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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2025-002399
Circuit Court Case No. 2025-CP-07-00718

Geraldine White,

Appellant

v.

John R. C. Bowen and Kori Brett McKeithan,

Respondents.

SUPPLEMENTAL RECORD ON APPEAL

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STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	))	IN THE COURT OF COMMON PLEAS CASE NO. 2018-CP-07-_____
BENNY HUDSON SEAFOOD CORP Plaintiff, vs. GERALDINE WHITE AND CRAIG WHITE, Defendants.	))))))))))	 SUMMONS - NON-JURY

TO: THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you and to serve a copy of your answer to said Complaint upon the subscriber, John R. C. Bowen, Esquire, in his office at the law firm of Laughlin & Bowen, 92-A Main Street, P. O. Drawer 21119, Hilton Head Island, South Carolina 29925 within 30 days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, Plaintiff will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

LAUGHLIN AND BOWEN, P.C.

By: s/ John RC Bowen

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April 16, 2018

ELECTRONICALLY FILED - 2018 Apr 16 2:14 PM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700793

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	))	IN THE COURT OF COMMON PLEAS CASE NO. 2018-CP-07-_____
BENNY HUDSON SEAFOOD CORP Plaintiff, vs. GERALDINE WHITE AND CRAIG WHITE, Defendants.	))))))))))	COMPLAINT

The plaintiff, by and for its Complaint against the defendants, alleges that:

JURISDICTIONAL AND FACTUAL AVERMENTS

1. Plaintiff is a corporation duly organized and existing pursuant to the laws of the state of South Carolina, with its principal place of business on Hilton Head Island, South Carolina. Further, Plaintiff owns a parcel of land on Hilton Head Island located to the west of Squire Pope Road adjacent to Skull Creek and the inland waterway upon which a docks and related buildings are located.

2. Defendants, (hereinafter collectively"White") are, on information and belief, residents of Beaufort County, South Carolina. On further information and belief, defendant Geraldine White is the owner of the F/V " Papa's Grace", being an undocumented Shrimp boat, (herein referred to as the "Vessel"). Defendant Craig White was, at all times pertinent hereto, the Captain in command of the Vessel and/or the Managing Agent for the owner.

3. This Court has jurisdiction over the parties hereto and the subject matter hereof .

4. On or about October 8, 2016, Craig White as Captain and/or Managing Agent for the owner, Geraldine White, contacted plaintiff and requested to be allowed to bring the Vessel

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alongside the plaintiff's dock ahead of the approaching Hurricane Matthew.

5. The plaintiff denied White's request; however, despite this denial and in plaintiff's absence, White brought the Vessel alongside the plaintiff's dock and secured it to the dock as well as to another vessel moored at the dock.

6. The force of the hurricane, when it struck, caused the Vessel to sink causing damage to the dock and other vessels. Following the sinking, defendants failed to mark or remove the wreck as is required by Title 33 § 409, USCA (the Wreck Removal Act) and §50-21-170, Code of Laws of South Carolina for 1976, as amended.

7. The Vessel remains at the space it formerly occupied making the space and a significant portion of plaintiff's dock unusable by plaintiff or others.

8. Despite numerous and repeated requests and demands from plaintiff , defendants have failed and/or refused to remove the sunken Vessel, and it continues to remain unmarked and a hazard to navigation and the environment.

9. The aforementioned acts or omissions of defendants have caused injury and damage to plaintiff.

10. The injury and damage to plaintiff for each month of the 19 months the Vessel/wreck has remained obstructing the dock and posing a hazard to navigation include but are not limited to:

a. Loss of rent;
b. Loss of use;
c. Damage to the dock;
d. Loss of profit
e. Such other damages as may be proven at the trial of this matter.

