

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
The Honorable Edgar W. Dickson

Appellate Case No. 2018-002002

IN RE: TRUST EIP CREATED UNDER THE LAST WILL AND TESTAMENT OF
EUNICE I. PAGE DATED OCTOBER 14, 1992,

RICHARD S. HENSON AND VANN KENNETH HENSON..... Respondents,

v.

ALBERT T. HENSON, JR., AND JULIAN REID HENSON, Respondents in the Court below,

Of Whom ALBERT T. HENSON is the Petitioner.

RETURN TO PETITION FOR WRIT OF CERTIORARI

Trudy H. Robertson
Paul M. Lynch
E. Brandon Gaskins
MOORE & VAN ALLEN PLLC
P.O. Box 22828
Charleston, SC 29413-2828
(843) 579-7000
ATTORNEYS FOR RESPONDENTS

Other Counsel of Record:
Daniel F. Blanchard, III
ROSEN, ROSEN & HAGOOD, LLC
151 Meeting Street, Suite 400
Post Office B ox 893
Charleston, SC 29402
(843) 577-6726 Telephone
ATTORNEYS FOR PETITIONER

COUNTER-STATEMENT OF THE QUESTIONS PRESENTED

- I.** Did the Court of Appeals and circuit court correctly conclude that the appointment of a special fiduciary as an interim trustee of a trust is not an immediately appealable final order?
- II.** Should the appeal be dismissed because it is now moot?

INTRODUCTION

This appeal, which arises from the probate court's appointment of an interim trustee, does not present any novel or substantial questions of law. On appeal from the probate court, the circuit court applied established law and correctly concluded that the probate court's appointment of an interim trustee was not a final, immediately appealable order under S.C. Code Ann. § 62-3-308. The Court of Appeals later affirmed in an unpublished opinion. While the case was pending, the underlying issues involved in Petitioner's appeal became moot. Against this procedural background, Petitioner fails to present any compelling reason why the Court should grant certiorari.

First, the case does not present any novel issues of law. Both this Court and the Court of Appeals have previously ruled that interlocutory orders, such as the appointment of an interim trustee in this case, are not immediately appealable under § 62-3-308. Petitioner cannot identify any decision of this Court which conflicts with the Court of Appeal's decision below, and he relies on factually distinguishable cases from other jurisdictions. Thus, his efforts to avoid the application of the controlling law to this case are unconvincing.

Second, the unpublished decision of the Court of Appeals does not involve any important or substantial questions of law. In his petition, Petitioner alleges that the Court of Appeals' resolution of the case "will fundamentally curtail" probate court orders and will create an appellate system that is "incongruent and irrational," as well as "illogical and

contradictory.” Appellant’s dire predictions, however, are contradicted by Rule 268(d)(2), SCACR, which dictates that the Court of Appeals’ decision has no precedential value beyond this case. While this case is obviously important to the parties, the Court of Appeals’ unpublished decision does not constitute a threat to the appellate system as Appellant suggests.

Third, there is no need for further appellate review because the underlying challenge to the probate court’s appointment of the interim trustee is moot. Since the appeal was filed, the note and mortgage extended by the interim trustee under authority granted by the appealed order has been further modified and extended on two occasions by consent of the parties. Therefore, the Court’s resolution of the appeal will have no legal effect upon the existing controversy.

For these reasons and as explained further below, Petitioner’s Petition for Writ of Certiorari should be denied in its entirety.

COUNTER-STATEMENT OF THE CASE

This petition results from the Court of Appeals’ unpublished opinion affirming the circuit court’s dismissal of an appeal from the Dorchester County Probate Court’s appointment of an interim trustee under S.C. Code Ann. § 62-7-704(e). The circuit court dismissed Petitioner’s appeal of the Probate Court’s order because it was not a final order subject to immediate appeal under S.C. Code Ann. § 62-1-308.

Eunice I. Page, the grandmother of Respondents Richard S. Henson and Vann Kenneth Henson and Petitioner Albert J. Henson, Jr., owned real property located at 605 North Main Street, Summerville, South Carolina, which was transferred to the Trust EIP created under her Will (the “Trust”). (R. pp. 297-310, 311-313.) Petitioner and Respondents are brothers and beneficiaries of the Trust. Respondents assert that the

property is the sole asset of the Trust. (R. pp. 48-50.) Petitioner denies that the property is an asset of the Trust and instead claims that Ms. Page conveyed the property to him prior to her death. (R. pp. 83-90.)

