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SC Court of Appeals

**THE 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
Circuit Court Case No. 2025-CP-07-00718

Geraldine White,

Appellant,

v.

John R.C. Bowen and Kori Brett McKeithan,

Respondents.

INITIAL BRIEF OF RESPONDENT JOHN R.C. BOWEN

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* Ms. White cites a case that we could not locate. Counsel discusses the citation only to demonstrate its inaccuracy. The unrelated cases corresponding to the reporters for that citations are not relied upon as authority and therefore are not included in this Table of Authorities.

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INTRODUCTION

The crux of Appellant Geraldine White's current litigation and this appeal is the validity and enforcement of a 2018 judgment against her. This Court dismissed Ms. White's direct appeal in the 2018 litigation, and the resulting 2018 judgment against her has already been partial enforced with her knowledge, consent, and participation. Ms. White's current litigation is simply an attempt to relitigate that 2018 judgment.

The impetus for Ms. White's attempt to relitigate the 2018 judgment is the sale of real estate held by her family's trust. Ms. White's entire portion of the proceeds from that sale would go towards partially satisfying the 2018 judgment. In an effort to receive her portion of the proceeds from that sale of real estate, Ms. White now seeks to relitigate the 2018 judgment against her. Ms. White took no action for years and now purports to use a request for injunctive relief to avoid the consequences of the 2018 judgment against her. South Carolina law does not recognize such a right or claim.

The circuit court properly applied the summary judgment standard and determined that there were no genuine disputes of material fact. The circuit court also properly determined that Respondent John R.C. Bowen is immune to Ms. White's third-party claims for his role as an attorney for the plaintiff in the action

that resulted in the 2018 judgment. Therefore, this Court should affirm the circuit court's order granting summary judgment in favor of Mr. Bowen.

FACTS AND PROCEDURAL HISTORY

On April 16, 2018, Benny Hudson Seafood Corp. (“Benny Hudson”) brought an action against Appellant Geraldine White and her nephew Craig White (collectively, “the Whites”). (2018 Complaint p. 1; 2025 Hearing Transcript p. 9.) Respondent John R.C. Bowen represented Benny Hudson in that action. (2018 Complaint p. 4.) Benny Hudson alleged that Ms. White owned a thirty-five foot long boat, Mr. White was the captain of the boat and controlled it, and the Whites’ gross negligence resulted in the sinking of their boat at Benny Hudson’s commercial dock facility during Hurricane Matthew. (2018 Complaint p. 1, 3-4; 2025 Hearing Transcript p. 15; 2018 Order p. 3.)

Benny Hudson asserted that Mr. White contacted Benny Hudson’s president, Barbara Hudson, and requested permission to dock the Whites’ boat at Benny Hudson’s commercial dock shortly before Hurricane Matthew made landfall. (2018 Complaint p. 1-2.) Ms. Hudson unequivocally denied the request. (2018 Complaint p. 2.) Nevertheless, Mr. White moored the Whites’ boat at Benny Hudson’s dock while Benny Hudson’s representatives were away from Hilton Head Island during the mandatory evacuation for Hurricane Matthew. (2018

Complaint p. 2; 2018 Order p. 3.) The Whites' boat sank during the storm. (2018 Complaint p. 2; 2018 Order p. 3.)

Despite Ms. Hudson's repeated requests, the Whites failed and refused to mark or remove their sunken boat for some time afterwards. (2018 Complaint p. 2; 2018 Order p. 3.) As a result, Benny Hudson alleged that it was denied the use of its commercial dock and sought to recover lost earnings and other damages it incurred as a result of the Whites' sunken boat. (2018 Complaint p. 3-4; 2018 Order p. 3-4.)

Benny Hudson properly served both Mr. White and Ms. White in April 2018. (2018 Order p. 2.) Neither Mr. White nor Ms. White filed an answer or had counsel appear on their behalf. (2018 Order p. 2.) Consequently, Benny Hudson filed affidavits of default and a motion for default judgment on May 30, 2018. (2018 Order p. 2.) The affidavits and motion were served on the Whites on June 14, 2018. (2018 Order p. 2.) Neither Mr. White nor Ms. White responded or had counsel respond on their behalf. (2018 Order p. 2.)