11. Plaintiff will be required to expend at least $25,000.00 for the removal of the Vessel and repairs to the property.

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FOR A FIRST CAUSE OF ACTION
(Gross Negligence)

12. Plaintiff repeats and re alleges the allegations set forth above as if fully set forth herein verbatim.

13. The defendants had a duty to find a safe harbor, to follow the instructions of the plaintiff, and to take reasonable precautions to prepare the Vessel for extreme weather and tide conditions so as to prevent it from sinking and/or causing damage to other structures and vessels in the vicinity of defendant's property.

14. The defendants had sufficient advance warning of the approach of the storm to remove the Vessel from the area or to take other proper action to guard against the damages posed by the approaching storm.

15. Defendants breached that duty and were wilful, wanton, negligent and grossly negligent in the following particulars in that they:

A. Failed to remove the Vessel to a safe harbor in the days prior to the storm;

B. Failed to properly prepare the Vessel for storm surge or high tides and wind so as to prevent it from sinking

C. Failed to properly secure the Vessel.

D. Deliberately placed the vessel alongside plaintiff's dock, after being specifically denied permission to do so, where it was likely to be impacted by storm surge, extreme tides, and wind without properly securing the vessel prior to the storm;

E. Failing to take such other reasonable precautions as would normally be taken by a prudent person under the circumstances then and there prevailing;

F. Failing to mark or to remove the wreck following the storm as required by

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law;

G. Violating the statutes and laws of The United States and the State of South Carolina; and.

H. Failing in such other and further particulars as may be found in discover or at trial.

12. As a direct and proximate result of defendant's gross negligence as aforesaid, the plaintiff has been injured and suffered damages and is entitled to recover actual and punitive damages in such amount as may be proved at the trial, including pre-judgment interest at the legal rate from date of the sinking through trial and post judgment interest on any amount awarded at the trial of the matter.

WHEREFORE, plaintiff prays that this Honorable Court inquire into the matters raised by the pleadings and pass such Order as it deems appropriate under the attending circumstances, including but not limited to: an Order granting plaintiff judgment against defendants jointly and severally for such actual damages as may be established at the trial of this matter including pre-judgment interest, appropriate punitive damages, and the costs and disbursements of this action together with such other and further relief as to the court is just.

LAUGHLIN & BOWEN, P.C.

By: s/John R.C. Bowen

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April 16, 2018

STATE OF SOUTH CAROLINA	) IN THE COMMON PLEAS COURT
2018 OCT 30 AM 10:49	
COUNTY OF BEAUFORT JERRI ANN ROSENEAU BEAUFORT COUNTY, S.C. CLERK OF COURT	) CASE NO.2018-CP-07-00793
	) MEMORANDUM OF POINTS AND
	) AUTHORITIES IN SUPPORT OF
	) MOTION TO SET ASIDE ENTRY OF
	) DEFAULT JUDGMENT
	) PURSUANT TO FED. R. CIV. P.55(c)
	)
BENNY HUDSON SEAFOOD	)
CORP	) Hearing Date: August 21, 2018
Plaintiff/Petitioner	) Hearing Time: 9:00 a.m.
	) Judge: Marvin H. Dukes, III
vs.	) Place: Beaufort County Court 2nd flr.
	)
GERALDINE J WHITE AND CRAIG L. WHITE	)
Respondent/Defendant(s)	)

Defendants respectfully submits this Memorandum of Points and Authorities in Support of Defendant's Motion to Set Aside Entry of Default.

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I. INTRODUCTION

The Court should set aside entry default against Defendant(s) pursuant to Fed. R. Civ. 55 (c) because there is a good cause for the Defendant's delay in appearing in this action. Defendant Geraldine J. White appears Pro Per on behalf of Defendant.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Plaintiff filed a lawsuit against Defendant on or around April 16, 2018 at approximately 2:14 p.m. According to the Affidavit of Service on file with this Court, Defendant was allegedly served on April 16, 2018 at approximately 3:49 p.m. This Affidavit was filed on April 18, 2018 at 10:51.

On or around May 15, 2018 at 10: 10a.m, According to Affidavit of Service, Summons and Complaint was delivered to Defendant, Craig White on April 24, 2018 at 16:45:29.