Ann Pittillo, Petitioner's and Respondents' mother, served as trustee of the Trust until her death in 2014. (R. pp. 47-82.) Prior to her death, Ms. Pittillo, as trustee, executed a promissory note borrowing \$100,000, which was secured by a mortgage on the property. (R. pp 256-257, 265, 314-315.) The promissory note provided that if it was not paid off on or before December 3, 2016 the Trust would transfer title of the property to the lender in lieu of foreclosure. (*Id.*)

After Ms. Pittillo's death, Respondents filed in the Dorchester County Probate Court a Petition to Appoint a Successor Trustee of the Trust in January 2015. (R. pp. 21-46, 47-82) (Pet.; Am. Pet.) In the Amended Petition, Respondents claim that the trusteeship of the Trust is vacant, and they seek appointment of a successor trustee to administer the Trust. (*Id.*)

In October 2015, Respondents filed a Motion for the Appointment of a Special Fiduciary as an Interim Trustee and later filed subsequent Motions for an Expedited Hearing. (R. pp. 101-104, 105-121, 194-196.) Under those motions, Respondents sought, pursuant to S.C. Code Ann. § 62-7-704(e), the appointment of a special fiduciary who would serve as interim trustee of the Trust and, among other things, ensure that the property was not foreclosed upon by the lender who holds the mortgage. (*Id.*)

Dorchester County Associate Probate Judge Molly D. Edwards held a hearing on the Motion for the Appointment of a Special Fiduciary as an Interim Trustee in June 2016. (R. pp. 247-296.) On August 31, 2016, Judge Edwards issued an Order Appointing Special

Fiduciary as Interim Trustee, in which she appointed Ashley Andrews, Esq., as a special fiduciary to serve as interim trustee of the Trust pursuant to S.C. Code Ann. § 62-7-704. (R. pp. 1-11.)

Under the order, the interim trustee's powers are limited to the following: (1) negotiating with the lender and/or the parties to extend the due date of the current mortgage in order for litigation to be finalized or have the mortgage paid off prior to December 3, 2016; (2) determining if any other assets are titled to the Trust; (3) recovering all records Petitioner may possess regarding the alleged transfer of the property from Ms. Page to Petitioner; (4) collecting copies of all agreements Petitioner, Ms. Page, or Ms. Pittillo may have entered into with another party to lease the property; and (5) ensuring all actions taken by her are done in the interest of maintaining the status quo pending a final hearing on the merits in this case. (R. p. 10.) The Probate Court noted that the primary dispute regarding the ownership of the property was not before the Court and would be decided after a full merit's hearing. (R. p. 7.) In the order, the Probate Court expressly stated that it would not dispossess Petitioner of the property at that time. (R. p. 8.)

Petitioner, pursuant to S.C. Code Ann. § 62-1-308, appealed the appointment of the interim trustee to the Dorchester County Court of Common Pleas, and Respondents then moved to dismiss Petitioner's appeal. (R. pp. 181, 188-193.) After hearing the matter, the Honorable Edgar W. Dickson granted Respondents' motion to dismiss the appeal. (R. pp. 12-20, 320-362.) In dismissing Petitioner's appeal, Judge Dickson ruled that the Probate Court's order "is not appealable under S.C. Code Ann. § 62-1-308 because it provides only temporary relief and is not a final order." (R. p. 16.)

Petitioner then timely appealed to the Court of Appeals, which affirmed the circuit court's dismissal of the appeal in an unpublished opinion. While the appeal from the Probate Court was pending, the interim trustee extended the note for an additional year until December 3, 2017. Thereafter, the Probate Court decided that the appeal stayed the action during the pendency of the appeal. Because the action has been stayed and remains unresolved, the parties have consented to the Probate Court entering two separate consent orders that authorized the interim trustee to secure two additional one-year extensions of the note to prevent forfeiture of the property.

ARGUMENT

I. CERTIORARI SHOULD BE DENIED BECAUSE IT DOES NOT MEET THE REQUIREMENTS OF RULE 242, SCACR.

The Petitioner offers no compelling reason for this Court to review the unpublished decision of the Court of Appeals, in which none of the enumerated considerations favoring review under Rule 242(b), SCACR, are present.

