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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

The Honorable Mikkell R. Scarborough
Master in Equity

Appellate Case No. 2024-000756

TDS of Charleston, LLC,	Respondent,
	v.
Kenneth Edmondson	Appellant.

RESPONDENT’S RENEWED MOTION TO DISMISS APPEAL

Respondent TDS of Charleston, LLC (“TDS” or “Respondent”) respectfully renews its motion to dismiss this appeal pursuant to Rule 240, SCACR.

This Renewed Motion to Dismiss presents multiple independent and collectively fatal grounds for dismissal of this appeal. Despite this Court’s explicit March 31, 2025 Order—which specifically warned that “failure to comply will result in dismissal of this appeal”—Appellant has failed to comply with either requirement. Appellant has neither filed the ordered amended cover page for his Initial Brief (which was specifically required to reflect that he does not represent any other parties) nor a proper Amended Designation of Matter complying with Rule 209, SCACR. Instead, Appellant has resubmitted a deficient Designation of Matter containing the same substantive errors as his previously struck filing, including references to non-existent orders and prospective documents never filed in the lower court.

PROCEDURAL BACKGROUND

On April 25, 2024, Appellant served a Notice of Appeal purporting to challenge the Master-in-Equity's January 25, 2024 Order for Partition. After receiving seven deficiency notices from this Court, Appellant finally filed an Initial Brief and original Designation of Matter on January 6, 2025, both of which were procedurally and substantively deficient. Notably, Appellant's Initial Brief improperly indicated that Appellant—a pro se litigant—was representing other parties to this appeal (specifically, Christopher German, Shirlene Edwards Carpenter, and Rufus Harvey), none of whom had actually appealed the underlying January 25, 2024 Partition Order.

On February 25, 2025, Respondent moved to dismiss the appeal based on multiple grounds, including: (1) Appellant's unauthorized practice of law, (2) failure to serve all respondents, (3) improper attempt to challenge unappealed orders, and (4) noncompliance with Rules 208 and 209, SCACR. Appellant filed no Return to this Motion to Dismiss despite Rule 240(e), SCACR providing that failure to timely file a return "may be deemed a consent by that party to the relief sought in the motion or petition."

Notwithstanding Appellant's failure to file a Return, on March 31, 2025, this Court issued an Order which, while denying the Motion to Dismiss, established specific requirements for Appellant to correct the deficiencies in his filings:

1. Ordering Appellant to file a corrected cover page for his Initial Brief within 10 days so as to reflect that he did not represent any other parties;
2. Striking Appellant's original Designation of Matter filed on January 6, 2025;
3. Ordering Appellant to file an Amended Designation of Matter that complies with Rule 209, SCACR within 10 days; and

4. Warning that failure to comply would result in dismissal of the appeal. (Order, Exhibit A).

The Court's March 31, 2025 Order was explicit in its requirements and warning. Following this Order, Appellant failed to file the amended cover page for his Initial Brief as required. While Appellant did file a document titled "Amended Designation of Matter," it suffers from the same substantive deficiencies as the original Designation of Matter that was struck by this Court. (Amended Designation, Exhibit B). Moreover, Appellant failed to serve Respondent with either document, prompting the Court to issue a deficiency letter on April 11, 2025.

ARGUMENTS

I. The Amended Designation of Matter Fails to Identify Reviewable Documents, Preventing Respondent from Properly Responding and the Court from Conducting Meaningful Review.

On March 31, 2025, this Court struck Appellant's original Designation of Matter that was filed on January 6, 2025, and ordered him to file an Amended Designation that complies with Rule 209, SCACR. Rather than correcting the deficiencies in his original Designation of Matter, the Amended Designation of Matter that Appellant filed after this Order repeats the same substantive errors. Specifically:

1. The Amended Designation of Matter References Non-Existent Orders: Appellant's Amended Designation of Matter designates "Order dated June 1, 2021" and "Order dated November 29, 2023" - neither of which exists in the record. The hearing occurred on November 29, 2023, but the Order on appeal was issued January 25, 2024.
2. The Amended Designation of Matter References a Prospective Rule 56 Motion: Appellant designates a "Rule 56 Motion to enter into the record Uncontested Facts, and to Amend Brief Rule 240" - a document that was never filed with the lower court and

appears to be a prospective motion that Appellant intends to file with this Court. The lower court record contains no such motion.

