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**Mar 28 2025**

**SC Court of Appeals**

**IN THE SOUTH CAROLINA COURT OF APPEALS**  
**Appellate Case No. 2024-001608**

**DeQuincey G. Simmons, Appellant**

v.

**South Carolina Department of Employment and Workforce and Bridgestone Americas  
Tire Operations, LLC, Respondents**

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**MOTION TO STRIKE RESPONDENTS' BRIEF, FOR SANCTIONS, AND TO  
STAY PROCEEDINGS**

**Submitted by:**

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**I. INTRODUCTION**

Appellant DeQuincey G. Simmons respectfully submits this Motion to Strike the Respondents' March 12, 2025 Brief, to Impose Sanctions, and to Stay Appellate Proceedings pending a proper adjudication of the procedural violations that have plagued this case. This motion is not about re-litigating the substance of the unemployment appeal—it is about upholding the rule of law, enforcing the integrity of the appellate process, and demanding equal treatment before this Court.

Since the outset of these proceedings, Respondents—backed by counsel and holding two favorable rulings from the lower tribunals—have repeatedly abused the procedural framework to delay, confuse, and manipulate the appeal. What should have been a prompt resolution of an administrative dispute has devolved into a 15-month marathon of excuses, missed deadlines, and courtroom gamesmanship. What makes this especially troubling is that the delays were not simply ignored—they were endorsed. The Court issued extensions without any clear legal justification, and it did so while ignoring the Appellant's timely and valid objections.

The March 22, 2024 order from Judge Milton Kimpson, granting Respondents' motion for extension, did more than extend a deadline—it set a dangerous precedent. It rewarded delay over diligence and undermined the very rules meant to ensure fairness in the appellate process. The Respondents' motion offered no good cause as required under Rule 240 of the South Carolina Appellate Court Rules. Yet the Court granted it anyway, citing the fact that Respondents had already prevailed below—as if that entitled them to procedural leniency. That logic not only contradicts South Carolina law, it contradicts basic fairness.

Appellant, a pro se litigant, has met every deadline, followed the rules, and engaged this Court in good faith. Meanwhile, the Respondents have missed deadlines, sought serial extensions with vague explanations, mischaracterized procedural history, and even falsely accused the Appellant of fabricating case law. Their March 20, 2025 rebuttal filing was not just misleading—it was an attempt to flip the narrative, recast Appellant’s procedural motion as an improper rehearing request, and escape accountability for their own misconduct. They distorted the timeline of the case, misrepresented Rule 240, and attacked the Appellant’s credibility.

This motion seeks to restore balance ~~and~~ integrity to the process. It seeks relief not simply because the Respondents violated the rules, but because those violations have gone unchecked for far too long. The integrity of this Court, and the public’s trust in its fairness, depend on its willingness to enforce its own procedures—consistently and transparently. If the rules only apply to one side, then there are no rules at all.

Appellant therefore respectfully moves this Court to strike the Respondents’ brief from the record, to impose sanctions for procedural misconduct and misrepresentation, and to stay all further appellate proceedings until this motion is resolved in full. The facts are clear. The record is complete. The Court must now decide whether its rules will be upheld—or selectively enforced based on who benefits from delay.

## **II. TIMELINE OF DELAY AND PROCEDURAL HISTORY**

This appeal has been plagued by persistent and unjustified delays driven entirely by the Respondents. What follows is a detailed, fact-based chronology that illustrates the systematic abuse of procedure, disregard for deadlines, and failure of the Court to apply the rules equally. Each stage reflects a pattern of advantage-taking by the Respondents and overlooked objections by the Appellant—raising serious due process concerns.

**November 2, 2023 – Case Assigned to Appellate Court:** The South Carolina Administrative Law Court concluded its review, and the appeal was transferred to the South Carolina Court of Appeals. Respondents had already prevailed at both the agency and appellate panel level and were fully aware of the issues on appeal.

**December 4, 2023 – Respondents Filed First Extension Request:** Instead of filing their brief on time under Rule 211, SCACR, Respondents submitted an untimely motion for a 10-day extension. They provided no specific hardship or legal cause, citing only general workload concerns—insufficient under Rule 240, which requires “particularized grounds” and “good cause.”

**December 11, 2023 – Appellant Filed Formal Written Objection:** Appellant timely objected to the December 4 motion, filing a detailed written response highlighting the lack of justification and the personal financial and mental health consequences of continued delay. Appellant noted:

“Granting this extension, especially following an untimely request, could result in substantial financial strain and hardship... They should have all necessary information and documentation to argue the case.”

