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SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS

CASE NO. 2024-001-691

ALEXIS ENGLISH, Appellant, v. TRIBUTE VERDAE APARTMENTS, Respondent.

MOTION TO REINSTATE CASE

COMES NOW the Appellant, Alexis English, and respectfully moves this Court to reinstate the above-referenced case for the following reasons:

1. Procedural History

On or about November 14, 2024, this Court dismissed the Appellant's appeal due to an alleged procedural defect concerning service of notice. The Appellant, however, served notices on all relevant parties, including the Court of Common Pleas, Magistrate Court, and the Respondent, Tribute Verdae Apartments.

2. Good Cause for Reinstatement

The dismissal stems from procedural complexity, not a lack of diligence or merit. At no point were specific instructions provided that notices must be served exclusively to the attorney of record. The Appellant acted in good faith, ensuring that all directly involved parties were informed.

3. No Prejudice to the Respondent

The Respondent, Tribute Verdae Apartments, received proper notice and was fully aware of this matter. There is no evidence that the Respondent has been prejudiced by the Appellant's method of service.

4. Significant Prejudice to Appellant

The dismissal of this appeal has severe consequences for the Appellant, as it jeopardizes her housing stability. The merits of the appeal, involving fundamental rights to fair housing, deserve adjudication rather than dismissal on procedural grounds.

5. Legal Authority

Under Rule 260(a) of the South Carolina Appellate Court Rules, a dismissed appeal may be reinstated upon good cause shown and with notice to all parties 【22】 【26】 . Furthermore, Rule 240 provides for the filing of motions with supporting legal arguments and evidence 【23】 【25】 .

6. Request for Relief

For the reasons stated above, the Appellant respectfully requests that this Court reinstate the case to allow the appeal to proceed on its merits.

Respectfully submitted this 2nd day of December, 2024.

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