

**RECEIVED**  
**Sep 13 2024**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2023-CP-10-01484  
Appellate Case No. 2024-000456

Peggy Kandies, .....Appellant,

v.

City of North Charleston,  
Angela McJunkin, William Taylor,  
Joyce Smith, Darbis Briggman,  
Ruben Potts, Brittany Butler,  
Jamel Foster Aiken, Tim Campbell,  
Michael Burgess, Tina Sutherland,  
Carlton Bourne, and Chad Kurd, ..... Respondents.

**RESPONDENTS’ RETURN TO APPELLANT’S MOTION TO REINSTATE**

Respondents City of North Charleston, Angela McJunkin, William Taylor, Darbis Briggman, Ruben Potts, Jamel Foster, Aiken, Tim Campbell, Michael Burgess, Carlton Bourne, and Chad Kurd (collectively “Respondents”), by and through their undersigned counsel, submit this Return to Appellant’s Motion to Reinstate, filed September 3, 2024 (the “Motion”).

Motions to reinstate appeals are governed by Rule 260, SCACR, which states in pertinent part: “[a] case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.” Here, Appellant has failed to show good cause for the reinstatement of her appeal based upon her repeated failures to comply with this Court’s rules, her Motion otherwise fails to identify any good cause justifying reinstatement of her appeal, and her Motion is untimely.

**A. APPELLANT FAILS TO SHOW GOOD CAUSE FOR REINSTATEMENT.**

**1. Appellant’s continued inability to comply with the Court’s rules demonstrates a lack of good cause for the Motion.**

Appellant’s appeal was dismissed because of her failure to comply with the basic procedures in the Appellate Court Rules. *See* Order of Dismissal, filed July 10, 2024 (dismissing appeal based upon Appellant’s failure to comply with Rules 203 and 240, SCACR). As our Supreme Court has advised, “the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel [and parties] to provide material that complies with the Rules and facilitates appellate review.” *Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992). Having received three (3) deficiency letters prior to her appeal being dismissed and having her appeal dismissed for non-compliance, Appellant is clearly on notice of the need to comply with the Appellate Court Rules.

Appellant’s Motion does not address the issue which led to the dismissal of her appeal – non-compliance with the Court’s rules – or otherwise discuss how Appellant would comply with this Court’s rules going forward. On the contrary, Appellant’s attempts to reinstate her appeal demonstrate Appellant’s continued inability to comply with the Court’s rules, demonstrated by the Court’s two additional deficiency letters since her appeal was dismissed. Despite the Court’s repeated attempts to educate Appellant about her failure to comply with the Appellate Court Rules, there are several discrepancies with Appellant’s service of the instant Motion on Respondents. First, the Motion’s Proof of Service states it was served on Respondents via the undersigned on “July 24, 2024.” (*See* Exhibit A, Motion as served on Respondents, p. 2). This is demonstrably incorrect and does not match the other dates in the Motion. Plaintiff’s cover letter was dated August 31, 2024, and as indicated by its file stamp the Court received the Motion on September 3,

2024. (*See id.*, p. 6). However, the envelope the Motion was mailed in to Respondents clearly states it was post-marked on September 6, 2024 – six (6) days after Appellant mailed the Motion to the Court. (*See id.* p. 7 (envelope post-mark)).

Appellant’s repeated and specific deficiencies surrounding service of documents are troublesome. A hallmark of procedural rules is the proper service of documents on all parties in a case, and Rule 262(b), SCACR, requires that “[a]ny document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.” Proper service of documents – to include correctly documenting the date a party was actually and properly served – is critical in appellate practice, as numerous deadlines under the Appellate Court Rules are based upon the date of service including, relevant to the instant Motion, returns to motions.<sup>1</sup> *See* Rules 240(e), SCACR; *see also* Rules 208 and 211, SCACR (stating response briefs due based upon date of service of opening briefs). Not only has Appellant failed to properly document the correct dates of service on those documents she did serve, but she has also failed to serve documents on Respondents.<sup>2</sup> Appellant’s demonstrated failures regarding proper service are detrimental to Respondents because it robs Respondents of the time allotted under the rules to

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<sup>1</sup> Appellant’s instant Motion demonstrates why proper service and documentation of same is important. According to Appellant’s (incorrect) Certificate of Service stating the instant Motion was purportedly served “July 24, 2024,” Respondents’ return would have been due on August 5, 2024 (accounting for the deadline falling on a weekend). However, that date is plainly incorrect. The actual deadline is September 16, 2024, as determined by the September 6, 2024, postmark on the envelope in which the Motion was mailed to Respondents.