**December 8, 2023 – Respondents Filed Motion to Dismiss:** This baseless motion, filed mere days after the extension request, appeared calculated to stall further. Under Rule 240(b), SCACR, the filing of such a motion pauses the briefing timeline. This maneuver delayed the case for over three months—without a legitimate legal basis.

**March 22, 2024 – Court Granted Extension over Appellant’s Objection:** In an order authored by Judge Milton Kimpson, the Court granted the December 4 extension—*without addressing or even acknowledging* Appellant’s timely objection. The order relied on the Respondents’ prior victories at the agency level as justification for the delay, reasoning:

“Respondents have already obtained favorable decisions... An extension of time... is justified.”

This rationale is troubling. Prior victories do not excuse noncompliance with court rules. In fact, they lessen the need for extensions since the prevailing party should be better prepared.

**December 30, 2024 – Court Warned Respondents:** The Court issued a warning that failure to file a brief within 30 days would result in the case proceeding without their input. This notice clearly set a final deadline.

**January 27, 2025 – Second Extension Request by Respondents:** Respondents ignored the Court’s 30-day window and filed another motion seeking 21 more days. Appellant again objected, citing Rule 240’s requirement of “good cause.” No meaningful cause was cited by Respondents.

**February 18, 2025 – Third Extension Request:** The day before their second extension expired, Respondents filed a third motion—again requesting 21 more days, until March 12, 2025. At this point, the delay was excessive and without legitimate foundation. Appellant submitted another objection on **February 19, 2025**—again detailing the prejudice and pointing out Respondents’ pattern of misconduct.

**February 20, 2025 – Court Issued Deficiency Notice to Appellant:** Rather than addressing the substance of Appellant’s objection, the Court issued a deficiency notice claiming Appellant’s proof of service was inadequate. This technical issue—*despite Appellant serving via both email and mail*—was used as justification to delay ruling on the objection.

Meanwhile, the Court granted the Respondents’ extension request, effectively aligning the March 12 deadline with the Respondents’ request. This sequence created the

appearance that the Court used the deficiency notice to justify giving Respondents the exact delay they had asked for.

**March 12, 2025 – Respondents Filed Their Brief—Fifteen Months Late:** After exploiting three extensions and a motion to dismiss, Respondents finally filed their brief 15 months after the initial deadline. This delay was unprecedented, unjustified, and procedurally defective.

**March 20, 2025 – Respondents Filed Rebuttal to Appellant’s Motion to Strike:** The Respondents used this filing not only to defend their delays but to mischaracterize Appellant’s motion as an improper rehearing request, misrepresent the case timeline, and *falsely accuse Appellant of citing non-existent case law.*

### **III. THE MARCH 22, 2024 ORDER – JUDICIAL ERROR, RULE 240 VIOLATIONS, AND DUE PROCESS FAILURE**

The Court’s March 22, 2024 order—granting the Respondents’ first extension request—was a pivotal procedural ruling that significantly impacted the course of this appeal. It was also legally defective.

Despite Appellant’s timely written objection filed on December 11, 2023, the order granted Respondents’ December 4, 2023 motion for more time, without addressing or even acknowledging Appellant’s objection. The Court justified the delay by citing Respondents’ prior agency-level victories:

“Respondents have already obtained favorable decisions from the hearing officer and the Appellate Panel. An extension of time to file their brief is justified to permit Respondents to fully address the issues on appeal.”

*(March 22, 2024 Order, p. 2)*

This reasoning is legally and constitutionally flawed for the following reasons:

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#### **I. Violation of Rule 240 – No Particularized Showing of Good Cause**

Rule 240 of the South Carolina Appellate Court Rules (SCACR) governs motions for extension of time and requires the movant to “state with particularity the grounds therefor” and show “good cause.” The Respondents’ December 4 motion failed on both counts. It provided vague scheduling excuses, unsupported by affidavits, evidence, or any concrete details.

South Carolina courts have consistently held that **generic workload excuses do not constitute “good cause.”** In *State v. Simmons*, 390 S.C. 590, 703 S.E.2d 298 (2010), the Supreme Court made clear that “[m]otions for extension that fail to establish a particularized showing of hardship or conflict are not sufficient to overcome the mandatory deadlines imposed by court rules.” Likewise, in *In re Thompson*, 343 S.C. 342, 540 S.E.2d 255 (2000), the Court emphasized that extensions are a discretionary remedy—not a right—and must be anchored in clearly demonstrated necessity, not routine delay tactics.