On or around May 30, 2018 4:24 p.m. Plaintiff filed a Notice of Motion and Motion for Default Judgment and Affidavit of Default for Craig L. White and Geraldine J White.

On or around May 31, 2018 Plaintiff filed Notice of electronic filing depicting documents submitted (Motion/Default Judgment, Affidavit/Default, Affidavit/Default. The Court entered default against Defendant on August 22, 2018.

On or around June 15, 2018 Plaintiff filed Certificate of Service depicting that on June 14, 2018 Plaintiff served a true and correct within and foregoing Notice of Motion and Motion for Default Judgment with Affidavit of Default for Geraldine White and Craig L. White upon Defendants by depositing the same in the United States mail.

On or around July 27, 2018 Plaintiff filed a Notice of Hearing and Certificate of Service depicting hearing scheduled for August 21, 2018 at 9:00a.m.

On or around August 22, 2018 Plaintiff filed Order of Judgment and Form 4 Judgment by Default.

The following facts support Defendant's defenses to this lawsuit:

a) Defendants became aware of the lawsuit on or around April 2018.

b) Defendant was informed by Craig L. White that he was given permission to dock the boat at Plaintiff's dock, by Plaintiff's daughter Tonya. Tonya was managing the business at this time, according to Defendant Craig L White and his witness Rudy Simmons.

c) Defendants took the following actions in response to the lawsuit:

i. sought out legal assistance.

1. Defendant contact an attorney named Patterson in or around April 2018 and/or May 2018.

2. Then the Defendants consulted with another attorney on May 16, 2018.
3. The Defendants also consulted with attorney Patrick Carr. The Defendants received a call from Patrick Carr's office informing Defendant that it was not necessary for her to attend hearing scheduled on August 21, 2018 at 9:00 a.m. Defendant was told that it was changed to September 13, 2018 at 2:00 p.m.
4. The Defendant consulted with another attorney Vaux Marscher Berglind, P.A. The Defendant received a letter from attorney Robert "Tabor" Vaux, Jr, stating after reviewing the documents, he could not represent Defendants because of some sort of conflict of interest. This letter was dated August 10, 2018[1]. However, the Defendant received another letter for same office stating that they were returning the

[1] See Exhibit#1: Letter date August 10, 2018 from Robert Vaux, Jr.

documents they received on August 17, 2018[2] in regard to this matter. This letter was dated August 22, 2018.

d) Defendant was under the impression that Patrick Carr was representing Defendant. The recently received at letter from Patrick Carr, dated October 17, 2018, stating the "mistakenly assumed[3] that both of you were parties to the same lawsuit with identical procedural posture." During the time prior, Defendant was told by Patrick Carr's office not to attend August 21, 2018. It was scheduled for September 3, 2018, the same date and time as Martin Govan's hearing.

e) Defendant did not file a response to the lawsuit with the Court on time for the following reasons:

1) Patrick Carr was sought out to represent the Defendants.

2) Defendant received a telephone call from Patrick Carr's office, telling the Defendant that the Defendants did not have to attend the hearing scheduled August 21, 2018.

[2] See Exhibit #2: Letter dated August 22, 2018 from Robert Vaux, Jr.
[3] See Exhibit #3: Letter dated October 17, 2018 from Patrick Carr

3) Defendant made preparations to have someone drive Defendants to the Courthouse in Beaufort for the hearing August 21, 2018 at 9:00 a.m.

4) Defendant had to contact the driver to inform him that a ride was no longer needed because Defendant was told the appearance was not necessary.

III. ARGUMENT

Federal Rule of Civil Procedure 55 (c) provides that an entry of default may be set aside upon a showing of good cause. Fed. R. Civ. P. 55(c). The Ninth Circuit's good cause standard for setting aside entry of default is the same as that for setting aside default judgment under Rule 60(b) but the test for setting aside entry of default is less rigid and is more generous to the party in default. Franchise Holding II, LLC v. Huntington Rests. Group, Inc., 375 F.3d 922, 925 (9th Cir. 2004).