<sup>2</sup> In addition to the service issues with the instant Motion, Appellant failed to properly serve Respondents with two recent filings in this matter. According to C-Track, Appellant filed a motion to reinstate on July 25, 2024. However, Respondents did not receive a copy of that motion. Respondents received a copy of the Court’s July 29, 2024, deficiency letter to Appellant regarding that motion. According to C-Track, Appellant filed an amended proof of service on August 9, 2024. Again, however, this document was not served on Respondents and instead, Respondents received a copy of the Court’s August 27, 2024, deficiency letter to Appellant. Respondents should not learn about Appellant’s filings documents through deficiency letters.

respond or, if they are not served at all, any chance to respond. In sum, Appellant's appeal was dismissed due to her repeated failures to comply with the Appellate Court Rules and the instant Motion shows Appellant still cannot comply with this Court's Appellate Court Rules. Accordingly, good cause does not exist and the Motion should be denied.

**2. Appellant's Motion otherwise fails to identify good cause.**

Beyond Appellant's repeated failure to comply with this Court's critical rules regarding service of documents on other parties in an appeal, Appellant's Motion otherwise does not provide good cause to reinstate her appeal. Instead, the Motion raises issues not relevant to the reasons her appeal was dismissed. Appellant argues her case is "so important" but, respectfully, every party believes their case is important. The importance of a case to a party cannot be the basis for good cause to reinstate the appeal otherwise good cause would always exist. Appellant argues her case "needs to be heard by a qualified judge." This argument is without merit. The lower court's February 28, 2024, Order of Dismissal (filed in this Court on June 20, 2024) shows the dismissal of Appellant's case was based upon numerous independent legal grounds, all of which were supported by well-established law. The remainder of the Motion dives into Appellant's belief she has been aggrieved by both Defendants and non-parties. These statements do nothing to show Appellant's appeal has any merit – indeed, most of Appellant's statements constitute ramblings that are not relevant to the legal basis supporting the lower court's decision to dismiss Appellant's case – and otherwise do nothing to demonstrate good cause. For all these reasons, Appellant's Motion fails to demonstrate good cause and this Court should deny the Motion.

**B. APPELLANT'S MOTION IS UNTIMELY.**

As an additional ground to deny the Motion, it is untimely. A motion to reinstate an appeal is not timely unless it "has been actually received by the court within fifteen (15) days of filing of

the order of dismissal (the day of filing being excluded).” Rule 260(a), SCACR. Here, the instant Motion is untimely as it was filed on September 3, 2024, fifty-five (55) days after the Order of Dismissal filed on July 10, 2024.

The instant Motion is Appellant’s second attempt to file a motion to reinstate. Appellant’s motion filed July 25, 2024, also cannot sustain her appeal because it was not properly filed. The Appellate Court Rules require any document, and specifically motions, to be both served on all parties to the appeal and that a certificate or proof of service be filed with the document documenting that service. “Each motion or petition shall include...[a] certificate or affidavit of service reflecting the date of service upon all parties. The original certificate or affidavit of service must be filed with the original motion or petition.” Rule 240, SCACR (emphasis added); *see also* Rule 262(b), SCACR (“Any document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.”). As demonstrated by this Court’s July 29, 2024, deficiency letter, Appellant’s July 25, 2024, motion did not include a certificate of service and therefore was not properly filed. Nor was the July 25, 2024, motion served upon Respondents. Appellant’s failure to comply with Rule 240 (and Rule 262) regarding the July 25, 2024, motion is all the more glaring since Appellant’s appeal was dismissed in part due to her failure to comply with Rule 240, SCACR.<sup>3</sup> Specifically, the Court dismissed the appeal because of Appellant’s failure “to provide proof of service for the notice of appeal on the respondents, or a proof of service for the motion to proceed in forma pauperis or the notice of appeal filing fee, as required by Rules 203 and 240 of the South Carolina Appellate Court Rules and this Court’s letters dated April 22, 2024 and June 10, 2024.” *See* Order of Dismissal filed July 10, 2024. Because

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<sup>3</sup> See the Court’s deficiency letters to Appellant of April 22, 2024, and two letters on June 10, 2024 – all three of which identified Appellant’s failure to provide proofs of service of the documents she was filing.

Appellant's July 25, 2024, motion was non-compliant with the Appellate Court Rules, it cannot serve as the basis to reinstate her appeal.<sup>4</sup> *See Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) (recognizing issuance of remittitur was proper when "fifteen days had elapsed from the date of the order dismissing the appeal without the *proper* filing of a petition for reinstatement" despite a motion to reinstate being timely submitted because the motion was unaccompanied by a certificate of service and citing Rule 224, SCACR (now codified as Rule 240, SCACR) (emphasis in original)). Because Appellant has failed to file a proper, timely motion for reinstatement, the Court should deny Appellant's Motion.

For all the reasons stated above, and any others the Court deems appropriate, this Court should deny Appellant's Motion to Reinstate.

