



# The South Carolina Court of Appeals

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December 31, 2024

Mr. Adam Sinclair Ruffin, Esquire  
1320 Main Street  
Suite 300  
Columbia SC 29201-2941

Re: NASSCO, Inc. v. Byunghwan Chay  
Appellate Case No. 2024-001489

Dear Counsel:

Enclosed is the Court's decision on the appellant's motion to recall the remittitur and Jason Michael Ward's motion to be relieved as counsel. You must provide a status update on the delivery of the transcript within ten (10) days of the date of this letter. Failure to comply with the Court's request will result in the dismissal of this appeal.

The title in this matter should read as follows:

**NASSCO, Inc., Respondent,**

**v.**

**Byunghwan Chay a/k/a Bjorn Chay and Michelle Mihyang Chay, Defendants,**

**Of whom Byunghwan Chay is the Appellant.**

All future filings should be changed to reflect this title. If you have any questions, please do not hesitate to contact the Clerk's office.

Very truly yours,

A handwritten signature in blue ink that reads "Jerry A. Kitchy". The signature is written in a cursive, flowing style.

CLERK

cc: Aaron J. Angell, Esquire  
Jonathan D Waller, Esquire  
Jason Michael Ward, Esquire

# The South Carolina Court of Appeals

NASSCO, Inc., Respondent,

v.

Byunghwan Chay a/k/a Bjorn Chay and Michelle  
Mihyang Chay, Appellants.

Appellate Case No. 2024-001489

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## ORDER

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On September 9, 2024, Appellants, through counsel Jason Ward, filed their notice of appeal from a circuit court order. On September 24, 2024, we advised Appellants' counsel that the time for ordering the transcript had expired, requested an update on the status of the transcript within ten days, and warned of dismissal of the appeal for failure to comply. On October 11, 2024, we dismissed this appeal because Appellants failed to order the transcript as required. On October 23, 2024, Appellant Byunghwan Chay a/k/a Bjorn Chay (Byunghwan) filed a motion to reinstate his appeal. On November 7, 2024, this court sent a letter explaining no action would be taken on Byunghwan's motion because Byunghwan was represented by counsel. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel."). Remittitur was sent on November 7, 2024.

On November 18, 2024, Byunghwan, through different counsel, filed a motion to recall remittitur and to reinstate the appeal. Byunghwan argued this court issued remittitur on the mistaken belief that Byunghwan was represented by Ward at the time Byunghwan filed his *pro se* motion to reinstate. To support this contention, Byunghwan stated Ward advised him to contact an appellate lawyer when this court dismissed his appeal on October 11, 2024. Byunghwan admits Ward did not file a motion to withdraw from representation, but asserts Ward "certainly was not

representing" Byunghwan after this court dismissed the appeal. Respondent filed a return, opposing recalling the remittitur.

After careful consideration, we recall the remittitur and reinstate the appeal with Byunghwan as the sole appellant. Finally, we relieve Ward from representing Byunghwan.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Dec 31 2024**

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cc:

Aaron J. Angell, Esquire  
Jonathan D Waller, Esquire  
Jason Michael Ward, Esquire  
Adam S. Ruffin, Esquire  
Brice Garrett