

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Greenwood Mills, Inc.,

Respondent,

v.

Rodney White,

Appellant.

RECEIVED

JUL 20 2026

SC Court of Appeals

Appellate Case No. 2025-000569

**APPELLANT'S REPLY TO RESPONDENT'S RETURN TO APPELLANT'S JULY 6,
2026 MOTION**

COMES NOW the Appellant, Rodney White, appearing pro se, and respectfully submits this Reply to Respondent's Return to Appellant's July 6, 2026 Motion, and respectfully shows this Honorable Court as follows:

I. Response to Respondents Reply

Respondent's Return does not meaningfully address the limited relief requested in Appellant's Motion. Instead, Respondent characterizes the Motion as "largely unintelligible," "immaterial," and an attempt to delay these proceedings before requesting that this Court deny the Motion and affirm the judgment "in all respects without oral arguments."

Respectfully, Respondent's Return overlooks the central issue presented by Appellant's Motion. The issue before this Court is not whether Appellant seeks to delay the proceedings, nor whether Appellant seeks to relitigate the merits of this appeal. Rather, the issue is whether this Court should affirm the judgment solely upon alleged preservation deficiencies without first considering the extraordinary procedural circumstances reflected throughout the Record on Appeal that directly bear upon those alleged deficiencies.

Throughout this appeal, Respondent has consistently maintained that Appellant failed to preserve issues for appellate review and therefore asks this Court to affirm without reaching the merits of Appellant's arguments. Respondent's Return continues that position by requesting affirmance without oral argument while offering no meaningful discussion of the unusual procedural history that preceded the entry of the orders presently before this Court.

Appellant respectfully submits that the extraordinary procedural circumstances reflected in the Record on Appeal distinguish this matter from the ordinary case involving preservation of issues for appellate review. Those circumstances directly affected Appellant's ability to participate in the proceedings below and are therefore relevant to Respondent's request for affirmance based principally upon alleged preservation deficiencies.

Accordingly, Appellant respectfully submits that oral argument would materially assist this Court in evaluating whether those extraordinary procedural circumstances should be considered before this appeal is resolved solely on preservation grounds.

II. RESPONDENT MISCHARACTERIZES THE PURPOSE OF APPELLANT'S MOTION

Respondent asserts that Appellant's Motion is unintelligible, immaterial, and intended only to delay the Court's ultimate decision. Respectfully, the Motion demonstrates otherwise.

The Motion did not request that this Court reopen the Record on Appeal, admit new evidence concerning the merits of the underlying litigation, reconsider prior rulings regarding the Amended Record on Appeal, or otherwise relitigate issues already presented in the parties' appellate briefs. Instead, Appellant requested only limited consideration of procedural materials for the purpose of providing context regarding issues already before this Court.

The Motion expressly acknowledged the Court's authority over the Record on Appeal and sought no alteration of that record. Rather, Appellant respectfully requested that the Court consider procedural materials solely as they relate to the procedural development of the case and the issues presently before the Court.

Respondent's Return does not address these limitations. Nor does Respondent explain how the limited procedural relief requested by Appellant would prejudice Respondent in any respect.

Instead, Respondent summarily concludes that the Motion should be denied and that the judgment should be affirmed without oral argument. Respectfully, that conclusion fails to engage with the actual relief requested by Appellant and instead seeks disposition of the appeal without addressing the procedural circumstances that form the basis of Appellant's Motion.

III. THIS APPEAL PRESENTS EXTRAORDINARY PROCEDURAL CIRCUMSTANCES DIRECTLY RELEVANT TO RESPONDENT'S PRESERVATION ARGUMENT

Respondent's principal argument throughout this appeal has been that Appellant failed to preserve issues for appellate review and that this Court should therefore affirm the judgment without reaching the merits. Respectfully, Respondent's argument evaluates preservation in isolation while disregarding the extraordinary procedural circumstances reflected throughout the Record on Appeal that directly affected Appellant's opportunity to participate in the proceedings and preserve issues for appellate review.

The Record reflects that Appellant retained trial counsel, Aaron Wallace, only four days before the November 6, 2024 hearing. Consequently, newly retained counsel had only a matter of days to review years of litigation, analyze the pleadings, discovery, deposition testimony, and prior proceedings, evaluate dispositive legal issues, identify relevant evidence, and prepare for proceedings involving substantial property rights.

Significantly, these circumstances are not merely Appellant's characterization of the events. They were expressly acknowledged by both parties during the November 6 hearing.