3. The Amended Designation of Matter Lists Categories of Issues Rather Than Documents: Appellant vaguely designates “Issues of Law and Mistakes by the Judge” as an item #3 - this is not a document at all but rather appears to be a category of issues Appellant wishes to raise, and does not properly designate any actual document in the record.
4. The Amended Designation of Matter Contains Generic References to Unspecified Documents: Appellant generically lists “proof of Service,” “Exhibits,” and “Affidavits” without any specificity as to which proof of service, which exhibits, or which affidavits he is referencing. No exhibits or affidavits were filed by Appellant in the lower court proceedings related to the January 25, 2024 Partition Order.
5. Appellant designates ‘Transcript of Proceedings’ without specifying which hearing’s transcript he is referencing. This lack of clarity is especially problematic given that his initial brief primarily challenges the unappealed January 14, 2021 Quiet Title Order and June 13, 2023 Order rather than the January 25, 2024 Partition Order that is ostensibly under appeal.

The Amended Designation of Matter filed by Appellant on April 8, 2025 demonstrates a serious misunderstanding of Rule 209, SCACR, which requires specific identification of materials actually present in the lower court record. Rule 210(c), SCACR, explicitly prohibits including matters in the record on appeal that were not presented to the lower court. Based on Appellant’s previously filed original Designation of Matter, these deficiencies appear to be part of a continued effort to introduce new evidence and arguments at the appellate level, demonstrating a complete misunderstanding of the scope of appeals.

These deficiencies prevent Respondent from properly responding to this appeal, as there is no way to determine what is actually being designated for review. Without a proper designation of the actual order on appeal and the relevant record, Respondent is left to guess at materials are being presented to this Court, and consequently, how to respond to these prospective and/or otherwise undefined documents.

Further, this Court's power of review is limited to the record as it existed in the trial court. Rule 210(h), SCACR (stating that the appellate court will not consider any fact which does not appear in the Record on Appeal). An appellant may not use the appeal to introduce evidence or raise issues not presented to the trial court. See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.") Appellant's failure to properly designate the record prevents this Court from conducting any meaningful review. Just as Appellant's Initial Brief fails to raise a single reviewable issue properly preserved below, his Designation of Matter demonstrates a complete and continued misapprehension of what materials are properly subject to appellate review.

II. Appellant's Failure to Amend His Initial Brief to Reflect That He Does Not Represent Other Parties.

In its March 31, 2025 Order, this Court specifically directed Appellant to file a corrected cover page for his Initial Brief to reflect that he does not represent any other parties to this appeal. The Court cited S.C. Code Ann. § 40-5-310 (2011), which provides that "No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South

Carolina.” Despite this clear instruction, Appellant has failed to file the required amended cover page.

This failure is particularly significant given that Appellant’s Initial Brief improperly indicated that he was representing Christopher German, Shirlene Edwards Carpenter, and Rufus Harvey, none of whom had appealed the underlying January 25, 2024 Partition Order. As noted in our initial Motion to Dismiss, in *Brown v. Coe*, the South Carolina Supreme Court established that the filing of a notice of appeal and the preparation of briefs required to further perfect an appeal constitute the practice of law; that non-lawyers are prohibited from taking such actions on behalf of others pursuant to S.C. Code § 40-5-310; and that this prohibition is necessary to protect the public from representation by those unlearned in the law. 365 S.C. 137, 142, 616 S.E.2d 705, 708 (2005).

This is not an isolated incident but appears to be an ongoing issue. The lower court explicitly warned Appellant against such representation during the proceedings below, stating “Well, she [Ms. Gibson] can represent herself but you can’t represent her.” (Tr. p. 8:22-24).¹ The Court also reminded Appellant of his non-lawyer status, noting “I know you’re not a lawyer. I know you are a litigant.” (Tr. p. 16:2-3). Despite these admonitions, Appellant has persisted in purporting to represent other parties, and failing to file an amended cover page to his Initial Brief indicating otherwise.

III. *Pro Se* Litigants Are Not Exempt from Procedural Requirements.

While this Court has traditionally afforded *pro se* litigants some latitude in meeting procedural requirements, such latitude has its limits. As the South Carolina Supreme Court has consistently emphasized, “A *pro se* litigant who knowingly elects to represent himself assumes

¹ See Exhibits to original Motion to Dismiss, filed February 25, 2025.

full responsibility for complying with substantive and procedural requirements of the law.” *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003).