Respectfully submitted,

CHANDLER & DUDGEON LLC

s/J. Matthew Johnson

Amanda K. Dudgeon, SC Bar No. 72516

Email: [mandi@chandlerdudgeon.com](mailto:mandi@chandlerdudgeon.com)

J. Matthew Johnson, SC Bar No. 81663

Email: [matt@chandlerdudgeon.com](mailto:matt@chandlerdudgeon.com)

P.O. Box 547

Charleston, SC 29402

Phone: (843) 577-5410

Fax: (843) 577-5650

*Attorneys for Respondents City of North  
Charleston, Angela McJunkin, William Taylor,  
Darbis Briggman, Ruben Potts, Jamel Foster,  
Aiken, Tim Campbell, Michael Burgess, Carlton  
Bourne, and Chad Kurp*

September 13, 2024

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<sup>4</sup> Should the Court determine Appellant's July 25, 2024, motion was properly filed, Respondents respectfully request that the Court hold the motion in abeyance to allow Respondents to file a motion to accept a late filing of a return to that motion, especially given Appellant's failure to serve that motion on Respondents.

**EXHIBIT A**

**RECEIVED**

**Sep 03 2024**

**SC Court of Appeals**

FORM 7  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley Price, Circuit Court Judge

Case-2024-000456

 **SCANNED**

Received 9/11/24  
*JB [Signature]*

City of North Charleston

Respondent,

v.

Peggy Kandies

Appellant

**PROOF OF SERVICE**

I certify that I have served the Motion to Reinstate, case 2024-000456 to the Charleston County Court, 100 Broad St, Charleston, South Carolina on July 24, 2024, by mailing a copy at the United States Postal Service prepaid.

July 24, 2024

Peggy Kandies  
2499 Gable Street  
Charleston, South Carolina, 29406  
Pro Se/Appellant

J. Matthew Johnson  
180 E. Bay Street  
Charleston, S.C. 29401  
843-577-5410

FORM 7  
PROOF OF SERVICE OF A NOTICE OF APPEAL SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley Price, Circuit Court Judge

Case No. 2024-000456

City of North Charleston Respondent,  
v  
Peggy Kandies Appellant.

PROOF OF SERVICE

I certify that I have served the Motion To Reinstate Case 2024-000456 on J. Matthew Johnson, attorney of record for the City of North Charleston by depositing a copy of it in the United States Mail, postage prepaid, on July 24,2024, to 180 E .Bay Street, #200, Charleston, South Carolina,29401, 843-577-5410 .

July 24,2024

Peggy Kandies  
2499 Gable Street  
Charleston, South Carolina 29406  
(843) 364-7003  
Pro Se

Attorney:  
J. Matthew Johnson  
180 E. Bay Street  
Charleston, S.C.29401  
843-577-5410

Sep 03 2024

FORM 7  
PROOF OF SERVICE OF A NOTICE OF APPEAL SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley Price, Circuit Court Judge

Case No. 2024-000456

City of North Charleston

Respondent,

v.

Peggy Kandies

Appellant.

PROOF OF SERVICE

I certify that I have filed and served the Motion to Reinstate case 2024- 000456 on the South Carolina Appeals Court, 1220 Senate St. Columbia, South Carolina, 29201, 803-734-1890, by depositing the original documents at FED-EX Priority Overnight Mail on July 24,2024 with delivery on July 25,2024 postage prepaid.

July 24,2024

Attorney;  
J. Matthew Johnson  
180 E. Bay St. # 200  
Charleston, S.C. 29401  
843-577-5410

Peggy Kandies  
2499 Gable St.  
Charleston, South Carolina  
29406(843) 364-7003  
Attorney for Appellant

# EXHIBIT A

SOUTH CAROLINA COURT OF APPEALS

**RECEIVED**

**Sep 03 2024**

SC Court of Appeals

Peggy Kandies

Case# 2023-CP-1484

Appellant

MOTION TO REINSTATE

VS

The City of North Charleston, et al

Respondents

Peggy Kandies, appellant, comes before this court to request her case to be Reinstated because it is so important and needs to be heard by a qualified judge.

Peggy Kandies went before the court in Charleston County expecting to get a fair hearing by a qualified judge, however, she got a judge that had been disqualified to be a judge by the Judicial Merit Commission and The American Bar Association, and was not qualified to be a judge in this case.

This case is about the harassment and injustice as well as the abuse that no one should have to endure being a widow and an elderly woman. The abuse has resulted in William Taylor's breaking into Peggy Kandies' front door along with approximately 9 illegal aliens from MEXICO, a Mr Gadsen, taking anything they wanted to include antiques, dishes. Pictures on the wall by Jim Booth Peggy Kandies, GODEY fashion prints worth from \$300 to \$ 500 that I bought over the years since 1969. I can never replace any of them of them.