“A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons.” Rule 242(b), SCACR. “Only when exceptional circumstances exist will the writ be issued.” Jean H. Toal, et al, Appellate Practice in South Carolina 275 (2d Ed. 2002). Rule 242(b) states:

The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

- (1) Where there are novel questions of law.
- (2) Where there is a dissent in the decision of the Court of Appeals.
- (3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.
- (4) Where substantial constitutional issues are involved.
- (5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

Rule 242(b), SCACR.

None of the enumerated reasons listed under Rule 242(b) are present in this case. First, there are no new or novel questions of law in this case. As explained below, the issues presented by this appeal have been previously resolved by this Court and the Court of Appeals. Second, the decision of the Court of Appeals was an unpublished decision with no judge dissenting. Third, there is no conflict between the Court of Appeals' decision and prior precedent of this Court. Fourth, there are no constitutional issues presented in this case. Finally, there are no federal questions involved. Because Petitioner sets forth no special or important reasons for review, this Court should deny the petition for certiorari.

II. THE COURT OF APPEALS CORRECTLY AFFIRMED THE CIRCUIT COURT'S FINDING THAT THE PROBATE COURT'S ORDER IS NOT A FINAL ORDER SUBJECT TO IMMEDIATE APPEAL UNDER S.C. CODE ANN. § 62-1-308.

The right of appeal is governed by statutory law. *Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Envtl. Control*, 387 S.C. 265, 266, 692 S.E.2d 894 (2010). Although S.C. Code Ann. § 14-3-330 generally governs the right to appeal, that statute does not apply when a specialized statute governing an appeal exists. *Id.*

In this case, Petitioner's argument that the order is immediately appealable is based on the incorrect assertion that S.C. Code Ann. § 14-3-330(3) and (4) governs its appealability. Contrary to Petitioner's claim, § 14-3-330 does not control Petitioner's appeal because appeals from the probate court are governed by a specialized statute, specifically § 62-1-308. Section 62-1-308(a) provides, in pertinent part, that a "person interested in a final order, sentence, or decree of a probate court and considering himself injured by it may appeal to the circuit court in the same county." Because § 62-1-308 is a more specific statute than the general appeal statute of § 14-3-330, § 62-1-308, and not §

14-3-330, governs whether the order is immediately appealable in this case. *See Long v. Sealed Air Corp.*, 391 S.C. 483, 486, 706 S.E.2d 34, 35 (Ct. App. 2011) (ruling that general appealability provisions of § 14-3-330 did not apply because more specific appeal provision of § 1-23-610 governed).

An order from the probate court that is not a final order is not reviewable under § 62-1-308. *Fulmer v. Cain*, 380 S.C. 466, 469, 670 S.E.2d 652, 654 (2008). Courts of common pleas lack subject matter jurisdiction over appeals of a temporary order issued by a probate court. *Boyce-Abel v. Work*, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991).

In this case, the Probate Court's order provides only temporary relief pending a final hearing on the merits, and it is not a final order subject to appeal under § 62-1-308. The temporary nature of the relief provided in the order is clear. The appointment of the interim trustee is *per se* temporary because it applies only in the interim period between the date of appointment and a final hearing on the merits. The order expressly limits the interim trustee's powers to maintaining the status quo "pending a final hearing on the merits." (R. p. 8.) In addition, the Probate Court was careful not to resolve the primary dispute between Petitioner and Respondents because that "will need to be decided after a full merit's hearing." (R. p. 7.) The order also did not dispossess Petitioner of his possession of the property and is instead a temporary measure intended to preserve the property from being transferred under mortgage. Therefore, the order is not an immediately appealable final order under § 62-1-308.

The South Carolina Court of Appeal's decision in *Boyce-Abel* is controlling on the issue of whether the Probate Court's appointment of an interim trustee is immediately appealable under § 62-1-308. In *Boyce-Abel*, the probate court appointed special

administrators of a decedent's estate until a personal representative could be formally appointed. *Id.*, 305 S.C. at 44, 406 S.E.2d at 185. The special administrators' siblings appealed the appointment to the circuit court, and the circuit court disqualified one of the special administrators. *Id.*

