



The South Carolina Court of Appeals

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December 31, 2024

RECEIVED

JAN 16 2025

SC Court of Appeals

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
Lower Case - 2023 CP 2305263

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.

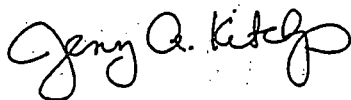
Byunghwan Chay a/k/a Bjorn Chay and Michelle Mihyang Chay, Defendants,

Of whom Byungwhan Chay is the Appellant.

25 JAN 7 PM 3:01
JIM GRESHAM CJC CIL SC

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 cursive script, appearing to read "Jerry A. Kitzly".

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

25 JAN 7 PM 3:01
IN RESUME CAC CL SC

ORDER

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.



FOR THE COURT

Columbia, South Carolina

FILED
Dec 31 2024

cc:

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



The South Carolina Court of Appeals

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November 07, 2024

ENTERED COMPUTER

The Honorable Brice Garrett
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: NASSCO, Inc. v. Byunghwan Chay
Lower Court Case No. 2023CP2305263
Appellate Case No. 2024-001489

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.
CLERK

Enclosure

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



The South Carolina Court of Appeals

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November 07, 2024

Byunghwan Chay
100 Hammett Pond Ct
Greer SC 29650

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

Dear Mr. Chay:

This responds to your recent motion to reinstate filed on October 23, 2024. Since you are represented by counsel in this matter, no action will be taken on this *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.
CLERK

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



AFTER FIVE DAYS RETURN TO

Jay Gresham

Greenville County Clerk Of Court

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SC Court of Appeals

South Carolina Court Of Appeals

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