

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM EDGEFIELD COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Hon. Brian M. Gibbons, Circuit Judge

Case No. 2022-CP-19-0114
Appellate Case No. 2026-000959

George William Rauton, III, Petitioner,

vs.

Patsy R. Lightle, Respondent.

PETITIONER'S REPLY BRIEF

October 30, 2026

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The Court of Appeals erred in declining to consider any of the issues raised in Petitioner's brief below and premising its ruling on the absence of a broad general request to “formally recognize the tort of intentional interference with inheritance” because that issue was not squarely ruled upon by the trial court, was not contested by the parties, and to the extent it was addressed, was resolved in Petitioner's favor.....	1
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Argument

The Court of Appeals erred in declining to consider any of the issues raised in Petitioner's brief below and premising its ruling on the absence of a broad general request to “formally recognize the tort of intentional interference with inheritance” because that issue was not squarely ruled upon by the trial court, was not contested by the parties, and to the extent it was addressed, was resolved in Petitioner's favor.

Respondent's Brief quotes the late, lamented Chief Judge Sanders' opinion in *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 331 fn4, 730 S.E.2d 282, 286 (2012) which likens the appellate courts to well-behaved children who do not answer that they are not asked. However, not every question a party asks will be answered. In an example Judge Sanders might have approved of, our appellate courts would not weigh in on the question of “the meaning of life, the universe, and everything?”¹

The questions that are answered involve a ruling, made in a specific case, which are prejudicial to the party asking the question. As outlined in Petitioner's Brief, a broad question seeking a general statement on the recognition of the tort of intentional interference with inheritance, would have violated SCACR Rule 208(b)(1)(B) in the Court of Appeals and would be even less appropriate on Certiorari.

Respondent's assertion regarding a SCRCR Rule 59(e) motion also misses the prejudice element under the rule. The language in the trial court's order is set forth in detail in Petitioner's Brief, including the fact the issue of the existence of the tort was not contested: “Defendant agrees that Judge Norton’s prediction is well-reasoned and that the South Carolina Supreme Court would likely recognize Intentional Interference with Inheritance.” (Emphasis added, Order appealed from (App. p. 5, R. p. 3).

¹ See *The Hitchhiker's Guide to the Universe*, Douglas Adams 1979

Filing a Rule 59(e) motion on an uncontested issue where the parties agree with position of the movant, and the trial court ruled on another basis is in no way required and would serve no purpose.

In this matter, Petitioner appealed the ruling which the trial court actually made, which was prejudicial to Petitioner, and the merits of the appeal on that issued should have been addressed by the Court of Appeals

Conclusion

The established authority on issue presentation means a broad request to “formally recognize” the existence of the tort of intentional interference with inheritance was not essential to consideration of the issues that were actually raised and contested by the parties and that were actually ruled upon by the trial court in a manner that was prejudicial to Appellant.

For the foregoing reasons, this Court should reverse the Court of Appeals Order affirming trial court's order of dismissal.

Respectfully submitted,

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