

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Brian M. Gibbons, Circuit Court Judge

Appellate Case No.: 2018-002272
Unpublished Opinion No. 2022-UP-023 (S.C. Ct. App. filed Jan. 12, 2022)

Desa Ballard, as successor
Trustee of the Trust of
Chris Combis Petitioner,

v.

Diane Combis, Chris A. Combis,
Redding Jones PLLC, Simon John
O'Brien, and Kent D. JonesDefendants,

of whom

Redding Jones PLLC, Simon John
O'Brien, and Kent D. Jones are..... Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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COUNTER-QUESTIONS PRESENTED

- I. Does Ballard’s Petition for a Writ of Certiorari present special and important reasons for this Court to grant its review?

- II. The Court of Appeals held that the *trial court* lacked jurisdiction to hear Ballard’s case because of lack of personal jurisdiction and improper venue. Yet Ballard erroneously argued that the Court of Appeals erred by: (a) determining that the *Court of Appeals* itself lacked jurisdiction to hear Ballard’s appeal; and (b) that South Carolina courts do not have subject matter jurisdiction over Ballard’s action. Can these non-existent holdings by the Court of Appeals be a reason for this Court to grant Ballard’s Petition?
- III. Section 15-7-10 requires actions for the determination in any form of the right or interest in real property to be filed in the county where the property is located. It is undisputed that Ballard filed her lawsuit in Lancaster County, South Carolina, and the subject properties are located elsewhere. Did the Court of Appeals err by holding that venue was improper?
- IV. At the trial court level, Respondent Redding Jones filed a motion to dismiss Ballard’s case based upon improper venue. The Court of Appeals affirmed dismissal of Ballard’s case in its entirety because venue was improper, which necessarily included dismissal of her claims against Redding Jones. Was affirming dismissal based upon venue procedurally proper by the Court of Appeals?
- V. Pursuant to the rule stated in *Futch v. McAllister*, the Court of Appeals does not have to decide every issue before it if other issues resolve the case. The Court of Appeals issued no holding regarding the merits of Ballard’s case because two jurisdictional defects, personal jurisdiction and venue, resolved the case. Was the decision by the Court of Appeals not to address the merits procedurally proper?
- VI. When the lower court affirms a dismissal based upon two separate grounds and only one ground is appealed, then the two-issue rule requires the lower court’s holding to be affirmed based upon the non-appealed issue. Dismissal of Ballard’s case against the individual lawyer Respondents was affirmed by the Court of Appeals based upon a lack of personal jurisdiction and improper venue, but Ballard only appealed the venue aspect. Can this Court grant review of the case against the individual lawyer Respondents?

COUNTER-STATEMENT OF THE CASE

Petitioner Desa Ballard (“Ballard”) is the successor trustee of the trust of Chris “Pop” Combis, patriarch of the Combis family. (Pet. p. 2). Issues arose after Pop’s

death, and Ballard filed a lawsuit in Lancaster County, South Carolina, against Pop's daughter-in-law, Diane, Diane's son (Chris), the law firm of Redding Jones, PLLC ("Redding Jones"), and two lawyers that worked for Redding Jones – Simon John O'Brien ("O'Brien") and Kent D. Jones ("Jones"). Together, O'Brien and Jones are the "Individual Lawyers," and, with Redding Jones, they are the Respondents. In the lawsuit, Ballard alleged that Respondents conspired with Diane and Chris to fraudulently convey assets, and Ballard asked the trial court to set aside the conveyances.

Relevant to Ballard's Petition, Respondents filed a motion to dismiss and argued that there was no personal jurisdiction over the Individual Lawyers, venue in Lancaster County was improper, and Ballard failed to state a claim. (App. pp. 233-45). There is no personal jurisdiction over the Individual Lawyers because their limited contacts with South Carolina did not give rise to Ballard's claims, and they do not have enduring relationships with South Carolina. (App. pp. 5-6 and 235-38). Venue is improper because the action requires a determination of rights and interests in real properties that are not located in Lancaster County, South Carolina. (App. pp. 238-41). Finally, there is no liability for lawyers or law firms for civil conspiracy with their clients based upon the facts that Ballard pleaded, even if Respondents had knowledge. (App. pp. 242-44).

