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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge
Trial Court Case No. 2020-CP-08-01232

Appellate Case No. 2023-001703
Court of Appeals Opinion Number 2026-UP-307
(Filed June 24, 2026, rehearing denied August 24, 2026)

Mia Anderson, on Behalf of the Estate of Jessie Heyward
a/k/a Jessie Bell Anderson, ...Respondent,

v.

Richard Miles Thompson, M.D. and ACS Primary Care
Physicians – Southeast, P.C., ... Petitioners.

REPLY TO RETURN TO PETITION FOR WRIT OF CERTIORARI

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November 16, 2026

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RULES

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ARGUMENT

Clerk's Rejection was Required by Law, and Service Does Not Relate Back.

The Court of Appeals erred when it chose to ignore the express mandate of Rule 4(d) Clerk Review ("The Clerk of Court shall promptly review an Electronic Filing to determine whether it conforms to applicable filing requirements") and when it chose to ignore the express authority granted to clerks to reject nonconforming filings. The Court of Appeals chose to ignore those Rules in favor of Section10(b)(2), SCEF which simply states who is responsible if someone's privacy rights are violated by improper inclusion of personal identifiable information in filings.

The Clerk of Court complied with her authority – her mandate – to review the filing when she came into her office the morning of the eleventh day. Finding that the system had transmitted a Notice of Electronic Filing the night before, she properly sent a new NEF informing all counsel that she rejected the document. As a result of the rejection, by Rule the previous night's NEF "shall not be effective as proof of service." Section 4(d)(2), SCEF.[1]

No rule of civil procedure, no rule of electronic filing, and no South Carolina case state that service of a motion relates back to the date of a properly rejected electronic filing.

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[1] Ms. Anderson properly states in her Return to our Petition that it was the NEF that was served on trial counsel on the date of attempted filing and not the motion itself. Resp. Ret. to Pet., Pg. 7. The motion was served the next day - a day late.

The Respondent Failed to Raise a Proper Objection to Remove a Juror.

Read as a whole, the trial transcript shows a skilled trial lawyer downplaying an issue about a juror and then not taking the trial court up on its offer to reconsider and possibly replace the juror just before deliberations.

A clear example is where Ms. Anderson's attorney said she had "a small issue that we would like to address with you---." (R. p. 117, lines 10 – 11). After a discussion, the trial judge asked if "both of y'all want me to remove the foreperson from the jury," and Ms. Anderson's counsel replied, "Or check in with her, because something is different today with her than yesterday and the day before" (R. p. 119, lines 2 - 4), followed by, "We just wanted to bring that to your attention." (R. p. 120, lines 19 – 20).

This was not a clear request that counsel wanted this juror gone. This is soft-pedaling *par excellence*, leaving Ms. Anderson with an ace up her sleeve and now appealing because she lost. Our jurisprudence rejects this strategy. *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000); and *Cox v. S.C. Educ. Lottery Comm'n*, 441 S.C. 209, 893 S.E.2d 342 (Ct. App. 2023).

CONCLUSION

We ask the Court to grant *certiorari* and reverse the opinion of the Court of Appeals. The Notice of Appeal was filed late; no final ruling was made about questioning the forelady; no appealable issue was raised to the trial court with sufficient specificity; Appellant did not herself renew her vague request to remove the juror or "check in with her"; neither side renewed anybody's request

for an inquiry into the juror; Appellant did not herself make the motion at the end of the trial; and the trial court did not abuse its discretion.

Appellant got her fair trial.

All of which is respectfully submitted.

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