The deficiencies in Appellant’s filings are not mere technical errors but rather serious failures that prevent meaningful appellate review. Since initiating this appeal, Appellant has received no fewer than eight deficiency notices from this Court, in addition to this Court’s clear and specific corrective order of March 31, 2025. Despite these multiple notices and the Court’s explicit March 31 Order—which clearly warned that failure to comply would result in dismissal—Appellant continues to ignore both judicial mandates and basic appellate procedure requirements. This pattern of non-compliance cannot be excused by Appellant’s *pro se* status.

This continued delay and procedural non-compliance is causing direct prejudice to Respondent’s use of the subject property. The January 25, 2024 Partition Order was the next step after two prior final orders: the January 14, 2021 Quiet Title Order establishing ownership percentages and the June 13, 2023 Order conveying an additional property interest to Respondent. Both prior orders were fully appealable but no appeals were taken, rendering them final and binding. By attempting to relitigate these settled matters rather than properly addressing the Partition Order itself, Appellant’s procedural failures are effectively preventing Respondent from realizing the benefits of properly adjudicated property rights and the full use of property interests that are now conclusively established by law.

This Court has already given Appellant multiple opportunities to correct the deficiencies in his appeal. The Court struck his original Designation of Matter filed on January 6, 2025, and explicitly ordered him to file an Amended Designation of Matter that complies with Rule 209, SCACR. Despite this instruction, the Amended Designation of Matter that Appellant

subsequently filed repeats the same substantive errors found in his original Designation of Matter and fails to comply with basic procedural requirements.

The Court has already been exceedingly patient with Appellant. The South Carolina Supreme Court has consistently held that *pro se* status does not excuse procedural non-compliance. As stated in *State v. Burton*, “A *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.” 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). This Court’s patience and multiple opportunities for correction should not be mistaken for authorization to ignore appellate procedural requirements. As this Court recognized in its own oft-cited opinion, “There is a limit beyond which the court should allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties.” *Georganne Apparel Inc. v. Todd*, 399 S.E.2d 16, 19, 303 S.C. 87, 92 (Ct. App. 1990). This appeal was filed nearly one year ago and has still not moved beyond the Initial Briefing phase due to Appellant’s failure to comply with the appellate court rules and this Court’s explicit instructions and Order. The appeal should be dismissed.

IV. Appellant’s Appeal Improperly Focuses on Unappealed Orders Rather Than the Partition Order.

As evidenced by both his original and Amended Designations of Matter, as well as his Initial Brief, Appellant’s true purpose in this appeal is to challenge the January 14, 2021 Quiet Title Order and the June 13, 2023 Order conveying Ms. Bonner’s interest to TDS - both unappealed orders that are now the law of the case. Rather than properly addressing the January 25, 2024 Partition Order that is ostensibly under appeal, Appellant’s Brief contains only a single reference to the partition proceedings, and even this reference is made solely to challenge the underlying unappealed Quiet Title Order. Most tellingly, Appellant fails to designate the

January 25, 2024 Partition Order in his Amended Designation of Matter, further confirming his intent to improperly relitigate settled matters rather than pursue a legitimate appeal of the Partition Order.

Further confirming this improper purpose, Appellant's Amended Designation continues to reference prospective documents such as "Rule 56 Motion to enter into the record Uncontested Facts, and to Amend Brief Rule 240" and vague categories like "Issues of Law and Mistakes by the Judge" - none of which relate to the Partition Order actually on appeal. This pattern of designating non-existent, future documents demonstrates Appellant's intention to use this appeal as a vehicle to collaterally attack prior unappealed orders rather than to properly appeal the January 25, 2024 Partition Order.

The law in South Carolina is clear: "Appellant may not seek relief from the prior unappealed order of the circuit court because the order has become the law of the case." *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009). Both the 2021 Quiet Title Order and the 2023 Order could have been appealed, but were not.

Moreover, Appellant's Initial Brief fails to comply with Rule 208(b)(1)(E), SCACR, which requires an appellant's brief to contain substantive "arguments" addressing the issues. Instead, Appellant's "Arguments" section consists of four Roman numerals, each one sentence long, with no discussion or citation to authorities. As this Court has held, "South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review." *Glasscock, Inc. v. U.S. Fid. and Guar. Co.*, 348 S.C. 76, 81, 557 S.C.2d 689, 691 (Ct. App. 2001).

While the Court may be sympathetic to the challenges faced by a self-represented litigant, Appellant's complete failure to address the actual order on appeal in any meaningful way renders this appeal defective.

