



The South Carolina Court of Appeals

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September 4, 2026

The Honorable Alma Y. White
PO Box 479
Georgetown SC 29442-0479

REMITTITUR

Re: Ron Christmas v. County of Georgetown
Lower Court Case No. 2020CP2200356
Appellate Case No. 2023-001454

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

Enclosure

cc: Justin O'Toole Lucey, Esquire
Joshua Fletcher Evans, Esquire
Michael Kirk Battle, Esquire
Michael Warner Battle, Esquire



Andrew F. Lindemann, Esquire
Patrick Lewis Huff, Esquire
Carmen Vaughn Ganjehsani, Esquire
Sohayla Roudsari Townes, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Ron Christmas, Appellant,

v.

County of Georgetown; City of Georgetown; and South
Carolina Department of Transportation, Respondents.

Appellate Case No. 2023-001454

Appeal From Georgetown County
B. Alex Hyman, Circuit Court Judge

Unpublished Opinion No. 2026-UP-423
Heard December 10, 2025 – Filed August 19, 2026

AFFIRMED AS MODIFIED

Justin O'Toole Lucey, Sohayla Roudsari Townes, and
Joshua Fletcher Evans, all of Justin O'Toole Lucey, P.A.,
of Mount Pleasant, for Appellant.

Michael Warner Battle and Michael Kirk Battle, both of
Battle Law Firm, LLC, of Conway, for Respondent
County of Georgetown.

Carmen Vaughn Ganjehsani, of Richardson Plowden &
Robinson, PA, of Columbia, and Patrick Lewis Huff, of

Aiken, both for Respondent South Carolina Department of Transportation.

Andrew F. Lindemann, of Lindemann Law Firm, P.A., of Columbia, for Respondent City of Georgetown.

PER CURIAM: Ron Christmas appeals the trial court's grant of directed verdicts to the County of Georgetown (the County), the City of Georgetown (the City), and the South Carolina Department of Transportation (SCDOT) (collectively, Respondents) on his causes of action for negligence, inverse condemnation, violation of section 5-31-450 of the South Carolina Code (2004), and writ of mandamus. Christmas argues the trial court erred in restricting his expert witness's qualifications, limiting the testimony of his expert witness and himself, and granting directed verdicts on all causes of action. We affirm as modified.

1. Christmas argues the trial court erred concerning the testimony of Christmas's expert witness, Robert L. Castles Jr., in several ways. First, Christmas asserts the trial court erred by failing to qualify Castles as an expert witness in hydrology. The trial court qualified Castles as an expert in civil engineering and forensic engineering but not hydrology. We do not address this issue on appeal because Christmas acquiesced in the trial court's ruling. At trial, Christmas sought to qualify Castles as an expert in hydrology, which Respondents opposed. Christmas responded he did not need Castles in that area and modified the qualification to "an expert in civil engineering with a focus on drainage and forensics." *See State v. Mitchell*, 330 S.C. 189, 195, 498 S.E.2d 642, 645 (1998) (providing that when an appellant acquiesces in a trial court's ruling, that issue is procedurally barred on appeal); *Hollins v. Wal-Mart Stores, Inc.*, 381 S.C. 245, 251, 672 S.E.2d 805, 808 (Ct. App. 2008) (noting that because the appellant acquiesced in the trial court's ruling, she failed to preserve the issue for appellate review).

Christmas also contends the trial court did not explain the limitation on Castles's hydrology testimony—what would and would not be permitted—and the trial court made no effort to understand the opinions and expertise Castles would offer on the subject. This argument is unpreserved because Christmas did not request clarification during the trial and raised it for the first time on appeal. *See Ellie, Inc. v. Miccichi*, 358 S.C. 78, 102, 594 S.E.2d 485, 498 (Ct. App. 2004) ("[A]n issue cannot be raised for the first time on appeal[] but must have been raised to and ruled upon by the trial court to be preserved for appellate review." (quoting *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000))).