The Court considers three factors when deciding whether to set aside default: (1) whether the defendant's culpable conduct led to the default; (2) whether the defendant has a meritorious defense; and (3) whether setting aside default would prejudice the plaintiff. Id. at 925-26. In addition, "[t]he law does not favor defaults," and "therefore, any doubts as to whether a party is in default should be decided in favor of the defaulting party." Bonita Packing Co. v. O'Sullivan, 165 F.R.D. 610, 614 (C.D. Cal. 1995).

A. Defendant's Delay in Responding to the Lawsuit was Not Culpable

In the Ninth Circuit, analysis of "culpability" for the purposes of demonstrating "good cause" under Rule 55(c) overlaps with the standard for "excusable neglect" under Rule 60(b)(1). TCI Group Life Ins. Plan v. Knoebber, 244 F.3d 691, 696 (9th Cir. 2001) (questioned on other grounds); also see Meadows v. Dominican Republic, 817 F.2d 517, 522 (9th Cir. 1987) (finding that the conduct of defendants in district court was culpable because defendants were aware of federal law, and their intentional failure to respond to the action was not excusable neglect). The Ninth Circuit finds a negligent failure to respond excusable if the defaulting party offers a credible, good-faith explanation for the delay that negates "any intention to take advantage of the opposing party, interfere with judicial decision-making, or otherwise manipulate the legal process." Knoebber, 244 F.3d at 697-98. Further, in analyzing culpability, the Court may consider a defendant's exigent personal matters, his mental state, and his lack of familiarity with legal matters. See id. at 699 (finding defendant's delay in response not culpable because she was grieving the death of her husband and was not familiar with the legal system).

While Defendant did not file a response with the Court in time, Defendant's conduct was excusable because: Defendant as told by counsel that she did not have to attend the hearing scheduled for August 21, 2018. Defendant, the defaulting party offers a credible, good-faith explanation for the not appearing in Court.

Defendants further submits evidence and witnesses to support these facts.

Defendants had no intent to gain an advantage over the opposing party or to delay the legal proceedings. As Defendant's failure to appear was due to excusable neglect, the Court should find that Defendant's conduct was not culpable.

B. Defendants Has a Meritorious Defense to the Lawsuit

A defense is considered meritorious if "there is some possibility that the outcome of the suit after a full trial will be contrary to the result achieved by the default." Hawaii Carpenters' Trust Funds v. Stone, 794 F.2d 508, 513 (9th Cir. 1986). All that is required is an assertion of "a factual or legal basis that is sufficient to raise a particular defense; the question of whether a particular factual allegation is true is resolved at a later stage." Audio Toys, Inc. v. Smart AV Pty Ltd., 2007 U.S. Dist. LEXIS 44078, *8 (N.D. Cal. June 6, 2007).

Defendants has the following defenses to this lawsuit:

FOR A FIRST DEFENSE

1) Defendants was the owner of the subject boat, named Poppas Grace, NCZ42985C205 and that this boat was legally docked at the Plaintiff's dock with expresses knowledge, permission and consent of the Plaintiff by way of her daughter Tonya, without the requirement of rent payments, and there was no written lease agreement nor any written contract entered into between and among these parties, and that in October 2016, this boat suffered

disabling damage as the result of an act of god with the passage of Hurricane Matthew, and that as a result of Hurricane Matthew this boat is sunken and abandoned in the absence of insurance coverage or public assistance providing for removal, and that this Defendant has been unable to retrieve or remove the boat since that time despite efforts for same. Any additional or inconsistent allegations contained within the Plaintiff's Complaint are expressly denied with strict proof demanded thereof.

2) With regard to the paragraphs numbered 1 through 14 pf Plaintiff's Complaint, Defendants admits only those allegations contained in paragraph 1, 22, 3, 7 and 8. All other factual allegations are denied with strict proof demanded thereof.

3) With regard to the paragraphs number 15 through 24 of Plaintiff's Complaint Defendants denies each and all of those allegations with strict proof demanded thereof.