CONCLUSION

Despite the Court's previous order and explicit instructions, Appellant has again failed to comply with the most basic procedural requirements for appellate review. The Amended Designation of Matter that Appellant filed after the Court struck his original Designation of Matter suffers from the same substantive deficiencies as that original Designation of Matter, improperly attempting to designate non-existent orders, prospective documents, and matters never presented to the lower court.

Additionally, Appellant has failed to file the ordered amended cover page for his Initial Brief, so as to reflect that he does not represent other parties to this appeal. This failure is compounded by the fact that his Initial Brief contains no meaningful arguments addressing the Partition Order under appeal, failing to comply with Rule 208(b)(1)(E), SCACR, which requires substantive discussion of issues with citation to authorities.

While this Court has given Appellant, as a *pro se* litigant, some latitude in meeting procedural requirements, his continued failure to comply with Court orders and basic appellate procedure demonstrates that meaningful review of this appeal is impossible. The combination of jurisdictional defects, improper challenges to unappealed orders, and pervasive rule violations warrants dismissal of this appeal pursuant to Rule 240, SCACR.

[Signature on following page]

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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Attorney for Respondent TDS of Charleston, LLC

April 17, 2025
Mount Pleasant, South Carolina

The South Carolina Court of Appeals

TDS of Charleston, LLC, Respondent,

v.

Kenneth Edmondson, Appellant.

Appellate Case No. 2024-000756

ORDER

On January 6, 2025, Appellant filed his initial brief and designation of matter. On February 25, 2025, Respondent filed a motion to dismiss. After careful consideration, we deny Respondent's motion to dismiss.

However, we order Appellant to file and serve a corrected cover page for his initial brief within ten days of the date of this order. The cover page must conform to the caption listed above. **Appellant is not a lawyer and may not represent others.** *See* S.C. Code Ann. § 40-5-310 (2011) ("No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar"); Rule 267(b), SCACR ("A document filed with the appellate court shall be signed by the lawyer or the self-represented litigant filing the document.").

Additionally, we strike Appellant's designation of matter filed on January 6, 2025. Appellant must file and serve an amended designation of matter within ten days of the date of this order. The amended designation of matter must use the caption listed above and comply with Rule 209 of the South Carolina Appellate Court Rules. Failure to comply will result in dismissal of this appeal.

To the extent Respondent has raised in its motion to dismiss questions pertinent to the appeal but not specifically addressed here, Respondent is free to argue these in its briefing should counsel choose to do so.


FOR THE COURT

Columbia, South Carolina

cc:
Kenneth Edmondson
W. Jamison Cox, Esquire
Jesse Sanchez, Esquire

FILED
Mar 31 2025

PAGE 1

**FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL
APPEAL FROM CHARLESTON COUNTY

Master in Equity Court

Judge Mikell R. Scarborough Master-IN-Equity,

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SC Court of Appeals

TDS of Charleston, LLC, Respondent

v.

Kenneth Edmondson, Appellant(s).

Appellate Case No: 2024-000756

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Order Dated June 1, 2021; Order Dated November 29, 2023
2. Rule 56 Motion to enter into the record Uncontested Facts, and to Amend Brief Rule 240
3. Issues of Law and Mistakes by the Judge
4. proof of Service
5. Exhibits
6. Affidavits
7. Transcript of Proceedings

I certify that this designation contains no matter which is irrelevant to this appeal.

Smith, Cox & Associates, LLP Attorney,

PAGE 2

For respondent TDS of Charleston, LLC
160 East Bay Street, Suite 201
P.O. Box 20458
Phone 843- 853-5577 Charleston, SC 29413

April 8, 2025 Appellant(s)



Respectfully submitted,
Kenneth Edmondson,

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April 17, 2025

VIA UNITED STATES FIRST CLASS MAIL AND
EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



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Apr 17 2025

SC Court of Appeals

RE: TDS of Charleston, LLC, Respondent v. Kenneth Edmondson, Appellant
Appellate Case No. 2024-000756

Dear Ms. Kitchings:

On behalf of Respondent TDS of Charleston, LLC, attached for filing, please find the following:

1. Respondent's Renewed Motion to Dismiss Appeal; and
2. Proof of Service.

Please be advised that a check from The Law Office of Jesse Sanchez, LLC for the fifty-dollar (\$50.00) filing fee has been deposited in today's outgoing mail.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss the filing, please do not hesitate to contact me directly.

Sincerely,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

Cc: Kenneth Edmonson (Via U.S. First Class Certified Mail)
W. Jamison Cox, Esq. (Via email only)

THE LAW OFFICE OF JESSE SANCHEZ, LLC

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