Further, the testimony Christmas proffered from Castles when seeking to offer him as an expert in hydrology was not general hydrology information. It was information specific to this case but not based on his own work. It was taken from the report of another person who Christmas asserted was an expert for the settling codefendant and would not testify at trial. Christmas did not argue or sufficiently demonstrate the information contained in the report was the type of information normally relied upon by experts in Castles's field in rendering an opinion. See *Watson v. Ford Motor Co.*, 389 S.C. 434, 447, 699 S.E.2d 169, 176 (2010) ("The qualification of a witness as an expert is within the trial court's discretion, and this [c]ourt will not reverse that decision absent an abuse of discretion."); *Johnson v. Sam Eng. Grading, Inc.*, 412 S.C. 433, 448, 772 S.E.2d 544, 551 (Ct. App. 2015) ("An abuse of discretion occurs when the ruling is based on an error of law or a factual conclusion that is without evidentiary support." (quoting *Menne v. Keowee Key Prop. Owners' Ass'n*, 368 S.C. 557, 568, 629 S.E.2d 690, 696 (Ct. App. 2006))); *Hundley ex rel. Hundley v. Rite Aid of S.C., Inc.*, 339 S.C. 285, 294-95, 529 S.E.2d 45, 50 (Ct. App. 2000) ("[G]enerally under Rule 602, SCRE, '[a] witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.'" (second alteration in original)); *id.* at 295, 529 S.E.2d at 50 ("An expert witness may state an opinion based on facts not within his firsthand knowledge."); *id.* ("[An expert] may base his opinion on information, whether or not admissible, made available to him before the hearing if the information is of the type reasonably relied upon in the field to make opinions."); *In re the Care & Treatment of Bilton*, 432 S.C. 157, 167, 851 S.E.2d 442, 446 (Ct. App. 2020) ("[D]ue process does not allow a testifying expert to be a pipeline for someone else's scientific work to be admitted into evidence without a baseline demonstration of reliability."). Accordingly, the trial court did not abuse its discretion in not allowing Castles to testify about hydrology.

Christmas also asserts the trial court erred in limiting Castles's testimony that trucks used in the park renovation caused or contributed to subsidence of the road. The trial court allowed Castles to testify that heavy trucks could cause subsidence of the road but did not let him testify that the trucks used to renovate the park actually caused the subsidence. The trial court determined Christmas had not provided evidence to show if the trucks used in the renovation caused the subsistence. The trial court did not abuse its discretion in this ruling. See *Davis v. T aylor*, 340 S.C. 150, 157, 530 S.E.2d 385, 388 (Ct. App. 2000) ("The trial court has broad discretion in the admission or rejection of evidence and will not be overturned unless it abuses that discretion."); *Johnson*, 412 S.C. at 448, 772 S.E.2d

at 551 ("An abuse of discretion occurs when the ruling is based on an error of law or a factual conclusion that is without evidentiary support." (quoting *Menne*, 368 S.C. at 568, 629 S.E.2d at 696)); *Conway v. Charleston Lincoln Mercury Inc.*, 363 S.C. 301, 307, 609 S.E.2d 838, 842 (Ct. App. 2005) ("To warrant a reversal based on the admission of evidence, the appellant must show both error and resulting prejudice."); *Marlowe v. S.C. Dep't of Transp.*, 446 S.C. 309, 317, 919 S.E.2d 553, 557 (2025) ("[B]efore expert testimony is admissible upon the question of the causal connection between plaintiff's injuries and the acts of the defendant, the testimony must satisfy the 'most probably' rule." (alteration in original) (quoting *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 111, 410 S.E.2d 537, 543 (1991))).

2. Christmas argues the trial court erred by limiting his testimony about his conversations with Respondents because the court failed to recognize his conversations related to issues in addition to estoppel. Christmas did not indicate at trial he sought to present this testimony for any purpose other than asserting estoppel to toll the statute of limitations. Accordingly, this argument is unpreserved for our review. *See Ellie, Inc.*, 358 S.C. at 102, 594 S.E.2d at 498 ("[A]n issue cannot be raised for the first time on appeal[] but must have been raised to and ruled upon by the trial court to be preserved for appellate review." (quoting *Staubes*, 339 S.C. at 412, 529 S.E.2d at 546)); *id.* at 103, 594 S.E.2d at 498 ("Without an initial ruling by the trial court, a reviewing court simply would not be able to evaluate whether the trial court committed error." (quoting *Staubes*, 339 S.C. at 412, 529 S.E.2d at 546)); *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) ("[The preservation requirement] prevents a party from keeping an ace card up his sleeve—intentionally or by chance—in the hope that an appellate court will accept that ace card and, via a reversal, give him another opportunity to prove his case."); *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003) (per curiam) ("A party may not argue one ground at trial and an alternate ground on appeal."); *State v. Haselden*, 353 S.C. 190, 196, 577 S.E.2d 445, 448 (2003) (determining an issue was unpreserved for review when the appellant objected to testimony at trial for a different reason than he argued on appeal the testimony should have been excluded).¹