The circuit court, the Honorable Jude Marvin Dukes, III, proceeded with a damages hearing on August 21, 2018. (2018 Order p. 2-4.) Mr. Bowen appeared as counsel for Benny Hudson, and Ms. Hudson appeared as Benny Hudson's president. (2018 Order p. 3.) Ms. Hudson testified that she was Benny Hudson's president, and she had explicitly denied Mr. White's request to dock the Whites'

boat at her dock. (2018 Order p. 3.) Ms. Hudson stated that Mr. White ignored her denial and moored the Whites' boat at Benny Hudson's dock, where it sank during the storm while she was away during the mandatory evacuation. (2018 Order p. 3.) Ms. Hudson also testified that she had contacted the Whites on numerous occasions to demand that they remove their sunken boat, but they had made no effort to remove it. (2018 Order p. 3.) Ms. Hudson attested that the Whites' sunken boat blocked Benny Hudson's commercial dock and rendered it inaccessible to other vessels. (2018 Order p. 3.) The circuit court found that Benny Hudson was entitled to a total of \$201,723.27 plus interest from the date of the August 22, 2018 order, plus interest, until the satisfaction of the judgment. (2018 Order p. 4.)

Subsequently, Ms. White moved to have the default judgment set aside. (Motion to Set Aside Default p. 1.) As part of that effort, she filed a memorandum conceding, "Defendants w[ere] the owner of the subject boat, named Poppas Grace." (2018 Memorandum p. 7.) Along with that motion, Ms. White also filed a declaration and affidavit that did not deny her ownership of the boat. (2018 Declaration and Affidavit p. 1-3.) At no point in her attempt to overturn the 2018 judgment did Ms. White deny that she owned the boat at issue. (2025 Order p. 2.) The circuit court denied her motion to reconsider, and this Court dismissed her

appeal. (2025 Order p. 2.) Ms. White took no further action on the default judgment at that time.

This current litigation began on March 24, 2025, when Ms. White sought emergency injunctive relief against Mr. Bowen in his role as counsel for Benny Hudson. (25.3.24 Petition for ExParte Emergency p.1-3.) Ms. White alleged that Mr. Bowen knowingly and deceptively misrepresented facts regarding Ms. White's ownership of the boat in obtaining the 2018 judgment. (25.3.24 Petition for ExParte Emergency p. 3.) Despite the valid 2018 judgment, Ms. White contended that Mr. Bowen improperly used that 2018 judgment to seize her portion of proceeds from the sale of real estate held by her family's trust. (25.3.24 Petition for ExParte Emergency p. 3.) Ms. White sought a temporary restraining order against Mr. Bowen and an order to stay the enforcement of the 2018 judgment against Ms. White in a subsequent sale of additional real estate held by her family's trust. (25.3.24 Petition for ExParte Emergency p. 5-6.) On April 23, 2025, Mr. Bowen filed a motion to dismiss, or in the alternative for summary judgment. (Motion to Dismiss/for Summary Judgment p. 1.)

At the hearing on Mr. Bowen's motion, Ms. White attempted to dispute the validity and amount of the 2018 judgment against her. (2025 Hearing Transcript p. 9-12, 24.) Contrary to her prior sworn statements that she owned an interest in the boat, Ms. White claimed that Mr. White was the only owner of the boat and she

had no ownership interest in it. (2025 Hearing Transcript p. 9, 19-20.) Ms. White also asserted that the 2018 judgment could not be enforced because a lien document had never been recorded on the family trust's property. (2025 Hearing Transcript p. 11-13.) Finally, Ms. White maintained that Benny Hudson lacked standing to initiate the 2018 litigation because it had been dissolved.¹ (2025 Hearing Transcript p. 9-12, 24.)

