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**Apr 08 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas Bentley

Price, Circuit Court Judge

Case No. 2024-000420

Crescent Roofing & Remodeling, LLC, Respondent,

v.

Eric Ragsdale, Appellant.

**INITIAL BRIEF OF APPELLANT**

April 7<sup>th</sup>, 2025

  
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### STATEMENT OF THE CASE

In this case Crescent Roofing & Remodeling LLC (the Respondent) v. Eric Ragsdale, (the Appellant), the Respondent filed July 2022, a collection complaint in the magistrate court, for \$4,902.56, a disputed balance from \$21,852.94, Respondent being paid \$16,950.38.

The Appellant filed a counter complaint September 8, 2022, for \$21,627.64, outlining specific claims, including but not limited to, the damages, and amount of damages with invoices adjoining filing to the court and Respondent. The claims included fraudulent misrepresentation, substandard incomplete work by subcontractors, and damage to property in work performance.

The amount in controversy exceeded the court's jurisdiction and was moved to the Court of Common Pleas, November 14, 2022. Notice of Alternative Dispute Resolution (ADR) was ordered June 14, 2023, requiring ADR, by September 12, 2023.

The Respondent's attorney communicated to the selected mediator, without waiver, on October 4, 2023, failing to show cause or proof of exemption why sanctions should not be imposed, only expressing the necessity to *delay mediation to perform discovery that Respondent had some understanding of the basis for the \$22,000 counterclaim and the inability to mediate without evidence.*

The Appellant responded, arguing that the respondent's actions delayed the ADR process failed to adhere to Supreme Court Order dated November 12, 2015, S.C.Ct.Ann.R.3, annexed rules governing the ADR process in South Carolina, with no impact on discovery.

The Appellant filed a response to dmccaslinsc@sccourts.org, the Chief Administrative Judge (CAJ), October 25, 2023, to Respondent's request for ADR extension to court mediator by email. That the actions of the Respondent undermine the procedural requirement and requested a sanction for their pleadings to be stricken.

The Appellant, although inartfully pleaded, received no answer from the (CAJ) concerning the petition until the order in this matter before the court in this appeal.

Then the Respondent filed a Notice And Motion for ADR extension to the (CAJ), November 1, 2023, for deference of the ADR requirement to the end of 2023.

The Respondent non-compliant almost sixty (60) days over the ADR 300 day deadline, filed a motion to Compel discovery instead of facilitating ADR and or file for a procedural exception of delay for good cause of ADR participation or willing in good faith participate in the mandated mediation.

The issue in this case is the harsh sanction Order to strike Appellant's answer and meritorious counterclaims. The court expressly declined to construe the Supreme Court's order dated November 12, 2015, the mediation mandate in all 46 counties in all civil cases, in contrast to Respondent's conduct compared the harsh medicine unreasonably administered to the Appellant beyond the necessity of the situation.

The court abused its discretion, demonstrated in the order written by the Respondent's attorney, based on factual conclusions without evidentiary support, and surmising facts unsupported by the record to dismiss meritorious grounds of a prose litigant, setting a trap for self-represented litigant on technical ignorance not gross indifference to rights of the adverse party.

## STATEMENT OF THE FACTS

Respondent served the Appellant with discovery and the Appellant provided responses, documents and objections each numerically accordingly, *“The information supplied in these Answers is not based solely on the complete knowledge of the executing party, but attempt to comply to request, with limited skill and as a layman”* (sio).

### RESPONSE TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the South Carolina Rules of Civil Procedure, Defendant Eric Ragsdale (“Defendant”) hereby responds to Plaintiffs’ First Set of Interrogatories to Defendant Eric Ragsdale, answered by number of each question in discovery document, identically numerically. (sid)

Respondent served Appellant more specific answers with objections to Appellant’s answers provided in the discovery. The posture of the case that proves or disproves the claims as the facts were unreasonably cumulative or duplicative and would be determinable by trial and the extent that they sought information or documents that is equally available and were provided to Respondent before the dispute evolved into the complaints. (sit)

Claims were substantiated by pictures, text between both parties and knowledgeable to both sides and in the parties possession, other than any defenses beyond the ability be provided by the Appellant as a layman.

Appellant with reasonableness but limited knowledge, although in good faith, but most certainly possibly in error of ignorance, not by deliberate, willful bad faith, willfulness, or gross indifference to the rights of the Respondent, complied with discovery.

Respondent filed a Motion To Compel Discovery for more specific answers that resulted in the issues addressed on this Appeal.

## STANDARD OF REVIEW

### **I. Circuit court abused its discretion sanctioning appellant by striking answer and counterclaims for discovery violation not determining some element of bad faith and going beyond the necessities of the situation to foreclose a decision on the merits of the case**

The Appellant complied with the discovery request of the Respondent under the directive of the rules in the knowledge of his interpretation given the resources available on the internet and other sources and responding accordingly. The Respondent, in opposition to the information filed a second request to more specific answers to the discovery. Appellant adhering to the mandates of ADR countered for a mediation to in a separate motion, for an Alternate Dispute Resolution Rule To Show Cause, among other reasons that may be entertained, as to why at the Court's discretion of dismissal or compelled arbitration under the circumstances may be appropriate for Plaintiff's willful failure to comply with the 300 day deadline "404 S.C. at 64, 744 S.E.2d at 551. " Rickerson v. Karl, 412 S.C. 215,219, 225 (S.C. Ct. App. 2015), until notified with Order To Show Cause from the Clerk Of Court.

