

**RECEIVED**

**Apr 25 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, Master in Equity

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Appellate Case No. 2022-000277

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Georgia Harrison, Barbara Harrison, Joyce Ellen Harrison,  
William S. Harrison III, Stanley Roberts, and Diana  
Mendheim, individually and as agent and attorney in fact,

Respondents.

v.

Stephanie Lorraine Kirkland, Gary Lamont Kirkland,  
Keita Nicole White and Cheryl Kirkland,

Appellants,

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APPELLANT'S AMENDED REPLY TO  
RESPONDENTS RETURN IN OPPOSITION TO  
APPELLANT'S MOTION TO HOLD OR  
RECALL REMITTITUR AND TO REINSTATE  
APPEAL and  
TO EXTEND TIME FOR FILING PROOF OF SERVICE

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Our Supreme Court has made a judicial distinction between jurisdictional defects and defects it called mere irregularities'. Leysath v. Leysath, 209 S.C. 342, 40 S.E.2d 233, 236-37 (1946 S. Ct.), The Supreme Court, Kittredge, J., held that failure to complete the pre-suit mediation process for medical malpractice claims in a timely manner does not divest trial court of subject matter jurisdiction, and dismissal is not mandated, and that the Circuit court retained jurisdiction after the expiration of the statutory 120-day pre-suit mediation process for medical malpractice claims. The Supreme Court similarly ruled upon this same principle of law in Ross v. Waccamaw Community Hosp. 404 S.C. 567, 44 S.E.2d 547(2013 S. Ct.)

This principle is applicable in this present matter. The timely filing of the notice of appeal is a jurisdictional requirement. The filing of the proof of service is a mere irregularity that may be cured. Rule 260, SCRA P provides the remedy and cure for this irregularity upon which the appellant's have filed its Motion for the reinstatement of the appeal.

Rule 260 SCRAP reads as follows:

**(a) Involuntary Dismissal and Reinstatement.** *Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).*

In touching upon the matter of Appellant's counsel not responding to the court's precautionary letter of March 24, 2020 counsel had previously stated to the court that his office had not received either an e-mail or written letter from the court. This was counsel's fervent belief. While reading a recent email sent from Respondent's counsel to [msingleton@sccourts.org](mailto:msingleton@sccourts.org), the thought occurred to me that she must be the court's coordinator assigned to our appeal. As I had not received any prior communications from her announcing herself as serving in that capacity I did not associate an email from her as coming from the court. I cross indexed her email address and then discovered that she had in fact sent to me an e-mail on March 24, 2022 with the court's letter attached.

What transpired was that her email was overlooked because it did not appear in the same format as the other emails sent to me by the Court. (See Exhibit 1) attached is the court's regular e-mail that readily catches my immediate attention. Exhibit 2 is the copy of the e-mail sent by Ms. Singletary on March 24, 2022. The difference is readable apparent.

Respectfully submitted,

The Houston Law Firm LLC  
1000 Main St., Suite 200 C  
Hilton head Island, SC 29926  
Phone; 843-715-9078  
*chouston@houstonlawfirm.net*

By: S/ Charles E Houston Jr.  
Charles E Houston Jr.  
Attorney for Appellants

April 24, 2022

Hilton Head Island, SC

SC Bar 2663

# Exhibit Z

**From:** Court Of Appeals Filings

**Sent:** Tuesday, March 29, 2022 3:34 PM

**To:** Tom Taylor; Singleton, Mary C.; Court Of Appeals Filings

**Cc:** Law Office of Chester C. Williams; Andre J. White; Charles E. Houston; Finger, Terry A.; Tom Johnson; Donna Taylor

**Subject:** RE: Motion to Dismiss in Harrison v. Kirkland, Case no. 2022-000277

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

**From:** Tom Taylor <tom@thomastaylorlaw.com>

**Sent:** Tuesday, March 29, 2022 1:28 PM

**To:** Singleton, Mary C. <msingleton@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>

**Cc:** Law Office of Chester C. Williams <firm@ccwlaw.net>; Andre J. White <andrewhite@mitchelville.com>; Charles E. Houston <chouston@houstonlawfirm.net>; Finger, Terry A. <tfinger@fingerlaw.com>; Tom Johnson <tom@johnsonslawoffice.com>; Donna Taylor <donna@thomastaylorlaw.com>

**Subject:** Motion to Dismiss in Harrison v. Kirkland, Case no. 2022-000277

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Singleton—Good afternoon. On behalf of the Respondents, please see the attached Motion to Dismiss, Exhibit A and Proof of Service that I ask you to file today. I am placing a check for the requisite \$50 filing fee made payable to the Court of Appeals, in the US Mail today along with the original of the cover letter.

Would you please electronically file the Motion, Exhibit A and Proof of Service this afternoon? Thank you very much.

