

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
APPEAL FROM HORRY COUNTY
Court of Common Pleas
Fifteenth Judicial Circuit
B. Alex Hyman, Circuit Court Judge
Case No. 2026 - 000708

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SC Court of Appeals

Joseph N. Grate,

Appellant.

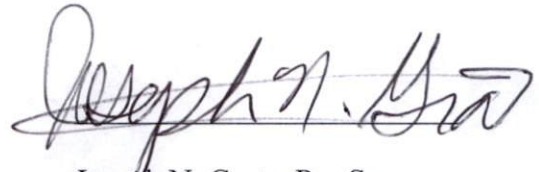
v.

David A. Anderson, James J. Winebrake,
Coastal Carolina University

Respondents,

APPELLANT INITIAL REPLY BRIEF

October 13, 2026



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STATEMENT OF ISSUES ON APPEAL IN REPLY TO RESPONDENTS INITIAL BRIEFS

Re: Respondents' statement of the case or counter statement of the case, Appellant hereby reiterates his case, as presented in Appeal Documents, in total.

With regard all assertion pertaining to Rule of South Carolina Rules of Civil Procedure, Appellant stands by the position that the Primacy rules and that the matter of Service was proper in every respect according to the governing rules, when properly viewed in conformance with the Primacy Standard.

ISSUES

1. RE: “This matter is related to another case already pending before the Court in Appellate Case No. 2025-001787 and Civil Action No. 2025-CP-22-00606 (Georgetown County Ct. of Comm. Pl.) (Grate I)”
2. RE: “Anderson was sued in the case underlying this appeal (Grate I)”
3. RE: “While issues related to Grate I were raised before Judge Hyman at the hearing that occurred in this case, the materials from Grate I, both before this Court and the lower court, are items of which this Court can take judicial notice. See Rule 201, SCRE”.
4. RE: “Grate attempts to rely on material that was not actually before the circuit court in this matter or Grate I”
5. RE: “Grate's Complaint Failed to Comply with Rules 8 and 12 of the South Carolina Rules of Civil Procedure”.
6. RE: “Grate's Complaint, as to Anderson, Was Properly Dismissed as a Matter of South Carolina Law”.
7. RE: “For the reasons set forth herein, Respondent David A. Anderson respectfully requests this Court affirm the circuit court's order dismissing Appellant's civil action against him for claims arising out of his prior representation of other defendants in another lawsuit”.
8. RE:” Appellant also named as a defendant CCU's outside legal counsel, Respondent David A. Anderson ("Anderson"). Notably, Anderson represents CCU in a parallel lawsuit”

9. RE: "THE CIRCUIT COURT'S ORDER SHOULD BE AFFIRMED DECAUSE APPELLANT FAILED TO PROPERLY SERVE THE CCU RESPONDENTS. FAILED TO STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION AGAINST THE CCU RESPONDENTS, ALREADY HAS ANOTHER ACTION PENDING AGAINST CCU AND ITS PRESIDENT. AND OTHERWISE CANNOT PURSUE THE RECOVERY OF PUNITIVE DAMAGES AND INTEREST".
10. RE: "Appellant's Case Was Properly Dismissed Due to the Failure to State a Claim under Rule 12(b)(6), SCRCF".
11. RE: "Appellant's Case Was Properly Dismissed as & Duplicative Action Under Rule 12(b)(8), SCRCF.
12. RE: "Appellant's Prayer for Punitive Damages and Interest Was Properly Dismissed as a Matter of Law".
13. RE: "THIS COURT SHOULD REJECT ANY ANCILLARY ISSUES RAISED BY APPELLANT AS BEING WITHOUT MERIT".

ARGUMENT

1. RE: "This matter is related to another case already pending before the Court in Appellate Case No. 2025-001787 and Civil Action No. 2025-CP-22-00606 (Georgetown County Ct. of Comm. Pl.) (Grate I)"

This statement is not correct. The current litigation is based upon the actions, or lack thereof, by Respondents, with the expectation that it will be adjudicated solely based upon its own merits.

2. RE: "Anderson was sued in the case underlying this appeal (Grate I)"

That is incorrect. he is being sued in this case because he assumed the role as President and Registrar and in Authority of all matters related to CCU and to Appellant's pursuit of involvement therewith.