The trial court granted Respondents' motion to dismiss based upon its determination that Ballard did not state a claim for civil conspiracy. (App. pp. 100-02). Ballard appealed this single issue to the Court of Appeals. (App. pp. 45-61).

Respondents responded to the civil conspiracy issue in their appellate brief and also argued alternative grounds to affirm the trial court's dismissal based upon venue and personal jurisdiction.¹ (App. pp. 63-87). Ballard replied to these alternative grounds. (App. pp. 34-44).

After oral argument, the Court of Appeals affirmed the trial court's dismissal in Unpublished Opinion No. 2022-UP-023 (the "Opinion"). (App. pp. 3-7). The Opinion was based upon the Court of Appeals' determination that the trial court lacked personal jurisdiction over the Individual Lawyers and that Lancaster County, South Carolina, was an improper venue for the entire case. (App. pp. 5-7). The Court of Appeals' Opinion did not address the validity or invalidity of the civil conspiracy claim against Respondents. (App. p. 7).

After the Opinion was issued, Ballard timely filed a Petition for Rehearing. (App. pp. 13-15). The Petition for Rehearing was denied, and this Petition followed. (App. pp. 1-2).

ARGUMENT

I. Ballard's Petition should be denied because there are no special or important reasons for review.

A petition for writ is not a matter of right, and it will only be granted when "there are special and important reasons." Rule 242(b), SCACR. *State v. Lyles*, 381 S.C. 442, 443-44, 673 S.E.2d 811, 812 (2009). Rule 242 provides a non-exhaustive list of five factors that may be used to determine whether there are special and

¹ It is proper for Respondents to make arguments asking the Court of Appeals to affirm the trial court's dismissal based upon any ground appearing in the record. Rule 208(b)(2), SCACR.

important reasons for review. Rule 242(b), SCACR. Ballard has limited her Petition to just two factors: alleged novel questions of law and an allegation that the Opinion conflicts with this Court's prior decisions. (Pet. p. 2 (*citing* Rule 242(b)(1) and (b)(3), SCACR)). Both arguments fail.

First, as discussed more fully in the sections below, the Opinion conforms to existing South Carolina precedent. Lancaster County, South Carolina, is an improper venue for Ballard's title-affecting action. *See* S.C.Code Ann. 15-7-10 (1976). The Court of Appeals did not have to evaluate every issue Ballard raised on appeal. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999). The Court of Appeals could affirm the trial court's dismissal based upon any reason evidenced by the record. *See* Rule 220(c), SCACR. Overall, the Court of Appeals properly applied existing precedent and affirmed the trial court's order, and there is no special or important reason for review.

Ballard argues that her civil conspiracy claim presents a novel question of law. (Pet. p. 5). Basic jurisdictional issues, however, prevent Ballard from prosecuting her lawsuit as filed (*see* App. p. 7), so the Court of Appeals did not have to determine the merits of Ballard's civil conspiracy claim. *See* Rule 220(c), SCACR. Any potential novel question of law is irrelevant, because there were independent grounds to affirm the trial court's dismissal. However, the civil conspiracy claim is not novel. Rather, as detailed in Section V below, precedent demonstrates that Ballard's civil conspiracy claim was properly dismissed. *See Paradis v. Charleston Cty. Sch. Dist.*, 433 S.C.

562, 574, 861 S.E.2d 774, 780 (2021), reh'g denied (Aug. 18, 2021) and *Gaar v. N. Myrtle Beach Realty Co.*, 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct. App. 1986).

II. The Court of Appeals correctly held that the *trial* court lacked jurisdiction to hear Ballard’s case, and Ballard’s first question cannot be grounds to grant the Petition.

As stated by Ballard, the first question presented in the Petition is a two-part inquiry. First, Ballard asks whether the Court of Appeals erred by holding that *it* lacked jurisdiction to consider the civil conspiracy issue on appeal. (Pet. p. 1). Ballard then asks if the Court of Appeals erred when it held that the trial court lacked *subject matter* jurisdiction because Ballard’s action “required a determination of title to real estate.” (Pet. p. 1). For multiple reasons, this pair of questions does not provide grounds to grant the Petition.