Nevertheless, Ms. White admitted at the hearing that she provided the funds and signed the bill of sale for the boat. (2025 Hearing Transcript p. 9, 13-14, 19-20.) Ms. White also admitted that she received notice and signed closing documents that partially satisfied the 2018 judgment in the sale of real estate held by her family's trust. (2025 Hearing Transcript p. 21-23.) The circuit court also heard testimony that Ms. White did not dispute that closing or the resulting partial satisfaction of the 2018 judgment. (2025 Hearing Transcript p. 15-17.) Finally, the circuit court heard evidence that Ms. White had transferred her interest in the real estate her family's trust was selling for ten dollars in order to avoid another partial satisfaction of the 2018 judgment. (2025 Hearing Transcript p. 17-18.)

Mr. Bowen, through his counsel, maintained that the 2018 judgment was valid and secured through proper use of the legal process. (Motion to Dismiss/for

¹ Benny Hudson was dissolved on May 23, 2015 and reinstated in March 29, 2017. (Secretary of State Business Entities Online Search.)

Summary Judgment p. 1-3; 2025 Hearing Transcript p. 4-7.) Mr. Bowen also maintained that he was immune from liability to third parties for actions taken within the scope of his representation of Benny Hudson. (Motion to Dismiss/for Summary Judgment p. 1-3; 2025 Hearing Transcript p. 4-7.)

The circuit court, the Honorable Carmen T. Mullin, granted Mr. Bowen's Motion for Summary Judgment. (2025 Order p. 3-5.) The circuit court found that the 2018 judgment was valid and binding, and "one circuit court judge does not have the authority to set aside the order of another." (2025 Order p. 3-4.) The circuit court also found that Mr. Bowen was immune from liability to Ms. White because his actions clearly related to this professional duties as an attorney representing Benny Hudson. (2025 Order p. 4.) This appeal followed.

STANDARD OF REVIEW

"In reviewing a grant of summary judgment, the appellate court applies the same standard as the trial judge under Rule 56(c), SCRCF." *Meritage Asset Mgmt., Inc. v. Freeland Constr. Co., Inc.*, 433 S.C. 293, 296, 857 S.E.2d 792, 794 (Ct. App. 2021) (quoting *Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 567, 743 S.E.2d 778, 782 (2013)). "Summary judgment is proper if, viewing the evidence in a light most favorable to the nonmoving party, there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law." *Id.* (quoting *Shirley's Iron Works*, 403 S.C. at 567, 743 S.E.2d at 782).

ARGUMENT

I. Ms. White has abandoned every issue on appeal.

“A pro se litigant who knowingly elects to represent h[er]self assumes full responsibility for complying with substantive and procedural requirements of the law.” *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). “The Court of Appeals need not address a point which is manifestly without merit.” Rule 220(b)(2), SCACR. “South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review.” *Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001).

As an initial matter, Ms. White has abandoned every issue on appeal. Ms. White’s brief contains nothing but conclusory arguments. She simply argues that there are factual issues that the circuit court prematurely decided. Ms. White’s brief also rarely cites any case law or statutes, and the few citations she does provide do not support her conclusory arguments. Accordingly, this Court should deem her arguments abandoned.

II. The circuit court properly applied the summary judgment standard, determined that the 2018 judgment was valid and binding, and concluded it could not overturn an order by another circuit court judge.²

“One [c]ircuit [c]ourt [j]udge does not have the authority to set aside the order of another.” *Enoree Baptist Church v. Fletcher*, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986). “The *Enoree Baptist Church* principle is intended, therefore, to prevent what is essentially an appeal from one circuit judge to another.” *Rice v. Doe*, 442 S.C. 160, 166, 898 S.E.2d 127, 130 (2024). While “one circuit [court] judge has the authority to make a different ruling than a prior judge in some circumstances,” *Rice v. Doe*, 442 S.C. 160, 165, 898 S.E.2d 127, 129 (2024), “it is ‘clearly an impermissible act’ for one judge ‘to reverse the earlier substantive order’ of another judge.” *Rice v. Doe*, 442 S.C. 160, 164, 898 S.E.2d 127, 129 (2024) (quoting *Enoree Baptist Church*, 287 S.C. at 604, 340 S.E.2d at 547). “If the prior ruling addresses a substantive point of law, or if nothing of significance has changed, the second judge should consider the previous judge’s ruling to be final.” *Rice v. Doe*, 442 S.C. 160, 165, 898 S.E.2d 127, 129 (2024).

