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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM YORK COUNTY

Circuit Court of Common Pleas

Daniel B. Hall, Circuit Court Judge

Appellate Case No. 2026-001130

In re: Estate of John Dale Williamson

Doug Williamson, Respondent

v.

Errick L. Williamson, individually and as personal representative of the Estate of John Dale Williamson; Derrick Williamson; and Robin Beckler, Respondents below, of whom Errick L. Williamson, individually, and Errick L. Williamson, as personal representative of the Estate of John Dale Williamson is the Petitioner.

BRIEF OF PETITIONER

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INTRODUCTION

“John Dale” Williamson passed away in November 2022. “Errick” Williamson, John Dale’s nephew and the Petitioner here to the Supreme Court, is a beneficiary of John Dale’s “Will,” which was signed by John Dale and two independent witnesses. Respondent “Doug” Williamson, one of John Dale’s brothers, filed a Petition to Set Aside the Will in the Probate Court and later served Rule 36 “Requests” for Admission to Errick. Errick responded late to the Requests but denied “Request 9,” which stated “Admit that John Dale Williamson did not sign the [Will].”

Doug took no meaningful action regarding the Requests until a month later when he filed a Motion for Partial Summary Judgment (“Partial MSJ”), arguing for the first time that Request 9 is deemed admitted. Thus, Doug continued, there is no prima facie evidence of a Will, and it must be set aside. Shortly thereafter—and before the Probate Court entered an Order deeming Request 9 admitted—Errick intervened and moved the Probate Court to not deem Request 9 admitted. But the Probate Court entered an Order granting Doug’s Partial MSJ and invalidating the Will. That’s true even though Doug had not been legally prejudiced: No depositions had been taken, no experts were disclosed, no admissions had been relied upon, there were still five to six months of discovery left, and there was not even a trial on the calendar.

The Probate Court abused its discretion by fundamentally misunderstanding and misapplying the Rule 36 standard and the law as mandated by this Court’s direct precedent. In *Baughman*, this Court held that, if “responses were filed even before

the requests were ordered admitted, [then the] defense could not possibly have been prejudiced.” The party against whom admission was sought “*should have been permitted* to withdraw the deemed admissions.” Because of the abuse of discretion, the Court in *Baughman* reversed.

Errick timely appealed to the Circuit Court, timely appealed to the Court of Appeals, and properly petitioned for rehearing, but the courts continued to err and abuse their discretion. Most concerning, even though *Baughman* was relied upon throughout Errick’s briefs, the Court of Appeals did not cite the case once.

Finally, this Court stepped in and granted Errick’s Petition for Writ. As it stands, assuming the Will was valid, John Dale’s last wishes will go unfulfilled because of a legal error. This Court should take the opportunity to correct the three lower courts, enforce established precedent, and confirm that matters should be tried on their merits.

STATEMENT OF ISSUES ON APPEAL

1. Did the Court of Appeals err in finding that Doug Williamson would be prejudiced if deemed admissions to Requests for Admission were set aside?
2. Did the Court of Appeals err in affirming the Probate Court's grant of partial summary judgment based solely upon the deemed admissions to Requests for Admission?

STATEMENT OF THE CASE

After John Dale passed away in November 2022, his brother Doug filed a Petition to Set Aside Will and for Appointment of Personal Representative in York County's Probate Court in March 2023 (the "Petition"). (R. pp. 21-23, ¶¶ 8 and 16, and 30). The Will bears the signatures of John Dale and two independent witnesses. (R. pp. 66-70). If the Will is set aside, then Doug, an intestate heir, will benefit and Errick, not an intestate heir, will be damaged significantly. (R. pp. 21, ¶ 1, and 63, ¶ 7).

While litigating the Petition, Doug served the Rule 36 Requests on August 31, 2023. (R. pp. 123 and 258). Request 9 reads: "Admit that John Dale Williamson did not sign the [Will]." (R. p. 123). On October 10, 2023, through counsel, Errick requested an additional ten days to respond to the Requests. (R. p. 164, ¶ 17). Doug's counsel denied the minor extension, and Errick responded to the Requests on October 11, 2023. (R. pp. 164-65, ¶¶ 18-19). In his responses, Errick denied Request 9 because John Dale had, indeed, signed the Will. (R. p. 142).

