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Mar 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Christopher Jones

Appellant

Appellate Case No. 2024-000731

Vs.

Darius Jones
D&B Real Estate Ventures, LLC
Bradley Robinson

Respondents

**MOTION FOR LEAVE TO FILE RETURN OUT OF TIME
RETURN TO MOTION TO DISMISS**

Appellant Christopher Jones respectfully moves this Honorable Court pursuant to Rule 263(b) of the South Carolina Appellate Court Rules (SCACR) for leave to file a Return to the Petition out of time. In support of this Motion, Respondent shows the Court as follows:

1. Appellant filed for an extension of time to file his Initial Brief on February 5, 2025, Appellant believed this motion for an extension of time was served on the Respondents at that time.

The Respondents' motion primarily focuses on the personal attacks by Respondents and not any legal theory of neglect of the Appellant towards Respondents. The statement "discretionary travel" and exhibit of Appellants' social media page is again attempting to paint an inaccurate characterization of Appellant. The true fact of the matter regarding Appellant's international travel is strictly associated with Appellant's international business interests and not personal or so called "discretionary". **Please See Exhibit A** UAE licensing documentation.

Specifically, regarding the February 5, 2025 Motion For extension of Time, Appellant was in a remote village in outside of Praydesh India for training in the enhancement of a proprietary concrete admixture which is vital to his business Biocrete Global. See biocreteglobal.com. There

was very limited internet connections. The Appellant was able to get a WhatsApp message to his assistant to file the emergency motion for extension of time.

Appellant mistakenly assumed that a copy of the motion was sent by his assistant and had no reason to believe the Respondents had not been served. The assistant believed Appellant had served the Respondents upon his return to USA. This was all due to miscommunication. For this inadvertence, Appellant takes full responsibility. This Appellant is not willfully neglecting his duties to the Respondents and is not personally attacking Respondents. The merits of this case strongly favors the Appellant according the established precedent caselaw from the South Carolina Court of Appeals.

2. Pursuant to Rule 263(b), SCACR, Appellant's Return was due within ten (10) days after service of the successive Motion To Dismiss,

3. Appellant has been unable to file the Return within the prescribed time period due to the enormity of demand in Appellant's business, work and calendaring error coupled with diligent efforts to remedy the delay.

4. The delay in the filing was not the result of willful neglect, but rather due to the circumstances described above which constitute good cause and/or excusable neglect under South Carolina law. See Ex parte Strom v. American Mortgage Co., 324 S.C. 725 (1996); Sundown Operating Co. v. Intedge Industries, Inc., 383 S.C. 601 (2009).

5. Appellant has acted with reasonable diligence under the circumstances to prepare and file this Motion promptly upon discovering the missed deadline for filing a Return to the Motion.

6. The granting of this Motion will not prejudice Respondents because there has been zero submission of evidence and support of prejudice thereof, as the delay has been reasonable under the circumstances, and the substantive merits of the case remain unchanged. The merits of the case are detailed in the attached Initial Brief which should also support this Honorable Court granting this Motion

7. Respondent has now prepared the Return, which is attached hereto as Exhibit A, and is ready to file upon this Court's approval.

8. The Court has discretion to permit late filings where good cause or excusable neglect is shown. *Micronics, Inc. v. South Carolina Department of Revenue*, 345 S.C. 506 (2001).

The required \$50.00 filing fee is submitted by U.S. Mail at simultaneously with this Motion as to avoid any further deficiencies. **Please See Exhibit B**

WHEREFORE, Appellant Christopher Jones respectfully requests that this Honorable Court grant leave to file the Return out of time, accept the attached Return as timely filed, and grant such other relief as the Court deems just and proper.

March 13, 2025

Respectfully submitted,

s/ CHRISTOPHER JONES
Christopher Jones
309 Perry Ave
Greenville, SC 29601
864-371-0989

Attorney for Respondent

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CERTIFICATE OF SERVICE

I, Christopher Jones hereby affirm under the penalties of perjury that I have personally served M. Stokely Holder, attorney for Respondents with a copy of this Motion To File Return Out of Time by email to sholder@hplplaw.com and by U.S. Mail at 800 East North St Greenville SC 29601 with sufficient postage.

March 13, 2025

s/ Christopher Jones
Christopher Jones
309 Perry Ave
Greenville, SC 29601