

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

104937

APPEAL FROM YORK COUNTY
Court of Common Pleas, Sixteenth Judicial Circuit
Hon. J. Mark Hayes II, Circuit Court Judge

RECEIVED

Case No. 2021-CP-46-01262
Appellate Case No. 2025-000918

JUN 10 2025

SC Court of Appeals

Janice G. Hall, Respondent,

v.

Nancy Hall Green, Holcombe T. Green, Jr., Holcombe
T. Green, III in his capacity as Trustee of the Frank P.
Hall III Irrevocable Trust, Hall Family Investments,
L.P., and The Frank P. Hall III Irrevocable Trust Defendants,

of which

Nancy Hall Green, Holcombe T. Green, Jr., and Hall
Family Investments, LP. are the Appellants.

MOTION TO REINSTATE

Pursuant to Rule 260(a), SCACR, Appellants respectfully request that the Court reinstate their appeal. The relevant procedural history and the good cause for reinstatement are described more fully below.

PROCEDURAL HISTORY

Appellants filed their Notice of Appeal in this matter on May 12, 2025. In the cover email that accompanied the filing of the Notice of Appeal, counsel for Appellants informed the Court that Appellants already had received copies of the transcripts relevant to this appeal.¹ On May 23, 2025,

¹ This correspondence is titled "Email from Counsel" on the C-Track entry dated May 12, 2025.

the Deputy Clerk wrote to counsel, stating the time for ordering a transcript had expired and requesting a response within ten days to notify the Court of the status of the transcripts. Due to an error by counsel's administrative staff, that deadline was not properly docketed internally, and counsel incorrectly believed the deadline to be June 3, 2025. On June 3, however, before counsel responded to the Court's letter, the Deputy Clerk issued an administrative dismissal letter.

Counsel responded that afternoon, noting regret for the delay and explaining the reason why. As to good cause under Rule 260, SCACR, counsel noted that because the initial correspondence at the time of filing the Notice of Appeal had alerted the Court of the status of the transcripts, Appellants were not deficient under Rule 207(a), SCACR, and this appeal, therefore, was not subject to dismissal and should not have been dismissed. *See* Rule 260(a), SCACR (noting that a clerical dismissal is predicated on a party's "fail[ure] to comply with the requirements of these Rules"). Accordingly, the letter requested the Court reinstate the appeal or, alternatively, withdraw the dismissal under Rule 260(a) for good cause shown. The Court responded on June 10, 2025, asking that this request be styled and submitted as a Motion. This Motion is submitted in response.

ARGUMENT

Rule 260(a), SCACR states that an appeal dismissed for a procedural deficiency may be reinstated "by leave of the court, upon good cause shown, after notice to all parties." Good cause for reinstatement exists here. In Appellants' understanding of the relevant rules, because they had informed the Court of the status of the transcripts at the time they filed the Notice of Appeal, they had satisfied the requirement of Rule 207(a), SCACR, and the appeal was not procedurally deficient, was not susceptible to dismissal, and should not have been dismissed. Even if this misapprehension rose to the level of a deficiency under the rules, the confusion was clarified without causing any prejudice to any party. Furthermore, reinstatement conforms to the Court's preference to decide matters on the merits, not technical, remediable, defects. *See Pertuis v. Front*

Roe Restaurants, Inc., 423 S.C. 640, 649, 817 S.E.2d 273, 277 (2018), reh'g denied (Aug. 16, 2018) (“Judicial economy is not served when a case, ripe for decision, is decided on a procedural technicality of this nature. In the interests of justice and fair play, cases should be decided on the merits when deficiencies of this nature can be easily corrected.”) (internal quotations omitted).

Misapprehensions of timing like this, in other cases, have not prevented reinstatement for good cause. Appellants respectfully submit that the administrative error leading to the delayed response in this matter should not hinder reinstatement of the appeal here, either. *See, e.g., Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006) (reinstating an appeal that had previously been deficient under the procedural rules due to timing and deadlines); *In re Houston*, 415 S.C.594, 784 S.E.2d 238 (2016) (similar); *In re Sheek*, 399 S.C. 351, 731 S.E.2d 873 (2012) (similar).

CONCLUSION

For the foregoing reasons and good cause shown, Appellants respectfully request the Court reinstate their appeal or, alternatively, withdraw the letter of administrative dismissal.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Greenville, South Carolina
June 10, 2025

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of which

Nancy Hall Green, Holcombe T. Green, Jr., and Hall
Family Investments, LP. are the Appellants.

PROOF OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, the undersigned counsel certifies that a copy of Appellant's Motion for Reinstatement has been served on the following counsel by electronic mail (see attached email):

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Greenville, South Carolina
June 10, 2025.

Miles Coleman

From: Miles Coleman
Sent: Tuesday, June 10, 2025 4:26 PM
To: William Neinast; dan.ballou@mortongettys.com; anitto@robinsonbradshaw.com; scox@robinsonbradshaw.com; masher@mwe.com
Cc: Kaitlyn Scott
Subject: Hall v. Green (2025-000918) -- service of Motion for Reinstatement
Attachments: 2025.6.10 -- Hall v. Green et al. -- Motion to Reinstate.pdf

Counsel, please find attached for electronic service on you a copy of the Appellants' Motion to Reinstate, which we'll be filing with the Court shortly.

Best,

Miles Coleman

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JUN 10 2025

SC Court of Appeals



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