In November 2023, Doug filed the Partial MSJ. (R. p. 188). In the Partial MSJ, Doug argued in court—for the first time—that the Requests are deemed admitted and, consequently, there is no *prima facie* evidence that the Will was executed. (R. pp. 188-95). Shortly thereafter, Errick filed a Motion to Withdraw/Amend Admissions, or Alternatively, for Additional Time to Serve Discovery Responses, and Motion to Strike Petitioner’s Motion to Compel and supporting brief (the “Motion to Withdraw or Amend”). (R. pp. 230-42).

The Partial MSJ and Motion to Withdraw or Amend were both heard by the Probate Court in December 2023. (R. pp. 80 and 82). The Probate Court accepted Doug’s argument, granted the Partial MSJ, denied the Motion to Withdraw or Amend, and invalidated the Will on January 5, 2024 (the “Probate Order”). (R. pp. 4-11). The Probate Court invalidated the Will even though Errick denied Request 9 well before the Requests were deemed admitted in the Probate Order. (R. pp. 4, 123, and 142). It invalidated the Will even though discovery was in its infancy—no depositions had been taken, no experts were disclosed, no admissions had been relied upon, and there were still five to six months of discovery left—and trial was not set. (R. pp. 83-84, 92, and 99). And finally, it invalidated the Will even though there would be no legally recognized prejudice to Doug to make him litigate the matter on the merits. (R. pp. 236-37).¹

¹ In his Return to the Petition, Doug cited pages and pages of facts, including a “crucial” allegation about when the Will was signed. (Return pp. 1-6; p. 2 for “crucial”). Their inclusion is ironic because, while they are important, they only get the “crucial” attention they deserve if this Court reverses.

The Probate Order was appealed to the Circuit Court and affirmed without further analysis on August 6, 2024 (the “Circuit Court Order”). (R. pp. 17 and 243). The Orders were appealed to the Court of Appeals, and the Court of Appeals entered an Opinion affirming the Circuit Court Order on February 18, 2026 (the “Opinion”). Errick timely petitioned the Court of Appeals for rehearing on March 5, 2026, arguing that the Court of Appeals misapplied established precedent regarding prejudice, ignored other relevant arguments, and ultimately failed to correct the lower courts’ abuses of discretion by affirming the Partial MSJ. The Petition for Rehearing was denied on April 13, 2026. Errick made the same arguments in his Petition for a Writ of Certiorari, which this Court granted. This brief follows.

STANDARD OF REVIEW

A lower court’s refusal to allow a party to withdraw admissions pursuant to Rule 36(b), SCRPC, is reviewed for an abuse of discretion. *Scott v. Greenville Hous. Auth.*, 353 S.C. 639, 650, 579 S.E.2d 151, 157 (Ct. App. 2003). A court has abused its discretion when its “decision is unsupported by the evidence or controlled by an error of law.” *State v. King*, 422 S.C. 47, 54, 810 S.E.2d 18, 22 (2017). Additionally, a refusal to “exercise discretionary authority when it is warranted” is also an abuse of discretion. *City of Charleston Hous. Auth. v. Brown*, 437 S.C. 514, 525, 878 S.E.2d 913, 919 (Ct. App. 2022) (citation omitted). Thus, properly exercising discretion “begins with the trial court’s clear understanding of the applicable law, continues with the court’s sound analysis of the situation before it in light of the law, and ends with the trial court’s ruling that follows the law and is supported by the facts and

circumstances.” *Morris v. BB & T Corp.*, 438 S.C. 582, 587, 885 S.E.2d 394, 397 (2023).

The standard of review for motions for summary judgment is the same as the standard in Rule 56, SCRPC. *Matter of Est. of Smith*, 419 S.C. 111, 116, 796 S.E.2d 158, 160 (Ct. App. 2016). Summary judgment should only be affirmed “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgement as a matter of law.” *Id.* (citing Rule 56, SCRPC). “Summary judgment is a drastic remedy which should be cautiously invoked so that no person will be improperly deprived of a trial of the disputed factual issues.” *Jones ex rel. Jones v. Enter. Leasing Co.-Se.*, 383 S.C. 259, 263, 678 S.E.2d 819, 821 (Ct. App. 2009) (citing *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991)).

ARGUMENTS

I. The Court of Appeals ignored this Court’s holding in *Baughman* and did not properly analyze whether withdrawing the deemed admissions would prejudice Doug.

