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Apr 03 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge
The Honorable Perry Gravely, Circuit Court Judge

Case No. 2017-CP-11-00735
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District,

Respondent.

**RESPONDENT'S RETURN TO APPELLANT'S
MOTION TO AMEND AMENDED INITIAL BRIEF**

By and through its undersigned counsel, Respondent Cherokee County School District submits this return ("Return") pursuant to Rule 240(e), SCACR in response to Appellant Sharon Brown's March 25, 2025, Motion to Amend her Amended Initial Brief ("Motion to Amend"). Respondent respectfully requests the Court deny Appellant's Motion to Amend.

Respondent, by and through undersigned counsel, respectfully submits this Return in opposition to Appellant's Motion to Amend her Amended Initial Brief. Appellant has failed to show good cause justifying her Motion to Amend, and this Court should deny the motion.

PROCEDURAL HISTORY

1. Appellant filed *seven* motions for an extension of time to file her initial brief.
2. Appellant filed her Initial Brief on May 28, 2024.

3. Respondent filed a Motion to Dismiss Appellant’s appeal based on the deficiencies of her Initial Brief. In response, the Court ordered Appellant to cure her Initial Brief of deficiencies as outlined in Respondent’s Motion to Dismiss.
4. Appellant filed her Amended Initial Brief on December 2, 2024.
5. Respondent filed its Initial Brief on February 12, 2025, pointing out, among other issues, that Appellant failed to identify the appropriate standard of review—an omission fatal to her arguments.
6. Appellant now seeks to amend her Amended Initial Brief for a second time, despite having already amended once and after the deadline for initial briefs has passed.

ARGUMENT

I. The Motion is Untimely and Procedurally Improper

Under Rule 208(a), SCACR, "Within thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal. . . ." Under Rule 2010(a), SCACR, "Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief." Here, Appellant filed her Amended Initial Brief on December 2, 2024, and Initial Reply Brief on February 24, 2025. The time to seek second amendments of initial briefs has passed, and the appeal has entered into the phase of final briefing and filing of the Record on Appeal. See Rules 210 and 211, SCACR.

In her Motion to Amend, Appellant argues the need to amend her Amended Initial Brief because she wishes to add “additional standards of review” and make an “additional argument under Plain Error” in regard to issues I-IV of her appeal. Appellant has not provided any justifiable reason for failing to include the correct standard of review in her Amended Initial Brief. Mere

oversight or a response to arguments raised in the Respondent's Brief is not sufficient to demonstrate good cause or justification for not including the correct standards of review in her Amended Initial Brief.

II. Appellant Has Already Amended Her Brief Once

Appellant has previously been permitted to amend her Initial Brief. Repeated amendments, particularly for substantive changes such as correcting the standard of review, are not contemplated by the appellate rules and should not be allowed absent extraordinary circumstances. Here, Respondent's Initial Brief argues extensively on Appellant's lack of proper standard of review—to the extent Appellant abandoned issues I-IV in her appeal. (Respondent's Initial Brief §§I-II, pp.10-21). Here, Appellant even admits that the reason she is seeking to Amend her Amended Initial Brief is because, “[Respondent] has argued that issues 1-4 of Appellant's [Amended Initial Brief] are not preserved for appeal.” Allowing a second amendment now—solely in reaction to Respondent's brief—would undermine the integrity of the briefing schedule and unfairly prejudice Respondent.

III. Prejudice to the Respondent

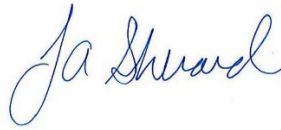
If the Court were to allow this amendment, Respondent would be prejudiced, having already expended resources in responding to the deficiencies in Appellant's Amended Initial Brief. Moreover, allowing the amendment would disturb the orderly appellate process, inviting a piecemeal and strategic approach to briefing rather than adherence to established rules and deadlines.

CONCLUSION

Appellant has failed to demonstrate good cause or justification for a second amendment to her Initial Brief, and the deadline for filing initial briefs has long expired. Accordingly, Respondent

respectfully requests that this Court DENY Appellant's Motion to Amend her Amended Initial Brief.

Respectfully submitted,
WHITE & STORY, LLC



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April 3, 2025
Columbia, South Carolina

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Sharon Brown,

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CERTIFICATE OF COUNSEL

This is to certify that Respondent Cherokee County School District One's Return to Appellant's Motion to Amend her Initial Brief complies with Rule 240(c), SCACR.



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PROOF OF SERVICE

I certify that I have served *Respondent Cherokee County School District One's Return to Appellant's Motion to Amend Initial Brief and Certificate of Counsel*, by emailing a copy to Appellant, Sharon Brown, to Sharon.Brown21@yahoo.com and mailing a copy via Certified U.S. Mail Tracking No. 7021 2720 0000 6117 3333.



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April 3, 2025

VIA EMAIL FOR FILING

The Honorable Jenny Abbotts Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

**Re: Sharon Brown v. Cherokee County School District One
C/A No. 2017-CP-11-00735 / Appellate Case No. 2022-001582**

Dear Ms. Kitchings:

In response to the Appellant's Motion to Amend her Initial Brief clocked on March 25, 2025, regarding the above-referenced matter, please find the following documents for filing:

- 1) Respondent's Return to Appellant's Motion to Amend her Initial Brief;
- 2) Respondent's Proof of Service; and
- 3) Respondent's Certificate of Counsel.

If we need to submit an original copy to the Court or if there are any issues with the filings, please let me know and I will take care of it before the close of business today.

Thank you for your assistance in this matter.

Sincere regards,

J. Alexander Sherard

Enclosures

c: Andrea E. White, Esq. (w/o enclosures)
Sharon Brown, *Appellant* (w/enclosures)