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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

David S. Graham, Circuit Court Judge

Case No. 2025-CP-10-04948
Appellate Case No. 2026-002211

Anthony G. Bryant,.....Appellant,

v.

Oak Harbor Health, Audrey Johnson, and Ashley River Health, ... Respondents.

RESPONDENTS' RETURN TO APPELLANT'S PETITION

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Attorneys for Respondents Oak Harbor Health and Ashley River Health

Respondents Oak Harbor Health and Ashley River Health (collectively, "these Respondents"), by and through undersigned counsel, hereby submit this Return in opposition to Appellant Anthony G. Bryant's Petition pursuant to Rule 240(e) of the South Carolina Appellate Court Rules ("SCACR"), and respectfully request that this Court deny Appellant's Petition. In support thereof, Respondents would respectfully show unto this Honorable Court as follows:

I. PROCEDURAL BACKGROUND

1. Appellant has served these Respondents with a Petition which appears to be directed to the Supreme Court of South Carolina (rather than the Court of Appeals) asking the Court to grant default judgment against Respondents in connection with the underlying civil action pending in the circuit court[1].

2. Appellant previously filed motions seeking default judgment against Respondents in the circuit court. In reply, these Respondents filed a Motion to Dismiss Complaint and to Deny Plaintiff's Motions for Entry of Default and Default Judgment with the circuit court.

3. The circuit court has not ruled upon Appellant's motions for default judgment, nor has it ruled upon these Respondents' Motion to Dismiss Complaint and to Deny Plaintiff's Motions for Entry of Default and Default Judgment. Attached as Exhibit A are notices of hearing on these motions which have been scheduled to be heard on November 16, 2026 by the Honorable Judge Misti Shelton. Accordingly, no order granting or denying those motions has been entered by the circuit court.

[1] The Petition seeks other relief unrelated to the Respondents. These Respondents do not feel there is a need to address those unrelated issues, but if this Court determines they should be addressed by these Respondents, these Respondents respectfully request notification of same and additional time in which to respond.

4. Notwithstanding the absence of any ruling by the circuit court, Appellant now seeks an order from this Court granting default judgment against Respondents.

5. Appellant's Motion is procedurally improper because it seeks appellate relief concerning matters that have not been decided by the circuit court and for which there is no appealable order.

II. ARGUMENT

A. Appellant's Motion is premature because the circuit court has not ruled upon the motions for default judgment.

6. The jurisdiction of the South Carolina Court of Appeals is appellate in nature. The Court generally reviews rulings and orders entered by the lower courts rather than deciding motions pending before those courts in the first instance.

7. Rule 201, SCACR, governs the right to appeal from decisions of the lower courts. The existence of an appealable order is a necessary prerequisite to appellate review of a circuit court ruling.

8. Here, the circuit court has not issued any ruling on Appellant's motions for default judgment or Respondents' Motion to Dismiss Complaint and to Deny Plaintiff's Motions for Entry of Default and Default Judgment. Consequently, there is no decision concerning those motions for this Court to review.

9. Appellant's request that this Court grant default judgment would improperly require the Court of Appeals to exercise original jurisdiction over motions that remain pending before the circuit court.

10. Appellant cannot circumvent the circuit court's responsibility to decide those motions by requesting that the Court of Appeals grant the relief sought before the circuit court has ruled.

11. Accordingly, Appellant's Motion is premature and should be denied.

B. The Court of Appeals is not the proper forum for the initial determination of Appellant's motions for default judgment.

12. Rule 55, SCRCP, governs the entry of default and default judgment in civil actions pending before the circuit court.

13. Whether Appellant is entitled to default judgment against any Respondent is a matter that must initially be determined by the circuit court pursuant to the applicable Rules of Civil Procedure.

14. Such a determination may require consideration of the pleadings, the procedural history of the action, the sufficiency of service of process, and any defenses or objections raised by Respondents.

15. These issues have not been resolved by the circuit court. It would therefore be inappropriate for this Court to undertake their initial determination.

16. Appellant's Motion effectively asks this Court to bypass the circuit court and grant substantive relief without any underlying ruling establishing an appropriate basis for appellate review.

17. The proper procedure is for Appellant to obtain a ruling from the circuit court on his pending motions. Any subsequent appellate review would be subject to the applicable requirements governing appealability, preservation of error, and appellate jurisdiction.

C. Appellant has failed to establish any legal basis for the relief requested.

18. Rule 240, SCACR, governs the procedure for filing and responding to motions or petitions in the appellate courts. It does not independently confer jurisdiction upon the Court of Appeals to decide matters that have not been adjudicated by the lower court.

19. The mere filing of a motion in the Court of Appeals does not provide a basis for the Court to exercise jurisdiction over a request for default judgment that remains pending before the circuit court.

