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SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS

Jennifer B. McCoy, Circuit Court Judge for Charleston County

Appellate Case No. 2026-001231

Craig L. Peterkin,.....Appellant,

v.

Michael Holt d/b/a Liberty Services, HomeServe USA Repair Management Corp., and John Doe Defendants,
Of which Michael Holt d/b/a Liberty Services is the.....Respondent

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RESPONDENT'S REPLY IN OPPOSITION TO APPELLANT'S MOTION FOR EMERGENCY REMEDIATION

Appellant initially describes his motion as being filed pursuant to Appellate Rule 240(c)(2). That rule is the general rule for form and content of motions and it appears that Rule 240 is not the substantive grounds for his motion.

In his argument, it seems that Appellant is grounding his motion upon Rule 241(c) which establishes procedures for applying for supersedeoes or lifting of the automatic appellate stay.

Appellant's motion seems to be merely a request for a decision on the merits, that would have been in the jurisdiction of the trial court had the issue been raised there. As stated in rule 241(c), the purpose of the rule is to give a party an avenue to preserve jurisdiction of an appeal or preventing contested issues from becoming moot. Rule 241(c)(2) S.C.A.C.R.

Respectfully, Rule 241(c) does not confer jurisdiction in this court to request a preliminary ruling on the merits.

Further, the motion candidly admits the relief requested, that is an installation by the Respondent of a "point-of-source" water heater under the kitchen sink, was not relief requested at the trial court level but was overlooked by Appellant. As stated in the motion:

"IV. This issue was intended for trial but overlooked."

It is axiomatic that an issue cannot be raised for the first time on appeal. Appellant has conceded that the issue of installation of a point-of-source water heater was not raised in the trial court.

CONCLUSION

The motion should be denied.

Respectfully submitted,

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PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Reply in Opposition to Appellant's Motion for Emergency Remediation, by depositing a copy of it in the United States Mail, postage prepaid, and via electronic mail on September 25, 2026, addressed to the following:

Craig L. Peterkin
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September 25, 2026

VIA EMAIL *ctappfiling@sccourts.org* ***& U.S. MAIL***
Jenny Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
PO Box 11629 (29211)
Columbia, SC 29201

RE: Craig L. Peterkin v. Michael Holt d/b/a Liberty Services, et al.
Appellate Case #: 2026-001231

Dear Madam Clerk,

Please find herewith for filing Respondent's Reply in Opposition to Appellant's Motion for Emergency Remediation together with a Proof of Service of the same for filing in the above referenced matter.

With kindest regards, I am

Very truly yours,

Kerry W. Koon

KWK:mm
Enclosures

cc: Craig L. Peterkin *(Via email pete159@comcast.net)*