¹ In a footnote, Christmas argues the trial court erred when it limited Christmas's neighbor's testimony in the same way. Because Christmas's Statement of Issues on Appeal does not include this argument, we will not consider it. *See Dunbar*, 356 S.C. at 142, 587 S.E.2d at 694 ("No point will be considered which is not set forth in the statement of issues on appeal.").

Further, the limitations on the testimony did not impact the reasons the trial court granted the directed verdicts apart from estoppel. The trial court granted directed verdicts to the City and the County for negligence because they had immunity under the South Carolina Tort Claims Act² (TCA) and to the SCDOT because the statute of limitations barred the action; the trial court did not reach the issue of whether Respondents owed Christmas a duty. Christmas's testimony about his conversations with various officials was proffered outside of the jury's presence. At the conclusion of that proffer, the trial court stated the proffer's purpose was to allow the trial court to determine if the statute of limitations was tolled due to equitable estoppel. The trial court heard the testimony and ruled the statute of limitations was not tolled.

Additionally, in this same argument section of Christmas's brief, he contends his counsel's examinations of witnesses were frequently interrupted, putting an unreasonable burden on counsel to enter all necessary information into evidence. The sole case Christmas references in support of this argument is *State v. Freeman*, 319 S.C. 110, 459 S.E.2d 867 (Ct. App. 1995). In that case, on appeal the appellant argued "the interruptions, opinions, and comments of the trial [court] in the presence of the jury were so prejudicial to him as to deprive him of a fair and impartial trial" and pointed to fourteen different instances in which the trial court "interrupted, made unsolicited comments, interjected [its] opinion, or arbitrarily limited cross-examination of the State's investigating officers." *Id.* at 123, 459 S.E.2d at 875. This court determined "the combined effect of the numerous unsolicited comments and the limitation of cross-examination unduly prejudiced" the appellant. *Id.* In the present case, Christmas provides three record cites as examples of times when his counsel was limited: two occurred during his testimony and one during Castles's. These examples do not seem to be interruptions by the trial court but instead ongoing discussion between the trial court and attorneys about the restrictions on these two witnesses' testimonies. To the extent any interruption by the trial court occurred, it did not reach the level shown in *Freeman* that warranted reversal. The trial court did not err concerning Christmas's testimony.

3. Christmas argues the trial court erred in determining the City and the County were entitled to immunity under the TCA. The trial court granted a directed verdict to the County and the City on Christmas's negligence cause of action on that basis. The trial court determined the City and the County both had immunity under the TCA for the negligence cause of action because of the exceptions to the

² S.C. Code Ann. §§ 15-78-10 to -220 (2005 & Supp. 2025).

waiver of immunity for discretionary acts; legislative, judicial, or quasi-judicial action or inaction; and weather conditions. The trial court did not err in determining the City and the County had immunity and granting them a directed verdict on the negligence cause of action. "A motion for directed verdict goes to the entire case and may be granted only when the evidence raises no issue for the jury as to liability." *Lane v. Gilbert Constr. Co.*, 383 S.C. 590, 595, 681 S.E.2d 879, 882 (2009) (quoting *Ecclesiastes Prod. Ministries v. Outparcel Assocs., LLC*, 374 S.C. 483, 490, 649 S.E.2d 494, 497 (Ct. App. 2007)).

"The [TCA] is a limited waiver of governmental immunity. Section 15-78-60 sets out . . . 'exceptions' to this waiver of sovereign immunity." *Hawkins v. City of Greenville*, 358 S.C. 280, 293, 594 S.E.2d 557, 564 (Ct. App. 2004) (citation omitted). A "governmental entity is not liable for a loss resulting from: (1) legislative, judicial, or quasi-judicial action or inaction[] [or] (2) administrative action or inaction of a legislative, judicial, or quasi-judicial nature." § 15-78-60. Also, a "governmental entity is not liable for a loss resulting from . . . (5) the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee." § 15-78-60(5). "The provisions of the [TCA] establishing limitations on and exemptions to . . . liability . . . must be liberally construed in favor of limiting liability of the State." *Hawkins*, 358 S.C. at 292, 594 S.E.2d at 563.

