

IN THE SOUTH CAROLINA
COURT OF APPEALS

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Jan 09 2023

SC Court of Appeals

LOIS SEABORN, PR
THE ESTATE OF
NATHANIEL J. COLBERT

APPELLANT

VS.

APPELLANT NO. 2022-1389

CPM FEDERAL CREDIT UNION;

RESPONDENTS

NOW COMES, Appellant Lois Seaborn, PR, pursuant to Rule 240 and Rule 240(f) SCACR by filing her Reply to Respondent's motion to dismiss.

Appellant hereby submit to this Honorable South Carolina Court of Appeals, supporting that Respondents' motion to dismiss should not be granted upon the basis of "presumptions" and/or "alleged" conduct of a third party, Appellant's nephew, Christopher Jones. The Respondents have not sighted any statute to support their motion to dismiss which is a drastic measure and would prejudice the Appellant unjustly. Contrary to Respondent's argument that the South Carolina Court of Appeals is not a proper forum for Appellants' claims against arbitration. The South Carolina Court of Appeals is the only proper forum with the authority to follow established precedent at this stage Respondents have failed to support this position in any meaningful way.

Appellant filed their motion to reinstate and motion for extension of time on November 23, 2022. Respondents filed their Return on December 28, 2022, more than 10 days after the Appellant's filing, therefore Respondents motion to dismiss is file out-of-time.\ and should not be granted.

Appellant intends to file its Designation of Matter which is supported by precedent from the South Carolina Court of Appeals, and the South Carolina Supreme Court. Appellant requests that this appeal be allowed to be continued and decided on the merits.

Merit #1. The Membership Agreement is improper to include an arbitration agreement within the Membership agreement. Respondents failed to provide the Circuit Court any signed Arbitration Agreement as required by South Carolina Law.


Merit #2. The elements and causes of action brought by Appellant involves claims, not contemplated by any Membership or Arbitration Agreement. The Circuit Court erred by dismissing Complaint and forcing Arbitration.

The South Carolina Court of Appeals, in evaluating the merits of the Appellant's appeal, should consider the findings in *Denton v. Hernandez*, 504 U.S. 25, 31 (1996); See *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). The mandated liberal construction afforded to pro se pleadings means that if the Court can reasonably read the pleading to state a valid claim on which the Appellant can prevail, it should do so. Appellant requests that the South Carolina Court of Appeals liberally construe the filings of the pro se litigant to allow the development of a potentially meritorious case. *Erickson v. Pardus*, 551 29 97(2007); See also *Weller v. Dept. of Soc. Services*, 901 F.2d 387, 390-391 (4th Cir. 1990).

The Appellant upon the penalties of perjury, states that she is operating pro se without the assistance of counsel, and without the assistance of no-attorney. Christopher Jones, my nephew is not practicing law without a license regarding my appeal. Respondents' presumptions are without merit or any supporting facts or evidence.

THIS, the 7th day of January, 2023.

Respectfully submitted,

By: 
Lois Seaborn, PR
1901 Woodruff Rd #1234
Greenville, SC 29607

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CERTIFICATE OF SERVICE

COMES NOW before this Court, Lois Seaborn, Personal Representative for the Estate of Nathaniel J. Colbert and files this Certificate of Service, and hereby certify that on January 9, 2023, the above-mentioned Reply, via email and U.S. mail, a true and correct copy of the Attached Reply hereto is a copy is placed with the United States Postal Service for delivery the above-listed parties.

I, the undersigned, do hereby certify that on this day, I have electronically filed the foregoing with the Clerk of the South Carolina Court of Appeals using the ECF System, and hereby certify that I have this day mailed, via electronic mail, a true and correct copy of the foregoing to:


Attorney of Record:

Emily Irene Bridges
110 E. Court Street Ste 200
Greenville, SC 29601
emilybridges@parkerpoe.com

Clerk, Greenville County
Court of Common Pleas
305 E. North Street
Greenville, SC 29601

THIS, the 9th day of January, 2023.

Respectfully submitted,

By: 
Lois Seaborn, PR
1901 Woodruff Rd #1234
Greenville, SC 29607