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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM BERKLEY COUNTY
Court of Common Pleas

Roger M Young Sr., Circuit Court Judge

Appellate Case No. 2023-_____

Case No. 2023-CP-08-01543

PSG Patriots Place Successor for PSG Patriots Place Apartments dba Patriots Place
Successor, Respondents,

v.

Graclescia Jackson,
Appellant,

EMERGENCY PETITION FOR WRIT OF SUPERSEDEAS

- I. The Court should issue the writ
- A. Appellants are likely to prevail on appeal

Rules

Rule 241(b)(8), SCACR..... 8
Rule 241(c), SCACR 8

Rule 241(d)(1), SCACR..... 8, 9

Rule 241(d)(2), SCACR..... 9

Rule 241(d)(4)(C), SCACR 8

Rule 62(a), SCRCF 8

Pursuant to Rules 204(b), 240(a), and 241(c), SCACR, Appellants petition this Court for a writ of supersedeas to stay the injunction entered by the circuit court on October 23, 2023, during the pendency of this appeal, or alternatively, for an expedited briefing schedule or transfer of this matter to the Court’s original jurisdiction docket. In light of the relief requested, and for the reasons detailed further below, Appellants move that the Court expedite consideration of this Emergency Petition.

LEGAL STANDARD

An order granting an injunction is not automatically stayed by noticing an appeal. Rule 241(b)(8), SCACR; *see also* Rule 62(a), SCRCF. Nevertheless, a “party may move for an order imposing a supersedeas” to stay an injunction pending an appeal. Rule 241(c), SCACR. Unless “extraordinary circumstances make it impracticable,” this relief should be sought first from the court that entered the injunction. Rule 241(d)(1), SCACR. After that, a party may seek a writ of supersedeas from the appellate court. Rule 241(d)(2), SCACR.

To supersede an injunction pending an appeal, the party seeking to stay the injunction must clearly show that allowing the injunction to remain in effect would cause “an irreparable injury *or* the miscarriage of justice.” *Kuhn v. Elec. Mfg. & Power Co.*, 92 S.C. 488, 75 S.E. 791, 791 (1912) (emphasis added); *cf. Long v. Robinson*, 432 F.2d 977, 979 (4th Cir. 1970) (a party seeking a stay pending appeal must show “(1) that he will likely prevail on the merits of the appeal, (2) that he will suffer irreparable injury if the stay is denied, (3) that other parties will not be substantially harmed by the stay, and (4) that the public interest will be served by granting the stay”).

REASONS FOR GRANTING THE PETITION

- I. **The Court should issue the writ.**
 - A. **Appellants are likely to prevail on appeal.**

CONCLUSION

The Court should grant the Petition or, alternatively, expedite the briefing in this appeal or transfer the case to the Court's original jurisdiction docket.

Respectfully Submitted:
Graclescia Jackson
3000 Harbour Lake Dr 13 B
Goose Creek SC 29445