

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

James J. Wegmann, Master-In-Equity

Case No.: 2018-CP-07-00804

Appellate Case No.: 2025-002484

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Aug 06 2026

SC Court of Appeals

Benny Hudson Seafood Corp., Respondent,

v.

Martin Govan, Respondent,

and

Martin Govan, Third Party Plaintiff,

v.

Craig White and Geraldine White, Third Part Defendants,

of whom Geraldine White is the Appellant.

RESPONDENT MARTIN GOVAN'S INITIAL BRIEF

/s/ Patrick W. Carr

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SC Bar No. 15585; Fed. I.D. No. 07190

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STATEMENT OF ISSUES ON APPEAL

1. DID THE MASTER-IN-EQUITY COMMIT ERROR BY DENYING APPELLANT GERALDINE WHITE RELIEF SOUGHT IN CIVIL ACTION NUMBER 2018-CP-07-00793 BY WAY OF MOTION SHE FILED IN CIVIL ACTION NUMBER 2018-CP-07-00804?
2. DID THE MASTER-IN-EQUITY COMMIT ERROR BY DECLINING TO EXERCISE JURISDICTION OVER A CASE THAT WAS NEVER REFERRED TO THE MASTER-IN-EQUITY AND WHICH WAS ALREADY CONCLUDED BY WAY OF ENTRY OF DEFAULT JUDGMENT AGAINST APPELLANT GERALDINE WHITE?
3. IS APPELLANT GERALDINE WHITE ENTITLED TO ANY RELIEF WITH RESPECT TO THE APPEAL SHE HAS FILED IN THIS CASE CIVIL ACTION NUMBER 2018-CP-07-00804 WHEN SHE WAS PREVIOUSLY ADJUDGED TO BE IN DEFAULT AND NEVER TIMELY SOUGHT RELIEF FROM DEFAULT?

STATEMENT OF THE CASE

This appeal touches upon two separate civil actions that were never consolidated at the Circuit Court level. Plaintiff Benny Hudson Seafood Corp. filed two separate civil actions relating to sunken vessels that allegedly caused damage to their commercial dock space and interfered with their seafood business following the passage of Hurricane Matthew in October 2016. The first action filed was 2018-CP-07-00793 against Defendants Geraldine White and Craig White, and this action concluded by way of a default judgment against Geraldine White from which no appeal or other motion for relief was ever timely raised. The second action filed was 2018-CP-07-00804 against Defendant Martin Govan (Respondent herein), and this action was defended on its merits and ultimately resulted in a nominal settlement paid from Govan to Hudson on the eve of trial.

During the course of case number 2018-CP-07-00804, Defendant Govan raised a Third-Party Complaint against Third-Party Defendant Geraldine White, essentially asserting that any damages allegedly caused to the vessels involved and/or the Hudson Seafood business were due to and caused solely by the conduct of White. In that action, Geraldine White also went into default, and no motion for relief from default was ever timely sought nor granted. Once the settlement agreement occurred between Plaintiff Benny Hudson Seafood Corp. and Defendant Martin Govan, this action (2018-CP-07-00804) was properly transferred to the Beaufort County Master-In-Equity for purposes of conducting a default damages hearing against Third-Party Defendant Geraldine White (whereby Govan was seeking reimbursement of the nominal settlement monies paid by him to Plaintiff Benny Hudson Seafood Corp.).

Since that time, the defaulted party Geraldine White has consistently attempted to raise and

file improper pleadings and invalid arguments, all of which are efforts by White to vacate or remove the default judgment entered against her in the original case of 2018-CP-07-00793. White has engaged in these efforts by filing motions and appeals in the second case against Govan (2018-CP-07-00804). White has been repeatedly cautioned not to do that, and she has been repeatedly instructed by the court and others that the Master-In-Equity has no jurisdiction over the first case (2018-CP-07-00793), and she has been repeatedly warned that she can not seek appeal or other relief of the final outcome of case 2018-CP-07-00793 by raising motions or appeals in case 2018-CP-07-00804, yet she persists in doing same.

Respectfully, Respondent Govan submits that the instant appeal raised by Appellant Geraldine White is wholly without merit, and likely in violation of the South Carolina Frivolous Civil Proceedings Sanctions Act found under S.C. Code Ann. § 15-36-10 et. seq. Respondent Govan submits that the meritless nature of this appeal is so obvious that no Statement of Review nor Table of Authorities is needed in Respondent's Initial Brief, as the only authorities to be relied upon would be Rule 53, SCRCP, and the authorities referenced in the Order on Pending Motions entered by the Beaufort County Master-In-Equity on December 3, 2025, which is included and attached here as part of the Record on Appeal.

ARGUMENT OF RESPONDENT MARTIN GOVAN

The appeal raised by Appellant Geraldine White is without merit and perhaps deserving of sanction under the South Carolina Frivolous Civil Proceedings Sanctions Act. The Beaufort County Master-In-Equity correctly ruled that White cannot contest or appeal the judgment against her in Civil Action Number 2018-CP-07-00793 by raising untimely motions within this Civil Action Number 2018-CP-07-00804. These are separate actions that were never consolidated. The earlier action (00793) resulting in entry of judgment against White did not include Respondent Martin Govan as a party, and that action was never consolidated with the instant case (00804), nor was it ever referred to the Master-In-Equity.

The entire Initial Brief submitted by Appellant White in this matter focuses on attempting to vacate, set aside, or otherwise contest a default judgment entered against her in another case bearing Civil Action Number 2018-CP-07-00793, which is not proper in this action/appeal involving Civil Action Number 2018-CP-07-00804. The time for seeking appeal of the judgment entered in 2018-CP-07-00793 has long since passed, and Respondent Martin Govan is not a party to that action. The Order on Pending Motions entered by the Beaufort County Master-In-Equity on December 3, 2025, is sound and correct legal ruling in its entirety, and Respondent Govan incorporates that entire Order as part of his argument here. The appeal raised by Appellant Geraldine White in this matter should be denied.

The Master-In-Equity also correctly ruled that White is in default with respect to the Third-Party claims raised by Govan against her in this action. The time for White to seek any contest, appeal, or other relief from this finding of default has long since passed, and therefore, this action should be remanded to the Beaufort County Master-In-Equity in order to conduct a default damages

hearing and enter judgment in favor of Govan against White as previously requested. Importantly, none of the content of Appellant's Initial Brief appears to contest or argue against any of the Master-In-Equity findings and denials of relief to White within Civil Action Number 2018-CP-07-00804 (the only action properly under appeal), and as such, Respondent submits that Appellant has waived any request for appellate relief in this matter by failing to properly raise such in her Initial Brief.

CONCLUSION

For the reasons stated, this Court should dismiss this appeal raised by Appellant Geraldine White, deny any and all relief sought by White, sanction White for raising a frivolous appeal, and remand the action involving Respondent Martin Govan (2018-CP-07-00804) to the Beaufort County Master-In-Equity for a default damages hearing.

August 4, 2026

Respectfully submitted,

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