In *Hawkins*, this court observed that for several of the exceptions to the waiver of immunity, including subsections (1), (2), and (5), "the determination of immunity from tort liability turns on the question of whether the acts in question were discretionary rather than ministerial." *Id.* at 293, 594 S.E.2d at 564. This court explained, "A finding of immunity under the [TCA] 'is contingent on proof the government entity, faced with alternatives, actually weighed competing considerations and made a conscious choice using accepted professional that standards.'" *Id.* at 293-94, 594 S.E.2d at 564 (quoting *Wooten ex rel. Wooten v. S.C. Dep't of Transp.*, 333 S.C. 464, 468, 511 S.E.2d 355, 357 (1999)). This court recognized that "the Supreme Court of Texas has held that municipalities are not liable for the design and planning of their sewage and drainage systems because these acts are considered quasi-judicial, discretionary functions for which a government entity is not liable." *Id.* at 294, 594 S.E.2d at 564 (citing *City of Tyler v. Likes*, 962 S.W.2d 489, 501 (Tex. 1997)). This court observed the city in *Hawkins* was granted "a comparable degree of discretion" as that granted to the city in *Likes* "to exercise the measured policy judgments required to build and maintain an adequate municipal sewer and drainage system." *Id.* Thus, this court

determined "the [c]ity [wa]s immune from liability for negligence claims arising out of the design and maintenance of the drainage system." *Id.* Likewise, in this case, the City's and the County's actions and inactions were quasi-judicial and discretionary, entitling them to immunity under subsections (1), (2), and (5).

In addition to those subsections, a "governmental entity is not liable for a loss resulting from . . . (8) snow or ice conditions or temporary *or natural conditions* on any public way or other public place *due to weather conditions* unless the snow or ice thereon is affirmatively caused by a negligent act of the employee." § 15-78-60 (emphases added); *see also Varn v. S.C. Dep't of Highways & Pub. Transp.*, 311 S.C. 349, 354, 428 S.E.2d 895, 898 (Ct. App. 1993) (per curiam) (describing subsection (8) as "immunity from liability for a loss resulting from an act of God"). "The cardinal rule of statutory interpretation is to ascertain and effectuate the legislative intent whenever possible." *Mitchell v. City of Greenville*, 411 S.C. 632, 634, 770 S.E.2d 391, 392 (2015) (per curiam). "[E]very word, clause, and sentence must be given some meaning, force, and effect, if it can be done by any reasonable construction." *Nexsen v. Ward*, 96 S.C. 313, 321, 80 S.E. 599, 601 (1914). "Whe[n] the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning." *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). Subsection (8) does not apply only in cases of ice and snow as Christmas argues. It applies here, as this is a "natural condition[]" on any public way or other public place due to weather conditions." § 15-78-60(8). To read that subsection as only applying to conditions of snow and ice, would be against a plain reading of the subsection and would make much of the language in it superfluous. We affirm the trial court's grant of a directed verdict to the City and the County on Christmas's negligence cause of action because they have immunity under the TCA.^{3, 4}

³ Christmas also contends the trial court erred in directing a verdict on his negligence claim by relying on *Hawkins*. Because the TCA provides the City and County immunity for the negligence cause of action here, we do not need to address whether they owed him a duty. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (declining to address an issue when other issues are dispositive of the matter).

⁴ As an additional sustaining ground, the City asserts Christmas's settlement with a former codefendant barred his tort claims. Based on our determination that the trial court did not err in granting a directed verdict on Christmas's negligence cause of action, we do not address this issue. *See Futch*, 335 S.C. at 613, 518 S.E.2d at 598 (declining to address an issue when other issues are dispositive of the matter);

4. Christmas maintains the trial court erred by directing a verdict on his inverse condemnation cause of action. The trial court found no taking had occurred. "To establish an inverse condemnation, a plaintiff must show: (1) an affirmative, positive, aggressive act on the part of the governmental agency; (2) a taking; (3) the taking is for public use; and (4) the taking has some degree of permanence." *Marlowe*, 446 S.C. at 316, 919 S.E.2d at 557 (quoting *Ray v. City of Rock Hill*, 434 S.C. 39, 45, 862 S.E.2d 259, 262 (2021)). "The plaintiff must also establish the affirmative, positive, aggressive act by the government caused the plaintiff's damages." *Id.* "Allegations of mere failure to act are insufficient." *Id.* (quoting *Ray*, 434 S.C. at 47, 862 S.E.2d at 263).