An abuse of discretion dictates this court reversal of the lower court's decision as to an imposition of sanctions under Rule 37(d) of a clear abuse of discretion. Pioneer Elecs. (USA) Inc. v. Cook, 294 S.C. 135, 137, 363 S.E.2d 112, 113 (Ct. App. 1987). The Appellant appeared before the court the first time under the motion by the Respondent for a Motion To Compel a second set of discovery request. No order had been enacted or pending directing the Appellant to answer Respondent's discovery request on the previous discovery disagreements. It is only "If a party fails to obey an order to provide or permit discovery, the trial court may impose sanctions such as striking pleadings, dismissing the action, or rendering a default judgment." Griffin Grading & Clearing, Inc. v. Tire Service Equip. Mfg. Co., Inc., 334 S.C. 193, 198, 511 S.E.2d 716, 718 (Ct. App. 1999) (citing Rule 37(b)(2)(C),

SCRCP). “However, when the court orders default or dismissal, or the sanction itself results in default or dismissal, the end result is nevertheless harsh medicine that should not be administered lightly.” *Karppi v. Greenville Terrazzo Co., Inc.*, 327 S.C. 538, 542-43, 489 S.E.2d 679, 682 (Ct. App. 1997). In this present case under the circumstances the sanction was much more severe than the discovery violation and striking the answers and counterclaims and no finding of the court of bad faith. “Before invoking this severe remedy, the trial court must determine that there is some element of bad faith, willfulness, or gross indifference to the rights of other litigants.” *Id.* at 543, 489 S.E.2d at 682. “The sanction imposed should be reasonable, and the court should not go beyond the necessities of the situation to foreclose a decision on the merits of a case.” *Id.* “The sanction should be aimed at the specific misconduct of the party sanctioned.” *Id.* “In determining the appropriateness of a sanction, the court should consider such factors as the precise nature of the discovery and the discovery posture of the case, willfulness, and degree of prejudice.” *Griffin*, 334 S.C. at 199, 511 S.E.2d at 719. In this case there was no willful disregard to discovery, and sanctions is not supported by substantial evidence. This Court should reverse the decision of the lower Court.

**II. The sanction of striking meritorious claims was excessive, harsh, not warranted by the evidence, and was unreasonable with no evidence or element of bad faith, willfulness, or gross indifference to the rights of litigant and an abuse of discretion**

A prose litigant, in comparison to a skill competent attorney possessing legal knowledge demonstrates inartful application and precision of technical required rules. Lack of knowledge is not an element to punish the litigant exercising gross indifference to the constitution, as demonstrated when the court had wide latitude and discretion providing an appropriate remedy in this matter. No reasonable facts support this type of sanction and has prejudiced the right to access the courts for redress as a citizen of South Carolina, where the legal profession has become a commerce and the remedy for justice for prose litigants daunting. Allowing those without aid of counsel to be dismissed under technical ignorance.

The sanctions administered in this case before this court, considering the Appellant's limited legal knowledge should have been administered lightly as a prose litigant. By imposing these harsh sanctions to litigant, absence of bad faith or gross indifference foreclosed an opportunity to prevail on the merits and or the right to a jury trial.

“any sanction imposed must "be aimed at the specific conduct of the party sanctioned and not go beyond the necessities of the situation to foreclose a decision on the merits of a case” *Ironwork Prods. v. Bobcat of Greenville, LLC*, No. 2023-UP-246, 4 (S.C. Ct. App. Jun. 21, 2023)

**III. Court abused its discretion by not viewing the pleadings less stringent standard and denying equal protection of the law scolding Appellant in hearing for representing himself prose holding the law dictates no allowance for ignorance being held to the same standard as an attorney and denying due process determining a punitive claim in a motion to compel hearing akin to 8(f) FRCP which hold that all pleading shall be construed to do substantial justice**

The lower court in its final determination failed to recognize with any kind of leniency to the Appellant in the complex orchestration of the process apply broad and liberal interpretation to the response given in the discovery mechanism. The Supreme Court of the United States has recognized prose pleadings are to be considered without regard to technicality, and prose litigant's pleadings are not held to the same standards of perfection as lawyers. *Conley v. Gibson*, 355 U.S. 41 at 48 (1957), *Davis v. Wechler*, 263 U.S. 22, 24; *Stromberg v. California*, 283 U.S. 359; *NAACP v. Alabama*, 375 U.S. 449, *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938)' Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment." *NAACP v. Button*, 371 U.S. 415); *United Mineworkers of America v. Gibbs*, 383 U.S.715; and *Johnson v. Avery*, 89 S. Ct. 747 (1969), *Boyd v. United*, 116 U.S. 616 at 635 (1885) Justice Bradley, "It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon.

## **CONCLUSION**

Based on the foregoing reasons, this court should reverse the trial court's order dismissing Appellants answers and counterclaims and remand the case to the trial court for mediation on the entire merits of the Appellant's answer and counterclaims.

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v.

Eric Ragsdale, Appellant.

CERTIFICATE OF SERVICE

I certify that I have provided the Respondent Initial Brief, April 7, 2025, to Robert Sam Phillips, 1025 Calhoun St. Box 3, Columbia S.C. 29201, attorney of record in the above-captioned matter.

April 7, 2025.



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