FOR A SECOND DEFENSE

4) Defendants would show upon information and belief that Plaintiff herein has filed several similarly worded civil actions

against other boat owners seeking the same relief based upon that same set of factual circumstances, and as such, complete relief and just adjudication of Plaintiff's claim could not be feasible in the absence of joining into a singular civil action all other boats, vessels, and their owners that were sunken at or near this property due to Hurricane Matthew and or failed to join necessary and indispensable parties in this action, and therefore pursuant to Rule 19, SCRCP, and all other applicable law, Defendants requests that the Plaintiff's Complaint be dismissed against her/him, and/or that this action be joined with the other similar actions already filed by Plaintiff herein.

FOR A THIRD DEFENSE

5) Defendants pleads Act of God as a complete defense and bar to Plaintiff's action against her/him.

FOR A FOURTH DEFENSE

6) Defendants pleads the statute of frauds as a complete defense and bar to Plaintiff's action against her/him.

FOR A FIFTH DEFENSE

7) Defendants pleads assumption of risk as a complete defense and bar to Plaintiff's action against her/him.

FOR A SIXTH DEFENSE

8) Defendants pleads the doctrine of abandonment as a complete defense and bar to Plaintiff's action against her/him.

FOR A SEVENTH DEFENSE

9) Defendants pleads the doctrine of unclean hands as a complete defense and bar to Plaintiff's action against her/him.

FOR AN EIGHTH DEFENSE

10) Defendants pleads the doctrine of failure to mitigate damages as a complete defense and bar to Plaintiff's action against her/him.

FOR A NINTH DEFENSE

11) Defendants would show that to the extent that Plaintiff's Complaint raises the application of Federal Law pursuant to Title

33 § 409 U.S.C.A (The Wreck Removal Act), without admitting any violation of Federal Law, Defendants would show that this Court lacks subject matter jurisdiction over this action, as the entire action is preempted based upon the application of Federal Law. Further, the Federal law known as the Wreck removal Act is a matter for law enforcement or executive branch action rather than judicial branch action, and under the express terms of this statue there is no private civil cause of action created thereunder. Therefore, Defendants pleads preemption as a complete defense and bar to Plaintiff's action against her/him.

FOR A TENTH DEFENSE

12) Defendants would show that Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action against the Defendants, and therefore, Defendants prays that Plaintiff's Complaint be dismissed pursuant to Rule 12(b)(6), SCRCP, and all other applicable law.

FOR AN ELEVENTH DEFENSE

13) Defendants would show that if any injuries or damages

were suffered by Plaintiff in this action, all of which are expressly denied, then such injuries or damages were due to and caused solely by or in part by the Plaintiff's own negligence or gross negligence, and therefore, Defendants pleads the doctrines of contributory negligence and or comparative negligence either as a set off or a complete defense and bar to Plaintiff's Complaint against her/him.

FOR A TWELFTH DEFENSE

14) Defendants would show that upon information and belief, this action touches upon and concerns sunken vessels due to acts of God within the navigable waters of the United States of America, and therefore, Defendants respectfully submits that this Court lacks subject matter jurisdiction in this action.

15) Defendants would show that this action is governed by Federal Law, and/or Maritime Jurisdiction, and/or matters excusive under control of the Executive Branch (or law enforcement agencies), and therefore, Defendants prays that this Complaint be dismissed pursuant to Rule 112(b)(1), SCRCP, and all other applicable law.

If Defendants prevails on these defenses, the outcome would be contrary to the result achieved by default. Therefore, Defendants has set forth a meritorious defense and satisfies the second good cause factor.

C. Plaintiff Will Not Suffer Prejudice If Entry of Default Is Set Aside.

Prejudice is determined by whether a party will be hindered in pursuing its claim. See Knoebber, 244 F.3d at 701. The fact that a party may be denied a quick victory is not sufficient to deny relief from default judgment. Bateman v. United States Postal Service, 231 F.3d 1220, 1225 (9th Cir. 2000). "The delay must result in tangible harm such as loss of evidence, increased difficulties of discovery, or greater opportunity for fraud or collusion." Audio Toys, 2007 U.S. Dist. LEXIS at *9.