Ms. White’s current litigation essentially asked Judge Mullin to overturn Judge Dukes’s 2018 Order of Judgment against her. While Ms. White insists that

² This section corresponds to Ms. White’s Issues 1, and 3 and the portions of Issue 5 regarding boat ownership and standing, which Ms. White addresses in Sections I, III, and VI of her Appellant’s Brief.

this current litigation also seeks to stop current “collection activity,” that “collection activity” is the enforcement of the 2018 judgment.

Ms. White seems to argue that Mr. Bowen falsely claimed that she owned the boat at issue. But Ms. White presented no evidence that Mr. Bowen knew she did not own the boat. Indeed, the circuit court astutely pointed out that Ms. White did not dispute her ownership of the boat during the 2018 litigation. Consequently, Ms. White failed to provide any evidence that Mr. Bowen misrepresented her ownership interest in the boat.

Ms. White also asserts that the circuit court improperly “resolved disputed facts” and chose “one version of sharply disputed events” in granting Mr. Bowen’s Motion for Summary Judgment. That simply did not happen. The circuit court did not resolve disputed facts or choose one version of events; rather, it correctly identified that Ms. White failed to produce any evidence that created a genuine dispute of material fact. Accordingly, the circuit court properly determined that there was no genuine dispute of material fact that the 2018 judgment was valid and binding. Therefore, this Court should affirm the circuit court’s order.

A. Ms. White is collaterally estopped from bring her arguments that (1) she did not own the boat and (2) Benny Hudson lacked standing to sue while dissolved.

Under the doctrine of collateral estoppel, when an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive

in a subsequent action between the parties, whether on the same or a different claim.

Holmes v. E. Cooper Cmty. Hosp., Inc., 408 S.C. 138, 155, 758 S.E.2d 483, 493 (2014) (quoting *Carman v. S.C. Alcoholic Beverage Control Comm'n*, 317 S.C. 1, 6, 451 S.E.2d 383, 386 (1994)). “The estoppel of a judgment does not extend to matters not expressly adjudicated . . . except where they are necessary and inevitable inferences in the sense that the judgment could not have been rendered as it was without deciding such points.” *Id.* (quoting *Carman*, 317 S.C. at 6, 451 S.E.2d at 386).

Ms. White is collaterally estopped from bringing her arguments that (1) she did not own the boat and (2) Benny Hudson lacked standing to bring the litigation that resulted in the 2018 judgment by failing to raise it in the 2018 proceedings.³ These affirmative defenses that must be timely asserted, and Ms. White failed to do so in the initial 2018 proceedings. Although Ms. White moved to have the judgment set aside and appealed the denial of that motion, she never argued that (1) she did not own the boat or (2) Benny Hudson lacked standing to sue. These are inevitable inferences from the 2018 judgment because it could not have been rendered without the determinations that (1) Ms. White owned the boat and

³ While this argument was not made to the circuit court, this Court “may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal.” Rule 220(c), SCACR.

(2) Benny Hudson had standing to sue.

Ms. White cannot raise these issues collaterally in a new action years later. This would undermine the finality of the 2018 litigation. Nevertheless, below we address the merits of Ms. White's arguments regarding (1) her ownership of the boat and (2) Benny Hudson's standing to bring the litigation that resulted in the 2018 judgment.

B. Ms. White failed to produce any evidence that she did not own the boat at issue.

Ms. White relies on a misplaced argument that a bill of sale is not proof of ownership.⁴ Ms. White also appears to rely on conclusory arguments that Mr. Bowen supposedly made knowingly false statements about her ownership interest in the boat. Critically, Ms. White failed to provide any evidence supporting her contentions that she did not own the boat or that Mr. Bowen made knowingly false statements about her ownership interest in the boat while representing Benny Hudson in the litigation that resulted in the 2018 judgment.

