were served on July 29, responded to on October 24, and deemed admitted on October 28 because they were late. *Baughman*, 306 S.C. at 106, 410 S.E.2d at 540. The same timing happened at the Probate Court level here; “Errick” Williamson served responses after they were technically due but before they were deemed admitted. *Baughman* is factually and legally analogous and should have been properly applied.

**II. Doug would not be prejudiced by setting aside the deemed admissions to the Requests.**

Because of the factual similarities between this case and *Baughman*, the lower courts erred by not properly analyzing the lack of prejudice and failing to set aside the deemed admissions.<sup>2</sup> *Baughman* is clear on prejudice, “since Plaintiffs’ 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 (emphasis added).<sup>3</sup>

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<sup>1</sup> Doug also erred by, again, improperly combining the protective order and prejudice analysis.

<sup>2</sup> Prejudice is just one part of the two-part test to determine if admissions should be set aside pursuant to Rule 36(b). The Court of Appeals properly concluded that the first part of the test was satisfied because setting aside the deemed admissions to “determine the validity of the will’s execution” would have furthered presentation of the merits. Opinion p. 2. Doug did not challenge this holding in his Return.

<sup>3</sup> It is not in dispute, but Doug has the burden to prove he would be prejudiced if the deemed admissions were set aside. Rule 36(b) (putting the burden to prove prejudice on “the party who obtained the admissions”).

The lower courts, however, improperly concentrated on *Scott* even though it is factually and legally distinguishable because actual legal prejudice was present. 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)); (R. pp. 7-10). In Doug’s Return, he identified a litany of prejudices he would allegedly suffer from if the deemed admissions were set aside. (Return pp. 11-12 (citing the alleged “attendant prejudice”)). None of his stated issues, however, are dependent upon the admissions being set aside. That is, all the alleged issues identified by Doug would exist *regardless* of whether there were ever any issues related to responding to the Requests for Admission.

When Doug filed his initial Petition to Set Aside Will, no matter how his action proceeded through discovery, key documents and information still would have been solely in Errick’s possession. (See Return p. 11). No matter what, before “John Dale” Williamson passed away, Errick still would have been living in John Dale’s house with alleged financial control. (See Return p. 11). And no matter what, Errick allegedly still would have received John Dale’s mail, controlled who entered John Dale’s house, and communicated with Agape and others. (See Return pp. 11-12). Setting aside the deemed admissions has no bearing on—or even relationship to—these alleged issues. Doug, therefore, has not identified any legal prejudice related to the deemed admissions being set aside.<sup>4</sup>

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<sup>4</sup> See *Hadley v. United States*, 45 F.3d 1345, 1348 (9th Cir. 1995) (“The prejudice contemplated by Rule 36(b) is ‘not simply that the party who obtained the admission will now have to convince the factfinder of its truth. Rather, it relates to the difficulty a party may face in proving its case, e.g., caused by the unavailability of key witnesses, because of the sudden need to obtain evidence.’”); see also *Gardner v.*

If the deemed admissions are set aside, Doug loses no opportunity to prove his case. For one, there was no trampling of his discovery rights. *Scott*, 353 S.C. at 652, 579 S.E.2d at 158. And further, contrary to the lower courts' holdings and Doug's assertion in the Return, he still has a full and fair opportunity to prove his case. (Return p. 12 (citing the Probate Court's Order)). He just must do so on the merits and at a trial, which had not even been set. (R. p. 83).<sup>5</sup>

**III. Appellate courts do defer to trial courts on some matters but not, as Doug acknowledged, when there is an abuse of discretion.**

Doug correctly conceded both that an error of law is an abuse of discretion and that an abuse of discretion is cause to overturn a trial court's ruling. (Return p. 13 (citing *Stokes-Craven Holding Corp. v. Robinson*, 416 S.C. 517, 536, 787 S.E.2d 485, 495 (2016))). And, as Errick previously argued, discretion requires a "court's clear understanding of the applicable law, continues with the court's sound analysis of the situation before it in light of the law, and ends with the trial court's ruling that follows the law and is supported by the facts and circumstances." *Morris v. BB & T Corp.*, 438 S.C. 582, 587, 885 S.E.2d 394, 397 (2023). None of that happened here.

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*Newsome Chevrolet-Buick, Inc.*, 304 S.C. 328, 330, 404 S.E.2d 200, 201 (1991) ("Since our Rules of Procedure are based on the Federal Rules, where there is no South Carolina law, we look to the construction placed on the Federal Rules of Civil Procedure.").

<sup>5</sup> Doug cited pages and pages of facts in his Return, including a "crucial" allegation about when the Will was signed. (Return pp. 1-6; p. 2 for "crucial"). While including these allegations is largely unnecessary at this stage, their inclusion is ironic because analyzing the allegations actually *is* important. But that analysis only occurs at the trial court, not here, and those allegations will only get the "crucial" attention they deserve if this Court issues a Writ.

First, the lower courts did not have a clear understanding of the applicable law in *Baughman* or *Scott*.<sup>6</sup> (R. pp. 7-10; Opinion pp. 2-3). And second, even affording deference to the trial court on witness credibility and discovery issues, the lower courts still failed to take the necessary next step. (R. pp. 7-10; Opinion pp. 2-3). They did not properly analyze or identify actual legal prejudice from setting aside the deemed admissions. (R. pp. 7-10; Opinion pp. 2-3). This led to conclusions at multiple levels that did not follow the law and were not supported by the facts and circumstances. (R. pp. 7-10; Opinion pp. 2-4). Finally, not only were there abuses of discretion, but they directly caused the Partial MSJ to be granted, which prejudiced Errick's rights pursuant to the Will. (See Return p. 14 (citing *Clark* for the proposition that an abuse of discretion requires both legal error *and* prejudice)). The legal errors—abuses of discretion—at all levels and the Court of Appeals affirmation of the same legal errors is why this Court should grant Errick's Petition.

### **CONCLUSION**

If the Court of Appeals' Order stands, then, based upon a mere technicality, there is no further opportunity to fulfill John Dale's last wishes. This contravenes the essence of South Carolina's Rules, which are built "to settle controversies upon their merits ... and to avoid, if possible, depriving a litigant of a chance to bring a case to trial." See *Patton v. Miller*, 420 S.C. 471, 493, 804 S.E.2d 252, 263 (2017). But not only are the Opinion and Orders inequitable, but they are also legally deficient.

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<sup>6</sup> Doug mischaracterized Errick's argument on abuse of discretion because he implied that Errick believes the lower courts abused their discretion by simply mis-weighting evidence or witness credibility. (Return pp. 13-14). As stated, the abuses of discretion made were errors of law.

This Court should correct these issues and require the Court of Appeals to properly analyze *Baughman*, ultimately requiring that the deemed admissions are set aside so that Doug's Petition—and John Dale's Will—can be determined on the merits.

Respectfully submitted this the 22<sup>nd</sup> day of June 2026.

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