Tom Taylor

*Thomas C. Taylor*

Law Office of Thomas C. Taylor, LLC  
22 Bow Circle, Suite A  
Hilton Head, SC 29928  
843-785-5050 (office)  
843-785-5030 (fax)  
843-301-6900 (cell)

Mailing Address:  
P.O. Box 5550  
Hilton Head, SC 29938

**From:** Court Of Appeals Filings

**Sent:** Wednesday, March 30, 2022 10:36 AM

**To:** Charles E. Houston; Court Of Appeals Filings

**Cc:** tom@thomastaylorlaw.com; Law Office of Chester C. Williams

**Subject:** RE: Appellate Case No.: 2022-000277

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

**From:** Charles E. Houston <[chouston@houstonlawfirm.net](mailto:chouston@houstonlawfirm.net)>

**Sent:** Wednesday, March 30, 2022 1:39 AM

**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>

**Cc:** tom@thomastaylorlaw.com; Law Office of Chester C. Williams <[firm@ccwlaw.net](mailto:firm@ccwlaw.net)>

**Subject:** Appellate Case No.: [2022-000277](#)

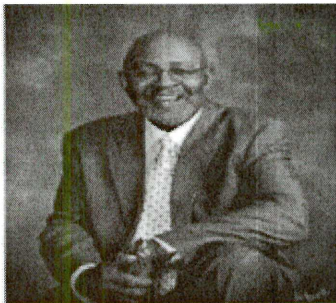
**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Dear Hon: Jenna Abbott Kitchings, Clerk

We are submitting for filing our request for an extension of time to file the Appellants' Reply and copy of our letter requesting a copy of the transcript.

Thank you.

Charles Houston



The Houston Law Firm, LLC  
1000 Main Street, Suite 200C  
Hilton Head Island, SC 29926  
Office: [843-715-9078](tel:843-715-9078)  
Email: [chouston@houstonlawfirm.net](mailto:chouston@houstonlawfirm.net)

**From:** Court Of Appeals Filings

**Sent:** Thursday, March 31, 2022 12:45 PM

**To:** Tom Taylor; Singleton, Mary C.; Court Of Appeals Filings

**Cc:** Law Office of Chester C. Williams; Charles E. Houston; Donna Taylor

**Subject:** RE: Supplemental filing of Exhibit G to Andre White Affidavit in 2022-000277

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

**From:** Tom Taylor <tom@thomastaylorlaw.com>

**Sent:** Thursday, March 31, 2022 12:21 PM

**To:** Singleton, Mary C. <msingleton@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>

**Cc:** Law Office of Chester C. Williams <firm@ccwlaw.net>; Charles E. Houston

<chouston@houstonlawfirm.net>; Donna Taylor <donna@thomastaylorlaw.com>

**Subject:** Supplemental filing of Exhibit G to Andre White Affidavit in 2022-000277

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Singleton—Good afternoon. Chet Williams and I represent the Respondents in this case. Charles Houston, copied on this email, represents the Appellants. I am attaching for filing please, the Respondents' Supplemental Filing of Exhibit G To The Affidavit Of Andre Johnny White Filed March 28, 2022, and a Proof of Service. Would you please file these and send us a pdf of the "clocked in" copies?

Thank you very much. Have a nice day.

Tom Taylor

*Thomas C. Taylor*

Law Office of Thomas C. Taylor, LLC

22 Bow Circle, Suite A

Hilton Head, SC 29928

843-785-5050 (office)

843-785-5030 (fax)

843-301-6900 (cell)

Mailing Address:

P.O. Box 5550

Hilton Head, SC 29938

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**From:** Court Of Appeals Filings  
**Sent:** Monday, April 4, 2022 10:23 AM  
**To:** Charles E. Houston; Court Of Appeals Filings  
**Cc:** tom@thomastaylorlaw.com; Law Office of Chester C. Williams; Dukes, Marvin H.  
**Subject:** RE: Appellate Case No 2022-000277 filing

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

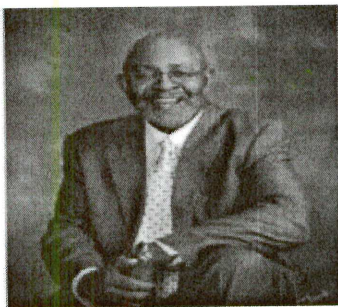
Thank you.