In *Hawkins*, this court noted that the plaintiff asserting an inverse condemnation cause of action had "failed to allege any affirmative acts by the [c]ity [that] damaged the . . . property or otherwise diminished his rights in the property." 358 S.C. at 291, 594 S.E.2d at 562. This court observed most of the alleged acts were "merely failures to act." *Id.* This court indicated the only affirmative acts the plaintiff cited were the replacement of a type of equipment with a different type and the installation of new material in some areas. *Id.* at 291, 594 S.E.2d at 563. This court determined "[t]he record contain[ed] no evidence that either of these acts caused the flooding of the . . . property." *Id.* Thus, this court affirmed the grant of summary judgment because no evidence showed "an affirmative, positive, aggressive act on the part of the [c]ity [that] would tend to prove the [c]ity's actions caused or precipitated the flooding of the . . . property." *Id.* at 291-92, 594 S.E.2d at 563.

Marlowe also involved an inverse condemnation action, and in it, our supreme court determined the evidence, which included an expert's testimony that the construction was a "substantial contributor," did "not rise above speculation on the causation issue." 446 S.C. at 318, 919 S.E.2d at 558. The supreme court explained the expert "could only testify there was 'a possibility' the flooding of the . . . home would not have occurred if the new roadway had not been constructed as it was." *Id.*

In the present case, most of Christmas's allegations do not constitute affirmative acts; they were failures to act. While the elevation of the tennis courts could be an affirmative act, Christmas did not present evidence the elevation caused the water

I'On, L.L.C., 338 S.C. at 420, 526 S.E.2d at 723 ("It is within the appellate court's discretion whether to address any additional sustaining grounds.").

to enter his property. *See Ray*, 434 S.C. at 47, 862 S.E.2d at 263 ("[T]o prevail in an inverse condemnation action, 'a plaintiff must prove "an affirmative, aggressive, and positive act" by the government entity *that caused* the alleged damage to the plaintiff's property.'" (emphasis added) (quoting *WRB Ltd. P'ship v. County of Lexington*, 369 S.C. 30, 32, 630 S.E.2d 479, 481 (2006))). During Castles's testimony, he opined that of the water impacting Christmas's property, at least ninety percent was tidal water from Winyah Bay. He also confirmed for the remaining ten percent, he did not calculate that number; he just used "an engineering estimate." Castles testified he had not performed a surface water study to determine how much water, if any, flowed from the park towards the road. Castles's testimony about the cause of the flooding, especially the percentage not attributable to flooding from Winyah Bay, was speculative. Christmas did not provide evidence to allow a fact finder to decide without speculating what percentage of the water entering the property, if any, the overt act caused. *See Marlowe*, 446 S.C. at 318, 919 S.E.2d at 558 ("For the causation issue to survive summary judgment, there must be evidence that would allow the fact finder to determine, without speculating, how much of the flooding was caused by the construction of the new roadway."). We affirm as modified the grant of the directed verdict on the inverse condemnation action for this reason. *See I'On, L.L.C.*, 338 S.C. at 420-21, 526 S.E.2d at 723 ("[A]s expressed in Rule 220(c), SCACR, . . . an appellate court may affirm the lower court's judgment for any reason appearing in the record on appeal.").

5. Christmas contends the trial court erred in determining section 5-31-450 of the South Carolina Code had been impliedly repealed and did not apply to counties. A party is not liable "under section 5-31-450 absent some affirmative act by the municipality [that] alters the course or increases the amount of stormwater runoff onto private property." *Hawkins*, 358 S.C. at 295, 594 S.E.2d at 565. The statute "contemplates positive action by a municipality to render it liable for damages." *Id.* at 296, 594 S.E.2d at 565. "The statute does not make the municipality an insurer of the landowner against damage from surface water; it is only for such damage as results from the municipality's works that he may recover." *Id.* at 295, 594 S.E.2d at 565 (quoting *Taleff v. City of Greer*, 284 S.C. 510, 512, 327 S.E.2d 363, 364 (Ct. App. 1985)). "[U]nless the landowner pleads and proves an overt act against the municipality proximately causing the damages complained of, there is no cause of action under the statute." *Id.* at 295-96, 594 S.E.2d at 565 (quoting *Taleff*, 284 S.C. at 512, 327 S.E.2d at 364). In *Hawkins*, this court determined the plaintiff's claim under section 5-31-450 failed because the plaintiff had not "offer[ed] proof of any affirmative, positive acts [that] would tend to show the actions of the [c]ity caused the flooding of the . . . property." *Id.* at 296, 594

