

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2023-001601

Portfolio Recovery Associates, LLC
Assignee of Synchrony Bank/HH Gregg,
Petitioner

v.

Jennifer Campney, Respondent

and

Jennifer Campney, Third-Party Plaintiff

v.

Cooling & Winter, LLC, Third-party Defendant,
of whom Jennifer Campney is the Respondent

**REPLY TO PRA RETURN TO MOTION TO ALLOW PETITION FOR RULE TO SHOW
CAUSE AGAINST PRA**

RECEIVED

Jun 02 2025

S.C. SUPREME COURT

John R. Cantrell, Jr.
Cantrell Legal PC
108 Phillips Ct.
St. Matthews, SC 29135-8582
(843) 797-2454
johncantrelljr@gmail.com
Attorney for Respondent

Respondent Jennifer Campney (“Campney”) files this Reply to PRA’s Return to her Motion To Allow Petition for Rule to Show Cause Against PRA (“Motion”)¹. PRA’s Return was filed with this court on May 23, 2025, so Campney’s Reply is timely pursuant to Rules 240(f) and 263(a), SCACR.

PRA makes two arguments in opposition to Campney’s Motion. First, PRA argues that there is no order of this court that Campney alleges was violated and no allegation that S.C. Code § 14-1-150 was violated. PRA therefore argues that there are no grounds for the requested relief. Secondly, PRA argues that since the appellate jurisdiction of this court arose under Rule 242, and since this court has ordered a remittitur under Rule 221, that this court is essentially without authority to entertain any motion other than a motion for costs under Rule 222, since PRA characterizes a motion for costs as “non-substantive.” Other than the cited statute and appellate rules, PRA cites no authority for its position.

In response, Campney admits that no violation of § 14-1-150 is alleged, and that no violation of this court’s remittitur order is alleged. However, Campney does not believe that this court’s authority to issue a Rule to Show Cause depends on the existence of either of those violations. Rule 221(b) itself states that a remittitur, unless otherwise ordered by the appellate court, is not effective until after 15 days after the order was filed with the court. In this case, since the court’s opinion dismissing the appeal as improvidently granted was not filed until April 30, 2025, and no earlier effective date was provided in the remittitur order, the remittitur was not effective until after May 15, 2025. Campney filed her Motion on May 15, 2025, which was within 15 days after the court’s opinion was filed. Campney therefore believes that this court should retain jurisdiction to hear any post-argument motions within that 15 day period. “The appellate court retained jurisdiction of the case until the remittitur was issued and the proceedings were returned to the circuit court. See Rule 221(b), SCACR. At that point, the circuit court re-acquired subject matter jurisdiction to enforce the judgment and take any action consistent with the appellate court's ruling.” (citation omitted) *Bunkum v. Manor Properties*, 467 SE 2d 758, 760 (Ct. App.

¹ Unless otherwise noted, all rules referenced shall be SCACR rules, and the rule may be referenced by rule number only without appending that designation.

1996). Also, “[h]owever, we believe it is legally correct and consistent with this Court's position on other jurisdictional issues, such as the effect of the issuance of a remittitur. See Rule 221(b), SCACR (“The remittitur shall contain a copy of the judgment of the appellate court, shall be *sealed with the seal and signed by the clerk of the court*, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal.” (emphasis added)); [Wise v. S.C. Dep't of Corrs., 372 S.C. 173, 174, 642 S.E.2d 551, 551 \(2007\)](#) (“When the remittitur has been *properly* sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter.” (emphasis added)). *Limehouse v. Hulsey*, 404 S.C. 93, 109, 744 S.E.2d 566 (2013). Campney therefore believes that her Motion was properly filed within the time that this court retained jurisdiction over the matter, and that the court’s post-argument jurisdiction is not merely limited to motions for costs as PRA alleges. Campney also believes that this court has the inherent authority to regulate the conduct of the litigants that appear before it, even in the absence of specific rules or statutes. “Article V of the South Carolina Constitution provides for a unified judicial system with the Chief Justice as the administrative head, and charges the Supreme Court with administering the courts of this State. Accordingly, this Court, as the highest constitutional court, has the responsibility to protect and preserve the judicial system. Even in the absence of specific constitutional or statutory authority, we have the inherent authority to take whatever action is necessary to effectuate this responsibility.” *In the Matter of Ferguson*, 304 S.C. 216, 218, 403 SE 2d 628 (1991).

If Campney is correct that the court has jurisdiction over her request to file a Petition for Rule to Show Cause, then Campney believes that it would be proper for the court to do so in this case. Not only does Campney believe that PRA and/or its counsel have made false statements of fact and/or frivolous statements of law during the pursuit of its appeal in this court, which Campney desires to present for the court’s consideration in a Petition for Rule to Show Cause, Campney also

believes that PRA has repeatedly and contemptuously, both before and after oral argument in this case before this court, violated the binding published holding of the Court of Appeals filed August 23, 2023 in this case that PRA is required to send the NORTC before suing for the full accelerated balance due on any assigned credit card debt. Campney believes that this court is the best court to raise these issues, especially after PRA has ignored the admonition of this court during oral argument, which has fallen on deaf ears, and Campney believes that judicial economy will be served by allowing a Petition for Rule to Show Cause at this time, especially since such a Petition could serve as a catalyst for a global resolution of PRA's decades-old intentional choice to ignore the NORTC statute, and serve to prevent further harm to thousands of other South Carolina consumers that is likely to occur without the intervention of this court at this time.

If the court gives Campney permission to file the requested Petition for Rule to Show Cause, Campney requests 30 days, or such time as the court may find to be appropriate, to file such Petition, since Campney has ordered a transcript of oral argument before this court in this case, and expects to have it within that time so that Campney can cite to statements made by PRA in this case in that transcript in her Petition. Campney also requests that this court hold the remittitur, if appropriate, until after resolution of any motions that this court may allow to be filed. If this court eventually issues a Rule to Show Cause against PRA and such of its agents as may be appropriate in response to any Petition for Rule to Show Cause that Campney might be allowed to file, then Campney requests that this court allow sufficient time for that process to be completed and finally resolved before finally remanding this case back to the trial court for such action as the court may find to be appropriate, and as has already been ordered by the Court of Appeals. Campney also refers this court to her original Motion on this issue regarding any relief requested by Campney in that Motion.

Dated this June 2, 2025.

/s/ John R. Cantrell, Jr.
Cantrell Legal, PC
108 Phillips Ct.
St. Matthews, SC 29135
(843) 797-2454
johncantrelljr@gmail.com
Attorney for Respondent