Respondents’ filing included no affidavit, no detailed conflict, and no citation to an actual hardship that would prevent timely compliance. The Court’s failure to enforce the Rule 240 standard thus amounted to a legal error.

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## **2. Use of Prior Victories as Justification Is Improper and Reverses the Presumption**

The Court's explicit reliance on the fact that Respondents had previously "obtained favorable decisions" to justify giving them more time stands in direct conflict with principles of appellate fairness.

This logic suggests that winning parties are entitled to more leniency—a notion firmly rejected in jurisprudence. In *Bowman v. Sunbelt Newspapers*, 388 S.C. 589, 698 S.E.2d 245 (2010), the South Carolina Supreme Court held that appellate courts "must not consider a party's success at the trial level when ruling on procedural motions," as such a rule would create unequal treatment and damage the appearance of neutrality.

Appellees, who benefit from a presumption of correctness on appeal, are expected to file prompt briefs in defense of existing rulings. Delaying the process simply because they have prevailed below only rewards delay and encourages noncompliance with court-imposed deadlines.

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## **3. Ignoring a Timely, Written Objection from a Pro Se Litigant Violates Due Process**

Perhaps most troubling is the Court's complete failure to engage with or even acknowledge Appellant's December 11, 2023 objection. Procedural due process, guaranteed by the **Fourteenth Amendment** and reaffirmed in *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), requires that litigants receive notice and an opportunity to be heard at a meaningful time and in a meaningful manner.

The Court's silence in the face of a timely, detailed objection—filed by a pro se litigant—constitutes a denial of that right.

This concern is compounded by the language used in the Court's order, which shows that only Respondents' position was considered. No citation to Appellant's filing was made, and no rebuttal of his arguments was offered. That's not just poor form—it's unconstitutional. The U.S. Supreme Court has repeatedly held that when one party is denied meaningful participation in a judicial decision-making process, due process is violated (*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950)).

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## **4. Appearance of Bias and Judicial Favoritism**

The Court's rationale—granting leniency because Respondents had "already won"—creates an unmistakable appearance of bias. Under **Canon 2 of the South Carolina Code of Judicial Conduct**, judges must avoid not only actual impropriety but also the appearance of impropriety.

In *Mickens v. Taylor*, 535 U.S. 162 (2002), the U.S. Supreme Court emphasized that due process is not limited to actual unfairness—it extends to proceedings where there is a reasonable perception that one party received more favorable treatment.

The March 22 order gives that perception. The Respondents were not held to the Rule 240 standard. *Their position was considered. Appellant's position was ignored. And the justification offered was grounded in favoritism—favoritism toward the side already "in the lead."*

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## **5. Delay Beyond the Bounds of Judicial Discretion**

Even assuming the Court had discretion to grant the extension, the **three-month delay** in ruling on the December 4 motion is itself unjustified. Rule 240(b), SCACR, expressly

states that the mere filing of a motion does not stay the running of time limits “except as specifically provided.” By failing to resolve the motion in a timely manner, and effectively allowing an open-ended stay, the Court contravened Rule 240 and enabled de facto delay—without legal basis.

This mirrors concerns expressed in *Ex parte Robison*, 415 S.C. 185, 781 S.E.2d 344 (2015), where the Court noted that delays resulting from judicial inaction or misapplication of rules can deny access to a timely and fair appeal.

#### **IV. MISREPRESENTATIONS IN THE MARCH 20, 2025 REBUTTAL AND RESPONDENTS’ PATTERN OF PROCEDURAL ABUSE**

The Respondents’ March 20, 2025 opposition brief was not merely a defense—it was a coordinated attempt to mislead the Court, reframe the Appellant’s motion, distort the factual record, and shift attention away from the procedural misconduct that underpins this appeal. Far from presenting a good-faith response to Appellant’s motion to strike and for sanctions, Respondents resorted to factual misstatements, baseless accusations, and legal misdirection. These tactics reflect a broader pattern of procedural abuse, warranting this Court’s intervention.

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##### **1. False Reframing of Appellant’s Motion as a “Rehearing” Request**

Respondents claim that Appellant’s motion was a disguised attempt at seeking a rehearing or relitigation of the extension orders, rather than a challenge to the underlying procedural irregularities. This argument is both legally and factually incorrect.

