

**RECEIVED**

**Mar 14 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2025-000343  
Case No. 2025-CP-26-00230

Djuan Holland, Appellant,

v.

Moorland BRT LLC d/b/a Moorland Reserve, Respondent.

MOTION TO DISMISS APPEAL

NOW COMES the Respondent, Moorland BRT LLC d/b/a Moorland Reserve, by and through their undersigned counsel, and hereby moves this Court to dismiss this appeal filed by Appellant Djuan Holland on the grounds that this appeal is improper, defective, duplicative, and fails to meet the procedural and substantive requirements of this Court. In support of this Motion to Dismiss, Respondent respectfully submits the following:

**I. Background**

It appears that by filing this appeal, Appellant seeks to appeal the decision of this honorable Court in dismissal of Case No. 2025-000261 (hereinafter "First Appeal"). The First Appeal was dismissed on February 25, 2025 for Appellant's failure to provide this Court with the order disposing of this case in the Court of Common Pleas, as required by Rule 203 of the South Carolina Appellate Court Rules. On the same day as the dismissal, Appellant filed a Reinstatement of the

Motion to Stay Eviction due to the fact that the First Appeal had been dismissed, and “she was very confused”, requesting this Court reconsider to stay the eviction. On Tuesday, March 11, 2025, this Court denied Appellant’s Motion to Reinstate the First Appeal because Appellant had not established good cause pursuant to South Carolina Appellate Court Rule 260(a).

Only one day after the First Appeal was dismissed, Appellant filed this appeal, Case No. 2025-000343 (hereinafter “Second Appeal”) on February 26, 2025. Appellant’s Notice of Appeal states no legal grounds for appeal, instead complaining of what appears to be a misunderstanding of the legal process. The Appellant’s filing of the Second Appeal is not only improper and defective procedurally but also constitutes an abuse of the judicial process, is wholly duplicative, and fails to meet the procedural requirements of this Court. As such, this appeal should be dismissed.

## **II. Legal Argument**

As it appears that Appellant wishes to appeal the order of this Court dismissing the First Appeal, the most appropriate avenue for her to do so would be for a writ of certiorari to the South Carolina Supreme Court – not to file another (duplicative) appeal with this Court. In doing so, Appellant has demonstrated a clear disregard for judicial efficiency, abuse of the judicial process, and such conduct is violative of Respondent’s due process rights.

Due to her duplicative filings, Appellant has wasted the time and resources of both this Court and the Court of Common Pleas. By way of example, following an order of this Court, the Honorable B. Alex Hyman held a bond to stay hearing to set the appeal bond for the First Appeal on March 10, 2025. All parties were present. Judge Hyman set Appellant’s bond at \$22,905.75 payable via certified funds, on or before April 1, 2025. Respondent had not yet been served with Appellant’s Second Appeal (although it appears Appellant filed a certificate of service stating she mailed same to Respondent on February 26, 2025). The Appellant did not mention that she had filed a Second Appeal to Judge Hyman or Respondent during the bond hearing. Shortly after the

bond hearing, the undersigned counsel found Appellant's Second Appeal via C-Track Public Access, only then realizing that the March 10, 2025 bond hearing was now moot as the First Appeal had been dismissed.

This Court has again ordered the Circuit Court to hold both a bond hearing and hearing on Appellant's Motion to Stay Eviction for the Second Appeal. Upon information and belief, neither of those hearings related to the Second Appeal have been scheduled yet. Requiring the Circuit Court to hold duplicative hearings based on no adequate legal grounds would be a gross misuse of time and resources.

Due to Appellant's improper filings and duplicative litigation lacking legal grounds for same, Respondent request that this Court establish a gatekeeping order that requires Appellant to retain counsel to further pursue this litigation. This Court's failure to do so would only perpetuate Appellant's blatant disregard for judicial time and resources, therefore creating additional backlog.

### **III. Conclusion**

For the reasons set forth above, the Respondent respectfully requests this Court to dismiss the appeal filed by Appellant, Djuan Holland, as improper, defective, duplicative, and in violation of the procedural requirements set forth by the South Carolina Appellate Court Rules.

Respectfully submitted,

/s/ Morgan R. Dunn  
Morgan R. Dunn, SC Bar #105610  
Brownlee Whitlow & Praet, PLLC  
P.O. Box 62975  
N. Charleston, SC 29419  
Tel./Fax (843) 410-5140  
Attorney for Respondent

March 14, 2025

**RECEIVED**

**Mar 14 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2025-000343  
Case No. 2025-CP-26-00230

Djuan Holland,

Appellant,

v.

Moorland BRT LLC d/b/a  
Moorland Reserve,

Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss on Djuan Holland by depositing a copy of it in the United States Mail, Postage Prepaid, on March 14, 2025, addressed to her at 139A Moorland Reserve Place, Myrtle Beach, SC 29579.

March 14, 2025

/s/ Morgan R. Dunn  
Morgan R. Dunn, SC Bar #105610  
Brownlee Whitlow & Praet, PLLC  
P.O. Box 62975  
N. Charleston, SC 29419  
Tel./Fax (843) 410-5140  
Attorney for Respondent