A. Ballard’s first question contains two factual errors that precludes it from being used as grounds to grant the Petition.

The Court of Appeals never ruled that *it* lacked jurisdiction to consider the issue presented on appeal. In fact, because it issued the Opinion, it necessarily determined that it did have jurisdiction to hear Ballard’s appeal. (App. pp. 5-7). Instead, the Court of Appeals simply determined that it did not need to reach the issue presented for appeal (the merits of the dismissal of the civil conspiracy) because of jurisdictional defects in Ballard’s action. (App. p. 7). The Court of Appeals’ holding that the *trial court* lacked jurisdiction is fundamentally different than a non-existent determination by the Court of Appeals that it itself lacked jurisdiction.

This leads directly to the second factual defect in Ballard’s first question. The Court of Appeals held that Ballard’s case was properly dismissed because of two

jurisdictional defects: there was no personal jurisdiction and venue was improper. (App. pp. 5-7). However, Ballard argues that the Court of Appeals determined that Ballard had a subject matter jurisdiction issue, but the Court of Appeals made no statements regarding subject matter jurisdiction in the Opinion. Subject matter jurisdiction, personal jurisdiction, and venue are fundamentally different concepts. Subject matter jurisdiction is “the power to hear and determine cases of the general class to which the proceedings in question belong,” and venue is “the place or geographical location of trial.” *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 237–38, 442 S.E.2d 598, 600 (1994) (all internal citations and quotations omitted). “The propriety of either is independent of the other.” *Id.* at 238. Personal jurisdiction—a court’s ability to exercise authority over a person—is also different than both subject matter jurisdiction and venue. *Cribb v. Spatholt*, 382 S.C. 490, 497, 676 S.E.2d 714, 718 (Ct. App. 2009).

The Petition cannot be granted as to Ballard’s first question because it is based upon two factual inaccuracies. Necessarily, there cannot be a special and important reason to review the Court of Appeals determinations that *it* lacked jurisdiction and South Carolina lacked *subject* matter jurisdiction because the Court of Appeals never made these determinations.

B. Ballard’s first question was not raised in her Petition for Rehearing and, therefore, is improper.

“Only those questions raised in the Court of Appeals *and* in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court.” Rule 242(d)(2), SCACR (emphasis added). Each

point in a petition for rehearing must be “stated with particularity.” Rule 221(a), SCACR. The points must be “distinctly stated” to provide clarity to the reviewing court so the reviewing court does not have to “ ‘grope in the dark’ to ascertain the precise point at issue.” *Cf. Herron v. Century BMW*, 395 S.C. 461, 466, 719 S.E.2d 640, 643 (2011) (citations omitted) (noting similarities between issue preservation from the trial court to appellate court and issue preservation from the Court of Appeals to this Court). The Petition for Rehearing raised seven issues, but none of them distinctly raised subject matter jurisdiction or whether the Court of Appeals held that it did not have jurisdiction to consider the issue on appeal. (*See App. pp. 13-15*). Therefore, Ballard’s first question raises issues not presented in her Petition for Rehearing, and the current Petition should be denied.

III. The Court of Appeals properly ruled on the venue issues.

Ballard may claim her first question is an attempt to argue that the Court of Appeals erred by holding that venue was improper in Lancaster County, South Carolina. If this Court interprets the first question in the Petition as an attack on the Court of Appeals’ holding as to venue, the Petition must still be denied.

It is well-established that venue for actions “for the determination *in any form of the right or interest*, and for injuries to real property” is proper only in the county where the property is situated (subject to non-applicable exceptions). S.C.Code Ann. 15-7-10 (1976) (emphasis added). As clear South Carolina precedent establishes, and as cited by the Court of Appeals in its Opinion, this section applies to “any action” requiring a determination in “any form” of a right or interest in real property. *Truck*

South, Inc. v. Patel, 339 S.C. 40, 45, 528 S.E.2d 424, 427 (2000). Ballard’s argument that the Opinion cited no precedent specific to fraudulent conveyances fails. (Pet. p. 6). All that must be shown is that the character of the allegations in the Complaint satisfy § 15-7-10. *See id.* at 339 S.C. 40, 46, 528 S.E.2d 424, 427.