S.E.2d at 565. As we explained for inverse condemnation, Christmas did not offer proof of any affirmative, positive acts that would tend to show the actions of the City or the County caused the flooding of the property. We affirm as modified the trial court's grant of a directed verdict on the cause of action for a violation of section 5-31-450 for this reason. *See I'On, L.L.C.*, 338 S.C. at 420-21, 526 S.E.2d at 723 ("[A]s expressed in Rule 220(c), SCACR, . . . an appellate court may affirm the lower court's judgment for any reason appearing in the record on appeal.").

6. Christmas argues the trial court erred in refusing his writ of mandamus.⁵ The trial court granted a directed verdict on the mandamus cause of action because it determined the only acts to be taken were discretionary, not ministerial. "Whether to issue . . . a writ of mandamus . . . lies within the sound discretion of the trial court, and an appellate court will only overturn that decision upon an abuse of discretion." *Knight v. Austin*, 396 S.C. 518, 522, 722 S.E.2d 802, 804 (2012). "An abuse of discretion occurs when the trial court's decision is based upon an error of law." *Id.* "Mandamus will issue only to compel a public official to perform a mandatory legal duty." *City of Rock Hill v. Thompson*, 349 S.C. 197, 200, 563 S.E.2d 101, 102 (2002). "The primary purpose of a writ of mandamus is to enforce an established right and a corresponding imperative duty created or imposed by law." *Id.* "When the legal right is doubtful, or the performance of duty rests in discretion, or when there is another adequate remedy, a writ of mandamus cannot rightfully be issued." *Id.* "Mandamus is utilized only to compel ministerial duties and then only if the 'asserted right is clear and certain.'" *Knight*, 396 S.C. at 522, 722 S.E.2d at 804 (quoting *Godwin v. Carrigan*, 227 S.C. 216, 222, 87 S.E.2d 471, 473 (1955)).

"To obtain a writ of mandamus requiring the performance of an act, the applicant must show 1) a duty of respondent to perform the act, 2) the ministerial nature of the act, 3) the applicant's specific legal right for which discharge of the duty is necessary, and 4) a lack of any other legal remedy." *Redmond v. Lexington Cnty. Sch. Dist. No. Four*, 314 S.C. 431, 437, 445 S.E.2d 441, 445 (1994). "The duty is

⁵ Christmas includes as an alternative in his statement of issues on appeal the issue of whether the trial court erred in failing to issue an injunction against the City. Christmas does not argue for an injunction against the City in the body of his brief. Accordingly, this issue is abandoned. *See Wright v. Craft*, 372 S.C. 1, 20, 640 S.E.2d 486, 497 (Ct. App. 2006) ("An issue raised on appeal but not argued in the brief is deemed abandoned and will not be considered by the appellate court." (quoting *Fields v. Melrose Ltd. P'ship*, 312 S.C. 102, 106, 439 S.E.2d 283, 284 (Ct. App. 1993))).

ministerial when it is absolute, certain, and imperative, involving merely the execution of a specific duty arising from fixed and designated facts. It is ministerial if it is defined by law with such precision as to leave nothing to the exercise of discretion." *Id.* at 437-38, 445 S.E.2d at 445. "In contrast, a quasi-judicial duty requires the exercise of reason in the adaptation of means to an end, and discretion in determining how or whether the act shall be done or the course pursued." *Id.* at 438, 445 S.E.2d at 445. In Christmas's complaint, in his request for a writ of mandamus, he sought the relief of "ordering [Respondents] to repair the roads and draining at the [i]ntersection⁶ and adjacent water management features." The acts requested do not meet the requirements to issue a writ of mandamus. Some of the rights asserted were doubtful and not clear and certain, while the remainder of those asserted rights involved the performance of a duty that rested in discretion. The duty was not "absolute, certain, and imperative, involving merely the execution of a specific duty arising from fixed and designated facts" or "defined by law with such precision as to leave nothing to the exercise of discretion." *Id.* at 437-38, 445 S.E.2d at 445. The trial court did not err in granting Respondents a directed verdict on Christmas's writ of mandamus cause of action.