**From:** Charles E. Houston <chouston@houstonlawfirm.net>  
**Sent:** Friday, April 1, 2022 10:21 PM  
**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** tom@thomastaylorlaw.com; Law Office of Chester C. Williams <firm@ccwlaw.net>; Dukes, Marvin H. <mdukes@bcgov.net>  
**Subject:** Appellate Case No 2022-000277 filing

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Dear Madam Clerk:

I am submitting the attached documents for filing with the Court.  
Thank you.  
Charles Houston



The Houston Law Firm, LLC  
1000 Main Street, Suite 200C  
Hilton Head Island, SC 29926  
Office: 843-715-9078  
Email: [chouston@houstonlawfirm.net](mailto:chouston@houstonlawfirm.net)

**From:** Court Of Appeals Filings  
**Sent:** Monday, April 11, 2022 4:54 PM  
**To:** Tom Taylor; Court Of Appeals Filings; Singleton, Mary C.  
**Cc:** Law Office of Chester C. Williams; Andre J. White; Charles E. Houston; Donna Taylor  
**Subject:** RE: filing of Respondents' Return in 2022-000277, Harrison v. Kirkland

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

**From:** Tom Taylor <[tom@thomastaylorlaw.com](mailto:tom@thomastaylorlaw.com)>  
**Sent:** Monday, April 11, 2022 4:44 PM  
**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>; Singleton, Mary C. <[msingleton@sccourts.org](mailto:msingleton@sccourts.org)>  
**Cc:** Law Office of Chester C. Williams <[firm@ccwlaw.net](mailto:firm@ccwlaw.net)>; Andre J. White <[andrewwhite@mitchelville.com](mailto:andrewwhite@mitchelville.com)>; Charles E. Houston <[chouston@houstonlawfirm.net](mailto:chouston@houstonlawfirm.net)>; Donna Taylor <[donna@thomastaylorlaw.com](mailto:donna@thomastaylorlaw.com)>  
**Subject:** filing of Respondents' Return in 2022-000277, Harrison v. Kirkland

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Singleton—On behalf of the Respondents, please find attached our Return and Exhibits A-E. I am also attaching a Proof of Service. Please file these today. Thank you.

Please contact me if you have any questions.

Tom Taylor

*Thomas C. Taylor*

Law Office of Thomas C. Taylor, LLC  
22 Bow Circle, Suite A  
Hilton Head, SC 29928  
[843-785-5050](tel:843-785-5050) (office)  
[843-785-5030](tel:843-785-5030) (fax)  
[843-301-6900](tel:843-301-6900) (cell)

Mailing Address:  
P.O. Box 5550  
Hilton Head, SC 29938

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# Exhibit 2

**From:** Singleton, Mary C.

**Sent:** Friday, March 18, 2022 4:59 PM

**To:** Charles E. Houston; tom@thomastaylorlaw.com; firm@ccwlaw.net

**Cc:** Charlesehouston@icloud.com; bramspoint@outlook.com

**Subject:** Georgia Harrison v. Stephanie Kirkland//2022-000277

Dear Counsel:

Attached please find correspondence from the Court of Appeals.

Sincerely,

**Mary-Caitlyn Singleton**

Appeals Specialist

SC Court of Appeals

1220 Senate St.

Columbia, SC 29201

Ph: (803) 734-1890

F: (803) 734-1839

E-Filing Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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**Apr 25 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, Master in Equity

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Appellate Case No. 2022-000277

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Georgia Harrison, Barbara Harrison, Joyce Ellen Harrison,  
William S. Harrison III, Stanley Roberts, and Diana  
Mendheim, individually and as agent and attorney in fact,  
Respondents.

Stephanie Lorraine Kirkland, Gary Lamont Kirkland,  
Keita Nicole White and Cheryl Kirkland,  
Appellants.

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PROOF OF SERVICE

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I hereby certify that this law firm represents the Appellants in the above captioned matter and that on the date below at Hilton Head Island, South Carolina, I served a copy of the foregoing on the following persons by US mail, first class postage prepaid, and an electronic mail to his AIS email address:

Documents served:

(1) Proof of Service and

(2) Appellants' Amended Reply to Respondents' Return in Opposition to Appellants' Motion to Recall Remittitur and Grant Extension of Time to File Proof of Service; with Exhibit 1 and Exhibit 2 attached.

(3) Appellants Motion to File Appellants' Amended Reply to Respondents' Return in Opposition to Appellants' Motion to Recall Remittitur and Grant Extension of Time to File Proof of Service; Out of Time with Exhibit 1 attached.

**Parties Served:**


Thomas C. Taylor, Esq.  
Law Office of Thomas C. Taylor, LLC  
P.O. Box 5550  
22 Bow Circle, Suite A Hilton Head, SC 29928

Chester C. Williams, Esq.  
Law Office of Chester C. Williams, LLC  
17 Executive Park Road, Suite 2  
PO Box 6028  
Hilton Head Island, SC 29938-6028

**Attorneys for Respondents**

This 24<sup>th</sup> day of April, 2022 at Hilton Head Island , SC.

The Houston Law Firm LLC  
1000 Main Street, Suite 200C  
Hilton Head Island, SC 29926  
Phone:843-715-9078  
[chouston@houstonlawfirm.net](mailto:chouston@houstonlawfirm.net)

By 

Charles E. Houston, Jr.

SC Bar # 2663