On appeal, the Court of Appeals vacated the circuit court's appellate decision and remanded the case to the probate court for further proceedings because the circuit court lacked subject matter jurisdiction over the appeal of the probate order. *Id.* According to the Court of Appeals, the circuit court did not have jurisdiction under § 62-1-308 because the probate court's appointment of the special administrators was not a final order. *Id.* Instead, the probate order was "clearly temporary" pending the formal appointment of a personal representative and only provided the special administrators with limited powers to administer the estate in an interim period. *Id.*

There is no material difference between the appointment of the special fiduciary as interim trustee in this case and the appointment of the special administrators in *Boyce-Abel* for the purpose of determining whether the order is a final order subject to appeal under § 62-1-308. Just as the appointment of the special administrators in *Boyce-Abel* was temporary, the appointment of the interim trustee in this case is similarly temporary. And like the special administrators appointed in *Boyce-Abel*, the interim trustee in this case is authorized only to perform certain acts to maintain the status quo until final resolution. Furthermore, the procedure used for the appointment of the special administrators in *Boyce-Abel* is the same procedure used in this case for the appointment of the interim trustee because § 62-7-704(e) provides that the "procedure for such appointment . . . shall be the same as set forth for special administrators" under § 62-3-614 of the probate code.

Thus, the appeal in *Boyce-Abel* arose from the same statutory procedure involved in this case, and *Boyce-Abel* directly controls the determination of the issue presented in this case.

III. A PROBATE COURT'S APPOINTMENT OF AN INTERIM TRUSTEE PURSUANT TO S.C. CODE ANN. § 62-7-704 IS NOT SUBJECT TO IMMEDIATE APPEAL UNDER S.C. CODE ANN. § 14-3-330(3) BECAUSE IT NEITHER ARISES FROM A SPECIAL PROCEEDING NOR AFFECTS A SUBSTANTIAL RIGHT.

Although Petitioner acknowledges that § 62-1-308 governs the appeal in this case, he devotes the overwhelming majority of his argument attempting to persuade the Court that the motion for appointment of an interim trustee under § 62-7-704(e) is a “special proceeding” which is subject to immediate appeal under § 14-3-330(3). In so doing, Petitioner relies on inapplicable case law from other jurisdictions which cannot override the Court’s decision in *Boyce-Abel*. The Court should reject Petitioner’s attempt to overcomplicate the simple issue that has been presented.

A. A motion to appoint an interim trustee under the Trust Code is not a special proceeding.

Assuming arguendo that § 14-3-330, rather than § 62-1-308, applies, Petitioner nevertheless fails to establish that the appointment of an interim trustee under the South Carolina Trust Code is a special proceeding. Because Petitioner cannot rely on any authority from South Carolina to support his argument, he relies solely on decisions from other jurisdictions involving the probate of wills and decedents’ estates in which certain decisions were deemed final orders in special proceedings. Notably absent from Petitioners’ litany of cases supporting his “special proceeding” argument, however, is a single case arising from an action seeking the appointment of a trustee to a vacant trusteeship, either on a permanent or temporary basis. Thus, the cases cited by Petitioner

cannot support the conclusion that a motion seeking the appointment of an interim trustee is a “special proceeding” under § 14-3-330(3).

Petitioner’s reliance on special proceedings involving the probate of wills and decedents’ estates arises from an apparent misunderstanding between the nature of actions under the South Carolina Trust Code and the administration of decedents’ estates under Article 3 of the South Carolina Probate Code. For example, Petitioner argues that South Carolina’s adoption of Section 3-107 of the Uniform Probate Code (codified as S.C. Code Ann. § 62-3-107) is “vitaly important to the resolution of the instant appeal,” but fails to recognize that Article 3 of the Probate Code does not govern actions arising under the Trust Code, such as this one.

Rather, the Trust Code is established under Article 7 of the Probate Code, which expressly states that the Trust Code does not apply to decedent’s estates and is thus separate and independent from Article 3. *See* S.C. Code Ann. § 62-7-102 (“This article does not apply to . . . administration of decedent’s estates . . .”). Moreover, judicial proceedings under the Trust Code are governed by § 62-7-201 – not § 62-3-107, and nothing in § 62-7-201 indicates that each separate motion or request for relief arising in an action involving the Trust Code is an independent special proceeding under § 14-3-330(3). As a result, Petitioner’s argument that § 62-3-107 renders a motion to appoint an interim trustee a “special proceeding” is misguided and incorrect.