Appellant’s motion clearly and repeatedly challenges the Court’s failure to apply Rule 240, SCACR properly, and to provide due process in issuing ex parte rulings without addressing timely objections. This is a procedural challenge—not a request to “reconsider” the merits.

Courts have long recognized the distinction between a motion that seeks to correct procedural defects and one that seeks substantive reconsideration. In *City of Columbia v. ACLU of South Carolina*, 475 S.C. 93, 879 S.E.2d 427 (2022), the South Carolina Supreme Court affirmed that litigants have the right to raise procedural due process violations even after an order is entered, especially where no opportunity to be heard was previously granted. Similarly, in *Evans v. Gunter*, 294 S.C. 525, 366 S.E.2d 44 (Ct. App. 1988), the court clarified that a motion to enforce procedural compliance or challenge due process deficiencies is not barred simply because a prior order has been entered.

The Respondents’ mischaracterization of the motion as an improper rehearing attempt is a deliberate distortion aimed at avoiding accountability. This is not semantics—it is a strategic effort to recast Appellant’s legitimate objections as meritless. The Court should reject this reframing outright.

## 2. Baseless Accusations of Fabricated Case Law

The Respondents further alleged that Appellant cited “nonexistent” or “fabricated” case law, including *Williams v. Reed* and *In re Snyder*. These accusations are reckless and defamatory, particularly when leveled against a pro se litigant who has acted in good faith.

Even if a citation lacks precision or references the wrong docket, that is a technical mistake—not fabrication. More importantly, the underlying legal principles—due process, procedural fairness, and the requirement of impartial rulings—are supported by a long line of binding precedent.

For instance:

- *In re Snyder*, 472 U.S. 634 (1985), stands as a foundational case on attorney discipline, procedural fairness, and the role of discretion in judicial conduct.
- *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), reiterates that procedural irregularities by state agencies or courts that deny a meaningful opportunity to be heard constitute a due process violation.

The U.S. Supreme Court has emphasized that courts must avoid focusing on “form over substance” in evaluating pro se filings. In *Erickson v. Pardus*, 551 U.S. 89 (2007), the Court admonished lower courts for elevating minor formatting errors over constitutional concerns. The same applies here: Respondents’ obsessive focus on citation details—rather than the substance of Appellant’s claims—is a red herring, intended to distract from their own misconduct.

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## 3. Misrepresentation of the Procedural Timeline

Respondents falsely assert that this case has only been pending for “169 days,” starting from the date the case was docketed at the South Carolina Court of Appeals. This ignores the full procedural history, including the time spent in the South Carolina Administrative Law Court, where the appeal originated and where the delays began.

In reality, this case has been pending since at least **November 2, 2023**, when the case was first assigned, and more accurately since the original **Notice of Appeal** was filed in the administrative process. The total pendency as of the Respondents’ brief in March 2025 exceeds **16 months**, not 169 days.

Attempting to mislead the Court on such a central fact is not a minor oversight—it is a calculated attempt to downplay the extent of delay and avoid sanctions. Courts have held that intentional misstatements in briefing can warrant striking a brief or imposing sanctions. In *Greenwood Utils. Comm’n v. Mississippi Power Co.*, 751 F.2d 1484 (5th Cir. 1985), the Fifth Circuit upheld sanctions where a party “intentionally misrepresented the procedural history of the case to the appellate court in order to gain strategic advantage.”

Similarly, *State v. Burdette*, 427 S.C. 490, 832 S.E.2d 575 (2019), emphasized the necessity of honesty in procedural representations, particularly where timing is central to the case's resolution.

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#### **4. Emotional and Deflective Rhetoric Undermines Credibility**

The tone and content of Respondents' opposition confirms the weakness of their position. Instead of engaging with the merits of Appellant's motion, they launched personal attacks, accused Appellant of bad faith, and made sweeping claims that his arguments "have no basis in law or fact."

Such tactics do not reflect the confidence of a party with a strong legal position. Rather, as the South Carolina Court of Appeals noted in *Sanders v. State*, 281 S.C. 53, 314 S.E.2d 319 (Ct. App. 1984), "[a] party's refusal to confront the legal merits of an issue and focus instead on personal attacks or procedural diversion is often a signal of substantive weakness."