Rule 36(b), SCRPC, allows courts to set aside deemed admissions if (1) the merits of the action will be subserved and (2) there will be no prejudice to the party who obtained the admission.² The Court of Appeals correctly acknowledged that this case’s merits would be furthered if the deemed admissions were set aside so the parties and court could “determine the validity of the will’s execution.” Opinion p. 2.

² The burden is on the party that obtained the admission to show prejudice. Rule 36(b).

Analyzing prejudice, however, is a different story. The Court of Appeals did not cite *Baughman*, which is controlling precedent. In *Baughman*, a defendant served requests for admission on July 29, the plaintiffs responded late on October 24, and the trial court deemed the requests admitted on October 28. *Baughman*, 306 S.C. at 106, 410 S.E.2d at 540. This Court addressed whether the defense would be legally prejudiced if the deemed admissions were withdrawn. *Id.* at 109-10, 410 S.E.2d at 542. The Court held that, because the “Plaintiffs’ responses were filed even *before* the requests were *ordered admitted*, [the] defense could not *possibly* have been prejudiced.” *Id.* at 110, 410 S.E.2d at 542 (emphasis added). Thus, because there was no prejudice, the Court held without equivocation that the “Plaintiffs *should have been permitted* to withdraw the deemed admissions.” *Id.* at 109, 410 S.E.2d at 542 (emphasis added).

Notably, in *Baughman*, there was also a second, entirely independent and “alternative” reason to set aside the deemed admissions: The recipient of the requests timely sought a protective order.³ *Id.* The Probate and Circuit Courts erroneously distinguished this case from *Baughman* by pointing out that Errick didn’t seek a protective order like the litigant did in *Baughman*. They implied that both factors—no prejudice and timely seeking a protective order—had to be present to set aside deemed admissions. (R. p. 7). But that’s wrong. Each reason is independent and plainly stands on its own. *Baughman*, 306 S.C. at 109-10, 410 S.E.2d at 542.

³ Of course, there are other factual differences between *Baughman* and this case, which Doug has pointed out. But there was only one key sequence that this Court cited when determining possible prejudice in *Baughman*: the date of the actual answers to requests for admission vis-à-vis the date of the order deeming the requests admitted.

Here, it is plainly true here that Errick provided responses before any Request was deemed admitted via order. (R. pp. 4, 123, and 142). Like in *Baughman*, Errick's actions "could not possibly have" prejudiced Doug, and Errick "should have been permitted to withdraw the deemed admissions." *See Baughman*, 306 S.C. at 109-10, 410 S.E.2d at 542. The Court of Appeals abused its discretion by completely ignoring this direct precedent and failing to conduct a proper prejudice analysis.

Instead, the Court of Appeals focused on *Scott* when discussing prejudice, seemingly implying that Doug's rights would be "trampled" if the deemed admissions were set aside. Opinion p. 2 (citing *Scott*, 353 S.C. at 645 and 651-52, 579 S.E.2d at 154 and 157-58). Notwithstanding the impropriety of relying on the Court of Appeals' precedent instead of this Court's precedent, the lower courts further erred and abused their discretion by equating this case with *Scott*.

Scott involved egregious discovery abuses. First, the defendant in *Scott* produced documents just two days before the first scheduled trial, which mandated that the trial was continued. *Scott*, 353 S.C. at 642-43, 579 S.E.2d at 153. Then the defendant delayed again, necessitating further court intervention. *Id.* at 644, 579 S.E.2d at 153. And when the case was finally called for trial a second time, the defendant produced new records during trial—which it previously swore in an Affidavit it did not have—and a third trial was required. *Id.* at 644, 579 S.E.2d at 153-54. Only then was there a trampling of discovery rights and, therefore, actual prejudice. *Id.* at 652-53, 579 S.E.2d at 158.

This case is drastically different. Errick provided responses while discovery was in its infancy—no depositions had been taken, no experts were disclosed, no admissions had been relied upon, and there were still at least five to six months of discovery left. (R. pp. 83-84, 92, and 99). The responses were provided before a trial date was set. (R. p. 83). Unlike the defendant in *Scott*, Errick didn't produce documents on the eve of trial. He didn't produce documents during a trial in direct contradiction of an Affidavit. And Doug did not have to prepare for even one trial, let alone three like the litigant in *Scott*.

