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Jul 31 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2025-002399

Lower Court Case No. 2025-CP-00718

Geraldine White,

Appellant,

v.

John R.C. Bowen and Kori Brett McKeithan,

Respondents.

APPELLANT'S OPPOSITION TO RESPONDENT JOHN R.C. BOWEN'S MOTION
TO EXPEDITE APPEAL

Geraldine White, Appellant
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Cc: Stephen L. Brown, Esq
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Kara S Grevey, Esq
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Appellant Geraldine White, appearing pro se, respectfully opposes Respondent John R.C. Bowen's Motion to Expedite Appeal and states as follows:

I. Rule 240 Requires Good Cause

Rule 240, SCACR, permits expedited consideration only upon a showing of good cause. Respondent has not demonstrated extraordinary circumstances warranting departure from the Court's normal appellate schedule.

II. Respondent's Claimed Prejudice Is Speculative

Respondent argues that because the 2018 judgment may expire in August 2028, expedited review is necessary. This assertion is speculative.

Respondent does not identify:

- any pending execution that will expire during the ordinary appellate process;
- any asset that will be lost;
- any statutory deadline that cannot otherwise be preserved; or
- any emergency requiring immediate intervention by this Court.

Instead, Respondent merely speculates that delay "may" impair enforcement rights. Such speculation is insufficient to establish good cause.

III. Respondent Created the Timing

Respondent waited until July 31, 2026, to seek expedited review despite knowing:

- the Notice of Appeal was filed November 25, 2025,
- the judgment at issue dates from 2018,
- and the alleged enforcement deadline has existed for years.

Any claimed urgency results from Respondent's own delay rather than any action by Appellant. Again, Respondent waited until **July 31, 2026** to seek expedited review despite the appeal having been pending since **November 2025** and the 2018 judgment being nearly eight years old.

IV. Expedited Review Would Prejudice Appellant

The appellant is self-represented. Respondent is represented by multiple attorneys and paralegals from Clement Rivers, LLP.

Accelerating briefing would substantially prejudice Appellant by reducing the time available to:

- research applicable law;
- prepare the Record on Appeal issues;

- respond to Respondent's legal arguments; and
- fully present issues involving alleged fraud upon the court and enforcement of the challenged judgment.

The interests of justice favor allowing the appeal to proceed under the ordinary briefing schedule.

V. The Appeal Raises Important Issues

The appeal involves significant legal issues concerning:

- alleged fraud upon the court;
- enforcement of a disputed 2018 judgment;
- alleged misconduct occurring during enforcement proceedings;
- questions concerning the validity and enforceability of the judgment.

These issues deserve careful consideration rather than accelerated review.

VI. Judicial Economy Does Not Require Expedition

Respondent asserts that expedition will promote judicial economy but offers no explanation why this appeal should receive priority over other pending appeals.

Granting expedited treatment without extraordinary circumstances would unfairly elevate Respondent's appeal ahead of litigants who have been waiting in the normal appellate process.

VII. Respondent's Prior Requests for Extensions Undermine His Claim of Urgency

Respondent's Motion to Expedite is inconsistent with his own conduct during this appeal. Prior to filing the present Motion, Respondent requested and obtained **two extensions of time** to file his initial brief. Having sought additional time for his own filings, Respondent now asks this Court to accelerate the appeal based on an alleged urgency that did not previously exist.

If the Respondent truly believed this matter required immediate appellate review, he would not have delayed the proceedings by requesting multiple extensions. Any urgency asserted in the Motion is therefore self-created and should not constitute "good cause" under Rule 240, SCACR.

A party should not be permitted to delay an appeal for its own convenience and then seek preferential treatment over other litigants by requesting expedited consideration. Such inconsistent litigation positions weigh against granting the extraordinary relief requested. Accordingly, Respondent has failed to establish the exceptional circumstances necessary to justify expediting this appeal.

Respondent's requests for multiple briefing extensions, followed by a Motion to Expedite, demonstrate that the alleged urgency is not genuine but is instead the product of Respondent's own litigation strategy. Equity does not favor granting extraordinary relief where the moving party has contributed to the very delay it now cites as prejudice.

VIII. Respondent's Obtained Enforcement Benefits

Respondent has already collected **\$15,665.73** from the January 2025 trust-property sale while the validity of that enforcement is one of the issues being challenged on appeal. This weakens any claim that he faces immediate irreparable prejudice from allowing the appeal to proceed under the normal schedule. Supported by the record, Respondent has already obtained enforcement benefits and therefore has not demonstrated the extraordinary urgency required for expedited review.

IX. Applicable Rules, Statutes, and Case Law Support Denial of the Motion to Expedite

A. Rule 240, SCACR Requires Good Cause

Rule 240, SCACR, permits expedited consideration only upon a showing of **good cause**. Expedited review is an extraordinary procedural remedy and is not appropriate merely because one party prefers a faster disposition. The burden rests entirely upon the moving party to demonstrate exceptional circumstances warranting departure from the Court's normal appellate procedures.

Respondent has failed to identify any immediate threat to the preservation of his legal rights, any pending execution that cannot be preserved, or any statutory deadline that will expire during the ordinary appellate process. Instead, Respondent relies upon speculation that delay may impair future enforcement of a judgment. Speculative assertions are insufficient to establish the good cause required by Rule 240, SCACR.