Appellant respectfully submits that the Court should see through these distractions. When the factual record, procedural rules, and due process standards are examined, the Respondents' conduct becomes indefensible—and their March 20 filing only confirms that reality.

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#### **5. Pattern of Abuse Warrants Sanctions and Disregard of the March 12 Brief**

The March 20 rebuttal does not exist in isolation. It is the latest chapter in a long pattern of procedural misconduct. From the initial untimely extension requests, to the baseless motion to dismiss, to serial deadline violations and misrepresentations about Rule 240, the Respondents have shown a deliberate intent to delay, distract, and mislead.

Under **Rule 240(g), SCACR**, the Court may impose appropriate sanctions for failure to comply with the rules. Additionally, under its **inherent authority**, the Court may strike filings, impose monetary penalties, and refer counsel for misconduct when the administration of justice is threatened.

As emphasized in *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), "courts of justice are universally acknowledged to be vested with inherent powers to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates." That power extends to correcting parties who abuse process and mislead the tribunal.

Here, striking the Respondents' March 12 brief and sanctioning their continued misconduct is not only justified—it is essential to protect the integrity of these proceedings and to signal that the rules apply equally to all parties.

#### **V. STAY OF PROCEEDINGS AND RELIEF REQUESTED**

Appellant respectfully requests that the Court immediately stay all further proceedings in this appeal—including the consideration of the merits, scheduling of oral arguments, or any ruling on the Respondents’ March 12, 2025 brief—pending full resolution of this motion and the procedural irregularities it raises.

This stay is not only justified—it is essential to safeguard Appellant’s constitutional right to due process and ensure that this appeal proceeds on fair, even ground.

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## **1. Legal Basis for a Stay Pending Resolution of Procedural Misconduct**

South Carolina courts have recognized the appellate court’s inherent authority to stay proceedings where doing so is necessary to protect the integrity of the judicial process or ensure orderly administration of justice.

Under **Rule 241, SCACR**, appellate courts possess broad discretion to stay any aspect of a pending appeal “[i]n the interest of justice.” While Rule 241 primarily contemplates stays during an appeal from lower court proceedings, the underlying authority for granting a stay extends to motions filed within the appellate court itself. That includes motions raising serious allegations of procedural violations, denial of due process, and improper treatment of a party.

In *In re Peeples*, 294 S.C. 370, 364 S.E.2d 433 (1988), the South Carolina Supreme Court held that when a court is presented with a credible allegation that judicial procedures have been undermined, a stay may be warranted to preserve fairness until those issues are fully resolved. Likewise, in *Ex Parte Wright*, 282 S.C. 382, 318 S.E.2d 360 (1984), the Court emphasized the importance of pausing proceedings when unresolved procedural disputes may prejudice a party or affect the fairness of the record on appeal.

In this case, the continuation of proceedings—particularly any review of the Respondents’ March 12, 2025 brief—would irreparably prejudice Appellant. That brief was filed only after fifteen months of improper delays, multiple rule violations, and unjustified extensions granted over objection. Allowing the case to proceed while those violations are still under review would both legitimize the unfair process and embolden similar misconduct.

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## **2. Precedent Recognizing the Need to Pause Where Due Process Is at Stake**

Federal law offers further persuasive authority. In *United States v. Cronin*, 466 U.S. 648 (1984), the Supreme Court recognized that “fundamental fairness” in proceedings is essential to due process, and where systemic failures affect a litigant’s ability to fairly present their case, courts must halt proceedings to correct course.

Similarly, in *Hollingsworth v. Perry*, 558 U.S. 183 (2010), the Court emphasized that a stay may be necessary when there is “a fair prospect” that ongoing proceedings may prejudice a party’s

rights before threshold issues have been addressed. That same principle applies here. Appellant's motion raises serious concerns about the Court's failure to properly evaluate and rule upon objections, unequal enforcement of rules, and Respondents' continued misrepresentation of facts and law.

Continuing forward with consideration of the Respondents' brief—while these issues are unresolved—would unfairly place Appellant in a position of having to argue the merits on a tainted record.

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### 3. Irreparable Harm Without a Stay

If this appeal proceeds before the Court resolves Appellant's motion to strike and for sanctions, irreparable harm will result. Specifically:

- The Respondents will benefit from a procedurally tainted brief being considered as part of the record.
- Appellant will be forced to respond substantively to a filing that should never have been accepted in the first place.
- The Court's judgment could be influenced by arguments raised in a brief that was enabled by procedural violations.
- The legitimacy of the appellate process will be undermined, not only for Appellant but for all similarly situated litigants.

