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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

The Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2025-000930

Stephanie Pressley, as
Personal Representative of the
Estate of Gail Wright,

Respondent,

v.

Ridgeway Manor Healthcare Center,
LLC; Deborah Sparks; and James
McCollum,

Appellants.

MOTION TO DISMISS APPEAL FOR FAILURE TO COMPLY WITH SOUTH
CAROLINA APPELLATE COURT RULES

Respondent, Stephanie Pressley, as Personal Representative of the Estate of Gail Wright, by and through undersigned counsel, respectfully moves this Court to dismiss the appeal filed by Appellants pursuant to Rules 207 and 260 of the South Carolina Appellate Court Rules (“SCACR”), on the grounds that Appellants have failed to timely order the transcript and have failed to comply with the Chief Deputy Clerk of Court’s express directives requiring either evidence of a timely transcript order or a motion for leave to file the request late.

This is a medical malpractice action wherein Respondent Ms. Stephanie Pressley asserts wrongful death and survival claims on behalf of her mother’s estate and the statutory beneficiaries.

The basis for Respondent’s claims is that the Appellants’ care of Mrs. Wright was negligent, resulting in a bed sore that became infected and killed her. In the lower court, Appellants sought to compel Respondent to arbitration based on an arbitration agreement that was not signed by neither Ms. Pressley nor her late mother, Mrs. Wright.¹ The lower court denied Appellants’ attempts in the two orders at issue in this appeal.

ARGUMENT

Appellants filed their Notice of Appeal in this matter on May 13, 2025. Pursuant to Rule 207(a)(1), SCACR, Appellants had ten (10) days from the filing of the notice to arrange for the ordering of the transcripts—i.e., by May 23, 2025. Appellants failed to timely order the transcript within the required timeframe.

On May 28, 2025, the Chief Deputy Clerk of the Court of Appeals Catherine Harrison issued a letter to Appellants noting that the deadline to order the transcript had expired. The letter explicitly directed Appellants to, within ten (10) days:

1. File proof of a timely order of the transcript; or
2. File a motion requesting permission to order the transcript outside the filing deadlines, along with a copy of the transcript request to the court reporter.

Despite this express directive, Appellants did not file a motion for leave to order the transcript out of time. Instead, Appellants submitted a transcript request to the court reporter that day and filed it with the Court without moving for permission to do so outside of the deadline in Rule 207, SCACR.

Rule 260(a), SCACR provides that “whenever it appears that an appellant or a petitioner

¹ The arguments at issue in this appeal are similar to those at issue in an appeal recently decided by this Court. *See Pace et al. v. Lake Emory Post Acute Care et al.*, Op. No. 2022-001059 (S.C. Ct. App. filed July 27, 2022).

has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.”

Appellants’ failure to either timely order the transcript or comply with the Court of Appeals’ subsequent instruction to file a motion requesting permission to order the transcript after the deadline constitutes a violation of Rule 207(a)(1) and 260(a), SCACR.

[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.

Henning v. Kaye, 415 S.E.2d 794, 794, 307 S.C. 436, 437 (S.C.,1992); *Laser Supply and Services, Inc. v. Orchard Park Associates*, 382 S.C. 326, 332, 676 S.E.2d 139, 143 (S.C. App. 2009) (“...[T]his court dismissed the appeal because of [Appellant’s] failure to comply with Rule 207, SCACR.”)

Because Appellants failed to comply with Rule 207, SCACR, and then failed to comply with an express directive from the Chief Deputy Clerk of Court, Respondent requests the dismissal of this appeal. Appellants’ failure to follow proper procedure is inexcusable, particularly after being provided clear notice and instruction from the Court. Appellants were given an opportunity to cure the deficiency and ignored it. Dismissal pursuant to Rule 260(a), SCACR is therefore appropriate and warranted.

CONCLUSION

Respondent respectfully requests that the Court dismiss the appeal for Appellants’ failure to comply with Rule 207 and the Chief Deputy Clerk’s May 28, 2025, directive.

Respectfully submitted,

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McCollum, Appellants.

CERTIFICATE OF SERVICE

I certify that I have served Respondent's Motion to Dismiss Appeal for Failure to Comply with the South Carolina Appellate Court Rules on the Appellants via e-mail upon their respective attorneys of record as addressed below:

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