Ballard argues that her case is not covered by § 15-7-10 because she does not dispute the title to the properties at issue. (Pet. p. 6). However, this argument ignores the facts pleaded by Ballard and the fact that § 15-7-10 does not apply only to title determinations. Ballard asked the Court to determine whether “South Carolina courts cannot entertain actions for damages for fraudulent conveyance when the real property involved is located in a different state.” (Pet. p. 7). This question conflates the issue decided by the Court of Appeals. The venue issue is not whether *South Carolina* courts cannot hear *fraudulent conveyance* cases if the property is *located in another state*. The venue issue is that a trial court in a *county* in South Carolina cannot hear *any* case if the case requires a *determination of any rights or interest in the property* and the property is located in a different county. *See* S.C.Code Ann. 15-7-10 (1976).

Ballard’s complaint contains numerous allegations that require a determination of the parties’ rights and interests in the subject real properties. First, Ballard’s entire second cause of action is to set aside alleged fraudulent conveyances. (App. pp. 274-75). Then, in the prayer for relief, Ballard asked for the following:

B. Declaring the purported transfer [of] George’s interest in the Brevard Street property was void *ab initio*, and title of a one-half undivided interest in the property remains in George’s name.²

² George is Pop’s son and Diane’s husband.

C. Declaring the purported transfer of George and Diane’s interest to Chris of the Carmel Park property was void *ab initio*, and title remains in George and Diane’s name.

(App. p. 275). Numerous other allegations in the Complaint require similar determinations. (*E.g.*, App. pp. 264-76 (Complaint) at ¶ 17 (transferor transferred unencumbered property), ¶¶ 17, 19, 23, 28-29, 31, 33, 46, and 50 (allegations that Respondents prepared deed to defraud Ballard by depleting assets available to Ballard), ¶ 21 (deed recorded by Respondents allegedly “transferred ownership of the property”), ¶ 26 (Respondents allegedly conspired to “transfer George’s interest in real property”), ¶¶ 25, 30, 34-35, and 47 (the transferees allegedly knew about the fraudulent conveyances and should not have an interest in the property), and ¶¶ 40-41 and 48-49 (alluding to the fact that collecting a judgment requires attempting to recover the subject property)).

Ballard’s supplemental Complaint, which is the pleading Ballard cites to show her action no longer contains a cause of action for equitable relief (Pet. p. 6 at FN 7) contains similar allegations. (*See* App. pp. 318-27). However, the supplemental Complaint does not include Respondents as defendants, and they are not expressly referenced in the allegations of the supplemental Complaint. (App. p. 318 at FN 1). Therefore, the substance of the supplemental Complaint should not be used to evaluate the Respondents’ motion to dismiss or any subsequent appeals related to Respondents.

A determination of the parties’ respective rights and interests in the subject properties is central to Ballard’s action. It seems undisputed that an action to set

aside a fraudulent conveyance, which would change title of property, implicates § 15-7-10 (Respondents doubt even Ballard would contest that conclusion). *See Truck Stop*, 339 S.C. at 46-48, 528 S.E.2d at 427-28 (applying § 15-7-10 to “an action to compel Patel to perform so that title, an interest in the real estate, can transfer”). Even if the Court evaluates the supplemental Complaint, which does not include Respondents as defendants and includes no demand to set aside conveyances, § 15-7-10 still applies. In the supplemental Complaint, Ballard’s claim for relief is still based upon an allegation of an underlying fraudulent conveyance, which fundamentally requires a determination of the parties’ rights and interests related to real property. The trial court necessarily must decide whether the transferor owned the properties unencumbered. The trial court must decide if consideration was received, which will involve an inquiry into what rights and interests were transferred and whether the value received was adequate. The trial court must decide if the alleged transfer actually transferred ownership and to what extent. The trial court must decide if the transferees knew about the relevant interests in the property. The trial court must decide if Respondents participated in effectuating the transfer of rights or interest in the real property. And the trial court must decide whether the transfer of the properties has impacted Ballard’s rights to collect a judgment by liquidating the property. These are all inquiries into the parties rights and interests in the subject property, and Ballard’s action must have been brought in the county where the property is located.