Respondent's counsel advised the Special Referee: "I know Mr. Wallace is coming in kind of at the 11th hour and is catching up." (Record on Appeal, p. 112.) On the very next page of the Record, Appellant's newly retained counsel similarly advised the Special Referee: "I'm coming in at the last minute." (Record on Appeal, p. 113.)

These contemporaneous statements are particularly significant because they establish that there was no dispute concerning the limited time available for newly retained counsel to prepare for a dispositive hearing in litigation that had been pending for several years. Both Respondent's counsel and Appellant's counsel acknowledged on the record that counsel entered the case under extraordinary circumstances and was attempting to become sufficiently familiar with years of litigation in only a matter of days.

Those undisputed acknowledgments provide important context for Respondent's present contention that Appellant failed to preserve issues for appellate review. They demonstrate that the alleged preservation deficiencies cannot be fairly evaluated without considering the procedural circumstances under which newly retained counsel was required to proceed.

Those circumstances were further compounded when Appellant suffered the unexpected death of his aunt only two days before the scheduled hearing. As a result of this family bereavement, Appellant was unable to attend the November 6, 2024 hearing.

Recognizing both the limited preparation time and Appellant's inability to participate, newly retained counsel requested a continuance so that Appellant could be present and counsel could adequately prepare for the proceedings. That request was denied. Rather than continuing the matter, the proceedings were bifurcated, and the November 6 hearing proceeded in Appellant's absence. Under those circumstances, newly retained counsel was required to address dispositive issues while simultaneously attempting to become familiar with years of litigation without the benefit of adequate preparation or the participation of his client.

To the extent Respondent now argues that issues were not fully preserved for appellate review, those alleged deficiencies cannot fairly be separated from the extraordinary procedural circumstances reflected throughout the Record on Appeal that gave rise to them.

IV. ORAL ARGUMENT WOULD MATERIALLY ASSIST THIS COURT

Respondent requests that this Court affirm the judgment "in all respects without oral arguments. Respectfully, Appellant submits that this appeal presents procedural questions that are neither routine nor ordinary and that oral argument would materially assist the Court in resolving those questions.

Appellant does not seek oral argument merely to restate the arguments contained in the briefs. Rather, Appellant respectfully submits that oral argument would assist the Court in evaluating whether the extraordinary procedural circumstances reflected throughout the Record on Appeal should be considered in assessing Respondent's preservation argument before the appeal is resolved solely upon alleged preservation deficiencies.

As reflected in the Record, newly retained counsel entered the case only days before a dispositive hearing in litigation that had been pending for several years. Both Respondent's counsel and Appellant's counsel acknowledged that circumstance on the record. Appellant then experienced the death of his aunt immediately before the hearing, rendering him unable to

attend. Counsel's request for a continuance was denied, and the proceedings continued through a bifurcated process in Appellant's absence.

These circumstances are directly relevant to Respondent's request for affirmance. They present an important procedural question concerning whether the alleged preservation deficiencies relied upon by Respondent should be viewed independently of the procedural history that produced them.

Oral argument would therefore provide this Court with the opportunity to address that threshold issue before determining whether affirmance based solely upon preservation is appropriate under the unique facts presented by this appeal.

V. RESPONDENT HAS FAILED TO DEMONSTRATE PREJUDICE

Respondent asserts that Appellant's Motion serves only to delay the Court's decision. Respectfully, Respondent offers no explanation supporting that assertion.

Respondent does not identify any prejudice that would result from the limited procedural relief requested by Appellant. Likewise, Respondent does not explain how permitting oral argument would prejudice Respondent or unnecessarily delay the disposition of this appeal.

Instead, Respondent asks this Court to affirm the judgment without addressing the extraordinary procedural circumstances reflected throughout the Record on Appeal.

The absence of any demonstrated prejudice is particularly significant because Appellant's Motion seeks only limited procedural consideration in connection with issues already fully briefed before this Court. Appellant does not seek to reopen discovery, supplement the evidentiary record, introduce new substantive claims, or otherwise alter the posture of the appeal.

Accordingly, Respondent's assertion that the Motion merely delays these proceedings is unsupported by the relief actually requested.

**VI. THE INTERESTS OF JUSTICE FAVOR CONSIDERATION OF THE
EXTRAORDINARY PROCEDURAL CIRCUMSTANCES PRESENTED IN THIS
APPEAL**

South Carolina's preservation doctrine serves an important purpose by ensuring that issues are first presented to and ruled upon by the trial court before appellate review. Appellant fully recognizes the importance of that doctrine.