There were other alleged discovery issues that Doug has tried to magnify, but they pale in comparison to the issues in *Scott* and do not show prejudice. (See R. pp. 100-08, 140-44, 145-61, 182-87, and 222-23 (showing alleged discovery issues related to Errick's employment records, confidential spousal communications, verification of discovery responses, and the disputed existence of certain documents)). There is no prejudice because all these alleged issues would exist whether the Requests were deemed admitted *or* if Errick timely responded to the Requests.⁴ Doug has not legally lost any opportunities if the deemed admissions are set aside; he would just need to prove the case on the merits instead of by relying on a slight, outcome-determinative procedural misstep.

⁴ See *Hadley v. United States*, 45 F.3d 1345, 1348 (9th Cir. 1995) ("The prejudice contemplated by Rule 36(b) is 'not simply that the party who obtained the admission will now have to convince the factfinder of its truth. Rather, it relates to the difficulty a party may face in proving its case, e.g., caused by the unavailability of key witnesses, because of the sudden need to obtain evidence.'"); see also *Gardner v. Newsome Chevrolet-Buick, Inc.*, 304 S.C. 328, 330, 404 S.E.2d 200, 201 (1991) ("Since our Rules of Procedure are based on the Federal Rules, where there is no South Carolina law, we look to the construction placed on the Federal Rules of Civil Procedure.").

Overall, all three lower courts abused their discretion by equating the facts of *Scott* with this case. *See State v. King*, 422 S.C. at 54, 810 S.E.2d at 22 (there is an abuse of discretion when a “decision is unsupported by the evidence or controlled by an error of law.”). All three lower courts also abused their discretion because they did not have a clear understanding of the applicable law or apply the applicable law. *See Morris*, 438 S.C. at 587, 885 S.E.2d at 397. The lower courts misapplied *Baughman* and other law, including by failing to properly identify how Doug’s discovery rights would be *legally* prejudiced by allowing the deemed admissions to be set aside. These abuses of discretion warrant reversal.

II. Because the Court of Appeals misapplied the prejudice element and ignored *Baughman*, it improperly affirmed the Partial MSJ.

Other than briefly discussing—and improperly analyzing—alleged prejudice, the Court of Appeals overlooked Errick’s other arguments. For instance, the Court of Appeals did not address whether the lower courts properly understood how they should apply their discretionary authority, whether they properly applied that authority, or the purpose of the modern rules of civil procedure (deciding matters on the merits instead of by procedural gamesmanship). This is important because, by granting the Partial MSJ, the Probate Court flatly refused to exercise discretion when warranted, an abuse that is grounds for reversal. *City of Charleston*, 437 S.C. at 525, 878 S.E.2d at 919. Instead, based on a short shrift misapplication of prejudice alone, the Court of Appeals erroneously concluded that there was no abuse of discretion, held that there was no genuine issue of material fact relevant to the Partial MSJ because of Errick’s deemed admission to Request 9, and affirmed. Opinion pp. 3-4.

The Court of Appeals already determined that the merits would be furthered by determining “the validity of the will’s execution.” Opinion p. 2. Thus, the lower courts should be required to not just properly analyze prejudice, but also to evaluate these other overlooked issues, require the deemed admissions to be withdrawn, and set aside the Probate Order, Circuit Court Order, and granting of the Partial MSJ.

CONCLUSION

All three lower courts mistakenly allowed a purely procedural issue to deprive the deceased of his right to control the disposition of his estate. This contravenes the essence of South Carolina’s Rules, which are built “to settle controversies upon their merits ... and to avoid, if possible, depriving a litigant of a chance to bring a case to trial.” *See Patton v. Miller*, 420 S.C. 471, 493, 804 S.E.2d 252, 263 (2017) (citation omitted). But it is not just equity that is at stake. Instead, there is legal precedent from this Court directly on point—*Baughman*—that the lower courts have misapplied or just flatly ignored. This Court should take the opportunity to correct these legal errors, require the Court of Appeals and other courts to properly analyze *Baughman*, and ultimately require that the deemed admissions are set aside so that Doug’s Petition in the Probate Court—and John Dale’s Will—can be determined on the merits.

Respectfully submitted this the 17th day of September 2026.

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