

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM EDGEFIELD COUNTY
Court of Common Pleas

Hon. Brian M. Gibbons, Circuit Judge

Case No. 2022-CP-19-0114
Appellate Case No. 2026-000959

RECEIVED

Sep 22 2026

S.C. SUPREME COURT

George William Rauton, III, Petitioner,

vs.

Patsy R. Lightle, Respondent.

PETITIONER'S BRIEF

September 22, 2026

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Question Presented on Certiorari

The sole question presented in the Petition for Certiorari was stated as follows in the petition filed on April 17, 2026 :

Did the Court of Appeals err in declining to consider any of the issues raised in Petitioner's brief below and premising its ruling on the absence of a broad general request to “formally recognize the tort of intentional interference with inheritance” when that issue was not squarely ruled upon by the trial court, was not contested by the parties, and to the extent it was addressed, was resolved in Petitioner's favor?

Statement of the Case

This action was commenced by the Appellant's filing of a Summons and Complaint on April 21, 2023. (App. p. 13, R. p. 11) Respondent filed a motion to dismiss under SCRCR Rule 12(b)(6) on May 27, 2023. (App. p. 17, R. p. 15) Appellant filed a memorandum in opposition to the motion on January 27, 2023. (R. p. 20) A hearing was held on January 30, 2023. (App p. 36, R. p. 34)

The Circuit Court granted the motion to dismiss on February 9, 2023 (App p. 3, R. p. 1). A timely motion to reconsider was filed on February 20, 2023. (App. p. 30, R. p. 28) An Order denying reconsideration was filed March 3, 2023, (App. p. 10, R. p. 8) A notice of appeal was filed and served on March 30, 2023. (App. p. 34, R. p. 32)

The Court of Appeals issued its opinion on January 28, 2026 (App. p. 91). A timely Petition for Rehearing was filed (App. p. 93), and was denied by the Court of Appeals (App. p. 97).

The Petition for a Writ of Certiorari was filed April 17, 2026 and was granted on August 12, 2026.

STATEMENT OF FACTS

In this Appeal of a ruling under SCRCP Rule 12(b)(6), the following allegations from the counterclaim are deemed to be true:

Plaintiff had an expectation of receiving liquid assets as part of the decedent's estate.
(Complaint ¶ 9 , App. p. 15, R. p. 13)

Defendant's actions and omissions interfered with the realization of this expectancy through the following tortious conduct:

- (a) Alienating both of Plaintiff's from him by isolating them and controlling the information they were provided
- (b) Taking advantage of the parent's declining health to take total control of their financial affairs
- (c) Altering or causing the alteration of the beneficiaries of life insurance policies
- (d) Altering or causing the alteration of the holders of bank accounts to insure that they passed outside of the probate process and in the manner the defendant desired.
- (e) Forcing the Plaintiff to buy real estate, that should have passed to him under the decedents will, by threatening a sale on the open market.
- (f) Causing the proceeds of such sale to be transferred to accounts that prevented any scrutiny of how these funds were spent and preventing any part of them from becoming part of the Decedent's Estate.(Complaint ¶ 10 , App. p. 15, R. p. 13)

But for Defendant's interference, there is a reasonable certainty that the expectancy would have been realized.(Complaint ¶ 11 ,App. p. 16, R. p. 14)

Plaintiff has suffered damages as a direct and proximate result of defendant's conduct.
(Complaint ¶ 12 ,App. p. 16, R. p. 14)

As defendant's actions converted 100% of the funds in question to nonprobate assets, no adequate remedy exists in the probate court.(Complaint ¶ 13, App. P. 16, R. p. 14)

Argument

The Court of Appeals erred in declining to consider any of the issues raised in Petitioner's brief below and premising its ruling on the absence of a broad general request to “formally recognize the tort of intentional interference with inheritance” because that issue was not squarely ruled upon by the trial court, was not contested by the parties, and to the extent it was addressed, was resolved in Petitioner's favor.

The Rationale for the Court of Appeals ruling is contained in Footnote 1 to the opinion (App. p. 93), which states:

“We need not address any of Rauton's issues because they all presuppose the existence of the tort of intentional interference with inheritance, which South Carolina has not formally recognized nor has Rauton requested this court recognize. See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not address remaining issues when its resolution of a prior issue is dispositive).”

However, the Court of Appeals misperceives the order entered by the trial court.

If the trial court had ruled that the tort of intentional interference with inheritance did not exist, then clearly that ruling would have to have been appealed. However, that is not what the trial court ruled at all.

The trial court's order notes that: “Plaintiff relies on the Federal District Court case of *Wellin v. Wellin*, 135 F. Supp.3d 502 (D.S.C. 2015) to support his assertion that his claim would be recognized by the South Carolina Supreme Court. (Order appealed from R. p. 3) The order further recognizes: “Defendant agrees that Judge Norton’s prediction is well-reasoned and that the South Carolina Supreme Court would likely

recognize Intentional Interference with Inheritance. (Emphasis added, Order appealed from (App. p. 5, R. p. 3)).

The trial court's order also does not make a definitive ruling on the existence of the tort of intentional interference with inheritance, rather the trial court reasoned that there were flaws in the complaint, which are the issues stated in the Issues on Appeal set forth in Appellant's brief. To the extent the trial court addressed the issue of existence of the tort of intentional interference with inheritance, it did so favorably to Appellant: “Despite the likelihood of the Supreme Court’s recognizing Intentional Interference,...”(Order appealed from App. p. 5,R. p. 3).

The Court of Appeals ruling misapprehends the provisions of SCACR Rule 208(b)(1)(B) that “Broad general statements may be disregarded by the appellate court.” Moreover, the ruling misapprehends the long established authority on how issues are presented in an appeal. To be appropriate for review an issue must have been raised and ruled upon by the trial court. *Holy Loch Distributors, Inc. v. Hitchcock*, 340 S.C. 20, 24, 531 S.E.2d 282, 284 (2000) The ruling on the issue must also have been been prejudicial to the appellant. *Broom v. Jennifer*, 403 S.C. 96, 742 S.E.2d 382 (2013). To the extent the trial court ruled on the existence of the tort of intentional interference with inheritance, its ruling was favorable to Petitioner and not prejudicial on that point.

The issues actually raised in Petitioner's brief below were actual rulings of the trial court, which were prejudicial, however, none of these issues were addressed by the Court of Appeals.

Therefore, the opinion requires Petitioner to have appealed an issue that was not contested by the parties, was not definitively ruled on by the trial court, and to the extent it was addressed, was addressed by the trial court favorably to Petitioner and thus was

not prejudicial to Petitioner.

Conclusion

The established authority on issue presentation means a broad request to “formally recognize” the existence of the tort of intentional interference with inheritance was not essential to consideration of the issues that were actually raised and contested by the parties and that were actually ruled upon by the trial court in a manner that was prejudicial to Appellant.

For the foregoing reasons, this Court should reverse the Court of Appeals Order affirming trial court's order of dismissal.

Respectfully submitted,

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