On the other hand, Ms. White admitted that she provided the funds for the

⁴ Ms. White cites to *Odom v. Walker*, 365 S.C. 416, 618 S.E.2d 607 (Ct. App. 2005) for the proposition that "the certificate of title is prima face evidence of ownership." App.'s Br. p. 4 n. 7. Counsel has been unable to locate this case in our research. Our search for 365 S.C. 416 returned *Croft v. Old Republic Ins. Co.*, which dealt with a certificate of insurance rather than a certificate of title. 365 S.C. 402, 618 S.E.2d 909 (2005). Our search for 618 S.E.2d 607 returned *Turner v. State*, which dealt with criminal matters not relevant here. 274 Ga.App. 731, 618 S.E.2d 607 (GA Ct. App. 2005). Counsel is unsure how Ms. White can or will explain these inconsistencies.

boat and signed the bill of sale for the boat. Ms. White also did not dispute her ownership of the boat during the litigation that resulted in the 2018 judgment. Finally, Ms. White admitted that she voluntarily participated in a real estate closing that resulted in the partial satisfaction of the 2018 judgment. Facts are a stubborn thing. Accordingly, the circuit court found that Ms. White failed to establish genuine disputes of material fact and properly granted Mr. Bowen's Motion for Summary Judgment as a result. Therefore, this Court should affirm the circuit court's order.

C. Benny Hudson had standing to initiate the litigation that resulted in the 2018 judgment.

"A corporation dissolved administratively continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under [s]ection 33-14-105 [of the South Carolina Code]." S.C. Code Ann. § 33-14-210(d). "Dissolution of a corporation does not prevent commencement of a proceeding by or against the corporation in its corporate name." S.C. Code Ann. § 33-14-105(c)(5). "[S]uits by . . . the corporation are not affected in any way" by dissolution. § 33-14-105 official cmt.

"A corporation dissolved administratively under [§] 33-14-210 may apply to the Secretary of State for reinstatement at any time after the effective date of dissolution." S.C. Code Ann. § 33-14-220(a). "When the reinstatement is effective, it relates back to and takes effect as of the effective date of the

administrative dissolution and the corporation resumes carrying on its business *as if the administrative dissolution had never occurred.*” S.C. Code Ann. § 33-14-220(c) (emphasis added).

Again, Ms. White misapprehends South Carolina law. Section 33-14-105(c)(5) explicitly states that dissolution does not affect a corporation’s ability to initiate litigation. Therefore, Benny Hudson’s temporary dissolution did not affect its ability to initiate the litigation that resulted in the 2018 judgment. Moreover, Benny Hudson was reinstated in May 2017, before it filed the litigation in April 2018 that resulted in the 2018 judgment. Accordingly, it was “as if the administrative dissolution had never occurred.” § 33-14-220(c).

Ms. White may quibble that Benny Hudson was dissolved when it incurred the damages awarded in the 2018 judgment, but pursuant to section 33-14-220(c) of the South Carolina Code, reinstatement relates back and allows the corporation to resume business as if dissolution never occurred. Ms. White’s interpretation that “this timeline undermined the corporation’s capacity and standing,” App.’s Br. p. 9, is not supported by South Carolina law and does not challenge the circuit court’s finding that the 2018 judgment was valid and binding. Therefore, this Court should affirm the circuit court’s order.

III. A recorded lien document is not required to enforce the 2018 judgment.

Final judgments and decrees entered in any court of record in this State. . . shall be declared to create a lien[

and] shall constitute a lien upon the real estate of the judgment debtor situate in any county in this State in which the judgment or transcript thereof is entered upon the book of abstracts of judgments and duly indexed.

S.C. Code Ann. § 15-35-810. “[T]he lien [shall] begin from the time of such entry on the book of abstracts and indices and [shall] continue for a period of ten years from the date of such final judgment or decree.” S.C. Code Ann. § 15-35-810.