B. Rule 208, SCACR Supports Fair and Orderly Appellate Procedure

Rule 208, SCACR, provides that the South Carolina Appellate Court Rules are intended to secure the just, speedy, and inexpensive determination of every appeal. Although judicial efficiency is an important consideration, the rule does not authorize sacrificing fairness or meaningful appellate review merely to accelerate one litigant's case over others.

The present appeal raises substantial issues concerning the validity and enforceability of the judgment, alleged fraud upon the court, and alleged misconduct occurring during enforcement proceedings. These issues require careful briefing and thoughtful

consideration rather than expedited review.

C. Respondent Has Not Demonstrated Irreparable Harm

South Carolina courts consistently recognize that extraordinary relief should not be granted absent a showing of actual and immediate prejudice.

Respondent has not demonstrated:

- any asset that is in imminent danger of being lost;
- any execution that cannot be preserved;
- any statutory deadline that will expire before ordinary appellate review; or
- any emergency requiring immediate intervention by this Court.

Moreover, Respondent has already received enforcement proceeds of **\$15,665.73** from the January 2025 trust-property sale, which substantially undermines any claim of immediate irreparable harm.

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D. Self-Created Urgency Does Not Constitute Good Cause

Equity does not reward a party whose own litigation decisions created the alleged urgency. Respondent requested and received two extensions of time to file his own brief before filing the present Motion to Expedite. Having delayed the appeal for his own benefit, Respondent cannot now rely upon that same delay as justification for extraordinary relief.

South Carolina recognizes the equitable maxim that one seeking equitable relief must come before the Court with clean hands.

Arnold v. City of Spartanburg, 201 S.C. 523, 23 S.E.2d 735 (1943), recognizes that equitable relief may be denied where the moving party's own conduct renders such relief inequitable.

Likewise, **Hallums v. Hallums**, 296 S.C. 195, 371 S.E.2d 525 (1988), recognizes that equitable principles govern requests for extraordinary relief and remain within the sound discretion of the Court.

These equitable principles strongly weigh against granting expedited treatment where Respondent himself contributed to the delay he now characterizes as prejudicial.

E. Fraud Upon the Court Warrants Careful Review Rather Than Accelerated Review

The issues presented in this appeal include allegations of fraud upon the court and

challenges to the validity of enforcement proceedings. The United States Supreme Court has long recognized that fraud upon the court constitutes an injury to the integrity of the judicial process itself.

In **Hazel-Atlas Glass Co. v. Hartford-Empire Co.**, 322 U.S. 238 (1944), the Supreme Court explained that fraud upon the court affects “the very temple of justice” and therefore warrants careful judicial scrutiny.

Similarly, **United States v. Beggerly**, 524 U.S. 38 (1998), recognizes that extraordinary judicial remedies remain available where necessary to prevent a grave miscarriage of justice.

South Carolina likewise recognizes the seriousness of fraud affecting judicial proceedings. In **Chewning v. Ford Motor Co.**, 354 S.C. 72, 579 S.E.2d 605 (2003), the Supreme Court discussed the Court’s inherent authority to address misconduct affecting the integrity of judicial proceedings. Because the present appeal challenges the validity of enforcement proceedings and alleges fraud upon the court, the interests of justice favor full appellate consideration under the ordinary briefing schedule rather than expedited review.

F. Judicial Economy Does Not Favor Preferential Treatment

Respondent argues that expedition promotes judicial economy. However, Respondent offers no explanation why this appeal should receive priority over numerous other pending appeals that have proceeded according to the Court’s normal scheduling procedures.

Granting expedited treatment without extraordinary circumstances would unfairly elevate Respondent’s appeal ahead of similarly situated litigants and would be inconsistent with the orderly administration of justice.

G. Equity and the Interests of Justice Favor Denial

South Carolina appellate courts possess broad discretion in managing their docket. That discretion should be exercised consistently with fairness, due process, and equal treatment of litigants. Because Respondent has failed to establish good cause under Rule 240, SCACR, has demonstrated no immediate irreparable prejudice, has already obtained substantial enforcement benefits during the pendency of this litigation, and has himself contributed to the alleged urgency through repeated requests for extensions, the Motion to Expedite should be denied. Accordingly, Appellant respectfully requests that this Court allow the appeal to proceed according to the ordinary appellate schedule so that the significant issues presented may receive the careful and deliberate consideration they deserve.

WHEREFORE

Appellant respectfully requests that this Court:

1. Deny Respondent's Motion to Expedite Appeal;
2. Allow this appeal to proceed according to the normal appellate schedule; and
3. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

s/Geraldine White

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I, Geraldine White, hereby certify that Appellant's Opposition to Respondent's Motion to Expedite Appeal was served on all other parties to this appeal on August 3, 2026 via email (See Attached) or US mail to their address as follows:

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Respectfully Submitted,

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Opposition to Respondent's Motion to Expedite Appeal

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Fri, Jul 31, 2026 at 11:33 PM

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To the Honorable Judges and Clerks of the Court,

Attached you will find my opposition to Respondent's Motion to Expedite Appeal with Proof of Service.

Thank you very much

Geraldine White, Appellant



Appellant's Opposition to Respondent's Motion to Expedite Appeal.PDF
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