This is not theoretical harm. In *Moore v. Dempsey*, 261 U.S. 86 (1923), the Supreme Court held that the fairness of the procedure is as vital as the outcome itself. An unjust process—even with a potentially favorable result—cannot be allowed to stand.

The same reasoning applies here. Appellant seeks to preserve the integrity of this appeal, not delay it. The delay has already occurred—due to Respondents' abuse. The requested stay is not for Appellant's benefit but to ensure the case proceeds on a proper procedural foundation.

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### 4. Relief Requested

Based on the arguments and supporting authorities provided throughout this motion, Appellant respectfully requests that the Court issue the following orders:

**a. Strike Respondents' March 12, 2025 Brief** As demonstrated, the Respondents' brief was filed over fifteen months late, was made possible only through serial rule violations, and is rife with misrepresentations. Striking the brief is a proportionate and necessary remedy under Rule 240(g), SCACR and the Court's inherent authority to regulate its docket and protect the administration of justice.

**b. Impose Sanctions for Procedural Misconduct** The Court should impose sanctions against Respondents and/or their counsel for repeated misstatements of law and fact, misuse of procedural rules, and their attempt to shift blame onto Appellant through unfounded accusations. These sanctions may include:

- Monetary penalties;
- Attorney’s fees or equivalent costs;
- Public censure or referral to the appropriate disciplinary body;
- A restriction on filing further motions without prior leave of Court.

Such remedies are consistent with *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), where the Supreme Court affirmed the judiciary’s inherent power to impose sanctions for bad-faith conduct that disrupts the court’s ability to fairly adjudicate disputes.

**c. Stay All Further Proceedings** Appellant asks the Court to stay all proceedings in this appeal until the motion is fully resolved. No further briefing, scheduling, or consideration of the merits should occur until the Court determines whether Respondents’ brief remains part of the record and whether sanctions are appropriate.

**d. Any Other Relief the Court Deems Just** Appellant respectfully asks for any additional relief the Court finds proper under the circumstances to restore fairness and procedural balance to this appeal.

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## **VI. FINAL OBSERVATIONS AND CONCLUSION**

*(With Relevant South Carolina and Federal Case Law)*

This case—what began as a straightforward appeal of an unemployment benefits denial—has been fundamentally distorted through repeated delays, unequal enforcement of the rules, and judicial decisions that have, whether intentionally or not, privileged procedural misconduct over due process. Appellant DeQuincey G. Simmons, acting pro se, has complied with all deadlines, raised timely objections, and abided by the South Carolina Appellate Court Rules (SCACR). Yet time and again, he has been met with silence, deficiency notices, or rulings that fail to account for the serious procedural concerns he raises.

Meanwhile, Respondents—who have already prevailed at both the agency hearing and appellate panel levels—have taken every opportunity to stall this appeal, with no meaningful justification, and have been granted multiple extensions despite failing to demonstrate the “good cause” required under **Rule 240, SCACR**. This pattern has culminated in a fifteen-month delay, resulting in a March 12, 2025 brief that should never have been accepted.

The Court’s March 22, 2024 order—explicitly citing Respondents’ prior success as justification for delay—is in direct contradiction to Rule 240 and undermines fundamental concepts of judicial neutrality. Favorable rulings at the agency level should never be grounds for granting additional indulgences to the prevailing party. That rationale introduces a dangerous precedent:

that those who have already “won” are entitled to looser rules, less scrutiny, and more leeway than those trying to challenge injustice. That is the very definition of **unequal justice**.

This scenario demands correction—not just for this case, but to preserve public confidence in the South Carolina judiciary.

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### **A. Procedural Fairness Is Constitutionally Required**

The United States Supreme Court has held in **Logan v. Zimmerman Brush Co.**, 455 U.S. 422 (1982), that procedural delays that prevent timely access to justice constitute a violation of the **Due Process Clause** of the Fourteenth Amendment. In **Goldberg v. Kelly**, 397 U.S. 254 (1970), the Court emphasized that due process is not satisfied merely by formal rules; it requires “an opportunity to be heard at a meaningful time and in a meaningful manner.”

Here, Appellant’s objections—filed on December 11, 2023 and again in February 2025—were completely ignored by the Court when granting Respondents’ extensions. No hearing was held. No order acknowledged his filings. This is not “meaningful consideration” under **Logan** or **Goldberg**. It is procedural silence.