20. Because Appellant has identified no circuit court ruling granting or denying his motions for default judgment or Respondents' Motion to Dismiss Complaint and to Deny Plaintiff's Motions for Entry of Default and Default Judgment, there is no basis for the appellate relief requested.

21. These Respondents expressly reserve all defenses, objections, and arguments concerning Appellant's underlying motions for default judgment, including all arguments concerning the procedural and substantive propriety of the relief requested.

22. These Respondents respectfully submit that Appellant's Petition should be denied to allow for the circuit court's consideration and disposition of the pending motions in accordance with the South Carolina Rules of Civil Procedure.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, Respondents Oak Harbor Health and Ashley River Health respectfully request that this Honorable Court:

1. Deny Appellant Anthony G. Bryant's Motion seeking default judgment against these Respondents;

2. Decline to consider or adjudicate the merits of Appellant's pending motions for default judgment in the first instance;

3. Leave the determination of those motions to the circuit court; and

4. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 23rd day of October, 2026

Holcombe Bomar, P.A.

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Attorneys for Respondents Oak Harbor Health and Ashley River Health

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **Respondents' Return to Appellant's Petition** upon Anthony G. Bryant by mail and email on this 23 day of October, 2026.

Holcombe Bomar, P.A.

s/W. McElhaney White

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Attorneys for Respondents Oak Harbor Health and Ashley River Health

Exhibit A

Mac White

From: cpas@charlestoncounty.org
Sent: Thursday, October 22, 2026 2:58 PM
To: Mac White
Cc: CPDocket@charlestoncounty.org
Subject: Motion "MDISMS-Motion/Dismiss" for Case "2025CP1004948-Anthony G Bryant VS Oak Harbor Health , defendant, et al" was added to a Motions Roster for 11/16/2026 at 9:30 AM

Motion(s) on the above referenced case will be heard by the Honorable Judge Misti Shelton, on the above specified date and time. This hearing will be held via the WebEx Virtual Courtroom. To access the Virtual Courtroom go to the South Carolina Judicial Website at SCCOURTS.ORG. Click "Calendar", then "Monthly View", then "Circuit" on the day your hearing is scheduled. Scroll until you find Judge Misti Shelton, then click the "Virtual Courtroom" link. Please enter your full name and email address to join. Email all supporting documents you would like for Judge Shelton to review to msheltonj@sccourts.org and msheltonlc@sccourts.org by noon on November 13, 2026.
For questions or to update the status of your motions, please contact Joy Johnson at jsjohnson@charlestoncounty.org or 843-958-5049.

Mac White

From: cpas@charlestoncounty.org
Sent: Thursday, October 22, 2026 2:58 PM
To: Mac White
Cc: CPDocket@charlestoncounty.org
Subject: Motion "MDEFJM-Motion/Default Judgment &/or Motion/Constitution Due Process" for Case "2025CP1004948-Anthony G Bryant VS Oak Harbor Health , defendant, et al" was added to a Motions Roster for 11/16/2026 at 9:30 AM

Motion(s) on the above referenced case will be heard by the Honorable Judge Misti Shelton, on the above specified date and time. This hearing will be held via the WebEx Virtual Courtroom. To access the Virtual Courtroom go to the South Carolina Judicial Website at SCCOURTS.ORG. Click "Calendar", then "Monthly View", then "Circuit" on the day your hearing is scheduled. Scroll until you find Judge Misti Shelton, then click the "Virtual Courtroom" link. Please enter your full name and email address to join. Email all supporting documents you would like for Judge Shelton to review to msheltonj@sccourts.org and msheltonlc@sccourts.org by noon on November 13, 2026.
For questions or to update the status of your motions, please contact Joy Johnson at jsjohnson@charlestoncounty.org or 843-958-5049.

Mac White

From:	cpas@charlestoncounty.org
Sent:	Thursday, October 22, 2026 2:58 PM
To:	Mac White
Cc:	CPDocket@charlestoncounty.org
Subject:	Motion "MOFREE-Motion/Entry of Default" for Case "2025CP1004948-Anthony G Bryant VS Oak Harbor Health , defendant, et al" was added to a Motions Roster for 11/16/2026 at 9:30 AM

Motion(s) on the above referenced case will be heard by the Honorable Judge Misti Shelton, on the above specified date and time. This hearing will be held via the WebEx Virtual Courtroom. To access the Virtual Courtroom go to the South Carolina Judicial Website at SCCOURTS.ORG. Click "Calendar", then "Monthly View", then "Circuit" on the day your hearing is scheduled. Scroll until you find Judge Misti Shelton, then click the "Virtual Courtroom" link. Please enter your full name and email address to join. Email all supporting documents you would like for Judge Shelton to review to msheltonj@sccourts.org and msheltonlc@sccourts.org by noon on November 13, 2026.
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