B. The appointment of an interim trustee is not a final order affecting a substantial right.

Even if a motion to appoint an interim trustee under § 62-7-704(e) is a “special proceeding” under § 14-3-330(3), Petitioner cannot establish that the Probate Court’s order is a “final order affecting a substantial right” under that provision. As this Court has stated,

the “provisions of Section 14-3-330 . . . have been narrowly construed” to avoid “[p]iecemeal appeals.” *Hagood v. Sommerville*, 362 S.C. 191, 196, 607 S.E.2d 707 (2005). Although the term “substantial right” is not defined in § 14-3-330(3), that term is defined in § 14-3-330(2) to mean when an order “(a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof of any pleading in any action.” This Court has further clarified that “[o]rders affecting a substantial right discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense.” *Edwards v. SunCom*, 369 S.C. 91, 94, 631 S.E.2d 529, 530 (2006) (internal quotations omitted).

Here, the circuit court expressly found that, under the order, the Petitioner “has not lost or had affected any ‘substantial right’ as that term has been defined by South Carolina law.” (R. p. 18.) In arguing that the order did affect a “substantial right,” Petitioner ignores how “substantial right” has been defined under § 14-3-330 by the circuit court and other South Carolina courts. He instead advances a broader definition that is unsupported by South Carolina judicial precedent.

Petitioner asserts that the Probate Court’s order affects certain rights because (1) the interim trustee can extend or modify the preexisting loan to ensure that the property is not foreclosed upon before a hearing date; (2) he is required to turn over records to the interim trustee; and (3) the interim trustee will receive compensation. None of these temporary remedies affects substantial rights that would discontinue the action, prevent an appeal, grant or refuse a new trial, or strike an action or defense. Rather, the order merely ensures that the subject of this litigation is temporarily preserved so that the case can

proceed to a trial on the merits without prejudicing any parties. As a result, the order does not affect substantial rights which would warrant an immediate appeal. See *Terry v. Terry*, 400 S.C. 453, 457, 734 S.E.2d 646, 648 (2012) (holding that temporary order of family court granting temporary possession of marital residence, while clearly important to the parties, neither constituted a “substantial right” nor raised issues warranting immediate appellate court intervention).

IV. THE PROBATE COURT’S APPOINTMENT OF AN INTERIM TRUSTEE PURSUANT TO S.C. CODE ANN. § 62-7-704 IS NOT SUBJECT TO IMMEDIATE APPEAL UNDER S.C. CODE ANN. § 14-3-330(4) BECAUSE IT DID NOT ISSUE AN INJUNCTION.

Petitioner’s final argument mistakenly claims that the Probate Court’s order is immediately appealable as an order issuing an injunction under § 14-3-330(4) because the order’s practical effect is to restrain him from exercising complete and full ownership over his property. This argument misconstrues the nature of an injunction.

Injunctions or injunctive relief typically are characterized as mandatory injunctions or prohibitory injunctions. “A prohibitory injunction prohibits a party from taking action and preserves the status quo pending a determination on the merits of the action. A mandatory injunction orders a responsible party to take action.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878-79 (9th Cir. 2009); see also *Gore v. Skipper*, 255 S.C. 18, 21, 176 S.E.2d 569 (1970) (contrasting mandatory injunction against prohibitory injunction); *Sanford v. South Carolina State Ethics Comm’n*, 385 S.C. 483, 496, 685 S.E.2d 600, 607 fn. 6 (2009) (“A prohibitory injunction is defined as an injunction that forbids or restrains an act.”).

In this case, Petitioner fails to articulate how the order appointing an interim trustee for limited purposes constitutes either a prohibitory or mandatory injunction. It does not

restrain any party from taking action; nor does it require any party to take any action. Instead, as the circuit court properly recognized, the order merely authorized the interim trustee to negotiate an extension or modification of the loan and mortgage and seek information relating to the property and the Trust. The Probate Court purposefully avoided granting any relief which would have restrained Petitioner's control and possession over the property. The Probate Court further stated it was intentionally limiting the requested relief of Respondents to avoid issuing an injunction and would not dispossess Petitioner of the property. (R. pp. 7-8 ¶¶ 33-40.) Therefore, Petitioner's argument that the order effectively serves as an injunction subject to immediate appeal is incorrect and should be rejected.