IV. Redding Jones moved for dismissal, which was properly granted.

In Ballard's second question, she alleges that it was improper for the Court of Appeals to dismiss Redding Jones *sua sponte* because, according to Ballard, Redding Jones did not seek dismissal and acknowledged it was subject to the personal jurisdiction of the trial court. (Pet. p. 1 and 7). This argument is legally and factually wrong.

Redding Jones did file a motion to dismiss. Page 262 of the Appendix is a trial court filing titled "Motion to Dismiss on Behalf of Defendants Redding Jones PLLC, Simon John O'Brien, and Kent D. Jones." The brief in support of this motion is also included in the Appendix. (App. pp. 233-45). The brief details that Redding Jones should be dismissed both because venue is improper and no claim has been stated against Redding Jones. (App. pp. 238-45).

Moreover, the Court of Appeals has the power to affirm a ruling for any reason that appears in the record. Rule 220(c), SCACR. This is true "regardless of whether those reasons have been presented to or ruled on by the lower court." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000). Even though Ballard appealed one issue—the merits of the civil conspiracy dismissal—the Court of Appeals could affirm the trial court's ruling for any reason appearing in the record. In this case, the motion and briefing regarding venue appeared in the record (the Bates Stamps from the record are visible on the bottom right corner of the motion and brief included with the Appendix filed by Petitioner), and the Court of Appeals held that the record confirmed that venue was improper for the entire action. (App.

pp. 6-7).³ Thus, even if Redding Jones was subject to personal jurisdiction in South Carolina, affirming the dismissal of Redding Jones was still appropriate because venue was improper over the entire action and, consequently, venue was improper as to the claims against Redding Jones.

V. **The Court of Appeals did not err when it decided not to address the merits of Ballard’s civil conspiracy claim; however, South Carolina precedent establishes that lawyers and law firms are not liable for civil conspiracy under the facts pleaded by Ballard.**

Ballard’s third question presented is whether the Court of Appeals erred by refusing to address the merits of her civil conspiracy claim by not analyzing whether “existing precedent” protects lawyers from civil conspiracy liability with their clients if the lawyers act knowingly and not in good faith. (Pet. pp. 7-8). But this issue was not raised with the required particularity in the Petition for Rehearing. *See* Rule 221(a), SCACR and Pet. Paragraph 7 of the Petition for Rehearing does generally address the merits of the alleged civil conspiracy, but it does not alert the Court of Appeals with particularity that Ballard viewed the error as failing to address precedent and failing to evaluate liability when lawyers allegedly act in bad faith. (App. p. 15). Thus, the Court of Appeals was not on notice of the specific mistake Ballard thought it made, and this question in the Petition is not properly before this Court. *See* Rules 221(a) and 242(d)(2), SCACR.

Moreover, in Ballard’s Appellant Brief, she emphasized a different argument about precedent to the Court of Appeals. In her stated issue, she did not argue that

³ Improper venue is a proper reason to dismiss a matter. Rule 12(b)(3), SCRPC.

existing precedent failed to address a lawyer's good faith. She argued that existing precedent failed to address a lawyer's *knowing* participation in a *client's* fraud. (App. p. 6). Ballard emphasized the issue of knowledge of a client's fraud in her Motion to Argue Against Precedent. (App. p. 29 at ¶¶ 2-3). If Ballard is now arguing that the issue with existing precedent is a lawyer's bad faith, then Ballard has not properly preserved this issue for appeal to this Court. *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 23, 602 S.E.2d 772, 779–80 (2004).

Further, if this Court decides to resolve Ballard's third question, the answer is a simple no: the Court of Appeals did not err when it decided not to address the merits aspect. The Court of Appeals does not have to decide every issue before it if other issues resolve the case. *Futch*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999); Rule 220(c), SCACR. The venue and personal jurisdiction issues were dispositive and required dismissal of Ballard's action, so no inquiry into the merits of the alleged civil conspiracy was required.

Finally, precedent shows that lawyers (and law firms) cannot be liable for civil conspiracy under the facts pleaded by Ballard.⁴ Ballard does not contest that precedent excludes lawyers from civil conspiracy liability with their clients when the lawyers act in good faith. (See Pet. pp. 7-8). And this is correct. See *Gaar*, 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct. App. 1986).

