

Case No. 2023-001334

Jason Aryeh

South Carolina Court of Appeals

v.

Olivia Aryeh

January 24, 2025

Motion for Clarification

Appellant Olivia Aryeh, a self-represented party, respectfully moves this Honorable Court for an order clarifying its January 16, 2025 Order in the above-captioned matter. In support of this motion, the appellant states as follows:

1. Background

On January 16, 2025, this Court issued an Order denying the appellant’s Motion to Amend her final brief and granting the respondent’s request to seal a portion of the appendix. While the Order provides these resolutions, there are ambiguities or uncertainties that require clarification to ensure compliance and proper understanding. On November 19, 2024, Appellant filed her final brief. On November 25, 2024, this court sent a letter to the appellant explaining her final brief did not comply with Rule 211(b) of the South Carolina Appellate Court Rules and requiring Appellant to correct her final brief within 10 days. The appellant filed a motion to amend her final brief on December 4, 2024. Respondent filed a return, opposing Appellant's motion to amend her final brief.

2. Specific Issue Requiring Clarification

The Order states, “After careful consideration, we deny Appellant’s motion to amend her final brief.” However, it is unclear why the denial was issued. The Court did not address the Appellant’s reasons to allow the amendment of her final brief, given that she is a self-represented party with no legal experience. The Appellant’s initial brief includes relevant arguments that illustrate that South

Carolina Appellate Court takes into account a party's financial situation when assessing punitive damages to ensure that the award is fair, reasonable, and serves its intended punitive and deterrent purposes.

3. Necessity for Clarification

Clarification is necessary because the appellant offered legitimate reasons for the Court to accept her amended brief. Those include:

- **Opportunity to Correct or Refine Legal Arguments:** The final brief refines and clarifies the appellant's legal arguments based on a better understanding of the appellate process, case law, or procedural requirements. Self-represented parties often face a steep learning curve in understanding complex legal rules and appellate procedure. Allowing a revised brief ensures fairness and due process by granting an opportunity to correct or strengthen arguments.
- **Addressing Legal Errors or Omissions:** The initial brief may have contained errors, omissions, or misstatements due to a lack of legal training. Submitting a revised final brief ensures the court receives an accurate and complete representation of the case. The Appellant sincerely hopes that this Courts recognizes that although self-represented parties are held to the same standards as attorneys, there also exist significant challenges faced by individuals without formal legal education. Correcting mistakes promotes justice and equity.
- **Ensuring Compliance with the Court's Procedural Rules:** The initial brief may not have fully complied with the court's procedural or formatting rules, and the final brief corrects these deficiencies. This ensures the appeal is decided on its merits, not dismissed on technical grounds. The Appellant sincerely hopes this Court prefers to decide cases on substantive grounds rather than procedural missteps, especially when the party is self-represented.

- **Clarifying the Record or Addressing Ambiguities:** The final brief provides additional context, factual clarification, or corrections regarding the appellate record to assist the court in understanding the issues. The appellant initially struggled to present a clear and concise narrative, and a revised brief allows for better communication of the facts and issues.
- **Promoting Fairness and Due Process:** Allowing the submission of a revised final brief ensures that both parties have an equal opportunity to present their case fully and fairly. The Appellant is apprehensive that the Court is unsympathetic to pro se litigants to the extent that fairness and justice require, particularly when procedural flexibility does not prejudice the opposing party.
- **The Court's Discretion Under Rule 208(b)(7), SCACR: Rule 208(b)(7)** grants the Court discretion to accept briefs that vary from the initial one as long as they address issues raised in the respondent's brief. The rule is designed to give appellants a fair chance and this flexibility is especially crucial for self-represented parties who might need additional opportunities to articulate their positions.
- **Public Policy Favoring Access to Justice:** Denying a self-represented party the opportunity to submit a revised final brief could undermine public confidence in the judicial system and hinder access to justice. It is the sincere hope of the Appellant that this Court has a vested interest in ensuring that all litigants, including those representing themselves, have a meaningful opportunity to be heard.
- **No Prejudice to the Opposing Party:** Allowing the submission of a revised final brief does not prejudice the respondent, as it simply ensures the appellant's case is presented more effectively. A fair and balanced appellate process benefits all parties and upholds the integrity of the court's decisions.

4. Necessity for Clarification: This clarification is crucial for the Appellant's understanding of the Court's procedural inflexibility toward the self represented party in this case. Clarification is essential to uphold the fairness, enforceability, and integrity of the court's decision, and ensuring that the Court's ruling is properly understood and implemented.

5. Proposed Clarification

The Appellant respectfully requests that the Court clarify its reasoning for denying the Appellant's amended final brief, despite its ability to accept it based on the aforementioned reasons.

6. Conclusion

For the foregoing reasons, the Appellant respectfully requests that this Honorable Court please issue an Order clarifying or changing its January 16, 2025 Order in the above-captioned matter regarding the Appellant's Motion to Amend her final brief.

Respectfully submitted,

Olivia Aryeh

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