V. PETITIONER'S APPEAL IS MOOT BECAUSE THE INTERIM TRUSTEE FULFILLED HER DUTIES UNDER THE ORDER OF APPOINTMENT AND THE RESOLUTION OF THIS APPEAL WILL HAVE NO PRACTICAL EFFECT ON THE UNDERLYING ACTION.

"An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy." *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). "A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy. This is true when some event occurs making it impossible for the reviewing court to grant effectual relief." *Id.*

In this case, the determination of whether the order appointing the interim trustee is subject to immediate appeal under § 14-3-330(3) or (4) is a moot and academic question that should be avoided because the Court's ruling would have no practical legal effect. As explained above, the interim trustee was authorized to performed limited tasks to preserve the property from being foreclosed upon prior to the final hearing on the merits. Petitioner acknowledges in his initial brief below that the interim trustee has fulfilled her duties by

extending and modifying the note and mortgage on the property. Petitioner does not argue that this extension and modification was ineffective or otherwise challenge it in this appeal. In fact, Petitioner has consented to the interim trustee renegotiating and extending the note and mortgage on two separate occasions during this appeal. Therefore, the Court's reversal of the circuit court's dismissal of Petitioner's appeal would have no practical effect on the underlying action or the parties' relationships to each other and the property. As a result, this appeal is moot and should be dismissed.

VI. THE COURT OF APPEALS CORRECTLY DECIDED THE STRAIGHTFORWARD QUESTION PRESENTED TO IT, AND PETITIONER HAS GROSSLEY OVERSTATED THE IMPORTANCE OF THE DECISION.

Petitioner also claims that the Court's unpublished opinion "will fundamentally curtail the types of Probate Court orders that are immediately appealable and will create an incongruent and irrational appellate system." Put simply, Petitioner has dramatically overstated the effect of the Court of Appeals' decision in this case, which is neither exceptional nor involves a novel question. Contrary to Petitioner's characterization, this case involves a simple, straightforward question: whether the appointment of a temporary interim trustee is a final order which is immediately appealable under S.C. Code Ann. § 62-1-308.

In his petition for certiorari, Petitioner lists several cases in which South Carolina appellate courts have found that non-final orders are immediately appealable under S.C. Code Ann. § 14-3-330. Without conducting any comparison of the facts and analysis of those cases to those involved in the present case, Petitioner resorts to hyperbole to predict judicial calamity will ensue if the Court does not reconcile its decision in this case under § 62-1-308(a) with prior decisions under § 14-3-330. According to Petitioner, the failure to

reconcile § 62-1-308 and § 14-3-330 “will demarcate a radical change to South Carolina law as heretofore understood by members of the bar.” Petitioner then alleges that such question “will fundamentally curtail” probate court orders and will create an appellate system that is “incongruent and irrational,” as well as “illogical and contradictory.”

Petitioner’s dire predictions, however, are contradicted by Rule 268(d)(2), SCACR, which dictates that the Court’s decision has no precedential value beyond this case. While this case is obviously important to the parties, the Court’s unpublished decision does not constitute a threat to the appellate system as Petitioner suggests, especially considering that issues of immediate appealability must be determined on a case-by-case basis. See *Morrow v. Fundamental Long-Term Care*, 412 S.C. 534, 537-38, 773 S.E.2d 144, 146 (2015) (“By its nature, the question of whether an order is immediately appealable is determined on a case-by-case basis.”). Contrary to Petitioner’s claims, this case does not present any important or substantial questions of law that justify certiorari.

CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Supreme Court deny Petitioner’s Petition for Writ of Certiorari.

Respectfully submitted,



Trudy H. Robertson (S.C. Bar No. 64856)

Paul M. Lynch (S.C. Bar No. 12833)

E. Brandon Gaskins (S.C. Bar No. 73274)

MOORE & VAN ALLEN PLLC

78 Wentworth Street

Charleston, SC 29401

(843) 579-7000

trudyrobertson@mvalaw.com

paullynch@mvalaw.com

brandongaskins@mvalaw.com

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Daniel F. Blanchard, III, Esquire
Rosen, Rosen & Hagood, LLC
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402

E. B. M.

Trudy H. Robertson (S.C. Bar No. 64856)

Paul M. Lynch (S.C. Bar No. 12833)

E. Brandon Gaskins (S.C. Bar No. 73274)

MOORE & VAN ALLEN PLLC

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