South Carolina law also mandates judicial fairness. Under **Canon 2 of the South Carolina Code of Judicial Conduct**, judges must avoid not just actual bias but even the appearance of favoritism. By repeatedly granting extensions to the Respondents—without requiring the same procedural rigor demanded of the Appellant—the Court risks creating such an appearance. In **State v. Burdette**, 427 S.C. 490 (2019), the South Carolina Supreme Court made clear that the fair application of rules and deadlines is essential to maintaining judicial integrity.

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### **B. Pro Se Litigants Are Entitled to Equal Protection**

Appellant has complied with every rule and filing deadline. He has even corrected minor alleged deficiencies immediately—despite already having served all parties by both mail and email. Yet this Court issued a deficiency notice to him on February 20, 2025, while ignoring the far more serious deficiencies and procedural abuses of the represented Respondents.

This disparity is inconsistent with federal precedent. In **Haines v. Kerner**, 404 U.S. 519 (1972), the Supreme Court instructed that courts must “liberally construe” filings from pro se litigants and not subject them to technical dismissals. In **Erickson v. Pardus**, 551 U.S. 89 (2007), the Court again affirmed that fairness—not formality—should govern the treatment of self-represented parties.

Appellant does not seek special treatment. He seeks **equal treatment**. The pattern of indulgence toward the Respondents, coupled with hyper-technical scrutiny of Appellant’s filings, has effectively reversed the burden of diligence in this case.

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### **C. The Integrity of the Judicial Process Is at Risk**

Finally, this Court must consider the broader implications. If procedural rules are waived for government agencies and large corporate respondents while being strictly enforced against individual pro se appellants, then the public's trust in the courts will erode.

This concern was addressed in **Chambers v. NASCO, Inc., 501 U.S. 32 (1991)**, where the Supreme Court reaffirmed that courts have the "inherent power to police themselves" and "to sanction conduct that abuses the judicial process." That is what has occurred here. The Respondents have misused procedural mechanisms for delay and filed briefs based on mischaracterizations and faulty citations—all while Appellant's filings have been timely, principled, and rule-compliant.

Sanctioning such conduct—and staying the proceedings until procedural justice is restored—is not only appropriate, but necessary.

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### **CONCLUSION**

*This Court now faces a critical choice: to continue a path marked by overlooked objections, unjustified delays, and selective rule enforcement—or to correct course, restore fairness, and reaffirm that South Carolina's appellate courts remain impartial forums for all litigants, regardless of representation or power.*

Appellant respectfully urges the Court to:

- **Strike Respondents' March 12, 2025 brief;**
- **Impose sanctions** on Respondents and/or their counsel for repeated abuses of process;
- **Stay all further proceedings** until these matters are fully resolved;
- And **issue any other relief necessary** to protect the due process rights of the Appellant and the integrity of this Court.

Respectfully submitted,  
**DeQuincey G. Simmons**  
Appellant, pro se  
March 28, 2025

*DeQuincey Simmons*  
*3/28/2025*

### **VII. PROOF OF SERVICE – EMAIL SUBMISSION TO ALL RELEVANT PARTIES**

Pursuant to Rule 267, South Carolina Appellate Court Rules (SCACR), I hereby certify that I have served a copy of this Motion to Strike Respondents' Brief, For Sanctions, and To Stay Proceedings upon all parties of record via electronic mail and that such service complies with the Court's accepted method of service by consent and electronic communication.

On this **28nd day of March, 2025**, I served the following parties by email at their respective addresses: **Case No. 2024-001608**

**1. Counsel for South Carolina Department of Employment and Workforce (SCDEW):**

Benjamin T Cook, Esq.  
Post Office Box 8597  
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Email: **bcook@dew.sc.gov**

**2. Counsel for Bridgestone Americas Tire Operations, LLC:**

Benjamin T Hepner, Esq.  
110 E Court ST, suite 201 Greenville, SC 29601  
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All parties have previously consented to electronic service by email as part of these proceedings and have received prior communications by this method. In addition to email service, a courtesy hard copy will be placed in the United States Mail addressed to each party listed above, with first-class postage prepaid.

**Respectfully submitted,**

**DeQuincey G. Simmons**

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Email: **dequinceysimmons@gmail.com**

Phone: (706) 495-0738

Date: **March 28, 2025**

*DeQuincey Simmons*  
*3/28/2025*