3. **RE: "While issues related to Grate I were raised before Judge Hyman at the hearing that occurred in this case, the materials from Grate I, both before this Court and the lower court, are items of which this Court can take judicial notice. See Rule 201, SCRE".**

Appellant's position is that the matter of the (Grate I case) is a case that should not be addressed by neither this Court nor should it have been considered by Judge Hyman's Court. It is a totally different case that is navigating the Judicial System based upon its own merits. Appellant takes issue with the contention that Rule 201, SCRE grants this court, under the circumstances, authority to take notice of this case, in association with another and totally different case.

4. **RE: "Grate attempts to rely on material that was not actually before the circuit court in this matter or Grate I"**

With regard all matters pertaining to (Grate I), Council for Respondents introduced that case, and it remains a major element of this case, by Council for Respondents. Appellant exercises his right to include as many elements of that case as necessary to contend with Respondents games with it.

5. **RE: "I Grate's Complaint Failed to Comply with Rules 8 and 12 of the South Carolina Rules of Civil Procedure".** Appellant asserts that his Complaint is in total Compliance with all Rules of the South Carolina Rules of Civil Procedure. Rule 3., Rule 4(d)(8). , Rule 8 (a) , Rule 56 SCRCF, and S.C. Code Ann. §59-136-130 and S.C. Code Ann. §59-136-130 (2)

6. **RE: "II. Grate's Complaint, as to Anderson, Was Properly Dismissed as a Matter of**

South Carolina Law”.

Appellant disagrees that the Law was properly applied and that the case should not have been dismissed.

7. **RE: “For the reasons set forth herein, Respondent David A. Anderson respectfully requests this Court affirm the circuit court's order dismissing Appellant's civil action against him for claims arising out of his prior representation of other**

defendants in another lawsuit”. He assumed the Administrative Positions at the University but although he was in possession of Appellant’s Registration request, he failed to perform per the duty required. He did not allow Appellant to register. However, as will be exhibited in appellant’s Designated Matters, he (in Grate I), offered allow continued activities with CCU, in exchange for the payment of \$10 and the signing of a confidential agreement to remain quiet about it. That was not acceptable to Appellant because it would not have solved the Life Safety or Health and Welfare problems that prompted the complaint to The F.B.I. and other.

8. **RE:” Appellant also named as a defendant CCU's outside legal counsel, Respondent David A. Anderson ("Anderson"). Notably, Anderson represents CCU in a parallel lawsuit”**

Appellant states that this is not a parallel Lawsuit.

9. **RE: “THE CIRCUIT COURT'S ORDER SHOULD BE AFFIRMED DECAUSE APPELLANT FAILED TO PROPERLY SERVE THE CCU RESPONDENTS. FAILED TO STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION AGAINST THE CCU RESPONDENTS, ALREADY HAS ANOTHER ACTION PENDING AGAINST CCU AND ITS PRESIDENT. AND OTHERWISE**

CANNOT PURSUE THE RECOVERY OF PUNITIVE DAMAGES AND INTEREST”.

Appellant properly served all the CCU Respondents. Rule 4(d)(3), Rule 8(a), SCRCP

10. RE: “Appellant’s Case Was Properly Dismissed Due to the Failure to State a Claim under Rule 12(b)(6), SCRCP”.

Appellant claim was proper and the case should not have been dismissed. Rule 3, SCRCP.

11. RE: “Appellant’s Case Was Properly Dismissed as & Duplicative Action Under Rule 12(b)(8), SCRCP.

This is not a duplicate case, and it should not have been dismissed.

12. RE: “Appellant’s Prayer for Punitive Damages and Interest Was Properly Dismissed as a Matter of Law”.

Rule 12(1), SCRCP, and Rule 12(b)(6), SCRCP do not justify the dismissal.

13. RE: “THIS COURT SHOULD REJECT ANY ANCILLARY ISSUES RAISED BY APPELLANT AS BEING WITHOUT MERIT”.

Appellant contends that when the Rules of Civil Procedures are properly viewed, in the context and the from the position of Primacy, Respondents position, in this case, in total, will be seen as being without merit.

CONCLUSION

Appellant bases his position, at this stage, upon the above and includes the afore mentioned Initial Brief. He looks forward to providing all necessary documentation in his Designation of matters to be included in the Record on appeal.