They took my clothes< western boots, levi jeans and jackets, cameras, dishes, pots and pans, corning ware, as you can see in the photos I took on July 10,2023, and everything I had packed in plastic containers on my trailer, that had Cobalt blue glasses, Milk Glass vases, that were antiques, other Antique 40" S and 50" S dishes< to include Carnival Glass items and Depression Glass, Loretta Hill helped me pack. I wasn't home, I was at the 7eleven gas station getting coffee, and went home to find the illegals on my driveway with my belongings, they had taken my things on my trailer that I was taking to my storage unit. They took all of my yard tools to include my lawn mower. I have pictures of all that they had on my driveway and William Taylor told me I had better not say anything or do anything. He didn't have WARRANT, or any papers signed by any judge. They have bullied me trying to break me. They also took my cookbooks cherished my mom's and mine that I collected over the years.

In another incident, Angela McJunkin brought a man, Chad Kurp, who she said was a FIRE MARSHALL and he was going to check the wiring but he was not, along with a SWAT OFFICER. She had a paper that said Administrative Warrant but it was for a company who makes chemicals, therefore it was illegal

Peggy Kandies' hot water heater had broken on DEC 19,2019 caused major damages and the City of North Charleston code enforcement has interfered with Peggy Kandies

# EXHIBIT A

and Liberty Mutual Insurance, in getting her home repaired.

It has been a nightmare and a danger to Peggy Kandies' having to live out of her car.

The car was broken into on 9-11-2021 and her laptop , a handgun, and other things stolen adding to her stress and safety fears of what may happen next.

On April 1, 2021, Peggy Kandies had Nuclear Stress test and diagnosed with mild Aorta Valve disfunction and is on medicine for it.

All of these reasons, and Due Process and a qualified judge to allow her to present her case in court of law with a qualified judge.

There are documents and news articles about the assault by an illegal alien from Mexico as well, and of Peggy Kandies' run for Senate.

I respectfully request that the court Reinstate my APPEAL.

Peggy Kandies  
  
2499 Gable ST

North Charleston<

South Carolina 28406

CC: J. Matthew Johnson

180 E. BAY St

CHARLESTON, SC. 29401

EXHIBIT A

Peggy Landis  
2499 Lable St.  
N. Charleston,  
S.C. 29406  
843-364-7003

Aug 31, 2024

South Carolina Appeals  
1220 Senate St.  
Columbia, S.C. 29201

RECEIVED

Sep 03 2024

SC Court of Appeals

Re: Reinstatement  
2024 000 456

To whom it may concern:

Due to the hurricane I had to purchase a laptop and create the NO 7-Form to get it to the court on Aug 8, 2024.

As of your letter stating that my form wasn't correct, I have done the Proof of Service and mailing to City of North Charleston by their attorney J. Matthew Johnson, and to Charleston County Court with the proper Form 7, from the courts available documents.

Enclosed are the correct Proof of Service, to each court, and mailing to each.

Thank you for your patience with my lack of knowledge of the legal process, however I am learning.

Sincerely,  
Peggy Landis  
2499 Lable St.  
N. Charleston, S.C. 29406  
843-364-7003

copy to  
J. Matthew Johnson  
and Charleston County  
Court.

EXHIBIT A

*Peggy Kandies  
2499 Gable St.  
N. Charleston  
S.C. 29406*

**Retail**

CHARLES  
6 SEP 20



29402



RDC 99

*Chandler & Dugeon  
P.O. Box 547  
Charleston, S.C.  
29402*



**SCANNED**

*Mathew Johnson.*

U.S. POSTAGE PAID  
FCM LETTER  
NORTH CHARLESTON  
SC 29406  
SEP 06, 2024

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SC Court of Appeals

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Ruben Potts, Brittany Butler,  
Jamel Foster Aiken, Tim Campbell,  
Michael Burgess, Tina Sutherland,  
Carlton Bourne, and Chad Kurd, .....Respondents.

**PROOF OF SERVICE**

I certify that I have served the foregoing **RESPONDENTS’ RETURN TO APPELLANT’S MOTION TO REINSTATE** and **EXHIBIT A** thereto on the pro se Appellant by depositing a copy in the United States mail, postage prepaid, on September 13, 2024, and by email addressed to:

Peggy Kandies  
2499 Gable Street  
North Charleston, SC 29406  
peggykandies80@gmail.com

*Appellant pro se*

[SIGNATURE BLOCK ON NEXT PAGE]

CHANDLER & DUDGEON LLC

s/J. Matthew Johnson

J. Matthew Johnson, SC Bar No. 81663

Email: matt@chandlerdudgeon.com

P.O. Box 547

Charleston, SC 29402

Phone: (843) 577-5410

Fax: (843) 577-5650

September 13, 2024