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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Eugene C. Griffith, Jr.
The Honorable Jessica A. Salvini

Appellate Case Nos.
2026-001782 (Consolidated Case No.)
2026-001818 (Browning and Browning Geriatric)
2026-001819 (Jennings)

C.A. No.: 2024-CP-23-03730
C.A. No.: 2024-CP-23-03271

Jennifer L. Browning, and
Browning Geriatric Consulting, LLC Respondents,

v.

Paul Hulse, Cherie Durand, Kimberly Thomason,
Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski,
Margaret Miniard, Stacey Grist, and John & Jane Does 1-14 Defendants

AND

Clayton L. Jennings Respondent,

v.

Paul Hulse, Cherie Durand, Kimberly Thomason,
Devon Puriefoy, Desa Ballard, Stacey Grist, Mayra Michalski,
Margaret Ann Miniard, and John & Jane Does 1-14 Defendants

Of whom Stacey Grist is the Appellant.

**APPELLANT STACEY GRIST'S REPLY TO RESPONDENTS JENNIFER L.
BROWNING, BROWNING GERIATRIC CONSULTING, LLC, AND CLAYTON L.
JENNINGS' RETURN TO APPELLANT'S MOTION FOR REMAND**

Pursuant to Rule 240, SCACR, Stacey Grist (“Grist”) hereby submits her reply to Respondents’ Return to Appellant’s motion for remand of this matter to the circuit court in order for Grist to move for relief from judgment pursuant to Rule 60(b), SCRCF. As an initial matter, the merits of the proposed motion must be decided by the circuit court, which is why Grist has asked this Court for a limited remand. Nor is Grist’s proposed motion facially futile for the reasons set forth below:

I. Grist Can Make a *Prima Facie* Showing that she is Entitled to Relief under Rule 60(b), SCRCF.

To obtain relief from a default judgment under Rule 60(b)(1), the moving party must make a particularized showing of mistake, inadvertence, surprise, or excusable neglect, and must also demonstrate a meritorious defense. *Green v. Johnson*, 446 S.C. 326, 339, 919 S.E.2d 894, 901 (2025). In determining whether to grant relief under Rule 60(b)(1), the court considers four factors: “(1) the promptness with which relief is sought; (2) the reasons for the failure to act promptly; (3) the existence of a meritorious defense; and (4) the prejudice to the other party.” *Rouvet v. Rouvet*, 388 S.C. 301, 309, 696 S.E.2d 204, 208 (Ct. App. 2010); *Hill v. Dotts*, 345 S.C. 304, 309, 547 S.E.2d 894, 897 (Ct. App. 2001). “Courts should closely scrutinize default judgments to prevent harsh results and drastic action. It is the policy of the law to favor the trial of cases on the merits.” *Lewis v. Cong. of Racial Equal. &/or C. O. R. E., Inc.*, 275 S.C. 556, 560, 274 S.E.2d 287, 289 (1981). A meritorious defense “need not be perfect nor one which can be guaranteed to prevail at a trial;” a *prima facie* showing suffices. *Rouvet*, 388 S.C. at 312, 696 S.E.2d at 209.

a) Grist’s Proposed Motion is Prompt, and Respondents Do Not Argue Otherwise.

Respondents makes several arguments regarding the timing of this motion while ignoring the only deadline specified in the *South Carolina Rules of Civil Procedure*. A motion made pursuant to Rule 60(b) (1), (2), and (3), “shall be made . . . not more than one year after the judgment, order or proceeding was entered or taken.” Rule 60(b), SCRCP (emphasis added). Grist’s proposed motion is timely, and Respondents do not dispute this fact. Instead, Respondents focus on irrelevant issues like why Grist’s undersigned counsel did not file the motion during a four (4) week period between post-trial rulings being entered on July 15, 2026, and the initial date of noticing the instant appeal on August 14, 2026.

Rule 203(b)(1), SCACR, states that a “notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.” Quite clearly, Appellant’s counsel had a duty to preserve Grist’s appellate rights first before undertaking the monumental task of learning the full procedural history of the numerous cases stemming from the same Letters at issue in this matter and filing any motions for Rule 60 relief. When faced with these two deadlines, one for thirty days, and another for one year, it makes sense to file the appeal first and seek leave to allow the circuit court to address the pervasive conflict and its impact on that court’s judgment. Regardless of Respondents’ preferences or quibbles respecting timing, the fact remains that Grist’s motion for remand to file her proposed Rule 60(b) motion is timely.

b) Grist is Justified in Any Perceived Failure to Act.

Grist argues that a crippling conflict of interest existed between Grist and her attorneys, such that she was effectively abandoned. This abandonment had the dual effect of leaving Grist without an attorney during the critical stages of the case and breaking the purported agency relationship (further explained in Section I (c)). From the time the Complaint was filed and served, through the entry of default, none of attorneys Thomason, Puriefoy, Ballard, Durand, or Hulsey

(the “the Lawyer Defendants”) advised Grist to seek independent counsel. Grist believed she was represented by counsel, while in actuality her interests were abandoned. The professionals whose duty it was to inform Grist of the non-waivable conflict refused to do so. The professionals whose obligation it was to advise Grist to seek independent counsel and pursue a Rule 60(b) motion failed to do so. Any fault available for allocation plainly lies with the Lawyer Defendants. Respondents attempt to goad Grist into casting blame at other third-parties, but fail to suggest that the fault lies with Grist because it clearly does not.