Allowing the case to move forward on the merits after only a short delay should not prejudice Plaintiff's ability to litigate its case. The only prejudice that might result to Plaintiff by a denial of default judgment is that Plaintiff will not be able to ensure an easy victory. As no prejudice will result to Plaintiff in reopening this case, the third and final good cause factor is satisfied. Defendants is ready and willing to litigate this lawsuit. Defendant's delay in responding was not culpable, Defendants has meritorious defenses, and Plaintiff will not suffer any prejudice in pursuing its claims if default is set aside. Therefore, Defendants has met the good cause standard of Rule 55(c) and this Court should set aside the entry of default against him.

I. CONCLUSION

Based on the above reasons, this Court should grant Defendants' motion.

DATED: 10/30/2018 By: _____
Geraldine J white, et. al, Defendant in Pro Per

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/30/2018, in Beaufort S.C.
(date of signing) (city, state of signing)

_____
Signature

Geraldine J. White, et. al, Defendant in Pro Per

STATE OF SOUTH CAROLINA	) IN THE COMMON PLEAS COURT
	2018 OCT 30 AM 10: 49
COUNTY OF BEAUFORT	) CASE NO.2018-CP-07-00793
	JERRI ANN ROSEMEAD BEAUFORT COUNTY, S.C. CLERK OF COURT
BENNY HUDSON SEAFOOD CORP	) DEFENDANT'S DECLARATION IN)SUPPORT OF MOTION TO SET ASIDE
Plaintiff/Petitioner	)ENTRY OF DEFAULT PURSUANT TO)FED. R. CIV. P. 55(c))
	)
	) Hearing Date: August 21, 2018
	) Hearing Time: 9:00 a.m
vs.	) Judge: Marvin H. Dukes, III
	) Place: Beaufort County Court 2nd flr.
GERALDINE J WHITE AND CRAIG L. WHITE	)
Respondent/Defendant(s)	)

I, Geraldine J. White, declare as follows:

1. I am the Defendant in the above-entitled case.

2. I have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.

3. I became aware of this lawsuit on or around April 2018. I found out about this lawsuit because: I was served papers in regard to this lawsuit.

4. I responded to the lawsuit by taking the following actions:

a) Consulting several attorneys, Patterson, Patrick Carr and Robert Vaux, Jr.

5. My delay in filing a response to the lawsuit was not intentional. I did not file a timely formal response to the lawsuit for the following reasons: after consulting several attorneys, I was left with the impression that Patrick Carr was representing me. Days prior to the scheduled court hearing (August 21, 2018), I received a call from Patrick Carr's office informing me that I did not have to go to that hearing. I received another hearing date September 13, 2018.

6. The following facts support my defenses to this lawsuit: I, was told by Craig L. White that he was given permission to dock the boat on Plaintiff's property by the manager Tonya Hudson, Rudy Simmons was witness to this effect. Defendants took proper action in seeking counsel, however, a mistake had occurred causing the Defendants to not appear for hearing, which resulted in default judgment being ruled against Defendants. Defendant secured transportation to hearing for August 1, 2018. Driver can testify to this fact.

7. I have no reason to believe Plaintiff will suffer prejudice if the Court grants this motion.

8. Please review the Motion and Memorandum of Points and Authorities in its entirety, I believe that the Court will agree and find in favor of Defendants, by vacating the default judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/30/2018, in Hilton Head Island, South Carolina.
(date of signing) (city, state of signing)