⁴ In the Petition for Rehearing and this Petition, Ballard has not argued that Respondents are liable because they owed an independent duty to Ballard or because Respondents acted outside their role as a lawyer. See generally Pet.; *Stiles v. Onorato*, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995). Her argument is solely based upon the knowledge and, now, the good faith of a lawyer. To the extent Ballard previously argued Respondents had an independent duty or acted outside their role as a lawyer, these arguments have been abandoned. See Rule 242(d)(2), SCACR.

Existing precedent of this Court also provides that attorneys are not liable for civil conspiracy even if they have knowledge. This Court recently clarified that the elements of a civil conspiracy are: “(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff.” *Paradis*, 433 S.C. 562, 574, 861 S.E.2d 774, 780 (2021). There has always been an unstated element for conspiracies: intent, which requires knowledge. *Id.* at FN 9. This makes sense—one cannot conspire to commit a wrong without knowledge.

So, to the extent Ballard contends that this case is different than existing precedent because of Respondents’ alleged knowledge, she is wrong. To even be actionable in the first place, civil conspiracies require knowledge. Lawyers, therefore, have been protected from civil conspiracy liability with their clients *even if they have knowledge*. Otherwise, it would not be an exception. Ballard’s third question presented cannot be a reason to grant the Petition because Ballard is wrong about the precedent.

VI. Ballard has not challenged the Court of Appeals’ holding that the trial court lacked personal jurisdiction over the Individual Lawyers; therefore, the Petition must be denied as it relates to the Individual Lawyers pursuant to the two-issue rule.

In its Opinion, the Court of Appeals affirmed the trial court’s dismissal of the Individual Lawyers for two reasons. First, the Court of Appeals held that the trial “court could not assert personal jurisdiction over” the Individual Lawyers. (App. pp. 5-6). Second, the Court of Appeals affirmed dismissal of the action—including the

claims against the Individual Lawyers—because venue was improper. (App. pp. 6-7). In the Petition, Ballard did not challenge the personal jurisdiction holding relating to the Individual Lawyers. (*See Pet.*). Consequently, the Petition must be denied as it relates to the Individual Lawyers pursuant to the two-issue rule.

The two-issue rule is the principle that when a decision is based on more than one ground, the reviewing court will automatically affirm unless all grounds are appealed. *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 328, 730 S.E.2d 282, 284 (2012); *Robinson v. Est. of Harris*, 388 S.C. 630, 641 at FN 8, 698 S.E.2d 222, 228 (2010) (holding that, where the Court of Appeals affirmed a trial court’s order based on two theories and only one theory was challenged, then the Court of Appeals’ holding on the other theory was “the law of the case” and basis for affirming the Court of Appeals (*citing Biales v. Young*, 315 S.C. 166, 168, 432 S.E.2d 482, 484 (1993))). In this case, the Court of Appeals affirmed the trial court’s dismissal of the Individual Lawyers based upon both lack of personal jurisdiction and venue. Ballard, if anything, challenged just venue, and she made no argument that the trial court has personal jurisdiction over the Individual Lawyers. Therefore, the Court of Appeals’ holding that there was no personal jurisdiction over the Individual Lawyers must remain the law of the case, and the Petition as it relates to the Individual Lawyers must be denied.

CONCLUSION

Ballard’s Petition suffers from numerous issues—both procedurally and on the merits—that should prevent this Court from granting her Petition. She has

misstated the Court of Appeals' holdings related to jurisdiction. She has failed to properly preserve issues for appeal, including issues related to venue and an attorney's liability for an alleged civil conspiracy with its client. She has ignored the fact that the Court of Appeals can affirm a trial court's dismissal based upon any reason appearing in the record. She has misapplied the application of the venue statute to her case, and she has failed to recognize that years of precedent already show that lawyers are not subject to liability for civil conspiracy with their clients, even if they have knowledge of a client's fraud. There are no special or important reasons for this Court to grant any portion of Ballard's Petition, and the Petition should be denied in its entirety.

Respectfully submitted, this the 8th day of April, 2022.

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