Ms. White misapprehends section 15-35-810 of the South Carolina Code. She asserts that “validity of a judgment is not the same things as existence of a lien on specific real[]estate proceeds years later.” App. Br. p. 8. Yet § 15-35-180 directly contradicts Ms. White’s assertion. Pursuant to § 15-35-810, a judgment against a debtor that is recorded in any county in South Carolina creates a lien on the debtor’s real estate in that county.

The absence of a separately recorded lien document is irrelevant. The judgment itself operates as a lien under § 15-35-810. There is no requirement to record that the judgment or a lien document in the register of deeds or specifically attach it to real estate for the judgment to be enforced. Ms. White’s misunderstanding of the mechanics of judgment liens does not create a genuine issue of material fact or challenge the circuit court’s finding that the 2018 judgment was valid and binding. Therefore, this Court should affirm the circuit court’s order.

IV. The circuit court properly determined that attorney immunity barred Ms. White’s third-party claims against Mr. Bowen.

“[A]n attorney is immune from liability to third persons arising from the performance of his professional activities as an attorney on behalf of and with the knowledge of his client.” *Gaar v. N. Myrtle Beach Realty Co.*, 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct. App. 1986). “Accordingly, an attorney who acts in good faith with the authority of his client is not liable to a third party in an action for malicious prosecution.” *Id.* at 528–29, 339 S.E.2d at 889. “An exception provides an attorney is not immune if ‘in addition to representing his client, . . . [the lawyer] breaches some independent duty to a third person or acts in his own personal interest, outside the scope of his representation of the client.’” *Hager v. McCabe, Trotter & Beverly, P.C.*, 435 S.C. 740, 746, 869 S.E.2d 886, 889 (Ct. App. 2022) (quoting *Stiles v. Onorato*, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995)).

Here, the circuit court properly determined that Mr. Bowen’s conduct—which included filing pleadings, making representations to the court, obtaining a judgment, and enforcing that judgment—fell within the scope of Mr. Bowen’s representation of Benny Hudson rather than some alleged independent duty to Ms. White. Ms. White failed to allege any facts demonstrating that Mr. Bowen acted for his own personal interest or breached an independent duty he owed to her. Accordingly, the circuit court properly found that attorney immunity barred Ms.

White's third-party claims against Mr. Bowen. Therefore, this Court should affirm the circuit court's order.

V. The circuit court provided two independent and valid reasons for granting Mr. Bowen's Motion for Summary Judgment.

Ms. White's claim that the circuit court's "reasoning is inconsistent," App. Br. p. 9-10, has no merit. The circuit court provided two independent grounds for granting summary judgment: (1) the 2018 judgment is valid and binding, and (2) attorney immunity bars Ms. White's third-party claims. These are alternative holdings, each sufficient to support the judgment.

Ms. White also misapprehends the circuit court's ruling regarding evidence of fraud. As discussed in Section I.A., the circuit court did not weigh any evidence of fraud, it observed that Ms. White failed to produce any evidence of fraud. Accordingly, the circuit court properly determined that the 2018 judgment was valid and binding, and attorney immunity shielded Mr. Bowen from Ms. White's third-party claims. Therefore, this Court should affirm the circuit court's order.

CONCLUSION

The circuit court properly determined that Ms. White produced no evidence creating genuine disputes of material fact. The circuit court also properly determined that attorney immunity shields Mr. Bowen from Ms. White's third-party claims for his representation of Benny Hudson. Ms. White's arguments do not create triable factual issues, she merely sets forth conclusory arguments

without reference to authorities. Ms. White simply seeks to delay and prevent the satisfaction of the 2018 judgment.

Ms. White directly attacked the 2018 judgment and exhausted all of her remedies. Consequently, the 2018 judgment is now final and binding. This Court should not indulge in Ms. White's attempts to relitigate that matter. Therefore, this Court should affirm the circuit court's order.

Respectfully submitted,

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