Geraldine J. White, Defendant in Pro Per

Signature

STATE OF SOUTH CAROLINA	) IN THE COMMON PLEAS COURT
COUNTY OF BEAUFORT	) CASE NO.2018-CP-07-00793
	)
	) NOTICE OF MOTION AND
	) MOTION TO SET ASIDE ENTRY
	) OF DEFAULT JUDGMENT
	) PURSUANT TO FED. R. CIV. P.55(c)
	)
BENNY HUDSON SEAFOOD CORP	)
Plaintiff/Petitioner	) Hearing Date: August 21, 2018
	) Hearing Time: 9:00 a.m
vs.	) Judge: Marvin H. Dukes, III
	) Place: Beaufort County Court 2nd flr.
GERALDINE J WHITE AND CRAIG L. WHITE	)
Respondent/Defendant(s)	)

2018 OCT 30 AM 10:49
JOANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

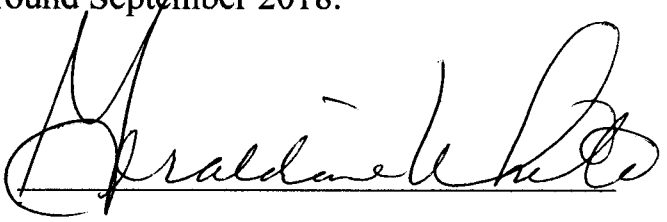
TO THE HONORABLE COURT AND TO ALL PARTIES:

PLEASE TAKE NOTICE that October 29, 2018 at 10:00 a.m., or as soon thereafter as this matter may be heard in the above-entitled court located at 102 Ribaut Road, Beaufort, South Carolina 29902, Geraldine J. White, the defendant in this case, will move this Court to set aside entry of default for good cause, pursuant to Rule 55(c) of the federal Rules of Civil Procedure.

This motion is based upon the attached Memorandum of Points and Authorities, Declaration(s) in Support, the complete files and records in this action,

upon such oral and documentary evidence as may be allowed at the hearing of this motion.

This motion is made following the telephone conference of counsel pursuant to L. R. 7-3 which took place on or around September 2018.

Dated: October 29, 2018 By: 

Geraldine J White
Defendant in Pro Per

Geraldine White
141 LA Motte DR A3
Hilton Head, SC. 29926
843 681-3947

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO. 2018-CP-07-00793
COUNTY OF BEAUFORT	)	
	)	
BENNY HUDSON SEAFOOD CORP.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	PARTIAL SATISFACTION OF
	)	JUDGMENT
GERALDINE WHITE AND CRAIG WHITE,	)	
	)	
	)	
Defendants.	)	
	)	

WHEREAS JUDGMENT was entered against the above defendants on the 22nd day of August, 2018 in the amount of $201,723.27 ; and

WHEREAS, on August 28, 2019 the South Carolina Court of Appeals Ordered that an additional $450.00 in costs be added to the Judgment against defendants for a total award of $202,173.27; and,

WHEREAS, as of January 10, 2025 the judgment together with accrued interest totals $318,423.32 ; and,

WHEREAS defendant Geraldine White has made, and plaintiff by and through its attorney acknowledges to have received, a partial payment in the amount of $15,665.73 on said judgment in order to release the judgment lien on her interest in certain real property located on Hilton Head Island and described as an approximate .5 acre parcel located on Beach City Road, Hilton Head Island, South Carolina, Tax Map No. R510-0005-0010-0000.

NOW, THEREFORE, the within judgment is partially satisfied and the above real property is released from the judgment lien. The defendant, Geraldine White, remains indebted to plaintiff in the amount $302,757.59 together with interest from January 11, 2025 until paid in

full.

LAUGHLIN AND BOWEN, P.C.

BY: s/John R. C. Bowen

John R. C. Bowen, SC Bar # 791
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January 10, 2024

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Certificate of Counsel

The undersigned counsel for Respondent John R. C. Bowen certifies that, in accordance with Rule 210(c), SCACR, this **Record on Appeal** contains all material proposed to be included by any party that was presented to the lower court and not any other material. The undersigned also certifies that this **Record on Appeal** complies with the Supreme Court of South Carolina's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued April 15, 2014.

Respectfully submitted,

RECEIVED
Oct 12 2026
SC Court of Appeals

CLEMENT RIVERS, LLP

By: *s/Graydon V. Olive, IV*

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October 12, 2026