7. Christmas argues the trial court erred in directing a verdict for the SCDOT based on the statute of limitations. Christmas's cause of action for negligence against the SCDOT was subject to a two-year statute of limitations. *See* § 15-78-110 ("[A]ny action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered."). "[T]he statute of limitations begins to run when a cause of action reasonably ought to have been discovered. The statute runs from the date the injured party either knows or should have known by the exercise of reasonable diligence that a cause of action arises from the wrongful conduct." *Bayle v. S.C. Dep't of Transp.*, 344 S.C. 115, 123, 542 S.E.2d 736, 740 (Ct. App. 2001) (citation omitted). "The 'exercise of reasonable diligence' means the injured party must act with some promptness where the facts and circumstances of an injury place a reasonable person of common knowledge and experience on notice that a claim against another party might exist." *True v. Monteith*, 327 S.C. 116, 119, 489 S.E.2d 615, 616-17 (1997). The injured party is not required to comprehend the full extent of the damage. *Knox v. Greenville Hosp. Sys.*, 362 S.C. 566, 570-71, 608 S.E.2d 459, 462 (Ct. App. 2005).

⁶ The complaint provides the specific intersection as Front Street and Greenwich Drive.

"[W]hether the particular plaintiff actually knew he had a claim is not the test." *Hackworth v. Greenville County*, 371 S.C. 99, 103, 637 S.E.2d 320, 322 (Ct. App. 2006) (quoting *Young v. S.C. Dep't of Corr.*, 333 S.C. 714, 719, 511 S.E.2d 413, 416 (Ct. App. 1999)). "Rather, courts must decide whether the circumstances of the case would put a person of common knowledge and experience on notice that some right of his has been invaded, or that some claim against another party might exist." *Id.* (quoting *Young*, 333 S.C. at 719, 511 S.E.2d at 416). Christmas retained Castles to investigate the flooding issues in September 2019, and Castles began his investigation of the roads on October 1. Christmas was aware of flooding issues and should have been aware he could have a cause of action against the SCDOT by this time. Christmas filed his complaint against the County and the City on April 3, 2020, but did not add the SCDOT as a defendant until December 7, 2021. He filed the action against the SCDOT after the statute of limitations had run, barring the claim.

As to Christmas's assertion equitable estoppel tolled the statute of limitations for his claims against the SCDOT, Christmas did not demonstrate the SCDOT's representations caused him to delay filing an action. *See Kleckley v. Nw. Nat'l Cas. Co.*, 338 S.C. 131, 136, 526 S.E.2d 218, 220 (2000) ("[A] defendant may be estopped from claiming the statute of limitations as a defense if the delay that otherwise would give operation to the statute *had been induced by the defendant's conduct.*" (emphasis added) (quoting *Black v. Lexington Sch. Dist. No. 2*, 327 S.C. 55, 61, 488 S.E.2d 327, 330 (1997))). After the park renovations were completed, Christmas met with representatives from the City to discuss the continued flooding, and Christmas asserted they told him they were trying to solve the flooding. Christmas was unsure if anyone from the SCDOT was at these meetings. Christmas testified he spoke with the SCDOT engineer assigned to the area on one or two occasions in 2018, at which time the engineer told him he was retired. Christmas thought he spoke with someone at the SCDOT after the engineer retired, but he could not recall to whom he spoke or when, except that it occurred after the engineer's retirement. Christmas did not testify that after the engineer retired, anyone from the SCDOT made any representations to him with respect to the water issues. *See id.* at 136-37, 526 S.E.2d at 220 ("Such inducement may consist of an express representation that the claim will be settled without litigation or conduct that suggests a lawsuit is not necessary. The defendant's conduct may also involve inducing the plaintiff either to believe that an amicable adjustment of the claim will be made without suit or to forbear exercising the right to sue." (citation omitted)). The trial court did not err in granting a directed verdict to the SCDOT due to the statute of limitations barring the action.

AFFIRMED AS MODIFIED.

KONDUROS, VINSON, and TURNER, JJ., concur.