However, Respondent's argument assumes that the proceedings below afforded Appellant a fair and meaningful opportunity to preserve every issue now presented on appeal. The Record reflects otherwise. This appeal presents more than an ordinary preservation dispute. It presents the threshold question whether extraordinary procedural circumstances substantially impaired Appellant's ability to meaningfully participate in the proceedings and fully preserve issues for appellate review.

The Record demonstrates that newly retained counsel entered the case only four days before a dispositive hearing, that both parties acknowledged counsel's limited opportunity to prepare. That Appellant experienced an unexpected family bereavement immediately before the hearing, that counsel's request for a continuance was denied, and that the proceedings nevertheless continued through a bifurcated process in Appellant's unavoidable absence.

Respondent now asks this Court to affirm solely upon alleged preservation deficiencies while never addressing the extraordinary procedural circumstances that gave rise to those alleged deficiencies. Respectfully, those circumstances are not collateral to Respondent's preservation argument. They are central to it.

Appellant does not ask this Court to disregard the rules governing preservation of issues for appellate review. Nor does Appellant seek an exception to those rules merely because he disagrees with the outcome below.

Because Appellant's Motion seeks only limited procedural consideration of matters already reflected in the Record on Appeal and because Respondent has identified no prejudice that would result from such consideration denying the motion and oral argument would deprive the court of the opportunity to fully examine those unusual procedural events. Rather, Appellant respectfully submits that before affirming solely upon alleged preservation deficiencies, this Court should consider whether the extraordinary procedural history reflected throughout the Record warrants the exercise of this Court's inherent supervisory authority to ensure the fair administration of justice and to prevent a miscarriage of justice.

Where the Record itself demonstrates circumstances that substantially affected Appellant's ability to participate in the proceedings below and preserve issues for review, the interests of justice are best served by considering those circumstances before disposing of the appeal solely upon procedural grounds.

CONCLUSION

Respondent's Return does not meaningfully address the limited procedural relief requested by Appellant, nor does it address the extraordinary procedural circumstances reflected throughout the Record on Appeal.

Instead, Respondent asks this Court to affirm the judgment in all respects without oral argument while relying principally upon alleged preservation deficiencies and without addressing the procedural history that gave rise to those alleged deficiencies.

The Record reflects that newly retained counsel entered the case only days before the November 6, 2024 hearing, a fact acknowledged by both Respondent's counsel and Appellant's counsel during the proceedings. The Record further reflects Appellant's family bereavement immediately before the hearing, the denial of counsel's request for a continuance, Appellant's inability to attend the hearing, and the bifurcation of the proceedings.

These circumstances distinguish this appeal from the ordinary case involving preservation of issues for appellate review and present a procedural question that warrants careful consideration before the appeal is resolved solely upon preservation grounds.

This appeal is not about whether certain issues were preserved. It is equally about whether the procedural course of the proceedings below materially affected Appellant's ability to preserve those issues in the first instance. Respondent's Return addresses only the former while remaining silent as to the latter. Respectfully, before affirming solely on procedural grounds, this Court should consider the complete procedural history reflected in the Record and allow oral arguments so that these important issues may be fully addressed.

Appellant respectfully submits that oral argument would materially assist this Court in evaluating Respondent's preservation argument in light of the extraordinary procedural circumstances reflected throughout the Record on Appeal.

WHEREFORE,

Appellant respectfully requests that this Honorable Court:

1. Deny Respondent's request that the judgment be affirmed without oral argument;
2. Grant the limited procedural relief requested in Appellant's July 6 2026 motion.
3. Permit oral argument.
4. Consider the extraordinary procedural circumstances in evaluating preservation argument.
5. Grant such other and further relief as this Court deems just and proper.



Respectfully submitted.

7-20-26

Rodney White

Appellant, Pro Se

341 Maxwell Avenue

Greenwood, South Carolina 29646

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Appellant's Reply to Respondent's Return to Appellant's July 6, 2026 Motion upon counsel for Respondent by depositing a copy in the United States Mail, postage prepaid, addressed as follows:

Brandon A. Smith

Law Offices of Brandon A. Smith, LLC

104 Maxwell Avenue,

Greenwood, South Carolina 29646

This the 20 day of July, 2026.

Respectfully submitted,



Rodney White

Appellant, Pro Se