Respondents’ Return also focuses on alleged “omissions” of Appellant, but their own are more telling; nowhere in Respondents’ Return do they deny that there existed an obvious unwaivable conflict of interest between Truluck Thomason and Grist from the time this matter was commenced through the entry of default. Respondents seem to suggest that Grist’s interests were protected because “Attorneys Desa Ballard, Paul Hulsey, and Cheri Durand . . . currently represent (and represented at relevant times) . . . [Grist.]” Return at 5. Yet Respondents nowhere deny the unwaivable conflict of interest applies to these Lawyer Defendants as well. Respondent’s blasé attitude towards this expansive conflict of interest only compounds the necessity of granting Appellant’s motion. Each Lawyer Defendant—Attorneys Thomason, Puriefoy, Hulsey, Durand, and Ballard—had a duty to Grist. Grist possesses crossclaims against each of the Lawyer Defendants in this matter. Yet none of them advised Grist to seek independent counsel or investigate crossclaims against themselves. And now, it appears Respondents believe that Grist’s motion should be denied on the basis that additional attorneys who were not with Truluck Thomason did eventually appear for her after the default had already been entered and the damage had been done. The fact that Grist now has counsel without the conflict of interest that taints Truluck Thomason’s representation through the time of the default does not in any way undermine

the basis for Appellant's motion. To the extent that is relevant at all, it supports granting the motion.

c) Grist has a Meritorious Defense to Each and Every Claim in the Complaint

Respondents allege in their respective Complaints, that the Lawyer Defendants were motivated by the goal of personal enrichment and a desire to attain more clients to serve this purpose. See Jennings Amended Complaint ¶¶ 72-73; Browning, et al., Complaint ¶¶ 29 and 52. If true, and Respondents demand that all allegations are deemed admitted, Grist argues that such an interest rendered all actions the Lawyer Defendants purportedly took on Grist's behalf ineffective in binding Grist as a principal because no agency relationship can survive an agent subordinating the principal's interest to their own. As a result, no actions taken by the Lawyer Defendants are attributable to Grist. Therefore, Grist has a meritorious defense to each and every cause of action in Respondents' Complaints because they hinge on this purported agency relationship.

Without waiving other potential meritorious defenses she may raise in her motion, the fact that Grist can negate the agency relationship which underpins Respondents' causes of action is a sufficient justification for the lower court to grant her proposed Rule 60(b) motion. Therefore, this Court should grant Grist's motion for remand.

d) Respondents Fail to Identify Any Prejudice

The final factor the trial court must analyze before granting a proposed motion pursuant to Rule 60(b), SCRCR, is the existence of prejudice to the other party. Grist suggests that no legally cognizable prejudice will be suffered by the Respondents. Similarly, Respondents do not identify or even allege any prejudice would be suffered should this Court grant Appellant's motion for remand to file its motion for relief. Each of the four factors considered in reviewing a motion for

relief from judgment are satisfied in this instance, and therefore, Grist respectfully requests that this Court remand this matter so her meritorious motion can be heard.

II. Staying these Proceedings is Proper

Grist's motion for remand explicitly asks this Court for a stay pending resolution of her proposed Rule 60(b) motion in order to allow the Court of Appeals to hear all issues presented in one consolidated appeal. See Motion for Remand at 3. The purpose of the stay, and Appellant's request for the same is in the interest of preserving judicial resources and judicial economy. "An appellate court should not needlessly expend its limited time and resources processing and deciding an appeal from an order or judgment which has been set aside." *Hudson v. S.C. Dep't of Highways & Pub. Transp.*, 324 S.C. 245, 246, 478 S.E.2d 839, 840 (1996).

Respondents claim that Appellant is seeking to "interrupt appellate review," yet granting the motion would do nothing to delay the separate, consolidated appeal pending between the Lawyer Defendants and other non-lawyer Defendants in the Browning and Jennings lawsuits (as well as several other lawsuits in which Grist was not a party that arise from the same general facts). A stay will merely allow the trial court to address the serious conflict of interest that existed throughout the time from when Truluck Thomason undertook to represent Grist in these matters through the entry of default against her.

REQUEST FOR REMAND

Grist has shown that she can make a *prima facie* argument as to each of the Rule 60(b)(1) factors, and on that basis, this Court should remand this matter for consideration by the circuit court and stay these appellate proceedings to preserve judicial resources and allow a full presentation of all arguments the parties may have in a single appeal.

Respectfully submitted,

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October 12, 2026
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Of whom Stacey Grist is theAppellant.

**PROOF OF SERVICE OF APPELLANT STACEY GRIST’S REPLY TO
RESPONDENTS JENNIFER L. BROWNING, BROWNING GERIATRIC**

**CONSULTING, LLC, AND CLAYTON L. JENNINGS' RETURN TO APPELLANT'S
MOTION FOR REMAND**

I certify that I have served the **Appellant Stacey Grist's Reply to Respondents Jennifer L. Browning, Browning Geriatric Consulting, LLC, and Clayton L. Jennings' return to Appellant's Motion for Remand** on the above-referenced parties by email in accordance with the South Carolina Supreme Court's Order re: Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024) (Appellate Case No. 2020-000447), on October 12, 2026 addressed to their attorneys of record:

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October 12, 2026